

# The California Personal Injury Survival Guide

**WHAT TO DO IMMEDIATELY, WHAT TO AVOID,  
AND HOW TO PROTECT YOUR FUTURE**



PUBLISHED AND PRESENTED BY:

**Parkinson**<sup>LLP</sup>

**A PERSONAL INJURY LAW FIRM**

[www.Parkinson.law](http://www.Parkinson.law)

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# When Everything Changes

Serious or catastrophic injuries arrive without warning.

One moment, life is predictable, and the next, it has drastically changed: perhaps forever. You are faced with medical decisions and treatment for yourself or your family, uncertainty about recovery, and questions you never expected to face.

In the first few days, most people rightly focus on the obvious problem: medical care and getting their life back to normal. What is less obvious, but just as important, is everything happening around it.

Insurance companies immediately start evaluating exposure, gathering evidence, photographs, taking witness statements and making decisions before you even realize they matter.

This guide was written for people facing serious, life-altering injuries. It is designed to answer a simple question:

**What should I be doing right now to protect my rights so I don't make a mistake that affects my future?**

The decisions made in the first days and weeks often shape what is possible later.

If your injury is permanent, or your life has been materially altered, the decisions you make in the coming days and weeks matter more than you may realize.

This guide will help you make them deliberately.

## The First 24 Hours: Decisions That Shape the Case

In the first 24 hours after a serious injury, everything feels urgent. Medical care comes first. But even at that moment, the foundation of your case is forming.

Some of the most serious injuries are not immediately obvious. Brain trauma, internal bleeding, and spinal injuries can develop over time. Early medical evaluation protects your health and creates documentation that may later define your case.

Insurance companies look closely at timing. If care is delayed, they often argue that the injury was not serious. Prompt treatment closes that argument before it starts.

Evidence changes quickly. Vehicles are moved or repaired. Dangerous conditions are subsequently corrected. Witnesses leave. If you are able, or if someone can help you, basic documentation can preserve details that you may not be able to obtain later.

In the first 24 hours, focus on a few priorities:

- Get medical evaluation and follow instructions
- Preserve what you reasonably can
- Avoid speaking to the opposing insurance company

**By the end of the first day, you do not need to have answers. You just need to avoid preventable mistakes while focusing on recovery.**



### COMMON MISTAKE

Speaking to an insurance adjuster early because they seem helpful. Insurance adjusters do not work for you. Their job is to limit the risk to the insurance company.

### WHY IT MATTERS

That early conversation often becomes the version of events the defense relies on, before the circumstances or your injuries are fully understood.

### WHAT TO DO NEXT

If an adjuster contacts you, it is reasonable to say you are still receiving medical care and will respond later.

# Preserving Evidence Before It Is Gone

If possible, obtain photographs, samples or other evidence as soon as possible after the incident. If you are unable to do so, ask someone to assist you.

In the first week after an incident, evidence begins to disappear.

This is not unusual. It is how systems are designed. Surveillance footage is overwritten. Vehicles are repaired. Conditions are corrected. Records are archived.

In serious cases, the other side is often already documenting what happened. Commercial defendants may send investigators to the scene within hours. They collect statements and preserve information that supports their position. They often claim that their investigations are privileged and will refuse to produce the information to you.

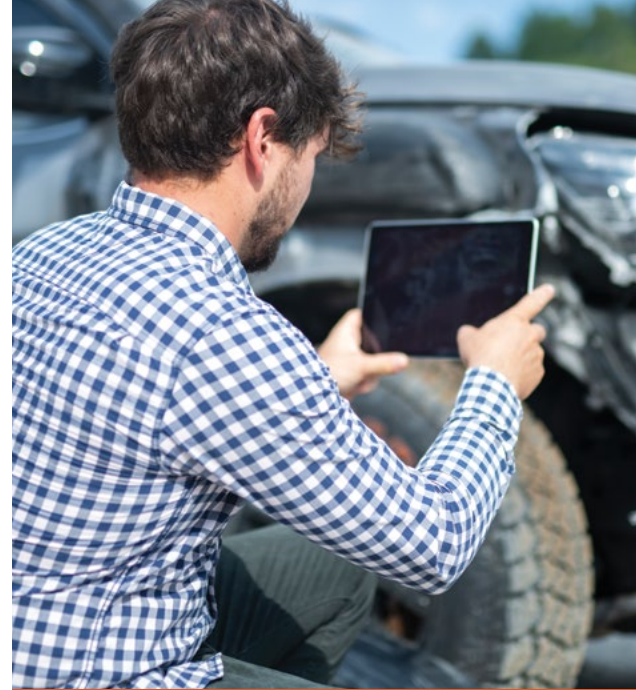
You should assume that the evidentiary record is forming quickly, with or without you.

