

Should I Give a Statement to the Other Driver's Insurance Company?

Why It's Important to Consult an Experienced Car Accident Attorney

The phone rings a day or two after your [car accident](#). The caller identifies themselves as a claims representative for the other driver's insurance company. They say they just need a quick statement to "process the claim." The tone is friendly, the language sounds routine and the request seems straightforward. It's not. Giving a recorded statement to the other driver's insurer is one of the most consequential things you can do after a Northern California car accident. And in most cases, you should decline.

California law does not require you to give a recorded statement to the at-fault driver's insurance company. What you say in that call can be used to reduce what they pay you, question the severity of your injuries or shift a share of the fault onto you. Adjusters are trained to gather information that helps the insurance company, not you.

At [Clancy & Diaz, LLP](#), our Northern California car accident attorneys represent people injured in crashes throughout the Bay Area, East Bay and North Bay. We have seen how a single recorded statement, made before a client fully understands their injuries or their legal options, can create problems that follow a claim for months. What you say to the other driver's insurer matters more than most people realize, and understanding why can protect you.

Do I Have to Give a Statement to the Other Driver's Insurance Company?

No. You have no legal obligation to speak with the other driver's insurance company, give a recorded statement or answer their questions before you are ready. California does not require it and declining does not automatically hurt your claim.

Your obligation runs to your own insurer, not the at-fault driver's. Under most California auto insurance policies, you are required to cooperate with your own insurance company's investigation. That duty does not extend to the company representing the driver who caused your crash.

When an adjuster calls and asks for a recorded statement, tell them no. We realize most people want to be polite. But even the simplest statement or comment can be twisted into an admission of guilt or responsibility for causing the collision. Even saying something as simple as "I'm sorry" could be interpreted as a statement that you did something wrong.

What Does the Other Driver's Insurance Adjuster Actually Want?

Insurance adjusters are not investigators looking for the truth. They work for the insurance company, and their goal is to resolve your claim for as little money as possible. A recorded statement gives them a tool to do that.

Adjusters are trained interviewers. They know which questions produce answers that can be used to limit a payout. They ask in a way that sounds conversational and low-stakes, but every answer you give becomes part of the claim file. Here is what they are really trying to establish:

- **Whether You Share Fault:** California uses a comparative fault system, which means the other driver's insurer can reduce what they owe you by the percentage of fault they can pin on you. Questions about your speed, your lane position, whether you were distracted or whether you saw the other car coming are all designed to find something they can use.
- **The Extent of Your Injuries:** Adjusters often call within 24 to 72 hours of a crash, before you know the full picture of your injuries. If you say your neck feels sore but not that bad, that statement can be used weeks later to argue your whiplash claim is exaggerated. If you say you feel okay, they may argue the crash did not cause your later diagnosis.
- **Gaps in Your Medical Treatment:** If you mention that you have not seen a doctor yet, or that you are waiting to see how you feel, adjusters will note that gap. Delays in treatment are a standard tool for questioning whether injuries were caused by the crash.
- **Inconsistencies They Can Exploit:** When you give a statement early, before you have had time to think carefully or before police reports and medical records are complete, small inconsistencies can emerge. Adjusters look for any difference between your statement, the police report and your medical records that they can use to question your credibility.

What Tactics Do Insurance Adjusters Use During Recorded Statements?

A recorded statement call is not a casual conversation, even when it feels like one. Adjusters use specific techniques designed to produce answers that benefit the insurance company.

One of the most common is the open-ended question. Instead of asking "were you speeding," an adjuster might say, "tell me everything you remember about what happened right before the crash." That open invitation to talk is an opportunity for you to say something that can be used against you, such as mentioning that you were changing the radio stations, that you felt distracted or that the sun was in your eyes.

Adjusters also use silence as a tool. After you answer a question, they may pause without speaking. Many people feel uncomfortable with silence and fill it by adding information they had not planned to share. That additional detail can become the most useful part of the statement for the insurance company.

Watch for these specific tactics:

- **Asking About Prior Injuries:** If you have ever been treated for back pain, neck problems or headaches before the crash, the adjuster wants to know. Prior medical history is one of the first arguments insurance companies use to claim that your current injuries are not related to the accident.
- **Minimizing Language:** Adjusters may use phrases like “just a minor impact” or “a small fender bender” to get you to agree that the crash was not serious. That agreement can be used later to argue that serious injuries could not have resulted from such a minor collision.
- **Rushing You to Settle:** Some adjusters follow a recorded statement with a quick settlement offer. That offer arrives before you have finished treating, before you know your long-term prognosis and before you understand what your claim is actually worth. Once you settle, you cannot reopen the claim if your condition worsens.
- **Friendly Pressure:** Adjusters may tell you that getting a statement quickly will speed up the process, that your claim cannot move forward without it or that speaking with an attorney will only slow things down. None of that is true, and all of it is designed to discourage you from getting legal advice before you talk.

What Should I Say When the Insurance Adjuster Calls?

You don't need to be rude or confrontational. A brief “no thank you” or polite “goodbye” is good enough. When the adjuster calls, you don't have to say anything. We realize it might seem rude to some people. But you need to realize that insurance adjusters are looking for any little detail they can use to reduce or deny your car accident injury claim.

