

# Personal Injury GUIDE



# Pick a Top Lawyer

**P**ersonal injuries can be traumatic, life-changing events. Depending on the severity, they can alter the way you work, play and live your daily life.

That's why finding the right personal injury lawyer to represent your case in negotiations, settlements or even a lawsuit is one of the most important actions you can take once your injuries are under control.

Between medical bills and lost income, personal injuries can also have a big impact on your financial future. Many accident victims are dependent on the damages awarded after an injury, so maximizing your settlement is key. That's where a personal injury lawyer can also be of critical assistance, especially if you're overwhelmed by the process of filing a personal injury claim.

But how do you find a legitimate personal injury lawyer? Where should you look and what kinds of questions should you ask to make sure their firm is the right fit for your needs? Read on for three characteristics of a top personal injury lawyer and start your path to a successful settlement.

## **SPECIALIZATION IN INJURY LAW**

There are many arms of the law and different attorneys have different specializations. Your task is to find an attorney who specializes in injury law.



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There are many intricacies to this subset of the legal field.

How long have they been

practicing injury law? Are you confident with their strategy for getting the compensation

that is due to you in a timely manner? Ask yourself these questions before signing on

the dotted line.

## **EXTENSIVE COURTROOM EXPERIENCE**

Whether or not your personal injury case enters the courtroom, it's best to have a personal injury lawyer with loads of experience initiating investigations, securing evidence, dealing with witnesses and filing legal documents.

There are many negotiations to be conducted within a personal injury case, including with insurance companies and other lawyers. Put your trust in an attorney who can prove years of courtroom experience and successful outcomes.

## **A FLEXIBLE PRICING STRUCTURE**

Injury cases can be downright expensive to prosecute. In order to prove damages, your attorney may need to engage the services of physicians, neurologists, orthopedic specialists and accident investigators.

You'll want to find a personal injury lawyer who works on a flexible payment structure, specifically for a contingency plan. If you don't win your case, you're out little to no money. That's the type of deal to negotiate with your attorney.

# Careful What You Share

**S**ocial media is the perfect platform for updating friends, family and the world about your life. If you are in an accident, your first instinct may be to post an update to your Facebook wall or Twitter profile. Stop right there!

Legal professionals advise clients to keep any sensitive information to themselves if they want any chance at landing a settlement. Why? Because everything that is posted on social media is considered public. This means that information about an injury claim could be used against a plaintiff by the defense.

For anyone involved in litigation, it's best to refrain from posting your thoughts on the case, your experience with the injury and your progress of recovery. This type of information is being watched for by lawyers and the people involved in your case. So think before you hit that 'send' button and follow our tips on social media usage during a personal injury situation.



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## KEEP QUIET ONLINE

Hopefully your personal social media accounts are set to private. Research shows that most aren't though, so that should be your first step in using social media during litigation. This keeps outsiders from being able to scroll through your postings and read your updates.

That being said, it's still common sense to keep all information about your per-

sonal injury accident, legal advice, photos of your injuries or other related tidbits out of the world of social media. Your personal injury attorney will advise you to keep quiet online for the best chance of winning your case.

We know, this can be tough. But instead of posting a photo of your overall physical condition, ask a friend to stop by to talk about what's going on.

Face-to-face interaction can provide a much more intimate, comforting feeling than social media. And that's exactly what you need when trying to recover from a personal injury.

## BIGGEST MISTAKES

You've surely heard of stories about someone involved in a personal injury case posting photos of themselves

engaged in vigorous activity like a skiing or hiking trip. This actually happens!

These types of photos are damaging in many ways, especially if you're attempting to win a settlement that includes monetary compensation for chronic pain or serious injuries.

One overlooked mistake can be not alerting your friends and family members

to follow the same guidelines as you.

Ask them to refrain from posting updates on your condition, even if the updates are meant for friends and family members. This means no tagging you in any posts that may have negative consequences on your case and no mention of any confidential deals that are reached in settlement.

# Filing a Lawsuit

Successfully filing a personal injury lawsuit starts on the day you are injured. While only 4 percent of cases go to court, according to the United States Department of Justice, there is good reason to be as prepared as possible.

