

# What you should know about Obtaining Compensation For Your Personal Injuries

## Introduction

Accidents resulting in personal injuries are a common occurrence in our daily lives. In addition to auto accidents, we may suffer personal injuries or property damage in accidents in the home, at business premises or on streets and sidewalks. Injuries may also be caused by carelessness of doctors, lawyers and other professionals. You can protect yourself by consulting a lawyer if you suffer an injury or property damage as a result of an accident.

## EVALUATING YOUR CLAIM

To determine whether you have a claim, your lawyer will consider whether another person's conduct wrongfully caused your loss. There are three kinds of wrongful conduct — negligence, intentional misconduct, and strict liability.

Negligence is the most common basis for recovery of losses from an accident. The law holds individuals responsible for their own carelessness. For example, drivers who neglect to stop for stop signs or doctors who fail to follow established medical procedures.

Recovery for intentional misconduct may result if someone has deliberately hurt you or your property. For example, if someone has deliberately hit you without your permission, detained you against your will, or made false statements that injure your reputation.

Individuals and companies may be responsible for damages on the basis of strict liability if they have engaged in dangerous activity, such as conducting blasting operations or keeping wild animals as pets, or if they have manufactured a defective or dangerous product.

## WHAT IS YOUR INJURY WORTH

Your lawyer can help put a dollar value on your injury. You are entitled to compensation for your medical expenses, lost wages, and the cost of repairing your property. You are also entitled to compensation for any pain, disfigurement, physical handicap, embarrassment, loss of enjoyment of life, mental distress, emotional pain, and other psychological injuries.

## FINDING SOURCES OF COMPENSATION

The time, effort, and expense of a lawsuit are not ordinarily worthwhile if the person responsible for your injury does not have sufficient assets to pay for your damages. Your lawyer can help you determine what assets or insurance are available to compensate you. You can bring an action against all those who caused your injury. For example, if a negligent person injures you in the course of working for someone else, that employer is often responsible as well. Other parties potentially responsible for an auto accident may include the owner of a vehicle driven by someone else or even governmental authorities, if defective conditions contributed to the accident.

## PRELIMINARY INTERVIEW AND INVESTIGATION

Your lawyer will carefully interview you to learn the facts of the accident, who is responsible, the extent of your injuries and the amount of your loss. After the initial interview, your lawyer will obtain medical records, interview witnesses, obtain police reports, and other information to help prove your claim.

## FILING A LAWSUIT

Your lawyer may be able to settle your claim and obtain compensation for you without a lawsuit. Your claim may also be settled after a lawsuit is filed, or even after a trial. If a lawsuit is necessary, your lawyer will prepare the documents necessary to file your claim with the court and gather the evidence needed to prove your claim at trial. The process of gathering evidence is called discovery. It ordinarily includes the exchange of relevant documents, the answering of written questions known as interrogatories and orally questioning witnesses under oath before trial in depositions. The pretrial discovery process can take many months to complete depending on the complexity of your claim.

If not settled, your case will go to trial after the completion of pretrial discovery. It may take months or years to set a trial date depending upon the court where your lawsuit is filed. Most cases that go to trial are decided by juries. However, your case may be decided by a judge if it is required by statute or agreed to by

the parties to the lawsuit.

### **PRESERVING THE EVIDENCE**

Your claim is only as good as the evidence that supports it. When an injury occurs, you should take notes on the circumstances of the accident, including the names, addresses, and phone numbers of witnesses, doctors, and other medical care providers who treated you. Your lawyer needs this information to determine whether you can prove your claim.

It is often useful to photograph or videotape the evidence of the nature and extent of your injuries and the damage to your property. Photographs should be taken of your bruises, stitches or other visible signs of injury. In the case of an auto accident, the vehicle should be photographed before any repairs are made. After a fire in your home, take pictures of the damage. You can help establish the date of the photos by keeping notes and having someone witness the taking of the photos. These photos can provide valuable support for your claim.

Preservation of evidence is essential to the successful resolution of your claim. If the evidence is lost or destroyed it will be difficult to prove your case at trial. The evidence should be stored in a secure place where it will not be damaged. If the claim involves a defective product, retain, if available, the packaging and instruction booklet as well as the actual product that caused the injury.

Your lawyer may recommend that you keep a daily log of the medical and financial consequences of your injury. In your log, you can keep a record of hospital stays, doctor visits, medical treatments, healing progress, medical bills, time lost from work, lost earnings, and expenses incurred.

### **CONCLUSION**

Under the law, others may be responsible for your injuries. In the event of such an injury, consult a lawyer as soon as possible. It is important to act quickly to preserve your rights to compensation from those who caused your injuries. Any inquiries that you receive should be referred to your lawyer. Your lawyer will estimate the value of your claim and help you collect fair compensation for injuries and damage to your property.

### **COMMON NEGLIGENCE LAWSUIT**

- Accidents
- Airline, bus, and train accidents
- Assault and battery
- Athletic accidents
- Automobile accidents
- Bicycle accidents
- Construction site accidents
- Defective product accidents
- Dog bites
- Drunk driving
- False arrest
- Government negligence
- Hit and run accidents
- Hotel and motel accidents
- Household accidents
- Injuries to children
- Intoxication
- Legal malpractice
- Libel and slander
- Medical malpractice
- Motorcycle accidents
- Negligent supervisors
- Slip and fall accidents
- Unsafe buildings
- Utility company negligence
- Workplace accidents

This pamphlet provides general information. Laws develop over time and differ from state to state. This pamphlet does not provide legal advice about specific legal problems. Let us advise you about your particular situation.