There are three types of evidence that matter most early on.

- **Physical evidence**, such as vehicles, equipment, or property conditions, may no longer exist in their original state within days.
- **Electronic evidence**, such as surveillance footage or vehicle data, may be automatically deleted if not preserved.
- **Institutional records**, including maintenance logs or prior complaints, may reveal patterns that are not visible at the scene.

Your medical records are also part of this. They tell the story of what happened to your body and how it is being treated.

**Early action does not mean rushing into a lawsuit. It means protecting what cannot be recreated later.**



## COMMON MISTAKE

Assuming evidence will still be available weeks or months later.

## WHY IT MATTERS

Some of the most important evidence in serious cases only exists for a short period of time. Custodians of the information often do not understand the importance of the evidence and do not maintain it unless asked to do so.

## WHAT TO DO NEXT

If your injuries appear serious or long-term, it may be worth having someone evaluate your situation early so preservation steps can be taken, if necessary.



## How Insurance Companies Evaluate Your Case

Within days or weeks, your case is being evaluated internally by the insurance company.

They are not asking how difficult this has been for you. They are asking what the case may cost them and finding ways to limit that exposure.

They begin with liability. Under California law, fault can be shared. Even a small percentage assigned to you reduces your recovery. Much of the defense strategy focuses on shifting that percentage.

They then evaluate damages. Medical bills, projected future care, and income loss are reviewed. They compare your situation to prior claims and jury verdicts.

They assign an internal reserve, which is their estimate of exposure. That number influences how negotiations unfold.

If your case is presented early without clear documentation or without a full understanding of the long-term impact, the assigned reserve may be set too low.

Insurance companies also evaluate the law firm involved. They consider the experience of the firm and its lawyers, whether they are successful at trial, or do they settle before trial.

**Serious cases are not just about your immediate condition. They also include future and long-term implications.**



### COMMON MISTAKE

Accepting an early settlement before the long-term impact of the injury is understood.

### WHY IT MATTERS

Once a case is resolved, it cannot be reopened, even if future complications arise.

### WHAT TO DO NEXT

Before considering any settlement, make sure you fully understand your medical outlook and whether future care or limitations are expected.

## The Legal Process: What to Expect

Within the first few weeks, many people expect the case to begin resolving. Where more serious injuries are involved, the process is more deliberate.

A case typically begins with an investigation. Medical records are gathered. Liability is analyzed. Experts may be consulted.

California law imposes strict deadlines. Most personal injury claims must be filed within two years of the incident. Claims involving government entities – such as a city, county, or public agency – require a written government tort claim within just six months (Gov. Code § 945.4). Missing these deadlines can eliminate your claim entirely.

If a lawsuit is filed, the case enters the discovery period. This involves both sides exchanging information. Depositions are taken. A deposition is oral testimony given under oath. Experts are involved.

All cases must go through an alternative dispute resolution procedure before trial, which is almost always mediation with an impartial mediator. Some resolve there. Others proceed further.

Serious cases take time because they often involve complex issues of liability and damages and require additional time to fully understand. The full extent of an injury is often not known immediately. Future care must be understood before value can be determined.

**Time, in serious cases,  
is not delay. It is part  
of getting it right.**



### COMMON MISTAKE

Wanting to resolve the case quickly to move on.

### WHY IT MATTERS

Resolving too early can mean accepting less than what will be needed in the long term.

### WHAT TO DO NEXT

Focus first on medical stability and understanding your prognosis before making major legal decisions.



## Damages: What Your Case Is Really Worth

When people ask what a serious injury case is worth, they are usually asking the wrong question.

The better question is what has the injury taken from your life, what will it continue to take, and what is the value of that.

Economic damages begin with medical care, both current and future care. A serious injury involves immediate care and treatment and often requires ongoing treatment, support, and adaptation over time. Life care planning helps define those needs.

Income loss is also more than missed paychecks. It includes the loss of earning capacity over a lifetime, as well as opportunities that will no longer exist.

Non-economic damages reflect the human impact. Pain, suffering, loss of enjoyment of life, loss of independence, and changes to daily life are part of the reality.

The strength of a case comes from how well these elements fit together. Medical evidence, financial modeling, and lived experience must align.

**Strong cases are built over time based on clear facts and evidence.**



### COMMON MISTAKE

Underestimating future needs because they are not yet fully visible.

### WHY IT MATTERS

The largest part of many serious cases lies in what happens years from now, not in what has already occurred.

