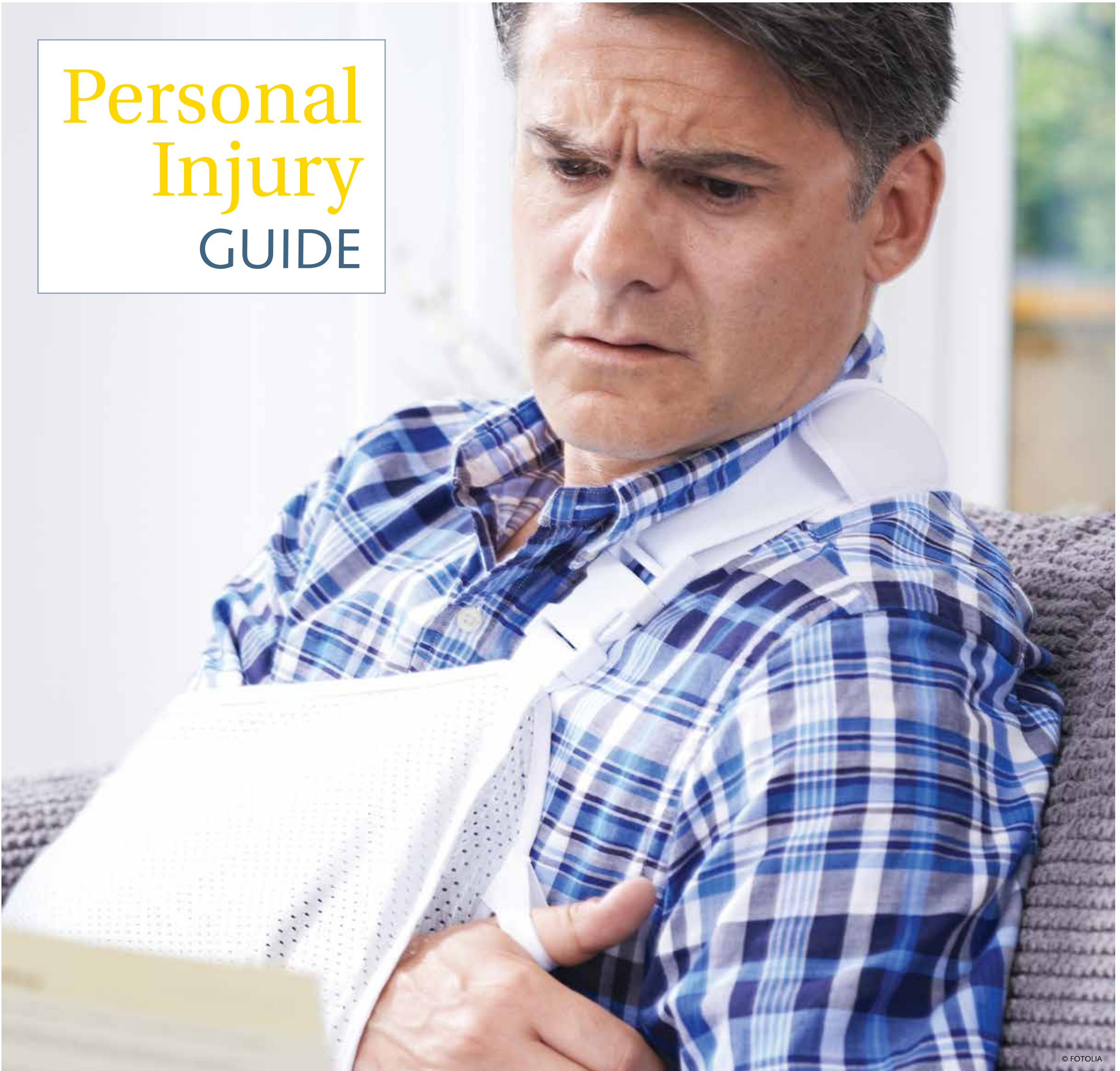


# Personal Injury GUIDE





# What to Expect at Trial

It's easy to become overwhelmed by the amount of stress that comes with time spent in a courtroom. Being subject to a trial that determines how much financial gain you will receive for a significant injury can be especially trying.

