

Personal Injury FAQs

Q: What do I do after an accident?

A: Most importantly you should seek medical attention after an accident. Assuming you are not taken IMMEDIATELY to the emergency room, you should take photos and videos of the accident scene and get the contact information of any witnesses. YOU SHOULD NOT ADMIT FAULT OR APOLOGIZE TO ANYONE ELSE INVOLVED. Even if it seems like the polite thing to do. Anything said in the aftermath of the accident can and will be used against you if you should pursue a claim or lawsuit later. If you feel someone else is at fault you should contact and set an appointment with an attorney to discuss your options.

Q: How do I know if I have a case?

A: You should never make this decision on your own. Set up a consultation with an attorney to go over your situation in detail. The attorney will decide whom you may sue and what you can expect to recover based on the laws in your state and the facts of the accident.

Q: Do I have a case if I do not feel hurt?

A: You may still have a case if you do not feel hurt at the scene of the accident. The adrenaline of the accident may temporarily reduce pain. You may start to feel pain or develop other symptoms later. It is wise to consult with a physician after any accident as some of the most painful symptoms can develop later.

Q: What do I do if an insurance adjuster contacts me?

A: You should not speak with an insurance adjuster for someone else involved in the litigation. While they may seem friendly and sympathetic, they are trying to coax statements that would reduce or even eliminate the liability of their insured. You should always tell and adjuster to contact your attorney, if retained. Or to contact your insurance company.

Q: What types of damages are available in a personal injury case?

A: The main type of damages is known as compensatory damages and they are further divided into economic and non-economic damages.

1. Economic damages are based on tangible loss and costs such as medical bills and loss of income and earning capacity, Property damage and the cost of future treatments.
2. Non-Economic damages are more subjective like pain and suffering, mental anguish and loss of quality of life.

Damages must be reasonably quantifiable as opposed to speculative. And if the defendant has acted in a particularly, you may be able to recover punitive damages in addition to the compensatory damages.

Q: What if I had a pre-existing condition?

A: You can still get awarded damages from someone else who was at fault for the accident. The damages may be reduced to account for the pre-existing condition. However, the at fault party can be liable for aggravating the condition.

Q: What if the accident happened on the job?

A: If you were hurt on the job, you may have multiple options for compensation. In most situations you will be eligible for Worker's Compensation benefits through your employer. These will cover medical bills as well as a portion of your lost income. It may also provide vocational rehab and lump sum payments depending on the type of accident or disability. There may also be a third party claim if someone other than your employer or co-worker caused your injury.

If you did not find the answer to your question above and you would like to discuss your matter with David F. Pickering, please contact us for your free 30-minute consultation. We look forward to meeting you and assisting you with any legal need you may have now or in the future.