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CONNECTICUT
CAR ACCIDENT GUIDE



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INTRODUCTION

One second, everything is fine. You're doing something that you've done a million times - driving down the street, singing along to the radio, maybe laughing with friends or family. And the next second, there's the screech of tires, the smell of rubber, and the jarring shake as you lose control of your vehicle and try to process what happened.

Any car accident, regardless of the circumstances, regardless of the severity, can be traumatizing. Right after an accident, you might not be thinking clearly. You might be too shocked or, if you got injured, in too much pain to know what to do. But, hours and days later, you might start to process what happened and realize the severity of the situation.

If you were involved in a motor vehicle accident that was someone else's fault, that person is responsible for any damage that occurred as a result of the accident. This could be damage to your vehicle. It could be injury to yourself or another person who was in your car. Whatever the case, you should not be responsible for cleaning up another person's mess.

To get the justice you deserve, you might think about filing a personal injury claim against the at-fault party. But chances are, you've never filed a personal injury claim before. The process can seem overwhelming. You might feel stressed, frustrated, and confused. This is where this book comes in. We wrote this book to be your guide to civil law and the journey that you are about to embark on. We will take you step by step through this process and make it as simple as possible. From the moment that you get into a car accident to the resolution of your case, this book talks about everything! It will break down this process into manageable parts so that you can understand what is happening. We designed the book to answer your questions and help you through this process.

About Our Firm

We are Attorneys Jay Ruane and Stephen Lebedevitch. We have been practicing law for a combined 25 years. We created Mr. Car Accident because we saw flaws in the civil legal representation in Connecticut. Most lawyers want to put their clients first, but they are not organized or creative enough to do so. At Mr. Car Accident, we do things differently.

We believe that it is our duty to provide free information to our clients and potential clients. Our firm is truly about putting the client first - which is why we have created this book. Most lawyers will charge you an arm and a leg for this information. But, we want to provide people in your position with this information for free. Please use this as a resource to help you with your case.

We also believe that if you need legal representation, you should not have to pay outrageous fees for it. This is why we have one of the most competitive prices for our services in the State of Connecticut. We save money in our office by being paper free

and through other energy efficient ways. We pass these savings along to our clients so that they can afford good legal representation.

If you still have questions, or if after reading this you decide that you want to hire an attorney, please feel free to contact us at 203-816-6700. We are here to help in any way that we can. Now, let's get started!



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COMMON ACCIDENTS

Every car accident is unique. The damages to your vehicle and yourself won't fit into a cookie cutter mold. But, there are a few common types of accidents that you may have recently been in. If you were in one of these common accidents, you can learn some basic information about what to do next by learning more about the accident itself.

The same thing goes for injuries. The range of injuries that you might sustain in an accident are endless, and your injuries might not be listed in this chapter. If that's the case, you should talk to a doctor and a lawyer. But, if you do face one of the com-

mon injuries in this chapter, learning some basic information here is a good place to start.

Common Accidents

Rear End Collisions

There are a few different types of common motor vehicle accidents. One of the most common is a rear end collision. Usually, these accidents happen when one driver misjudges the distance needed to slow down. Sometimes, these collisions happen because a driver is not paying attention.

There are many causes for rear end collisions. A few of the most common ones include:

- Poor depth perception on the part of the offending driver.
- Distraction of the driver. This could come from fiddling with the radio, being on the phone, talking to a passenger, daydreaming, etc.
- Poor weather conditions.
- Traffic.
- Inability to determine how long it will take the driver to stop.
- A stop sign or stop light that causes sudden stopping.

A rear end collision is almost always the fault of the tailing driver. This is because they are responsible for hitting the other car. In most cases, this is an obvious rule of liability. Most insurance companies will not try to argue that the tailing driver is at fault. Rules of the road say that the tailing driver is at-fault for a collision, no matter what the cause of the stop was. You should keep this in mind if the defendant is trying to claim that you are at fault for the accident. They might try to say that you are at fault for stopping suddenly. But, this is not a valid excuse. The evidence that your car was hit from behind will prove your innocence. In this situation, proving fault should not be a complicated matter.

In addition to damage to your vehicle, you might get injured in a rear end collision. One of the most common injuries from this type of collision is whiplash. Whiplash happens when a person's head is in a fixed position while their body jerks for-

ward. This causes a person's neck to become hyperextended. Whiplash can happen whether you are driving at a slow speed or a high speed. Whiplash can be serious. It can cause a lot of neck, head, and back pain. Common symptoms include:

- Neck stiffness.
- Neck pain.
- Reduced range of motion.
- Blurred vision.
- Headaches.
- Dizziness.

Sometimes, drivers who are in an accident don't know that they got injured until days later. This can be the case with whiplash. You might not have any symptoms until well after the accident took place. The best thing that you can do after an accident is pay attention to how you feel. If you start experiencing pain, you should take note of it immediately. You should also go see a doctor as soon as possible just in case you do have injuries.

Side Impact or "T-Bone" Accidents

T-bone accidents are another common form of motor vehicle collision. These accidents are also referred to as side impact collisions. They occur often, and they can also result in serious injuries. If you got involved in a t-bone collision, here is some information that might be helpful in determining how to proceed.

If the accident that you were in is defined as a side impact collision, this means that certain things happened. Essentially, a side impact collision means that one car hit another car from a perpendicular angle. These accidents are sometimes referred to as t-bone collisions because the cars look like a "T" when they collide. There are many different causes of side impact collisions. Here are a few common ones.

- Failing to stop at a four way intersection. This is usually the case at a 4 way stop sign. If one car rolls through the stop sign, they might hit another vehicle that has the right of way. Or, if a car darts out before their turn, a t-bone collision

could take place.

- Running a red light. This is a similar scenario to failure to stop at a 4 way intersection. But, in this case, the cars are usually traveling at a higher speed. This could make the damage and injuries more severe.

- Failure to yield. In the event of an intersection with a yield sign, one driver has the right of way and the other driver should yield. If they do not, a collision can take place.

- Making a right turn on red. In many cases, making a right turn on red is legal. But, issues occur if the driver doesn't check for oncoming traffic before making the turn. This could cause an accident.

- Drunk driving.

- Poor weather conditions.

- Texting and driving.

- Driving a damaged car, such as a car with bad brakes or tires.

Side impact collisions can range from minor to severe. If you are the victim of one of these collisions, you may have gotten injured. Common injuries for this type of accident include:

- Cuts, bruises, and scrapes. This is especially the case in minor collisions.

- Broken bones.

- Sprained or torn muscles.

- Whiplash.

- Fractured ribs.

- Hip or shoulder displacement.
- Back injuries, such as slipped discs.
- Internal organ damage, if the accident is severe.
- Concussions or other head injuries.
- Spinal cord injuries.
- Punctured eardrums, if the car doesn't have a side airbag.

I will discuss some of these injuries later on in this chapter.

In most cases, it is clear which driver caused the accident. This will be evident from the placement of the cars, the damage on each car, and your own testimony.

Front End Collision

Another accident you may have gotten in is a front end collision. This type of collision is also known as a head-on collision. A front end collision happens when two vehicles collide from the front. The front ends of both vehicles must collide for it to be a front end collision. If the front of only one vehicle is involved, it is likely considered a t-bone or rear end collision. A front end collision is a dangerous type of collision because it usually happens on highways where there is no median in the middle of the road. This means that the accident happens at a high speed. There is no absorption of energy or shock from the vehicles when they collide head on. Because of this, it could cause a lot of damage to your car and your body.

There are many different causes of head on collisions. A few common ones include:

- Distracted driving.
- Improper passing practices.
- Bad weather conditions.
- Driving under the influence.

- Failure to follow traffic laws.

Head on collisions can happen anywhere. But, there are a few places where these accidents are more common. They tend to happen on rural roads. This is because many rural roads don't have a median to prevent cars from crossing over into oncoming traffic. Roads without medians in general are places where these accidents often occur. Crossing into oncoming traffic at high speeds can cause a terrible accident.