While most personal lawsuits are settled outside of the courtroom, there is a chance that your case may be seen before judge and jury. This trial will give you and your personal injury lawyer a chance to argue your case to show the extent of the injury's effect on your everyday life. Look at a trial as a way to get your side of the story to the public.

## OPENING STATEMENTS

A personal injury trial begins with opening statements. Your professional lawyer will lay out the facts regarding the extent of your injury. Here, he will explain all facts about the accident and injury that you have sustained. This is your lawyer's way of giving the jury an idea of what he is intending to prove throughout the trial.

It is important to be as thorough as possible when initially detailing the incident with your lawyer. He will analyze every fact you have given him to build the best case for you and maximize your settlement.

## WITNESSES AND EXAMINATION

This part of the trial is sometimes called "case-in-chief" and is typically the most important part to any personal injury trial. Here, representation from each side strive to lay out facts and attempt to expose



weaknesses in the other's side of the story.

Witnesses to the incident will be called to the trial to verify the history of events. They will be exposed to both direct and cross-examinations. This means lawyers for and against

your case will have the opportunity to question the witness.

You may notice the opposing side trying to persuade the witness into contradicting your story. Again, being completely honest with your lawyer is crucial so he can be prepared for

this strategy.

## FINALE

Once witnesses have been questioned and closing arguments have been made, the jury deliberates.

The jury weighs all the evi-

dence and decides on a verdict. Depending on the complexity of the trial, a deliberation can last a few hours to several weeks. Once the jury reaches a unanimous decision, they will present their verdict in front of the judge.

# Collecting a Settlement

**B**eing awarded a financial settlement is not always the end of your personal-injury lawsuit. Sometimes, the debtor will refuse to follow the court order for different reasons. It is important to be persistent toward the debtor to ensure you receive your full and accurate settlement.

Sometimes extra steps are required to get the finances to which you are entitled. Your personal injury lawyer will expend available resources to ensure that your debtors holds up to his responsibility. You should know some of the rights you have and what you can expect if a debtor is holding out.

## **GARNISHING WAGES**

Much like any other debt, the entitled party can garnish wages from a debtor to collect what is owed. Generally, a lawsuit against a financially stable entity will pay the settlement to avoid any drawn-out collection processes.

If you have a lawsuit against an individual, you may have a harder time collecting what is owed to you. As the entitled party to a settlement, you have the right to garnish an individual's wages. Inquire with your lawyer to check the amount of an individual's wages you are entitled to. Many states limit this amount to 25 percent of a debtor's paycheck.

You also might be able to garnish the wages of a business that owes you for a settlement. Again, the percentage may differ depending on the state you're in. Be sure to check with your local legal



representative to gain insight on your situation.

## **SEIZING ASSETS**

If your debtors are unable

to pay the amount they owe, you may be entitled to their valuables. With direction from your lawyer, inquire which belongings you may be entitled

to. Some of these may include:

- Cash from register;
- Machinery;
- Equipment; and
- Inventory.

To avoid a confrontation, get the assistance of your local lawyer and law enforcement before you attempt to seize any property.



# Pain and Suffering

You are probably familiar with the term “pain and suffering.” However, you may not know exactly what it means for you and a potential settlement. Pain and suffering is commonly a large factor in personal injury cases.

It is important to know how pain and suffering affects the amount of a personal-injury settlement. Juries will sometimes use a multiplier to determine how much of a settlement covers pain and suffering on top of the initial claim. This multiplier may reach as high as four times the amount of a claim, to cover special damages.

## WHAT IS CONSIDERED PAIN AND SUFFERING?

Pain and suffering is made up of two parts: physical pain and mental pain. Both types of suffering are important to consider when filing a lawsuit.

Your physical pain does not stop with the pain you suffered during the original incident. Your lawyer will instruct you to look to the future and consider the amount of pain you may still experience. If you suffered an injury that will cause you pain for many years to come, it is fair that you be compensated justly.

Mental pain also can go hand in hand with physical ailments. An extremely stressful event can cause major strife to your emotional wellbeing.

