

After the Crash: The Quick-Start Guide

**What to Do First After a California Car Accident —
and the Mistakes That Can Quietly Cost You**

By Joseph B. Weinberger, Esq. *California Trial Attorney · 38 Years of Experience*

Weinberger Law Press

A companion to the book After the Crash: A California Trial Lawyer's Straight-Talk Guide to Injuries, Insurance, and Knowing What Your Case Is Really Worth

Start here

If you've just been in a car accident in California, you're probably overwhelmed, maybe hurting, and getting advice from every direction — most of it from people who want something from you.

This short guide is different. It's the fast, practical version of what I'd tell you if you called me from the side of the road: what to do right now, which deadlines are already running, and the quiet mistakes that cost good people real money. You can read it in fifteen minutes.

It won't answer every question — the full story is in the book, and your own situation deserves a real conversation. But it will keep you from making the avoidable mistakes that hurt your case in the first crucial days, and it will help you decide, with a clear head, what to do next.

A quick, honest note before we start: this is **general information, not legal advice**, and reading it doesn't make me your lawyer. Every case is different. But these basics protect almost everyone — so let's get to them.

1. The first days: what to do right now

The decisions you make in the first days shape your case more than almost anything that happens later — and most of them don't feel like decisions. Here's your checklist.

Get medical care — even if you feel "okay."

- ☐ See a doctor promptly. Adrenaline hides injuries; pain often shows up days later.
- ☐ Follow the treatment plan, and **don't leave gaps**. Gaps are the first thing an insurer uses to argue you weren't really hurt.
- ☐ Let your **own doctor** — not the insurance company — decide when you're done healing.

Capture the evidence before it disappears.

- ☐ Photograph the scene (wide shots), both vehicles' damage (close up), and your visible injuries.
- ☐ Get the names and phone numbers of **any witnesses** — they vanish fast.
- ☐ Note any nearby cameras (businesses, doorbells, traffic). That footage is often erased within days.
- ☐ Keep everything: the other driver's info, the police report number, the tow receipt.

Protect yourself in early conversations.

- ☐ Be cautious if an adjuster asks for a **recorded statement** — you're generally not required to give one, and early words get used later.
- ☐ Don't guess at speeds, distances, or fault, and don't minimize your injuries with a reflexive "I'm fine."
- ☐ A complete, polite answer: *"I'm still being treated and I'm not ready to give a statement right now."*

Watch your social media.

- ☐ Assume the other side is looking. A smiling photo gets used out of context against an injury claim.
- ☐ Be careful what you post — but **don't delete** old posts after the fact, which creates its own problems.

The biggest early mistake: taking a fast settlement and signing a release before you've healed. That signature ends your entire claim — forever — even if your injury turns out to be far worse than it looked. **Never settle until you know the full extent of your injury.**

2. The deadlines that can cost you everything

Several clocks start the moment of your crash. Miss one and a good case can die on a technicality you never knew existed.

Deadline	What it is
Right away	Evidence starts disappearing immediately — skid marks, footage, witnesses, vehicle damage.
24 hours	Notify law enforcement if the accident involved injury or death.
10 days	File the DMV SR-1 form if required (injury, death, or property damage over the threshold).
~6 months	If a government entity was involved (a city, county, or public vehicle), you generally must file a formal claim within about six months — <i>not</i> two years. This trap catches good cases every year.
2 years	The general deadline to file a lawsuit for your injury — but your evidence is long gone by then, so this is the <i>worst</i> time to be starting.

Do this now: Write down the date of your accident, then mark these dates on your calendar. The deadline that feels far away (two years) matters least. The ones that decide cases run much sooner.

Deadlines and exceptions vary by situation and can change. Confirm the deadlines that apply to your own case — promptly.

3. Where your money actually comes from

Stop thinking of your claim as one pot of money. It comes from separate sources — and any one of them can be thinner than you'd guess.

- **The at-fault driver's insurance.** The main source, but capped at whatever they carry. As of 2025, California's minimum is **30/60/15** — meaning the least they may carry is **\$30,000** per injured person. A serious injury can blow past that fast.
- **Your own Uninsured/Underinsured Motorist coverage (UM/UIM).** Your backstop when the other driver has nothing — and roughly **one in six** California drivers is uninsured. *Critical catch:* in California, your underinsured coverage only helps if **your** limit is **higher** than theirs. Equal limits cancel out.
- **MedPay.** A smaller add-on that pays early medical bills regardless of fault. Most people don't know if they have it.
- **Your health insurance.** It'll cover treatment — but often has the right to be **repaid** from your settlement (a "lien"), which can shrink what you keep.