A lot of damage can happen from a front end collision. Your car might get totaled altogether. Or, there might be a lot of damage to your engine, windshield, and the front end of your car. You might also experience serious injuries because of this accident. A few common injuries include:

- Head trauma. Many times, the head gets thrown backwards during a front end collision. This could cause whiplash or a concussion. If the head whips forward and hits the steering wheel, the injuries can be even more severe. You might suffer a fractured skull or another serious issue.
- Neck injuries. This could include whiplash, neck pain, and back pain.
- Spinal cord injuries. You could suffer nerve damage, a herniated disc, cracked vertebra, or other issues. These issues could be serious, even leading to paralysis.
- Chest injuries. The force of your seat belt against your ribcage could result in damage to your chest. The airbag can also injure your chest. These issues could lead to broken ribs or damage to your lungs.
- Lower body injuries. Your feet and legs are the first point of impact in a front end accident. This leaves them vulnerable to breaks, muscle tears, and more.

Front end collisions can result in serious injury. If you got injured during this type of collision, you should seek medical help.

Accidents Where You Aren't Driving

You could get involved in a car accident where you were not the driver of the vehicle. As a passenger in another person's vehicle, you put your safety in their hands. Getting involved in a car accident can seem traumatizing and upsetting because you had

no control over the situation. As a passenger in a motor vehicle accident, you might wonder what your rights are. What happens if the driver of another car is responsible for the accident? What happens if the driver of the car you are in is responsible for the accident? You should know the answers to these questions and more so that you can protect your rights.

If you are the passenger in a motor vehicle accident, there are a few things that you can do. This makes sure that you get compensation. First, make sure that the drivers file a police report. If the drivers cannot decide who caused the accident, you might get asked to act as a witness. This can help them decide. But, as a passenger in the accident, you will most likely not get blamed for the accident. Over time the other drivers will sort it out. Once this happens, you can recover compensation if you got injured. You should also make sure that you get your injuries checked out by a doctor.

If the driver of the car you were in is at fault for the accident, you have the right to recover damages from him or her. You can file a claim against that driver's insurance policy. This allows you to get compensation for any injuries that you sustained in the accident. Typical liability coverage should cover the cost of lost wages. It can also cover medical expenses and pain and suffering.

An issue could arise if you are related to the driver who caused the accident. Some insurance policies don't cover family members. This is because they consider covering a family member to be the same as covering the driver. If the driver's insurance won't cover your injuries because you are a family member, you should review your own insurance policy. You might be covered for certain injuries, even if you can't get compensation from the at-fault party.

If the other driver is at fault for the accident, you can file a claim against their insurance. Whether that driver is completely at fault for the accident or partially at fault, you as a passenger can get compensation from them. But, you won't be able to get compensation that is more than the total value of the claim. Again, if there is an issue with the at-fault driver's coverage, review your own insurance policy to see if they will pay.

In most cases, passengers are not responsible for car accidents. But, there are a few situations in which this is the case. For example, if you distracted the driver you might be partially at fault for the accident. Other actions like grabbing the steering wheel can cause fault. If this is the case, the amount of compensation that you can get for your injuries will reduce. You will have to prove that you are not fully at fault for the accident in order to get compensation.

Another situation where you might get involved in an accident without driving is if you are a pedestrian. Anyone involved in a car accident might sustain serious inju-

ries. But, this can especially be the case for pedestrians. Pedestrians don't have any protection from a seatbelt, airbags, or a car. This leaves them vulnerable to serious injuries if they get involved in a car accident.

The first thing to understand as a pedestrian involved in an accident are your rights and duties. As a pedestrian, you have certain legal rights. If these rights get violated, you can get compensation. Some of the most common rights that pedestrians have are:

- The right to walk safely on private and public sidewalks. If you get hit by a car while walking on a sidewalk, it is always the driver's fault.
- The right-of-way in crosswalks. If you get hit by a car while you are properly using a crosswalk, the driver is always at fault.
- The right to walk on public highways and roads. If you follow the rules of the road, you have the right to walk on public highways and roads.

Just as you have certain rights, you also have certain responsibilities. Your duties on the road include:

- Following traffic lights.
- Following wait or do not cross signals.
- Following safety warnings and devices.
- When there is a sidewalk on the side of a road, the pedestrian must use it. When there is no sidewalk, the pedestrian has to walk on the shoulder of the road. They must walk facing oncoming traffic.
- Acting responsibly and carefully when walking, even when they have the right of way.

Often, a driver gets blamed for an accident involving a pedestrian. But, there are some situations where the pedestrian can be at fault. Here are a few common instances where the driver is at fault:

- Failing to yield to a pedestrian.

- Driving under the influence.
- Failure of car equipment, such as brakes.
- Distracted driving.
- Driving over the speed limit.
- Driving on roads that are poorly maintained.

Here are a few common examples of accidents where the pedestrian can be at fault:

- Ignoring a traffic sign or signal.
- Intoxication.
- Distracted walking (such as texting while walking).
- Failing to walk on a sidewalk.
- Walking outside of a designated crosswalk.
- Jaywalking.
- Walking in a dangerous place.

If you are a pedestrian and you got injured in a car accident, the first thing that you should do is make sure that you are ok. Take down the information of the driver, contact the police to file a report, and then see a doctor. You could have serious injuries from the accident. Some injuries, such as internal bleeding, are difficult to notice at first. So, it is important to go to the doctor's and make sure that your injuries get treated.

After that, you need to determine who is at fault for the accident. Were you involved in a situation like one of the pedestrian fault accidents described above? If so, you might be partially at fault for the accident. Still, this does not necessarily mean that you can't get compensation for your injuries. If the driver did something to con-

tribute to the accident, they might be partly at fault. This means that you have the right to get compensation from them.

Accidents With Other Vehicles

So far, I have talked about accidents that happen with passenger vehicles. All automobile accidents can be difficult to deal with. But, accidents caused by commercial motor vehicles can be even more complicated than regular accidents. This is because commercial trucking companies have many parties involved. This can make it difficult to determine who is liable for the accident. Determining what caused the accident and how many people are to blame can be difficult. If you were involved in an accident with a commercial truck, this information could be helpful.

One of the major differences between accidents with these types of vehicles arises when you make your personal injury claim. This is because there are usually many parties involved in a truck accident. Any party involved in a commercial trucking business could be responsible for the accident. This includes:

- The driver.
- The company hired to carry the cargo.
- The employer of the driver.
- The truck owner.
- The shipper or manufacturer of dangerous materials (in some cases).

Liability establishes a relationship between the truck driver and these other parties. This happens under the “respondeat superior” theory. Even so, determining liability in trucking accidents, especially third-party liability, can be extremely difficult. In contrast, there is usually one person to make a claim against in a regular automobile accident - the driver of the vehicle. Personal injury lawyers are especially helpful in cases that involve commercial trucks because they are so complex. Having a lawyer sort out your case ensures that you receive compensation from all responsible parties.

Motorcycles are another form of motor vehicle that you might get into an accident with. Motorcycles are popular mode of transportation. But, due to the low amount of protection that they offer riders and high speeds that they can reach, they

can be involved in serious accidents. They are among the most dangerous vehicles to drive. If you got involved in a motorcycle accident, there are a few important steps to take. This can ensure that if you get injured, you will get compensated for.

Determining fault in a motorcycle accident can seem complicated. If you are involved in a motorcycle accident, there are many factors in filing a claim. One major factor is if you wore a helmet or not. Every state has different helmet laws. In Connecticut, a helmet is a factor in how responsible you were for your own injuries.

There is no universal helmet law in the state of Connecticut for motorcycle or bike riders. In Connecticut, you are only legally required to wear a helmet if you are 17 years old or younger. So, if you get into an accident and are not wearing a helmet, you are not breaking any laws. This is the case unless you are age 17 or younger. That said, failure to wear a helmet can make your injuries worse. The defense will try to prove that you were partially responsible for your injuries. They will make this claim because you were not wearing a helmet.

In the case of motorcycle or bike accidents, your helmet use might influence your case, or it might not. If you were not wearing a helmet, you should prove that this is irrelevant to your case. If you are able to this, you can still file a personal injury claim. Examples of helmet use being irrelevant are:

- Injuries that are not head related. For example, a sprained ankle or broken arm.
- If the accident was so bad that it would not have made a difference if you wore a helmet.