### WHAT TO DO NEXT

If your condition is still evolving, avoid making decisions about value until there is a clear understanding of the long-term impact.

## Choosing the Right Firm

Not all personal injury firms operate the same way.

Some firms are built for volume. They handle many cases at once and resolve them quickly. That model can work for minor claims.

Serious injury cases require a different structure. They require time, resources, and preparation.

When evaluating a firm, what matters most is how your case will be handled.

Will an attorney be directly involved or will non-attorney staff be managing the case? It is not only important that the firm's attorneys have trial experience in serious cases, but are they successful? How many files does each attorney manage? Are experts used where necessary?

At Parkinson LLP, cases are accepted selectively. That allows for personal involvement by its experienced trial lawyers through every step of the process.

**If your case involves permanent consequences, it is reasonable to expect personal attention from experienced trial lawyers.**



### COMMON MISTAKE

Choosing a firm based on advertising rather than on qualifications and experience.

### WHY IT MATTERS

The outcome of a serious case depends on skill, experience, and preparation, not on catchy advertising.

### WHAT TO DO NEXT

Ask direct questions about who will handle your case and how it will be prepared.



## Complex Cases Require Deeper Strategy

Some cases involve additional layers of complexity from the beginning.

Claims involving public entities have strict notice requirements. A government tort claim must be filed within six months – before any lawsuit can be brought. Missing this window eliminates the claim regardless of its merits. Public entities also have various immunities from liability that must be evaluated and considered before proceeding.

Trucking cases involve federal safety regulations, mandatory driver logs, and electronic data from the vehicle itself. That data can be overwritten quickly if not preserved through formal legal action.

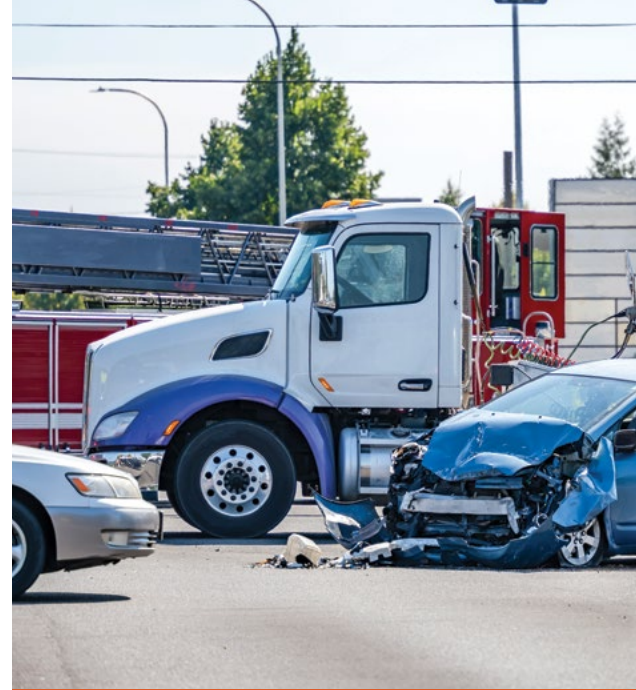
Brain injuries require specialized neurological evaluation. Symptoms may not be immediately recognized, and the long-term cognitive and behavioral effects can take months to fully emerge. Early expert involvement helps establish the baseline that the rest of the case depends on.

Construction and product liability cases may involve multiple defendants – contractors, manufacturers, property owners – each with overlapping and potentially conflicting responsibilities. Identifying all responsible parties early affects both strategy and recovery.

These cases are not just larger. They are more technical.

They require early investigation and coordinated expert involvement.

**The more complex the case,  
the earlier strategy matters.**



### COMMON MISTAKE

Treating a complex case like a routine claim.

### WHY IT MATTERS

Complex cases often involve evidence and rules that require early action.

### WHAT TO DO NEXT

If your case involves multiple parties, serious injuries, commercial or public entities, consider having it evaluated early for complexity.

## Life After Injury

As the case progresses, life continues.

Serious injuries affect more than the mind and body. They affect routines, relationships, and financial stability. Families are forced to adjust, and responsibilities must shift.

Medical bills continue. Insurance liens may need to be resolved. These issues are part of the process.

When a case is resolved, planning becomes important. Structured settlements and financial tools may help protect long-term stability.

**The goal is not just recovery.  
It is stability.**



### COMMON MISTAKE

Thinking that your life goes back to normal when a settlement is reached.

### WHY IT MATTERS

What happens after resolution often determines long-term financial security.

### WHAT TO DO NEXT

Before finalizing a case, consider whether the outcome will support future needs.



