



3 Things You Must

prove in your

Personal Injury Claim



CAMBRE & ASSOCIATES

ATTORNEYS AND COUNSELORS AT LAW

3 Things You Must Prove In Your Personal Injury Claim

You've been hurt in a car wreck and it was not your fault. This guide will help answer your questions about how to prove your personal injury claim. However, an experienced personal injury attorney should be consulted to address your specific case for maximum benefit, but you must act in a timely fashion in order to meet certain statutes of limitation for recovery.

What are the 3 Things You Must Prove?

1. SOMEONE WAS NEGLIGENT IN CAUSING THE WRECK

Negligence means that someone is at fault. The injured party has the burden of proof in showing that the other driver was negligent in causing the wreck.

Examples of Negligence:

- Failure to maintain a safe following distance or proper view of the road ahead
- Failure to keep up with proper brake maintenance
- Following too closely
- Driver distraction due to cell phone or radio use
- Speeding or driving too fast in un-safe conditions
- Tailgating
- Driving under the influence of drugs or alcohol
- Failure to yield while turning left
- Driver fatigue, such as driving a tractor trailer longer than federal law allows



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2. THEIR NEGLIGENCE WAS THE PROXIMATE CAUSE OF YOUR INJURY

Once negligence is proven, then it must be shown as the proximate cause of the injury.

Examples of Proximate Cause:

- You are stopped at a red light and the other driver crashes into the back of your car, your head hits the steering wheel and causes you head injuries. Their negligence is the proximate cause of the wreck and your injuries.
- You are driving through a green light and the other driver turns left in front of you, crashing into your car. You sustain injuries to your arm and leg. Their failure to yield is the proximate cause of the wreck and your injuries.

3. PROVE DAMAGES YOU SUSTAINED IN THE WRECK

When negligence and proximate cause have been proven, then subsequent damages inflicted upon you must be proven.

Examples of Damages:

Medical Bills – Ambulance, emergency room, emergency room physician, radiology bill, medical doctors, specialists, chiropractors, physical therapy, and prescriptions.

Lost Wages – Missing work for more than a week shown through paystubs, a doctor's disability statement, and a signed wage verification form from the employer.

Transportation Costs – Travel time incurred by driving to doctor's appointments or physical therapy appointments, and picking up prescriptions, gas expenses or parking tolls, etc. Keep track of round-trip mileage to these appointments and save parking receipts.



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Future Medical Expenses – Though it may be difficult, doctors should be able to anticipate to a reasonable degree of certainty what you might incur such as surgery or additional tests in the future. Get a doctor’s narrative of your medical needs, why they are necessary, and how the wreck along with potential costs associated caused them.

Future Lost Wages - Determined by what you would have earned but for the accident. This cannot be speculative and required documentation.

Punitive Damages – Whereas the negligent party’s conduct in causing the wreck or their actions immediately after the wreck are so egregious, the law allows for additional damages. The purpose of these damages is to punish, penalize, or deter the negligent party from repeating the conduct. Fleeing the scene or driving under the influence of drugs or alcohol could qualify for punitive damages.

General Damages – These are intended to compensate an injured victim for damages such as pain and suffering, emotional suffering, hardship, or inconvenience. Assigned on an individual basis by judge or jury due to difficulty in quantifying and subjectivity.

PROTECT YOUR RIGHTS.

If you feel you need help navigating your injury claim, you may wish to consider hiring a personal injury lawyer. Personal injury attorneys are experienced in dealing with these claims and can help you understand your rights and get the highest amount possible for your claim. In the event that you have a dispute over your claim, an attorney can be a valuable asset if you end up in mediation or in court.

Your attorney can protect your rights and make sure valuable evidence is not destroyed. Often, insurance companies want to take statements immediately after an accident. It is important that you have received legal advice before providing such a statement. Your attorney can advise you on issues ranging from how to make sure you are fully compensated for your vehicle to how to make sure you are getting the best medical treatment available. Personal injury attorneys work on a contingency fee basis, which means there is no legal fee unless the attorney recovers compensation for your injuries.