If you suffered a head injury, the defense will claim that you were partially liable for your injuries. They will try to prove that wearing a helmet would have prevented the injury.

Personal injury cases can hinge on if you followed the helmet rules when the accident happened. You will have to prove to a judge that if you were not wearing a helmet at the time of the accident, this did not cause you to be negligent. Only after doing this can you prove that the defendant is liable for your injuries.

Any automobile accident can be frightening, and motorcycle accidents can be particularly traumatic. If you have a motorcycle license, make sure that you have umbrella insurance coverage. Also get underinsured motorist conversion coverage. With these types of insurance coverage, you will be fully covered in the event of an accident.

The law doesn't require motorcyclists to get medical benefit coverage or No-Fault coverage. But it is still in your best interest to do so. Having a plan and following these steps can help you handle a motorcycle accident in the best way.



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COMMON INJURIES

Soft Tissue Injuries

There are many different types of injuries that could happen in a motor vehicle accident. One common injury is a soft tissue injury. If you have a soft tissue injury as a result of a car accident, here is some information that you need.

Soft tissue injuries generally happen to muscles, ligaments, and tendons. A few common examples of soft tissue injuries are:

- Contusions. Contusions are more commonly known as bruises. They are common soft tissue injuries. Most bruises can heal quickly on their own. But, bruised bones and other issues can be more serious.

- Tendonitis. Tendonitis is the irritation or inflammation of a tendon.

- Sprains. Sprains can range from mild to severe. Sprains happen when there is a tear or a stretch in a ligament. Ankles, knees, and wrists are parts of the body that are vulnerable to sprains. There are three grades of sprains. A grade 1 sprain is mild. A grade 2 sprain is a moderate sprain. A grade 3 sprain is severe. A grade 1 sprain means that a ligament got stretched. A grade 2 sprain means there is a slight tear to the ligament. A grade 3 sprain is a full tear of the ligament.

- Bursitis. Bursitis is the inflammation of a bursa in the body. Bursas are small sacs located throughout the body. They act as cushions for bones. They reduce friction between bones. One common treatment for bursitis is anti-inflammatory medication. But, if this does not work, a doctor might want to try another treatment. They might give you corticosteroid injections into the site of the bursa. This can reduce inflammation. Minor surgery is a last resort option.

- Strains. Strains occur to muscles or tendons in the body.

Soft tissue injuries can range from mild to severe. You should visit a doctor if you think that you have suffered a soft tissue injury. A doctor might tell you to follow the RICE treatment plan for this type of injury. This includes rest, ice, compression, and elevation. It is important to visit a doctor and get a treatment plan from a professional before trying treatment on your own.

If you suffer a soft tissue injury during a car accident, you might have expensive medical bills to pay. Some common expenses include:

- Doctor's visits.
- Prescribed medication.
- Crutches or braces.

- Physical therapy.
- Surgery.
- Lost wages if you have to take time off from work.

These expenses could get paid for by the at-fault party. If someone else caused the accident, they are responsible for giving you compensation.

Broken Bones

Broken bones are another common injury that you might sustain in a car accident. If you got in a car accident, here is some important information that you need to know about broken bones.

Many people have broken or fractured bones when they get into a car accident. Breaking a bone in a car accident can be more serious than breaking a bone in another way. This is because the force of a car accident can be extreme. These forces can cause serious trauma to the body. In some cases, a bone will break in multiple places during a motor vehicle accident. If this happens, you might need reconstructive surgery. This involves the use of hardware to make sure that the bones stay secure.

As you can see, broken bones from car accidents can be serious. If you think that you have a broken or fractured bone, you need to seek medical attention. You might need physical therapy or even surgery to correct the issue. Below is a list of common bone injuries that people sustain in car accidents.

- Rib Fractures. This is especially common in side impact accidents or front end collisions. A broken or fractured rib can feel painful. It can make it painful to laugh, speak, or even breathe. If you have these symptoms, visit a doctor.
- Face or skull fracture. This can happen if your head whips against the steering wheel in an accident. You could break your nose, jaw, or even your skull, leading to serious issues.
- Back fractures. Back and spinal cord injuries are common in car accidents. You could experience nerve pain and damage as well as other issues.

- Broken leg or foot. The legs and feet are the first points of impact in many car accidents. This pressure can lead to a broken bone in these body parts.
- Pelvis fracture. If enough force gets generated to break your pelvis, chances are it is broken in more than one place. This is a common injury in motorcycle accidents. Surgery is likely needed to fix a broken pelvis.
- Wrist fractures. Wrists are fragile and can get easily broken or injured in a car accident. The bones in your wrist are delicate and can take a long time to heal. You might have limited mobility in your wrist, even after it heals.

There are a few different types of fractures that you can experience if you have a broken bone. They are:

- Avulsion fracture. This happens when a bone fragment pulls away from the bone. Many times, this happens at the ligament.
- Buckle/greenstick fracture. This is a fracture that happens to infants or children. If they are in the car accident, make sure you check for this fracture.
- Compound fracture. This type of fracture can break the skin around the bone. This could cause an infection. Many times, compound fractures require surgery.
- Hairline/stress fracture. This is a small crack in a bone. It usually happens in the foot or the leg.
- Simple fracture. This is a bone fracture where the skin is not affected.

Make sure that you get any bone issues looked at by a doctor. The at-fault party should pay compensation for a bone break or fracture.

Neck And Back Injuries

Another injury you might suffer is a neck or back injury. These injuries are common in car accidents. If you got involved in a motor vehicle collision, you may have suffered these types of injuries. Even if you were in a minor accident, it is important to go to a doctor and get checked out. This will document any injuries and help you treat

them before they become a serious issue. If you want to sue the at-fault party for compensation, going to the doctor as soon as possible can be a good step.

Neck and back injuries are among some of the most common injuries from car accidents. The most common back injury is a slipped or herniated disc. Discs in the neck or the spine can undergo stress in a car accident. The pressure that a car accident puts on your spinal cord can cause a piece of the spine to separate or move out of place. This piece of the spinal column is called a disc. It can move away from your back bones or your vertebrae. This is referred to as a herniated, slipped, or ruptured disc. When the disc is out of place, it can push into the spinal channel. It can press against your spinal nerves, which can be painful. You might experience pain in your neck, back, legs, and even your hands. Discs can rupture, bulge out, or even tear after a car accident. In some cases, it can take a long time for a person to feel the effects of a disc injury. This is why it is important to go to a doctor as soon as you are in a car accident.

Injuries can occur to different types of discs. These include:

- Thoracic discs.
- Mid back discs.
- Lumbar discs.
- Lower back discs.

The discs can become herniated or compressed. This can lead to severe back pain and loss of mobility.

Herniated discs can cause lifelong back pain. Sometimes, a slipped disc can go unnoticed. It isn't until days, weeks, or even months later that a car accident victim realizes they got injured. If you are dealing with pain and you hope that it will just go away, this is not the best approach.

Common symptoms of disc injuries include:

- Back pain. If you have intense back pain, you may have a herniated disc. Pain in the lower back is most common for a slipped disc.

- Numbness. Numbness is another symptom of a slipped disc. You might also have a tingling sensation or other odd feelings in your legs, feet, and back.
- Muscle weakness.
- Muscle spasms.
- Aching or burning sensations in your back.

A doctor will want to treat your slipped disc to relieve pain. Treatment options range from minor to serious. Your treatment will depend on how serious your symptoms are and the level of pain that you are in. Many people get pain relief from exercise programs and back stretches. Your doctor might recommend physical therapy to help with this. Basic, over-the-counter medication might also be required. Stronger prescribed medication might be needed depending on your pain level. Your doctor might ask you to avoid heavy lifting or excessive exercise as you recover from the injury. But, basic activity can help to keep your muscles strong and help your body heal. If your symptoms persist for more than a few months, a doctor might recommend surgery. A surgeon can remove the damaged part of the disc to relieve your pain.

As you can see, medical expenses related to herniated discs can get expensive. Be sure to keep track of your medical expenses. The person who is at fault for your injuries can pay for these medical expenses.