From a car accident to an assault case, it's important to act swiftly when seeking medical and legal help. No two personal injury cases work through the courts the same way, so keeping on top of yours is crucial.

## WILL INSURANCE COVER YOUR INJURIES?

After sustaining a personal injury, many questions may be running through your head. How will the medical bills be paid? Who owns the property where I was hurt and do they have insurance to cover my damages? You're not alone.

Going through a personal injury can be a scary situation, especially with so many unknowns in the equation that are out of your control. One of the most important factors to determine is if who you're dealing with has insurance. This is crucial because it can determine whether or not you will be able to collect any damages award that you are given.

## STATUTES OF LIMITATIONS

Every state has certain time limit that governs the period during which you must file a personal injury lawsuit. These statutes of limitations are different from state to state, so check in with your personal injury attorney on how the law looks where you live.

If you miss the statutory deadline for filing a case, yours will be dismissed before even reaching court. This underscores the importance of seeking immediate medical help, as well as legal assistance in expediting your case



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through the court system.

## DISCUSS YOUR CASE WITH A PROFESSIONAL

Your case may be a simple one with insignificant injuries. You may be confident that you can get a satisfactory result on your own. Even if you feel your case falls under these parameters, it's

probably still ideal to seek the advice of a personal injury attorney for an accurate understanding of what you're up against.

Talking to an attorney doesn't mean you have to hire one. Many lawyers offer free initial consultations to help you understand your legal options. Additionally, many attorneys work on a

contingency basis, meaning you pay nothing unless there is a settlement or judgment in your favor. You go through the process of the claim and settlement, and then dole out the agreed-upon percentage of the award. This engagement is relatively low-risk on your end and ensures the full commitment from your attorney throughout the case's lifecycle.

# Common Types of Injuries

**W**hile car accidents make up the majority of personal injury cases filed in the United States, there are many other incidents that can result in action being taken. Some of them may surprise you.

Each type of case requires unique applications of personal injury law. Likewise, various factors come into play to determine fault across the different types of injuries.

Considering these facts, it's vital that you secure a professional, specialized attorney in the matter you are facing. This will help you maximize your settlement and cut down on the frustration of potential legal hiccups in your case.

Here are the most common types of personal injury cases, as reported by the American Bar Association:

## **CAR ACCIDENT CASES**

A careless driver can generally be held financially accountable for injuries resulting from a car accident. Check to see if your state has a no-fault system, in which drivers have to collect from their own insurers except in cases of serious injury.

## **MEDICAL MALPRACTICE**

When a doctor or other health care professional fails to provide competent and reasonably skilled care, patient injuries can be compensated for through medical malpractice cases. There are many factors within a medical malpractice case, so be sure to find a qualified attorney to



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walk you through the complex process.

## **SLIP AND FALL**

Property owners, landlords and employers are often liable for these types of cases because they are responsible for keeping their premises reasonably safe and free of

hazards. The exact nature of an owner's legal duty varies between states, so be sure of the system in place where you live to ensure you have reasonable expectations of a settlement.

## **DOG BITES**

And speaking of ownership,

the owners of a dog are financially responsible for bites and other injuries caused by the dog in most cases. In some cases, strict liability rules exist while others have a one-bit law that makes owners responsible only after there is reason to think a dog is aggressive or prone to biting.

## **ASSAULT & BATTERY**

When one person physically attacks another, he or she will likely face criminal charges.

Additionally, the victim can file a personal injury lawsuit in civil court that could lead to compensation for the injuries.

# First Steps After a Wreck

Being involved in a car accident can be a frightening experience, but taking clear-headed steps immediately following it can make or break your personal safety and ability to land a settlement. This can be easier said than done.

That's why having a clear plan of action top of mind at all times is crucial to being able to execute it should the need arise. And the first step to that plan should always be to seek immediate medical attention, even if your injuries seem minor.

Many symptoms — including pain, dizziness or numbness — can crop up days or weeks later. And if you never received treatment or medical clearance, it may be hard to have these damages paid for in a personal injury settlement claim.