Some common side effects are:

- Emotional distress;
- Fear or anger;
- Anxiety; and
- Sleep deprivation.

Be sure to inform your law-



yer about any of physical or emotional disturbances you are experiencing.

## LONG-TERM EFFECTS

Pain and suffering from emotional or physical pain can cause complications that may affect you for the rest of your life. Serious injuries may make

it hard for you to continue employment. Make sure you are being compensated for lost time at your job and future wages that you may be unable to earn.

Significant mental pain may even lead you to a case of post-traumatic stress disorder. PTSD is a serious mental health

problem that can develop after witnessing or experiencing a life-threatening event.

## JUDGMENT FACTORS

Many factors are considered by a jury when deciding how much your pain and suffering is worth. Show the jury that you are honest and credible by

sticking to the facts of the incident.

It also is important to be “likable” to the jury. This can be achieved by answering questions without hesitation and being firm. Let your local attorney walk you through other tips for establishing credibility and trust with the jury.



# Choosing a Lawyer

**D**on't face a serious injury or combative debtor alone. An experienced personal injury lawyer will give you an advantage in recovering the settlement you deserve. Deciding on the lawyer to aid you in this sometimes-time-consuming process is easy if you know what to look for.

Word of mouth is a great way to learn about professional lawyers who keep your best interest in mind. Ask friends and colleagues about past experiences that required representation. A first-hand account of how your peers' needs were met can comfort you before you begin the process of recovering a settlement.

## CONSULTATION

A credible personal injury lawyer typically offers a free consultation for new clients. Taking advantage of this will give you a good chance to visit with several different lawyers before you commit to one to represent you.

During this consultation, give a detailed account of the incident and explain any contact you have had with the defendant's insurance company. Your lawyer should be able to give you a good idea of your settlement's worth and how your case should be handled going forward.

## QUESTIONS TO ASK

Before your consultation, prepare a list of questions for your representative. You should also have a list of expectations you require from his answers. Some of the very important questions you should ask include:

- What is their level of expertise in personal injury?
- Do they typically work for the plaintiff or defendant in personal-injury cases?
- What is their track record for winning cases in personal injury?
- Will they be taking on most of the case work, or will another member of



their firm?

It is important to find out the answers to these questions before committing. Sometimes lawyers who typically represent defendants in personal injury cases may be known by insurance company representatives. It is in your best interest to find representation that is familiar with defend-

ing a plaintiff's side of a lawsuit.

## TRUST

Trusting the lawyer who you choose to represent you is crucial in a personal injury case. Gaining this trust begins with the initial consultation and should last throughout all phases of your case.

During consultation, take note of how much attention the lawyer is giving your situation. Be sure they are treating you with compassion and not as just another case.

A settlement sometimes requires constant communication with your lawyer, so be sure he can make time for you.



# Lawsuit Time Line

**A** personal injury lawsuit requires several different stages before a settlement can be made. Although each case differs and can require more or fewer steps, there is a time line you can expect. Knowing what to expect can take some of the stress of a lawsuit off your shoulders.

The first step in any personal injury case is receiving medical treatment for the injuries sustained. This treatment is not only crucial to your overall wellbeing, but it provides documentation to prove that an incident occurred. Without documentation, it may be more difficult to obtain a settlement.

## ATTORNEY

Hiring legal representation is the next step of the process. A lawyer can be helpful in small-claims court but is extremely important if you sustained a serious injury.

You should expect a thorough interview by your lawyer. Some things you will be required to provide are a detailed account of the incident, your background, previous medical conditions and the medical treatment you required after the accident.

Your lawyer will then gather the medical records and bills to determine if there is a case to be made. Gathering these important documents can sometimes take months, so be patient. If your lawyer doesn't think there is enough grounds for a lawsuit, he will usually be able to tell before he begins gathering documents.

## DEMANDS AND NEGOTIATIONS

Sometimes your case can be settled even before a lawsuit is actually filed. Once your lawyer has all your medical records, he can make a demand to the other party's attorney or insurance company.