Back injuries can also be related to spinal injuries. Your spinal nerves and cord could get compressed by a bone spur. Or, they could get compressed by a herniated disc. Damage to your spinal cord can be serious, because this can affect your mobility. Nerve pain in your back and spine can also be painful.

Neck and back injuries are common in all different kinds of motor vehicle collisions. You should especially watch out for neck and back injuries if you were in a rear end collision. Remember that you might not feel injured right after an accident. It could take time for you to realize that you got hurt in the accident. This is why it is always a good idea to consult a medical professional.

Pain and Suffering

One injury that can be difficult to quantify is pain and suffering. You can get compensation in your personal injury case for pain and suffering. The other pages in this chapter talk about physical injuries. When you have physical injuries, you can point to

things that you want to be compensated for. You want to get compensated for a doctor's visit. Or you want compensation for a physical therapy session or surgery. These are specific things that cost a specific amount of money. But, personal injury cases also deal with compensation for pain and suffering. Pain and suffering are general damages. It can be much more difficult to determine compensation for pain and suffering than for specific medical expenses. But, as the victim of personal injury, you are entitled to compensation for this.

Most states allow you to include compensation for pain and suffering. You can do this in your personal injury claim. But, pain and suffering can be difficult to prove. It can also be difficult to put a price on these issues. A doctor might be able to prove that you are in pain because of your injury. But, how do you put a price tag on this pain?

Pain and suffering gets broken down into two categories in these cases. The first is physical pain and suffering. This includes the physical issues that you have because of your injuries. The other category is mental pain and suffering. This relates to how your injury affected you emotionally. It accounts for time that you missed from work. It also accounts for events that you missed with friends and family because of your injury.

The at-fault party's insurance company will determine your level of pain and suffering. They will try to put a dollar amount to your pain and suffering. They do so by evaluating your situation. One major factor in their evaluation is your physical evidence of your injury. If you went to the doctor and went through a lot to recover from your injury, they will take your pain and suffering more seriously. The insurance company will also review:

- Your medical records.
- Your medical bills.
- Photographs of your injuries.
- Receipts for medication.
- Documentation of loss of wages from your employer.
- Prescription records.

These pieces of evidence will contribute to proof of your pain and suffering.



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DETERMINING DAMAGES

As soon as a car accident happens, you should document the damage. Photographs of the scene of the accident can prove liability and reduce uncertainty about who is responsible. They can serve as concrete evidence of what happened.

At the scene of the accident, you can start taking pictures. Documenting the damage to your vehicle is important. But, there are other things that you can document.

Take pictures of:

- The other person's vehicle.
- Any damaged property, such as trees, telephone poles, mail boxes, etc.
- The street itself, including skid marks, broken glass, etc.
- Any other cars or property involved in the accident.
- The weather conditions, especially if the roads are icy or muddy.
- Traffic indicators such as stop lights or stop signs.

These photographs will paint a picture of the scene. They will help both parties interpret what happened. They can also be useful if the case goes to trial.

Try to take photographs of the accident as soon as possible. Once the police arrive, they will want to clear the roads. They will start moving property and cars. Taking pictures before this happens is best for your records.

If your vehicle is damaged, you might have some general questions. You might wonder about how you can get around and who pays for what. Below are some common questions that we hear from our clients. These answers can help you understand what will happen next.

My Car Is Totaled, What Does That Mean?

The insurance company told you that your car has been totaled. What does that mean? It means that the insurance company has determined the damages to your vehicle. They also determined the cost to repair your car. The car is considered totaled when these factors exceed the value of the vehicle. Because of this, they have determined that the vehicle is a total loss. The insurance company, at that point, will pay you for the loss of the vehicle, rather than to repair it.

What If My Estimate Is Higher Than The Insurance Company Estimate?

If the estimate to repair your vehicle is more than what the insurance company estimate is, we will help you resolve that. Most body shops will work with the insurance company appraisers to resolve any issues with the amount of the repairs. Some-

times, appraisers request or submit a secondary estimate. This is for more damages that the body shop may discover. So, it's important that you use a body shop that you know and trust. Find one that will work with you and the insurance company to have all the damages repaired.

Will The Insurance Pay Me If I Cannot Work?

If you use your vehicle for work, working or getting to work can be difficult while it's in the shop. If you can't work because your vehicle got damaged in an accident, the at-fault party should be responsible for your lost wages. Anytime anyone cannot work as a result of injuries or other damages sustained in an automobile accident, the party who caused the accident is responsible for lost wages. You should make the lost wages part of your claim. You should seek and get the compensation you deserve through a settlement.

Will My Rate Go Up If I Report The Accident To My Insurance?

Many people feel concerned about reporting an accident to their own insurance company. They're concerned that their insurance rates may go up by reporting an accident. That is not the case. Your insurance rates should not rise if the accident was not your fault.

What Type Of Rental Vehicle Will The Insurance Company Pay?

Your vehicle has been taken off the road due to an accident. You want to get into a rental vehicle. Many people ask us what type of vehicle they can rent. Under Connecticut law, you are provided the opportunity to get into a similar vehicle to the one damaged in the accident. So, the insurance company should put you into a similar vehicle to that which you drove.

If the at-fault party's insurance company doesn't make an immediate decision about who is at fault, they might not pay for the rental car. If this happens, you can try to get your insurance company to pay for the rental car. You might have rental coverage through your own insurance policy. If this is the case, your insurance company can pay for your rental car. Then, your insurance company will be in touch with the other driver's insurance company. They will try to get compensation for the cost of the rental car.

The at-fault party might withhold their decision about liability. Or, they might claim that they are not liable. If your insurance company won't pay for a rental vehicle during this time, you will have to pay for it yourself. Down the road, if the other party

is found to be at-fault, they will be responsible for paying for your rental vehicle. But, initially, you will have to pay for this car.

Who Will Pay For The Damage To My Vehicle?

This is a very common question that people have after a motor vehicle accident. Most times, the at-fault party will be responsible for the repairs to your vehicle. If the at-fault party is uninsured, you could go through your own insurance company. You can submit a claim for collision damage and for the repair of your vehicle through your own policy.

What Is Gap Insurance?

Many people want to know, "What is gap insurance?" Gap insurance is insurance provided in certain situations. It applies when your vehicle was damaged or determined to be a total loss. If this happens, you might owe more than what you're getting for the vehicle. For instance, let's say your vehicle got totaled. You owe \$10,000 on the car, but the insurance company will only pay you \$8,000. Gap insurance can pay that difference, so that you're not left paying for a vehicle that you no longer have.

What If There Is Damage That Is Not Seen On First Inspection Of Vehicle?

It is not uncommon for there to be damage to a vehicle that isn't seen from a visual inspection. That is why it is important to have your vehicle repaired at a body shop that you know and trust. At the body shop, the mechanics can identify more damage once they start repairing the vehicle. If this happens, the body shop will contact the insurance company. The insurance company will then send an appraiser out. They will do a supplemental estimate for the extra damage not initially seen. So rest assured that if there is more damage the responsible party will pay for it.

If I Use My Insurance Will I Get My Deductible Back?

Many people are concerned about deductibles. If you use your own insurance company to repair the damage to a vehicle, you might pay a deductible. You might wonder if you will get the deductible back. The answer to this question is yes. In most cases you will get that deductible back. If the party that caused the accident has collision coverage on their policy, your insurance company will fight for you. They will fight to get your deductible back from the other company.

What If My Vehicle Gets Repaired And Still Doesn't Drive Right?

Your car got damaged in an accident. It was repaired, but it just does not drive right. You have two options in that situation. One option is returning the vehicle to the body shop to see if more repairs are necessary. If more repairs aren't necessary, you can pursue a claim. This claim can be for the diminution of the value of the vehicle. You can make this part of your claim, and get the compensation you deserve for the damage to your vehicle.

Can I Get A Rental Car While My Car Is In The Shop?

If your vehicle has been damaged to the point that it is not drivable, it could take time to fix it. The good news is that Connecticut law provides that the responsible party will pay for loss of use or a rental. So, in most instances, you are entitled to a rental vehicle.

The best case scenario is the at-fault party's insurance company paying for a rental car. They should pay while your vehicle is in the shop. If the insurance company immediately accepts liability for the accident, they should pay for a rental car. In this case, you should not have to worry about the damages to your vehicle.



