

Afraid to Sue After a Georgia Car Accident? What Injury Victims Should Know

Why Getting Help With a Car Accident Claim Doesn't Have to Mean Going to Court

Many people hurt in a Georgia car accident hesitate to call a lawyer because they don't want to sue anyone. They picture courtrooms, angry neighbors, and years of conflict. In reality, most [Georgia car accident claims](#) start as insurance claims. Many are resolved without a lawsuit ever being filed.

[Gary Martin Hays](#) hears that worry often. In a short video, he described a caller who was hurt in a wreck and treated unfairly by the insurer. "He said, 'Look, I'm not the kind of person that sues, but I know I need help,'" Gary said.

That caller was right to look for help, even while unsure about a lawsuit. Our Georgia car accident attorneys at [Gary Martin Hays, LLC](#) help people every day who never expected to need a lawyer. We start by explaining how a claim works, so the injured person can make choices without fear.

What to Do Next

- **Know the Difference Between a Claim and a Lawsuit** – A claim asks an insurer for payment. A lawsuit is filed in court only if the claim can't be resolved fairly.
- **Remember Who Really Pays** – The at-fault driver's insurer usually pays the claim and hires the defense lawyer if a lawsuit is filed.
- **Watch the Two-Year Deadline** – Most Georgia injury lawsuits must be filed within two years, even if settlement talks are still going on.
- **Get Advice Before You Decide** – A free consultation can help you understand your options without committing to a lawsuit.
- **Let a Lawyer Handle the Insurer** – Referring all calls to your attorney keeps the adjuster from using your words to reduce the claim.

<https://www.youtube.com/shorts/wuH443DNTToA>

Is Filing a Claim the Same as Suing Someone?

No. A claim is a request for payment sent to an insurance company, usually the at-fault driver's carrier. It involves medical records, bills, proof of lost income, and negotiation. No court is involved, no one is served with papers, and the case doesn't become a public court record.

A lawsuit only comes into the picture if the insurer refuses to pay a fair amount. Even then, most injury cases are resolved before trial through negotiation or mediation. Some claims are resolved through [arbitration for Georgia car accident claims](#). That process can be faster and less formal than court.

Insurance Claim vs. Lawsuit in Georgia

Seeing the two processes side by side can take some of the fear out of the decision. The steps below show how a typical claim compares with a lawsuit. Every case follows its own path, depending on the injuries, the coverage, and how the insurer responds.

Stage	Insurance Claim	Lawsuit
How It Starts	A lawyer notifies the insurer and gathers records	A complaint is filed in court and served on the at-fault driver
Who Responds	An insurance adjuster reviews the claim	The insurer hires a defense lawyer, who has 30 days to file an answer
Gathering Evidence	Records, bills, photos, and statements are shared with the insurer	Formal discovery, including written questions and sworn depositions
How It Usually Ends	A negotiated settlement	A settlement, mediation agreement, or, less often, a jury verdict
Your Role	Medical treatment and staying in touch with your lawyer	The same, plus possible deposition and trial testimony

The 30-day answer deadline comes from [O.C.G.A. § 9-11-12](#). After that, both sides exchange information through discovery, which can take several months. Many cases settle once the insurer sees the evidence a jury would hear. That's often when the numbers start to reflect what a [fair settlement after a Georgia car accident](#) should look like.

Who Actually Pays If You Sue After a Car Accident?

This is one of the biggest worries, especially when the other driver is a neighbor, co-worker, or friend. In most cases, the at-fault driver's liability insurance pays the settlement or verdict up to the policy limits. The insurer also provides and pays for the defense lawyer.

Drivers buy that insurance for exactly this situation. Using it to pay for the harm a crash caused isn't a personal attack on the other driver. Coverage questions can get complicated, such as when [both drivers have the same insurance company](#). That's another reason to get advice early.

The Insurance Company Isn't Hesitating to Get Legal Advice

Injured people often worry about whether calling a lawyer is right. The insurer doesn't share that hesitation. As Gary put it, "The first call the insurance adjuster will make is to their attorney." The carrier has trained adjusters and lawyers on its side from the start.

Handling the claim alone can leave an injured person facing a [lowball settlement offer](#). Without help, it's hard to judge what the claim is really worth. A lawyer can [help with a car accident claim](#) by valuing the losses and dealing with the adjuster. A lawyer also pushes back when the numbers don't add up.

Waiting Too Long Can Take the Choice Away

Some people put off getting help, hoping the insurer will eventually do the right thing. That delay carries real risk, because the law sets a firm deadline. Under [O.C.G.A. § 9-3-33](#), most personal injury lawsuits in Georgia must be filed within two years of the injury.

Settlement talks don't pause that deadline. If it passes without a lawsuit, the insurer has little reason to pay anything. Filing suit before the deadline protects the claim while negotiations continue. It also doesn't stop the case from settling later, which is how many lawsuits end.

Here's a Hypothetical Scenario That Shows How This Plays Out

A Lawrenceville retiree is hit by a neighbor who backs out of a driveway without looking. She breaks her wrist and needs surgery, but she doesn't want to sue someone she waves to every morning. The neighbor's insurer offers a small amount and stops returning calls.

A lawyer could explain that the claim is against the neighbor's insurance policy, not the neighbor's savings. The lawyer might settle the claim without a lawsuit. If the insurer keeps stalling as the deadline nears, a lawsuit could protect her rights. The insurer would provide the neighbor's defense.

Asking for Help Isn't the Same as Picking a Fight

Talking with a lawyer doesn't commit anyone to a lawsuit. It's a chance to understand the options and the deadlines before the insurer makes those decisions for you. Gary encourages injured people to learn "more about your rights and more about the insurance company's responsibilities."

Worried about suing after a Georgia car accident? [Find out how we can help you](#) in a free consultation. With our No Fee Guarantee, you won't pay anything unless we win. You'll also know where you stand before deciding what comes next, with no pressure to file anything.