A good lawyer will not make an offer until you are at MMI, or maxi-



mum medical improvement. MMI means you have completed any medical treatment pertaining to your injuries and you have made a full recovery. This is another part of your case that may take some time, depending on the seriousness of your injury.

## DISCOVERY PROCESS AND SETTLEMENT

The discovery process is when each party's attorneys review all claims and decide which options they have for settlement. You can expect this to take some time as witness claims are scruti-

nized during this process.

After discovery, the lawyers begin discussing a settlement. If they can't settle the case, you will be required to be present at a mediation. Typically, a settlement is decided at mediation, but complex cases may require a court trial.

# Slip and Fall Cases

Slipping and falling is one of the most common types of personal injury cases. The integrity of a floor can be compromised by numerous things. If you happen to fall on someone else's property and injure yourself, you may be entitled to a settlement to cover medical expenses.

Not all falls will qualify for a personal injury case. Only incidents which occur due to a property owner's negligence will stand a chance for a settlement. The rules for what constitutes a legitimate slip and fall can sometimes be tricky, but it's important to educate yourself in case it ever happens to you.

## WHAT IS A SLIP AND FALL INJURY?

Public floors can easily become hazardous due to the amount of foot traffic they experience. High amounts of traffic can cause a floor to become damaged to the point where the floor creates obstructions that are easily tripped over.

The laws regarding legitimate slip and fall cases focus on the property owner's reasonable efforts to clean and repair the floor. This means if an owner makes strides to repair every hazardous part of his property before there is an issue, he will be less likely to be found liable.

This can be tricky as it is hard to judge how long the imperfections were there before your incident occurred. Hire a local personal injury lawyer to find out how the property owner scored on previous safety examinations.



## THINGS TO CONSIDER

When trying to decide if a property owner has any liability over an injury you sustained due to a fall, consider a few factors:

- Did your fall occur due to the poor condition of a property's floor? Did you trip over

a broken piece of ground or a bulge in the carpet?

- Did your fall occur due to an item being placed inconveniently in a walkway? Could this item have been stored in a safer place?

- Were there warning signs near the object or obstruction

that caused your fall?

- Did poor lighting contribute to your incident?

Answering yes to any of these questions means you should seek consultation shortly after receiving medical treatment for your injuries.

Reach out to an experienced personal injury lawyer to discuss the next steps going forward.

A lawyer will be able to tell you the strength of your case in relation to the often-complicated slip and fall laws in your area.



# Tort Action

**T**ort action is a term used to define personal injury laws. “Tort” comes from a Latin word that means twist, wrong or harm. A tort claim is used to settle disputes involving a plaintiff seeking a settlement from an injury caused by a defendant’s negligence. These are different cases than criminal law, which require government prosecution.

The American Bar Association states that tort laws are designed to protect you from injuries because of someone else’s act or failure to act. These laws defend you from negligence of harmful incidents that can be out of your control.

## WHO IS TO BLAME?

Negligence is the main claim in a plaintiff’s personal injury case. However, establishing who is responsible for the negligence can sometimes be a difficult process. An experienced personal injury lawyer can determine who is to blame and how to go about acquiring a suitable settlement for your injuries.

Sometimes the person who is to blame may lack the funds to pay a large settlement. Some of these instances may include a car accident with a delivery driver or a grocery store clerk who created an unsafe area in the store. Your lawyer will be able to bring the claim up the chain, which will ultimately pay the settlement.

## INTENTIONAL TORTS

While negligence plays a large role in most personal injury cases, sometimes the injuries are inflicted intentionally by another party. These intentional torts can include:

- Assault and battery;
- Infliction of emotional distress;
- Theft or trespassing; and
- False imprisonment.

If you have experienced any of these situations, it is in your best interest to hire a lawyer to handle your case. Even if the individual is unable to pay for your physical and emotional distress, a lawyer can see that their wages are garnished or that you are entitled to their property.

## DEFECTIVE PRODUCTS

One common tort comes from defective products, meaning injuries that were caused when using a product based on its intended use.

A qualified lawyer will make the claim that the manufacturer negligently designed and sold an unsafe product. Defective product torts typically become large class action lawsuits and can help others avoid the same injury.