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THE ROLE OF INSURANCE

Reviewing your auto insurance policy after a car accident is an important step in the process. You might wonder why, especially if you did not cause the accident. The truth of the matter is that many people do not have full auto coverage. You might find yourself in a situation where the at-fault party's insurance won't cover your injuries and damages. If this happens, it might fall to your own insurance company to pay for the damages and injuries. Here, I will review some of the common types of auto insur-

ance that you might have. Reviewing what you do and do not have will help you understand your insurance company's role in the personal injury claim process.

There are many different types of auto insurance that you might have. Here, I will focus on the ones that might apply to you as the victim of an accident.

Collision coverage is one type of insurance that you might have. In most cases, collision coverage is commonly applied to the at-fault driver. This is because it is coverage for damages to your own vehicle. An at-fault driver's liability insurance will cover the damages for the victim in the accident. But, collision coverage will cover damages to their own vehicle. If you have collision coverage and the at-fault driver cannot pay for damages to your car, your own collision insurance might.

Some accidents do not involve another vehicle. If you got involved with an accident that did not involve another driver, comprehensive insurance can help. For example, if there was damage to your car because of weather, comprehensive insurance will cover it.

Personal injury protection is another helpful form of insurance in a car accident. This is also considered "no-fault insurance". This type of coverage will cover medical expenses no matter who was at fault for the accident. So, if you do not get the compensation that you want from the at-fault driver, this is a good option. Personal injury protection can help with medical expenses if you have this type of protection.

Auto medical payments (MedPay) is a similar form of insurance to personal injury protection. But, it is a little more limited than the personal injury coverage. It covers medical expenses for you, your other policyholders, and passengers in your vehicle during an accident.

One of the most helpful types of insurance is underinsured/uninsured motorist coverage. If you are going to get additional auto insurance coverage, consider getting underinsured/uninsured motorist coverage. This is because it protects you no matter what the at-fault driver's car insurance is like. If the other driver can't or won't pay your bills, your own insurance company will. Even if the other driver has liability insurance, it might not cover all of the damages from the accident. Underinsured/uninsured motorist coverage will protect you from having to pay what the at-fault driver can't.

Guaranteed auto protection (GAP insurance) is another helpful form of insurance. The value of your car reduces over time. If your car is totaled, you will only get the cash value for your car as reimbursement. This amount could be less than what you still owe on a lease or a loan. This type of insurance will pay for the gap between what you get for your car and what you owe.

When your car is getting repaired after an accident, you need a way to get around. But, renting a car for days or weeks can get expensive. The at-fault party might pay for a rental car. But, they might not. If you have rental reimbursement, your own insurance company will pay for your rental car.



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WHAT TO DO AFTER AN ACCIDENT

As soon as you get involved in a car accident, there are certain steps that you should take. If you just got into a car accident, try to follow these steps as soon as possible. If your accident already happened a while ago and you have not already taken these steps, you should do this as soon as possible.

Get The Information Of The Other Party Involved In The Accident

The first thing that you should do is talk to the at-fault party. You should take down information such as:

- Their full name.
- Their address.
- Their phone number.
- Their insurance information.
- License plate and car information.
- Any injuries that they sustained in the accident.
- Information related to their state of mind. For example, if you think that they were drinking and driving or if they were texting and driving, make note of this.

Getting this information is important because you need to be in contact with the at-fault party. You also need to be in touch with their insurance company. This is one of the first things that you should do after the accident happens. If you can't do this right away, or you forget to get some of this information, try to contact the at-fault party later for this information.

If the at-fault party failed to stop when the accident occurred, it can make things more difficult. You should try to take down their license plate and car information. Then, you should immediately contact the police. Once a police officer comes to the scene of the accident, explain to them what happened. If you were able to get down part of the license plate number, give this information to the police officer. If you have any details about the vehicle or the driver that caused the accident, give this information to the police officer. In some cases, this will be enough to identify the hit-and-run driver. If they find the driver, you can go through the regular process of filing a personal injury claim.

If you can't find the other driver, continue trying to gather evidence. Your insurance policy might cover hit-and-run accidents. If this is the case, your insurance company will pay for the damages. They will compensate you for your injuries. Even if you

are not covered for hit-and-run accidents, insurance coverage could help with your medical bills. Your own insurance can also help with lost income, if you have to take time off of work because of an injury. If you have underinsured or uninsured coverage, your own insurance company will recover the damages.

Contact The Police

Even if you got involved in a minor accident, you should contact the police. An officer will come to the scene to assess the damage, talk to you and the at-fault party, and file a police report. It is important to make sure that a police report gets filed. At first, you might feel fine and think that the damage to your vehicle is minor. But, you might find out about damages to yourself and your vehicle down the road. If this happens and you decide that you want to file a personal injury claim, having a police report on file will be helpful. If there is any issue deciding who is at fault, a police officer can help you sort it out. Be sure to talk to the police officer about any questions that you have and make sure that you understand the report that the officer is making.

Talk To Eyewitnesses

If there were any other drivers or pedestrians that saw the accident, try to get a statement from them. Ask them for their personal information as well. You can contact them later and have them testify to help your case. They might be deposed by you or the other party to talk about what they saw and provide evidence of what happened.

Document The Damages

Documenting damages in a car accident is a good way to begin gathering evidence. This is something that you can do right after the accident happens. The sooner you photograph damages, the better. You should take photographs of the damages to your property and take photographs of the scene of the accident. These images can be used later in determining fault, whether in court or in a settlement. You should also document any injuries that you sustained in the accident. Take pictures right away of any cuts, scrapes, bruises, swelling, etc. In the next few days and weeks, you should continue to document these injuries. It could take a few days for injuries such as bruises to be visible.

Have Damages Checked Out By A Professional

Soon after the accident, you should take your car to a mechanic to have the damages assessed. A mechanic can give you a quote of how much it will cost to fix your vehicle. You can use the quote when getting compensation for the accident.

You should also see a doctor as soon as you can after the accident. Even if you feel fine, visit a doctor. You might not realize that you are injured immediately after the accident. This is because of the adrenaline and shock that you are experiencing. It will be helpful to have a doctor look at you to see if you got injured in the accident. This report can be used later on in your case. Be sure to keep records of any medical bills, doctor's reports, etc. You can use these pieces of information as evidence later.

Write Down What Happened

Your account of what happened can be used as evidence later on in your case. Try to write down as many details as possible as soon as you can. Personal injury cases can go on for months or even years. Your memory of the events might get fuzzy in this time. It can be helpful to have a record of what happened that you wrote down soon after the accident. You can use this record during a deposition or at a trial.

If the accident has already occurred and you have not taken these steps, don't worry. Just try to take care of these things as soon as possible so that you can move forward with your case.



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THE LAWSUIT PROCESS

If you got injured as a result of someone else's negligence, you might have a personal injury case. If you are considering making a personal injury claim, there are some steps to follow. Take these steps to make your claim quickly and have it settled fairly. Also, there is some information about Connecticut lawsuits that you should be aware of. This information is important if you want to file a lawsuit in the State of Connecticut. All of this information will be provided in this chapter.

Determining Fault

Determining fault can be a difficult aspect of the process. To have a legitimate claim against the other party, you have to prove that the person was negligent. The law defines negligence as a failure to use reasonable care. You also have to prove that this negligence was a direct cause of the damages you want compensation for. In the State of Connecticut, you must prove that the person at fault owed you a duty. Then you have to prove that they breached this duty. In this case, the duty owed to you by other drivers on the road is to drive safely and not cause an accident.

You must also prove that you suffered damages. It is your job to prove that your injuries were a result of the other person's carelessness. But, in the State of Connecticut, there is such a thing as contributory negligence. This happens if you were also being careless and this contributed to your injury. If the court finds that you contributed to the accident, it will weaken your case. But, even if you contributed to the accident, you can still get compensation from the other party. You just might not get as much compensation as you would have if the other party was solely at fault for the accident.

If it is determined that the other person was at fault and you file a claim, you could get compensation. Compensation can pay for your medical expenses related to your injury. It can also contribute to time that you couldn't work due to your injury. Other options are damaged property and emotional suffering and pain. To explain your medical injuries, you might need the help of an expert. This is one reason why it is a good idea to hire a personal injury lawyer.