A reasonable response sounds something like this: “I appreciate your call but I do not want to discuss the accident or give a statement. Thank you. Goodbye.” If you do not yet have an attorney, you can still say that you are not prepared to give a statement and that your lawyer will follow up with them.

Don't agree to give a recorded statement “just to get things moving.” Don't confirm any details about your injuries when you are still in the early stages of treatment. Don't accept any settlement offer, even a preliminary one, without speaking to an attorney first. And don't sign a medical authorization form that gives the other driver's insurer broad access to your records. The less you say, the better.

Does California Law Protect Me When Dealing With the Other Driver's Insurer?

Yes. California has insurance regulations that govern how insurers must treat claimants. Under the [California Code of Regulations, Title 10, Section 2695](#), insurance companies are required to handle claims in good faith. They cannot misrepresent policy terms, pressure claimants into unfair settlements or use deceptive practices during the claims process.

The California Department of Insurance enforces these rules and takes complaints about unfair claims practices seriously. If an adjuster tells you that you are legally required to give a recorded statement, that you cannot hire an attorney before speaking with them or that your claim will be denied if you do not cooperate immediately, those statements may themselves violate California's fair claims settlement regulations.

Knowing your rights does not mean being uncooperative. It means understanding that the process has rules, that those rules protect you and that you are entitled to take the time you need before making any statement that becomes part of the permanent claim record.

What About My Own Insurance Company?

Your duty to cooperate with your own insurer is different. Most California auto insurance policies include a cooperation clause that requires you to assist your own insurance company in investigating the claim. That typically means answering their questions, providing documentation and not obstructing their investigation.

Even with your own insurer, it's worth understanding what type of claim is involved before giving a detailed recorded statement. If the other driver was uninsured or underinsured, your claim goes through your own policy's [uninsured motorist coverage](#). In that situation, your own insurer is effectively taking the position of the at-fault party, which means their interests and yours are not the same. An attorney can help you understand what your cooperation obligation actually requires before you say anything that could reduce your own UM or UIM recovery.

When you report the crash to your own insurer, keep the initial report factual and limited. Give the date, time, location and a brief description of what happened. If your insurer asks for a full recorded statement, it is reasonable to ask for time to speak with an attorney first, especially in uninsured motorist situations where the lines between your insurer helping you and protecting itself can blur quickly.

How Can Delaying a Statement Help My Claim?

Time matters when it comes to injury claims, and not just because of deadlines. In the days and weeks after a crash, the picture of your injuries becomes clearer. What felt like soreness on the day of the accident may turn out to be a herniated disc requiring surgery. What seemed like a headache may be diagnosed as a concussion with post-concussive symptoms that affect your ability to work.

Giving a statement before that full picture emerges locks you into a description of your injuries that reflects your condition at the worst possible time to assess it. The insurer gets the benefit of your early, incomplete account. You get nothing in return.

Waiting until you have completed treatment, or at least until your treating physicians have a clearer picture of your prognosis, means any description of your injuries is grounded in actual medical evidence. It also means your attorney has time to review the police report, gather

witness statements, obtain surveillance footage and build the factual record before the insurance company gets the chance to lock you into answers that may not hold up.

California's statute of limitations for most car accident injury claims is two years from the date of the accident under [California Code of Civil Procedure Section 335.1](#). That deadline gives you time to build a proper claim. The insurance company's urgency around a recorded statement serves their interests, not yours.

What If the Insurance Company Says They Cannot Process My Claim Without a Statement?

That's not true and it's a pressure tactic. Insurance companies process claims from the evidence available: police reports, medical records, photographs, witness statements, vehicle damage assessments and their own investigation. They do not need your recorded statement to move forward, and in many cases, your attorney can provide a written account of the accident on your behalf.

If an adjuster tells you that your claim is on hold, that it cannot be evaluated or that it may be denied because you have not given a statement, ask them to put that in writing. Insurance companies rarely send written demands for recorded statements that have no legal basis, because those letters create a record of pressure tactics that can support a bad faith claim later.

An attorney can communicate directly with the other driver's insurer on your behalf. That takes the pressure off you, ensures that nothing is said that can be used against your claim and puts the conversation on a more formal footing where the rules of the claims process are more likely to be followed.

How Can a Northern California Car Accident Attorney Help Me?

Handling an insurance claim on your own, while recovering from an injury, puts you at a serious disadvantage. The other driver's insurer has adjusters and attorneys whose full-time job is reducing what the company pays out. You have one claim, a stack of medical bills and a phone that keeps ringing.

Our Northern California car accident lawyers at Clancy & Diaz, LLP, handle car accident injury claims throughout Walnut Creek, Antioch, Benicia, Pittsburg, Brentwood, Martinez and across the Bay Area. Our attorneys have years of experience dealing directly with insurance companies. As a result, we know the games they play and how to negotiate with them effectively and professionally. We also know how to gather evidence, review police reports, work with medical providers and push back when insurers minimize injuries or misrepresent what happened.

If you have already given a recorded statement, all is not lost. An attorney at our firm can review what was said, identify how the insurer may use it and build additional evidence to

counter any damage. If you have not given a statement yet, now is the right time to get legal advice. [Contact us](#) for a free consultation. There are no legal fees unless we recover compensation for you. That's how we work. That's why we win.