Do this now:

- ☐ Find your auto insurance declarations page.
- ☐ Locate your **UM/UIM** line. Do you have it? **What's the limit?** The limit is what decides whether it's worth anything.

4. Do you even need a lawyer?

Honestly? Not always. Some cases you can and should handle yourself. Here's a quick self-check.

You may be able to handle it yourself if you can check every box:

- ☐ Your injury was minor and you've **fully recovered** (not "feeling better" — recovered).
- ☐ Fault is **clear and undisputed**.
- ☐ The dollars are **modest and knowable**.
- ☐ **No** government entity was involved.
- ☐ **No** insurance-coverage complications.
- ☐ You're organized and patient enough to document, wait until you've healed, and negotiate.

You should strongly consider a lawyer if any of these is true:

- ☐ Your injury is **serious, lasting, or still uncertain**.
- ☐ **Fault is disputed**, or anyone is blaming you.
- ☐ The **stakes are large** compared to the available insurance.
- ☐ A government entity may be involved.

If you're somewhere in the middle — a real injury, mostly-clear fault, meaningful stakes — the smart move isn't to guess. It's to get a **free consultation** and find out. It costs nothing, and you might walk out deciding to handle it yourself with a clearer head.

One thing you can't do yet: decide anything if you haven't finished healing. You can't value a case whose full extent you don't know. Protect it (Section 1) and wait.

5. If you do hire a lawyer: the 5 questions to ask

Two firms can look identical in their advertising and be completely different behind the scenes. These five questions reveal the difference. Ask all of them — and watch *how* each is answered.

1. **"When did you last take a case like mine to trial, and what happened?"** A firm that fights answers with specifics. A high-volume firm deflects or says "cases like yours always settle."
2. **"Who, specifically, will handle my case — and can I reach the actual attorney?"** Make sure a real lawyer is engaged with your case, not just staff.
3. **"How do your fees and costs work?"** It should be explained clearly and put in writing.
4. **"How will you communicate with me, and how often?"** Watch out for firms that make you feel like a file number.
5. **"What do you honestly think my case needs?"** The lawyer willing to tell you something you don't want to hear is usually the one worth hiring.

Consultations should be **free**, and injury cases are usually handled on **contingency** — no fee unless they recover for you. So you can afford to interview more than one. Do it.

6. The mistakes that quietly cost people the most

- **Settling before you've fully healed.** The single most expensive mistake at any stage.
- **Signing a release while still symptomatic.** It ends your claim forever — even if you get worse.
- **Giving an early recorded statement** without advice. Friendly questions, lasting consequences.
- **Posting on social media** during your claim. Assume you're being watched.
- **Missing a deadline** — especially the six-month government-claim trap.
- **Choosing a lawyer by advertising volume** instead of by what the firm will actually do.
- **Treating the insurance minimum as "fair."** It's a floor the state tolerates, not a measure of what you're owed.

This is the short version

You now know enough to avoid the mistakes that hurt people most in the first days after a crash. But this guide is just the quick-start — the *why* behind all of it, the deeper strategy, and the full picture of how an insurance company decides what your case is really worth, are in the book.

Get the full book: *After the Crash: A California Trial Lawyer's Straight-Talk Guide to Injuries, Insurance, and Knowing What Your Case Is Really Worth* — available now.

Want a straight answer about your own situation?

I offer a **free, no-obligation case evaluation** — a real conversation, not a sales pitch. We'll look honestly at your case and tell you what we think, even if what we think is that you don't need us.

Call: (916) 352-0003 **Visit:** weinbergerlaw.net/book

There's no cost and no obligation. Whether you call or not, I hope this guide helps you protect yourself and the people you love.

Please read this — it matters. This guide is general information about how personal-injury claims generally work in California. It is **not legal advice** and does not address the specific facts of your situation. Reading it, calling the number above, or requesting a case evaluation **does not create an attorney-client relationship** — that is formed only through a signed written agreement. **Every case is different, and past results do not guarantee or predict the outcome of any future case.** The law changes and may have changed since this guide was published; confirm the rules and deadlines that apply to you. For advice about your specific situation, consult a licensed attorney. *This is attorney advertising.*

Copyright © 2026 Joseph B. Weinberger. All rights reserved. Published by Weinberger Law Press.