Subrogation

In a motor vehicle collision, there is an at-fault party. Any damages of a collision are the responsibility of the at-fault party. But, often the at-fault driver is not personally responsible for compensation. In most cases, the driver's insurance company will provide compensation. The at-fault party is only responsible for paying if they don't have automobile insurance. But, in most other cases, the at-fault party's insurance company will provide compensation. This happens through a process called subrogation.

Throughout the personal injury claim process, you will be in touch with the at-fault party. But, you will also be in touch with representatives from their car insurance company. This is possible through a process called subrogation. Subrogation occurs when one person or group is substituted for another. It commonly happens in the event of a debt or an insurance claim. All associated duties and rights are transferred

to the insurance company. They take on the claim and deal with the consequences of it.

This is what happens in a personal injury case. A person's insurance company will take on the claim that you are making against that person. The duty to pay you compensation is transferred from the at-fault driver to their insurance company. It is then the insurance company's duty to investigate your claim. They will send their own insurance adjuster to do this. The insurance adjuster will review your case. They will determine a fair amount of compensation to propose.

As a victim of an automobile accident, your insurance company will represent you through subrogation as well. Your own insurance company will collect the compensation from the at-fault party's insurance company for you. Your insurance company will do this because initially, they might provide you with money. This money can be used to get your car fixed and for other expenses related to the accident. They will pay this money upfront so that you can recover quickly from the accident. Then, your insurance company will want to get that money back from the at-fault party. For this reason, they will get involved in the personal injury claim.

The initial compensation that you get from your insurance company will depend on your personal insurance policy. In the event that you have first party insurance, your own losses will be covered. First party insurance might include:

- Insurance to cover the cost of damage to your vehicle.
- Medical payments resulting from an injury that you sustained in an accident.
- Uninsured or underinsured insurance to cover you. This will help if the at-fault party can't cover the damages.

How Long Will My Personal Injury Case Take?

Every personal injury case is different. Some get settled, some go to trial, and some get dismissed altogether. The timeline for your case will depend on your individual circumstances. Your case could be over in as little as a few months, or it can take as long as a few years for it to be fully resolved.

Personal injury cases can be lengthy because it can take a long time to determine injuries. You should wait until a doctor determines your maximum medical improve-

ment (MMI). In the case of a serious injury, a doctor might not be able to give an opinion until the patient is stabilized. Determining lasting injuries can also be difficult, and requires the opinion of experts. It can take a year or longer for a doctor to determine if injuries are permanent or not. It can also take a long time to understand the full extent of a person's injuries.

Before the case goes to trial, you could be waiting several months or even a year to determine your injuries. But, it is important to take your time to determine the extent of your injuries. You don't want to rush this process and you want to wait until the doctors determine your MMI. This is because once the case gets finalized you can't ask for more money. This is the case even if you realize later on that your injuries are worse than you first thought. It is important to be patient to make sure that you ask for the right amount of compensation for your injuries.

Furthermore, it takes time to gather evidence to build a case. You will have to present your medical records as well as bills that you want to get compensated for. You or your lawyer might also want to interview eyewitnesses of the accident and the at fault party. Gathering this evidence is important in presenting a strong case. But, this process can take time.

There are also many stages to the personal injury case process. The first stage is discovery, which can last for at least six months. During the discovery period, your attorney may want to schedule or prepare depositions. There are also pretrial motions to object to or dismiss certain evidence. There is also the mediation period where defendant will offer a settlement. If you refuse the settlement, the case will go to trial. It can take up to six months for a jury to get chosen and to determine a trial schedule. After that, the trial itself can last between two days and two weeks. Then, you will have to wait for other appeals and motions.

How Do I File A Personal Injury Claim?

Filing a personal injury lawsuit may seem overwhelming. But, the process can be a lot easier than you think. Here are simple steps you can follow to file a personal injury lawsuit.

Contact a Lawyer

Whether you want to hire a lawyer or not, it is a good idea to meet with one before beginning the process of a lawsuit. Chances are you have a lot of questions at this point. A lawyer can help you sort through your case and have more confidence as you proceed. You might decide that you do not want to hire a lawyer. But, meeting with a

lawyer during a free consultation can help you with your case. You should at least consider talking to a professional before you enter the next stages of the process. This will make sure that you are making the right decisions for your case.

Decide If You Have a Case

The American Bar Association Division for Public Education says there are two issues in personal injury claims. The first question is a question of liability. The first question that needs to get resolved is if the at-fault party, (the defendant) is liable. Is the defendant responsible for the injuries you sustained? If so, the second question is about the extent of your damages. A court can compensate you for losses resulting from an accident. This is only if you can show both liability and damages.

Before filing a personal injury lawsuit, you need to decide if you have a potential claim. In other words, ask yourself: have I been injured by someone else's negligence? Negligence refers to the idea that people must use reasonable care so as not to injure others. If you think that you do have a case, you can proceed onto the next steps.

Write A Demand Letter

At this time, you or your lawyer should draft a demand letter. A demand letter is a letter sent to the insurance company. This letter gives an explanation of the events to the at-fault party's insurance company. Since the insurance company will pay your compensation, they need the details of the accident. You should include in the demand letter:

- Details of how the accident happened.
- Why the other side is at fault.
- What injuries you have suffered.
- What compensation you are entitled to.

This is basic information that can help the insurance company figure out how to proceed.

When you send this letter, you should include:

- All your medical records.

- Photographs of the accident and your injuries.
- Anything else that relates to the accident.

This information will be useful to the insurance adjuster and insurance company. The insurance company may need this information before they can make an offer to settle your case.

If you want compensation, it is up to you to contact the insurance adjuster. The insurance company is not just going to pay you without proof of your injuries. You need to be proactive and get the necessary information to make sure that you get compensation. If you provide the insurance company with this, they should get started on a settlement offer.

When writing your demand letter, you should be clear and concise. State the facts and provide the information that is relevant. It is also a good idea to be polite in the demand letter. Avoid attacking the defendant or the insurance company. This will just put them on the defensive and make the process more difficult. You should also be clear in the letter about what you want. Take into account the facts of the situation. Then, propose a settlement that you believe is fair. The insurance company might counter. But, if you show why you are asking for the amount you are, it will help your case.

Consider Settlement

Settlement is often an option in personal injury cases. In a settlement, the defendant will pay an amount of money in exchange for you dropping the case. If you choose to settle your case with the other party, you won't even have to file a personal injury lawsuit. A lawyer can help you evaluate your settlement options. But it is ultimately your decision if you want to settle.

If injuries are minor or medical bills were low, it may be best to settle. Your attorney will use their discretion in deciding to negotiate and settle. A lawyer should not negotiate until you have reached "maximum medical improvement" (MMI). Until this happens, a lawyer cannot be certain of the damages the you might get. It might take a long time for you to reach the MMI, but it is worth the wait.

The good thing about settling your case is that you won't have to go through the trial process. Taking your case to trial can be expensive, time consuming, and nerve wracking. You also don't have to go through the uncertainty of a trial. You will be guaranteed compensation in a settlement. But in a trial, a judge might deny you compensa-

tion or not give you as much as you think that you deserve. But, settling your case has its drawbacks as well. You usually won't get as much money when you settle as you would if you took your case to trial.

Get Copies of Your Medical Records And Bills

Before the lawsuit or settlement process goes on for too long, you should make sure that you have copies of your medical records and medical bills. The defense will want to look at these documents to help them determine compensation.

Some of the most important pieces of evidence in your personal injury case are your medical records and bills. Your medical records show the defendant's insurance company that you got injured in the accident. Your medical bills show how much money you spent on the injuries. This money should get compensated for by the at-fault party in the accident. Getting your medical records and bills can seem like a difficult process, but it doesn't have to be. Follow these steps to make the process simpler.

To show your medical records to the defendant's insurance company, you must request a copy of them. The medical records are one of the most important parts of your personal injury claim. Medical records will be used as hard evidence of your injuries. Without them, an insurance company will try to argue that you did not get injured in the car accident. You need to make sure that you can get these records. If you need help with this process, a personal injury lawyer will know what to do.