## Wrongful Death: Protecting the Family's Future

A wrongful death case begins during one of the most difficult periods a family can experience.

Legal decisions may feel secondary, but they have long-term consequences.

These cases focus on what surviving family members have lost. Financial support, emotional support and guidance, and household contributions are projected over time.

There is also a personal dimension. Relationships, roles, and daily presence cannot be replaced.

Insurance companies may approach early with settlement offers before the full impact is understood.

**The goal is not to replace what was lost. It is to protect what remains.**



### COMMON MISTAKE

Accepting an early resolution before the long-term financial impact is clear.

### WHY IT MATTERS

These cases often involve decades of projected loss.

### WHAT TO DO NEXT

Allow time to understand the full scope of financial and personal impact before making decisions.

## Your Next Step

Serious injury cases are not just about what happened. They are also about what happens next.

Every step builds on the last. Medical documentation. Evidence preservation. Financial modeling. Legal strategy.

Not every injury requires a lawsuit to resolve. But when injuries are permanent or life-altering, early decisions matter, and it is important to get advice from experienced counsel to guide your decisions.

If you are unsure what to do, contact an experienced lawyer to review your situation and explain your options. By consulting with a lawyer, you are not committing to filing suit. But before you make what

may be life-altering decisions, you should have a full understanding of your rights and your options.

Understanding your options. Understanding the risks. Understanding what comes next.

At Parkinson LLP, cases are evaluated carefully. The firm accepts only those matters where it believes it can make a meaningful difference.

Serious cases require serious advocacy.

Starting the process sooner rather than later enhances your ability to protect your rights, future interests and well-being.

### CONTACT PARKINSON LLP

To schedule a free consultation or discuss your situation, contact Parkinson LLP directly. Initial evaluations are confidential and carry no obligation.

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Use this as a reference during the first days and weeks.

### IMMEDIATE STEPS

- Seek medical evaluation and treatment immediately
- Follow all treatment recommendations

### EVIDENCE PROTECTION

- Take photographs of the scene and injuries
- Collect witness names and contact information
- Preserve and do not repair or dispose of damaged property
- Write down your account of the incident while your memory is fresh
- Request preservation of any surveillance footage immediately

### FINANCIAL TRACKING

- Keep all medical bills and receipts
- Track missed work and expenses

### STRATEGIC PROTECTION

- Do not give recorded statements to any insurance company
- Avoid discussing the incident on social media or with anyone other than your attorney
- Keep a daily symptom journal documenting pain, limitations, and changes in daily life
- Be aware of legal deadlines (2 years for most claims; 6 months for government entity claims)
- Seek legal guidance early if injuries appear serious or permanent

## About Parkinson LLP – A Personal Injury Law Firm

Serious injuries demand serious trial lawyers with a track record of winning.

If you were hurt because someone else was careless, the next steps are critical. The medical decisions you make, the evidence you preserve, and the way your claim is positioned from the beginning can shape the outcome.

Parkinson LLP is a personal injury firm built for high-stakes cases. We represent injured people and families in severe personal injury cases and wrongful death cases in the Coachella Valley and across California. We prepare every case with a clear goal: build leverage early, prove damages with real evidence, and be ready to take the case to trial when justice requires it. Because that's how you build leverage for the best outcome.

The principals of the firm, James Parkinson and Shaun Murphy, bring major trial and appellate experience, national-level litigation credibility, and the kind of courtroom readiness that changes how insurance companies evaluate risk.



**JAMES PARKINSON**



**SHAUN MURPHY**

**James Parkinson** is a veteran California trial lawyer with 50 years of experience representing plaintiffs in serious and complex civil matters. He has successfully tried numerous cases to verdict, secured recoveries for hundreds of clients, and played roles in major litigation, including the California tobacco cases and claims involving American POWs used as slave labor during World War II. His career reflects a rare combination of courtroom experience, public leadership, and a deeply personal commitment to helping clients rebuild their lives after devastating harm.

**Shaun Murphy** is a nationally recognized trial attorney with decades of experience in high-stakes personal injury and civil litigation. He has obtained multiple multi-million-dollar verdicts and major settlements in several states and has built a national reputation for handling difficult, highly sensitive cases with strategic precision and courtroom strength. His results include some of the largest reported verdicts in the country in cases involving the transmission of sexually transmitted diseases, along with major wins in defamation and serious injury litigation.

**Talk to a lawyer today.  
Call 760.322.2275  
for a free case review.**

**Free case review. No upfront legal fees.**

We handle personal injury cases on a contingency fee basis, meaning you do not pay attorney fees unless we obtain a recovery for you.

Parkinson<sup>LLP</sup>

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