

Personal Injury Primer

You've been involved in an automobile collision, or you've sustained an injury while shopping at a department store - tripping on uneven pavement in the store's parking area or slipping on water or wax in a service aisle. You've sought medical attention and are now considering what remedies you may have to recover for your injuries. What should you do? Where should you start?

First of all, it is well to know that the law provides remedies for a wide range of injuries – from personal injuries due to someone else's negligence; to recovery for intentional infliction of emotional distress; to recovery for injuries where a person or business is liable for creating a dangerous condition regardless of fault. It is important to note in all of these cases, that there are **statutes of limitations** specifying the time in which you must assert your claim or lose it. For many personal injury claims, this limitation is 2 years – though for certain types of claims it can be as little as 6 months or one year following the injury. This makes it important to seek **legal advice** early to determine what the relevant statute of limitations for your case may be.

Of course, you also should follow up promptly on getting necessary **medical attention** to address your problems. This is important for getting the care you need to recover to the greatest extent possible given your injury. The cost of reasonable and necessary medical/ pharmaceutical/chiropractic or other health care, including the testing or examination required for treatment, are all proper elements in what make up the **damages** that may be recovered from the party causing your injuries. As a result, you should also keep a detailed record of all medical, chiropractor, or pharmaceutical, or other health care costs or billings.

In addition, it is wise to begin preserving your record of the injury early. Take **photos** of the damage done to your vehicle, or the location where you fell or experienced an injury. If appropriate, have photos taken showing any bruising or lacerations or other obvious injuries you sustained to your body. All these can be relevant to showing the severity of your injuries. Pictures should be taken from all angles that show effectively and accurately the extent of the injury or damage.

Also, keep a **Pain Journal**. This should report the nature of any **physical complaints or pain**, recorded by date and how these pains or complaints affecting you changed over time. Record as well any **limits on activities** you formerly engaged in which you can no longer do because of your injuries. Such a journal can be very helpful in illustrating to a Judge or Jury the severity and progression of your injuries and recovery. It can help show the extent of the pain, suffering, and changes in life you experienced, as well as results of the incident, which are all important elements of damages in personal injury claims.

If a ticket was issued - for example, for failure to stop for a traffic control device or for following too close for conditions – the party issued the ticket may be admitting fault in a civil lawsuit if he or she pleads guilty to the traffic charge. This means that if you are issued a ticket after a vehicle collision, some caution should be exercised before pleading guilty. Consulting with an attorney or your insurance agent in advance may help avoid unintended consequences arising in a lawsuit that may follow from a guilty plea if you were the one ticketed.

After a collision or injury, you should also notify your own insurance company regardless of whether you are at fault. The party causing the collision or injury may have insufficient insurance, so your insurance company may need to step in with uninsured or underinsured coverage. Most insurance policies have a **notice** requirement requiring you inform them of a claim, so failure to notify your company could jeopardize the ability to recover on your insurance policy if it becomes necessary. Naturally, if **you** were at fault, you should also notify your insurance company so they can provide necessary coverage and defense on claims.

Finally, it is important to consult with a qualified attorney who can assist you with evaluating and preparing any appropriate claim you may have.

Personal injuries are not something any of us chooses to suffer. However, the foregoing steps can better assure that - if someone else caused your injury - you will get a more fair, reasonable, and adequate recovery for the injuries you sustained.

Schwiebert Law, P.C. would be happy to review with you your personal injury claims and questions.