Your personal health information gets protected by the Health Insurance Portability and Accountability Act (HIPAA). This act got passed in 1996. HIPAA gives you privacy when it comes to your medical records. It limits who can see these records and other private medical information. HIPAA also gives you the right to get a copy of your medical records. You can then give these records to whoever you want or need to.

In many cases, an insurance company will ask you to sign a release of information form when you file a personal injury claim. Signing this document means that your rights under HIPAA are no longer protected. If you get asked to sign a form like this, make sure that you only give the insurance company access to recent medical issues. You don't want the insurance company to see your entire medical history. They should only see information related to the car accident.

Getting access to your medical bills is a little easier than the medical records process. This is because you are given receipts for your medical expenses. If you lose these receipts, you can easily contact the doctor's office to get a new copy of them. The doctor's office can also confirm your medical bills if the insurance company tries to contest them.

It is easiest to keep a record of your medical bills as you get them. But, if you lose certain bills, you can get access to them later in the personal injury process.

File A Personal Injury Lawsuit

If you don't agree to a settlement with the other party, you can file a personal injury lawsuit. Even after filing, you can still try to negotiate with the other side. This will happen one final time before going to trial.

Your attorney will prepare and file a document called the complaint. If you do not hire an attorney, you will have to do this yourself. This document states your claims against the defendant and what damages you are seeking. Once the complaint gets submitted, your personal injury lawsuit has been "filed." It is important to keep in mind that every state has what is called a "statute of limitations." This means that, as an injured party, you have a set amount of time to file a personal injury lawsuit. In Connecticut, you have two years to file. The clock usually begins ticking on the day that the injury occurs.

Discovery

During the discovery process, your lawyer will research the legal claims related to your case. Your lawyer will send questions and document requests to the defense counsel. He or she will also conduct witness depositions. Depositions are sworn, out-of-court testimony. Discovery can last anywhere from a few weeks to a year, depending on how complicated the case is.

During the discovery period, two major things will happen. This is the time when depositions for the case will take place. Interrogatories will also happen during this stage.

If you are involved in a personal injury case, you have the right to depose people. You can depose the defendant or any other relevant party. But, keep in mind that the defense can also depose you. Here is some information about depositions that can help you prepare for this situation.

During a deposition, the opposing party's lawyer will ask you questions. A transcript of the conversation gets recorded by a court reporter. The testimony that you give can act as evidence in the courtroom if your case reaches trial.

For a deposition, you do not have to go to a courthouse. Instead, depositions generally take place at a law firm's office. No judge will be present, but you will be sworn in by the court reporter, as if you were testifying in a courtroom. The opposing attorney will then ask you questions to determine facts about the case.

Before the deposition, you can prepare with the help of your attorney. Your attorney might review case facts and documentation with you to refresh your memory. Depositions usually occur long after the day of the accident. You and your attorney can rehearse practice questions. This will help you feel comfortable talking about the accident and what happened.

On the day of your deposition, you want to make a good appearance. You should dress and act professionally. The opposing attorney will try to gauge the kind of impression you make in court. You also want to speak clearly and calmly so that the court reporter can record everything that you say. Depositions are not casual conversations. They follow a question and answer format that is recorded. Don't get angry with the attorney or argue. Likewise, do not try to make small talk or crack jokes. None of these things come off well on a written transcript.

It is also in your best interest to give short answers. Don't volunteer excess information. A simple "yes" or "no" is good enough for most questions. If you do not know the answer to a question, it is ok to say so. If you are unsure about something, say, "I'm estimating" or "I'm guessing". If you do not remember everything that happened say something like "that's all that I can think of now". This allows you to add an answer later without seeming deceptive. You should also prepare to describe your injuries and the kind of pain you're in (ex. dull, achy, sharp, constant etc.). Think about how you would rate your pain before you go into the deposition. Also be sure not to exaggerate your injuries, just tell the truth about how you feel.

The most important thing that you can do during a deposition is tell the truth. You might get asked the same question several times. If your answers do not match up because you exaggerated at one point, it will not look good in front of a jury or a judge. It is also important to stay calm.

Here are a few common questions that you might get asked during a deposition.

What Is Your Personal History/Background?

The defendant's lawyer will want to get to know you. At the beginning of the deposition, they might ask you general questions. These questions do not directly relate to the accident. For example, the lawyer will ask you where you currently live and where you have lived in the past.

Tell Me About The Accident. What Happened?

The lawyer asking you questions will want to know every detail about the accident at issue. They will ask you questions such as:

- Where/when did the accident take place?
- What were you doing when the accident happened?
- How did the accident happen?
- Who was with you?
- Were there any witnesses?

What Injuries Did You Sustain? Did You Receive Medical Help?

Make sure you understand the injuries you received from the accident. Prepare before the deposition. This will ensure that you know how to explain your injuries to the lawyer clearly. Also, be able to communicate about any medical help you received as a result of the accident. Once again, be completely honest in your answers.

What Is Your Medical History?

The defense will question you about your medical history. This will determine if the accident was the cause of the injuries you sustained.

Do You Have A Criminal Record?

Remember to always be honest when questioned about your criminal record and/or convictions. Trying to hide the truth will not only fail, but will also look worse for you in the long run. The defense counsel might try to use information about a previous conviction to attack your character in court. But, you should still be honest and try not to worry about this. A good lawyer can counter these attempts to undermine you.

What Is The Effect Of Your Injury (Or Injuries)?

The lawyer will likely question you about the impact your injuries have had on your everyday life. The lawyer wants to know how you have been harmed both physically and mentally. You might get asked about what you can no longer do as a result of your injuries. Are you able to work? Do you still have to go to regular treatment? Are you able to enjoy the things that you used to?

What Is Your Employment History?

The other side's lawyer will want to question you about your work history. This is especially true if you claim lost wages as part of the damages owed.

As you may already know, interrogatories are a part of the discovery process of your personal injury lawsuit. As you go through the discovery process, you might want to send an interrogatory to the defense counsel. Or, you might get an interrogatory from the defense. In these situations, you need to know what to do.

Interrogatories are written statements passed back and forth between the two parties involved in the personal injury case. Interrogatories are generally requests or questions that one party asks of the other one. During the discovery period, both parties exchange facts and information about the case. Interrogatories work as a way to exchange this information. They make sure that both parties have what they need to proceed with the case. Interrogatories are less formal types of documentation. They don't have to get filed with the court. Instead, they can go directly between the two parties. This makes communication easier and faster. It can speed up the discovery period as well.

You can't send or get endless interrogatories. There is a limit to the amount of interrogatories that one party can send to another. In federal courts, the limit of interrogatories is 25. State courts will differ slightly from this number, so it is best to talk to your lawyer about the laws in Connecticut. Because of this limit, it is important to make your interrogatories count. Make sure that you ask for as much information as possible in one interrogatory. If new things come up later on in the case, you can send more, but make sure that you do not go over the limit.

If you want to send an interrogatory to the defense, you should know a few things about writing these. You will write questions in the interrogatory. But, it is not standard to include a question mark. Instead, you should write the questions as statements. Interrogatories can vary depending on the type of case you are involved in. Because of this, you should draft specific interrogatories for your situation with the help of a lawyer.

If your case is being tried in a federal court, you will have 30 days to respond to an interrogatory. Most state courts also follow the 30 day response time. You and your attorney have to sign an oath when you respond to the interrogatory. This oath attests to the truthfulness of the statements in the document. Some states ask that interrogatories are notarized by a public notary before they are sent to the other party. You can ask your lawyer about Connecticut's laws regarding public notarization.

There are some situations in which you can object to an interrogatory sent to you. You can object if the interrogatory is confusing. You can also object if it is too broad or if it asks for evidence that is inadmissible.

Mediation

Before proceeding to trial, you, the at-fault party, and your attorneys will discuss settlement one more time. If you cannot do so amongst yourselves, you may attempt mediation. Mediation occurs when the lawyers and clients in a case go before a mediator to try settling the case. The mediator is an impartial party that tries to facilitate communication and compromise. They do this by diffusing tense situations and allowing both parties to speak their minds.