## DOCUMENT YOUR EXPERIENCE

As soon as you're able to, take detailed notes and photos on your injuries, medical treatment and any symptoms that come after the fact. The Department of Motor Vehicles advises you to keep the following records:

- Receipts for medications you were prescribed or any assistive devices such as crutches that were needed, as well as every form of correspondence you had with medical professionals during the course of treatment.
- A specific, detailed journal on your injuries and medical care.
- Information about the acci-



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dent, documented with photos of the accident location if possible.

- Numerous photos of your car's damage at every angle.
- Proof of financial losses, such as lost wages and opportunities.
- Names and contact infor-

mation of witnesses.

## COMMON MISTAKES

After a car accident, you may apologize or admit fault to your car insurance agent. Doing so can compromise your claim. Give your detailed, honest account to law enforcement

officers, who will then provide a police report to your insurance company for a decision.

The DMV recommends following these tips to avoid other common mistakes:

- Don't reach a personal injury settlement until you have completed all of your medical

treatment and your injuries are as healed as they are going to get.

- Don't sign forms or checks with releases on them before you're ready to settle completely.
- Don't talk to people about the case unless you need to.

# Maximize Your Settlement

**D**ealing with injuries can be emotionally, physically and financially taxing.

Winning a major settlement can at least take care of the financial part of that equation, while also helping you pay for the emotional and physical treatments that may be required in your recovery.

In order to maximize your settlement, you'll need to have a clear-cut strategy with your personal injury attorney. Before you even enter into negotiations, have a settlement amount in mind that you are willing to work from. Let your attorney know your thoughts so he or she can have a starting point in the process.

## **DEALING WITH A LOW SETTLEMENT OFFER**

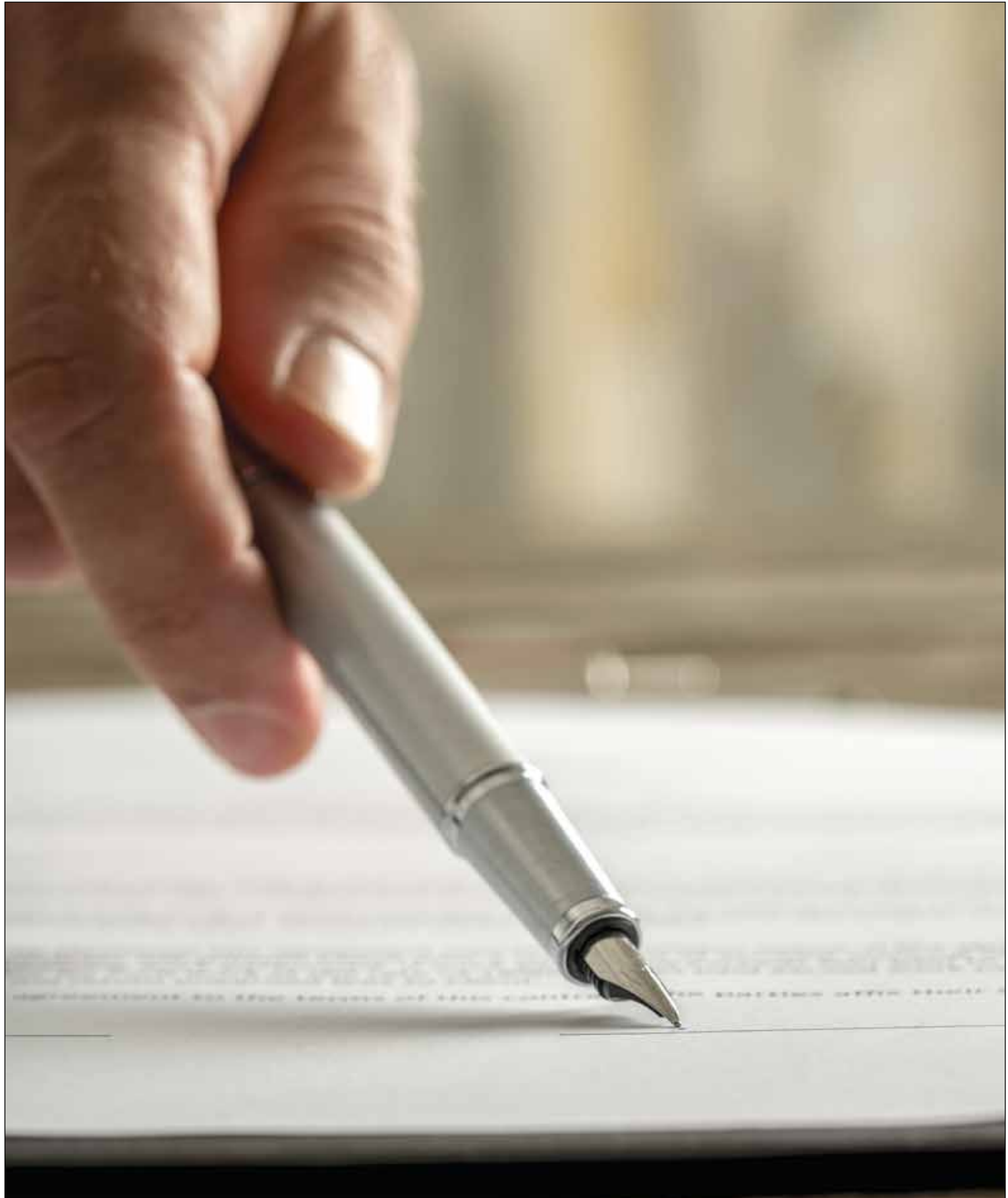
When negotiating a settlement amount, your attorneys will likely be working with insurance adjusters, who are trained to begin negotiations by first offering a low settlement amount. Don't be surprised if this initial amount comes in below your demand.

