**Negotiating a Claim Vs. Filing a Lawsuit – What is Better for your Personal Injury Case?**

Whether you have suffered an injury from a slip and fall accident, an auto accident, or any other type of personal injury, you have the right to seek compensation for your damages. The Illinois legal system allows victims of such accidents to hold the responsible party liable for their losses and injuries by either making a claim on their insurance policy or suing them in the court of law.

However, it can be confusing for a victim to decide which option is suitable for their personal injury case that can allow them to get maximum compensation. You should consider working with a personal injury attorney to develop a complete understanding of each option to make a well-grounded decision for your case.

**Personal Injury Claim**

Generally, making a claim in a personal injury case is the preferred choice before considering filing a lawsuit against the responsible party. A personal injury claim involves a series of negotiations that you engage with the claims adjuster of the insurance company. The main goal of going through the claim process is to reach a settlement with which both parties are satisfied. Through the negotiations, the insurance adjuster and your attorney exchange evidence in order to reach a fair settlement amount.

One of the main differences between a claim and lawsuit is that no courts are involved in the claims process. The proceedings are limited to you, your attorney, the other party, and their insurance company and attorney. It is the duty of your [personal injury attorney](http://www.covonelaw.com/areas-of-practice/personal-injury/) to ensure you are getting a fair compensation that covers your damages, and the insurance provider gives the settlement amount in a timely manner.

**Personal Injury Lawsuit**

If the negotiations fail, the next move to recompense your damages is to file a personal injury lawsuit. The breakdown of the negotiations process may occur for several reasons: the claims adjuster is not acknowledging the severity of your injuries, or is not willing to provide the settlement amount you deem fair for your injuries, and many others.

Technically, a victim has the option to file a lawsuit at any time during the process. However, most personal injury attorneys advise that making a claim is the best way to start the case, and depending on the outcome of the negotiations, you can opt for filing a lawsuit. The downside of the lawsuit option is the additional expenses that you may have to pay. This may include case filing fees, costs associated with depositions, additional attorney fees, and cost of getting copies of police reports, medical records, and witness statements, among others.

If you have been injured in an accident, you should make a personal injury claim to get compensation before you decide to file a lawsuit – however it may not be a suitable option in some cases. Consult a personal injury attorney to evaluate your situation and seek legal advice as to which option would be best in your specific situation. [Contact](http://www.covonelaw.com/contact-us/) Mary Ann Covone, P.C., Attorney at Law at 708-246-4911 or online today to schedule a free consultation.