Try not to let emotion get in the way of making a satisfactory deal. If an initial amount comes in much lower than expected, ask the adjuster to give you the specific reasons behind the offer. Take detailed notes of the conversation and write a brief letter addressing each point. Follow up with the adjuster on receipt of your letter and see if any adjustments are made.

## **THE COUNTEROFFER**

Hopefully your attorney can help turn around an initial low offer. Once the number gets closer to your expectations, always enter a counteroffer. Be reasonable with your counter and be prepared if the final offer is still a bit lower than you anticipated.

There may be aspects of recovery that you are overlooking or details you may have missed. Adjusters are highly trained to consider all facts and factors in determining their award amounts. Stay patient and realize that a little bit of compromise may be required on your end to reach a positive settlement.



# Personal Injuries: By the Numbers

**I**n the United States, about 60 percent of civil litigation trials are related to some form of personal injury, according to the most recent statistics from the United States Department of Justice.

The DOJ also estimates that only four percent of personal injury cases actually go to court, meaning that the actual number of claims in the United States comes in around 409,925.

Here are more statistics from the DOJ that paint the picture how, where and why personal injuries are prevalent in our country.

According to the DOJ:

- 52 percent of personal injuries are the result of motor vehicle accidents.
- 15 percent are in relation to medical malpractice.
- 5 percent are the result of product liability.
- The remaining 28 percent are classified as “other” cases.

In terms of cases that went to trial, the DOJ finds that plaintiffs are successful in about half of the cases. Here are the splits, according to the DOJ:

- In motor vehicle related incidents, plaintiffs are successful 61 percent of the time.
- In intentional tort trials, plaintiffs are successful 50 percent of the time.
- In premises liability trials, the success rate for plaintiffs stands at 39 percent.

- In product liability trials, plaintiffs were successful in 38 percent of cases.
- Just 19 percent of plaintiffs were successful in medi-



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cal malpractice trials.

Here is a financial breakdown of how damages are paid out, estimated by the DOJ:

- Half of all plaintiffs

receive no more than \$24,000.

- The median award is \$31,000 for all cases.
- The median award in motor vehicle personal injury cases is \$16,000.

• The median award in premises liability cases is \$90,000.

- Intentional tort cases have a median payout of \$100,000.

• Medical malpractice cases pay out an average of \$679,000.

- Product liability cases have a median payout of \$748,000.