Trial

If your personal injury claim goes to trial, there are several events that will take place. They include:

- **Voir dire.** This is an examination of witnesses and potential jurors in a case before trial.
- **Jury selection.** Some personal injury cases are decided by a jury. If your case involves a jury, the defense counsel and your attorney will pick the jury.
- **Opening statements.** Both lawyers in the case will give opening statements to the judge and jury to prepare them for what to expect in the trial.
- **Witness testimony.** Witnesses such as people who were at the scene of the crime, the plaintiff (you), the defendant, or doctors will be called to testify.
- **Presentation of evidence.** The lawyers in the case will present evidence such as medical bills, photographs of injuries, photographs from the scene of the accident, and more.
- **Closing arguments.** Your lawyer will address the judge and jury and make closing remarks to wrap up the case.

- Jury deliberation. The judge or jury will determine the outcome of your case.
- Delivery of the verdict. A judge will deliver the decision in your case to the court.

The length of a personal injury trial depends on many factors. These factors include: complexity of the testimony, number of witnesses, amount of evidence, etc. After the trial, parties will have the chance to appeal the verdict if they choose to. If you think you should have gotten more compensation, you can appeal the decision.

Recovery

If a judge awards you compensation, you will usually get it within 30 days of the jury's verdict.

How To Act In Court

If your case goes to court, you will have to appear for the trial. Being in a courtroom can be intimidating, but it doesn't have to be. Follow these guidelines to make a good impression on the Judge.

Take A Deep Breath

You are expected to be nervous, especially if this is your first time in court. But, don't be too nervous. Take a deep breath and remember that people go to court every day. Some people – Judges and lawyers – have dedicated their lives to being in the courtroom. You will be fine.

Act Professionally

The courtroom is a professional setting. As such, you should always act polite and professional when in court.

Be Polite And Respectful

Nothing looks worse in court than when someone is rude and impolite. Be polite and respectful to everyone you come into contact with at court. No matter who you are talking to, don't forget your manners. You should always be on your best behavior when going to court.

Stay Still

Keep still when seated and when standing before a Judge. Even if you're nervous on the inside, staying still will give others the appearance that you are calm.

Pay Attention

Stay focused on what is happening in the courtroom. Even when you're not getting questioned, you should be paying attention. You should treat this situation seriously.

Take Your Time

Make sure that you understand what questions asked of you. If you don't hear or understand a question, ask for it to be repeated. Don't just rush and give an answer you're unsure of because of nerves. Remember that you are under oath and have an obligation to be honest.

Speak Slowly And Clearly

When speaking in court, be sure to do so slowly and clearly. Also, make sure that your answers are loud enough to be heard. All these things will make you appear confident, even if you aren't.

Remember The Judge

When the Judge enters the courtroom, you must stand up and wait until he or she says that you can sit. Always address the Judge as "Your Honor" and stand when talking to him or her. If you are unsure or feel pressured when getting questioned, look to the Judge for help. It is his or her job to oversee the trial.

DON'T:

- Be late. Being prompt shows respect for the justice system. Being late makes a bad first impression.
- Use your cell phone. Turn it off if you think that it will be a distraction.
- Chew gum. It's a distraction to those trying to concentrate around you.
- Talk to others. Do not discuss the case or talk while court is in session.

- Read, do personal work, or listen to music. Court is neither the time nor place to do activities like this. You should focus on the case at all times.
- Interrupt. Even if you are itching to say something, wait for the right time. You won't get bonus points for cutting someone off and making your point first.
- Make wisecracks. No one in the courtroom will appreciate any wise remarks.
- Make faces or roll your eyes. These are just as rude as shouting things out. Keep your expression blank at all times.
- Make inappropriate noises.

Above All: Be Honest!

Most importantly, always be completely honest in the answers you give in court. You are under oath and have a duty to be truthful. If you do lie in court, chances are the court will find out. You will also lose your credibility and that can really damage your case.

How To Dress In Court

To help you feel confident when you go to your trial, you should make sure that you dress appropriately. You can make a good impression on the Judge by following these wardrobe tips.

Dress Conservatively

When appearing in court, you should always strive to dress appropriately and professionally. Do not wear bold, bright colors. Women should wear suits, basic dresses, or blouses and skirts. Shoes should cover your toes and be low-heeled. Makeup should be neutral and jewelry should be simple and minimal. Men should stick with suits or jackets and slacks. They should never wear a hat into the courtroom. Both men and women should make sure that their clothing is not too revealing. Wear clothes that fit you well and are not too tight or too loose.

Cover Tattoos And Remove Piercings

All tattoos should be fully covered. Removable piercings should be taken out before going to court. For example, nose rings, eyebrow rings, lip rings, and other piercings on the face should be removed. If you can't remove a visible piercing, keep the ring small and simple.

Be Well Groomed

Hygiene is important. Make sure that you shower and shave before appearing in court. Also, only wear clean clothes into the courthouse. Do not drown yourself in cologne or perfume. Make sure that you don't smell like cigarettes, food, alcohol or other offensive odors.

Make Sure Your Clothes Fit

Only wear clothes that fit you well. Save that dress that is just a tad too tight or those slacks that are just a hair too long for another time. For women especially, it is important to have appropriate coverage. Do not try to look sexy by wearing tight clothing or revealing cleavage. As a general rule of thumb, skirts should fall below your knees. All buttons on blouses should be fastened. Men - your arms and legs should be fully covered. Do not wear tight shirts to show off your muscles.



8

DAMAGES & COMPENSATION

The purpose of filing a personal injury claim is to get money to help you pay for injuries and other damages. This money is called “compensation”. In this section, I will discuss the different types of compensation that you can get. I also discuss how compensation is determined, and what to expect from this process.

The State of Connecticut recognizes two types of damages that can get compensated for. Loss or harm is economic or non-economic. The compensation for both of these types of damage is in the form of money. But, it is important that you under-

stand what type of damage you have experienced. This helps you know what you should ask for in your lawsuit.

One type of damage is non-economic damage. This form of damage can be more difficult to prove in court than economic damage. But, it is not impossible to prove. You can get compensation in the form of money for non-economic damages. Non-economic damages do not deal with concrete bills. Instead, it deals with damages such as:

- Emotional harm or suffering.
- The increased risk of a future disability or injury.
- Aggravation of the injury.
- Fear from the injury.
- Loss of enjoyment.

Non-economic damages are less concrete than economic damages. Because of this, it is not always easy to prove them.

The other type of damage is economic damages. This is most likely the type of damage that you will pursue in your case. Economic damage deals with specific costs that result from the negligence of the defendant. This includes costs for:

- Medical bills.
- Physical therapy.
- Rehabilitative care.
- Loss of earnings as a result of an injury.
- Medication.
- Surgery.
- Ambulance fees.

- X-rays.
- Medical equipment.

Economic damage gets compensated through money paid by the defendant to the victim(s). This type of compensation can be easier to get than non-economic compensation. This is because economic damages are easily quantifiable. You can prove in court that an injury resulted in medical bills, surgery, or time off from work. You can use concrete examples and evidence such as bills to prove this.

While you will get money for both economic and non-economic damages, they are different. You should become familiar with the types of damage associated with each category. This will help you understand what you should get if you are the victim of medical malpractice. You might receive immediate compensation for economic damages. You could also get compensation for non-economic damages. Understanding your personal situation will help you to determine what you should get.

One specific thing that you can get compensation for is loss of income. If you are seriously injured in some type of accident, chances are that you will have to miss work. You might miss work for medical issues like doctor's appointments or rehabilitation. If this is the case, the days off can add up. If you are not paid for a medical leave, you could lose a lot of money. If you lose your source of income, it can be difficult to maintain your average standard of living. Bills might be difficult to pay and your routine can be severely interrupted. In the case of long-term absences from work, you could have no income for several months. These losses are clearly related to your injury, so you should get compensated for them. You can get compensated for the loss of past earnings, as well as the loss of your future earning.

Loss of income or loss of earning capacity can be difficult to determine. This is because future losses are hypothetical. If you are able to prove that your injury caused a loss of earning capacity, you will get compensated. Some examples of compensation are for things like:

- If your injury causes you to lose the possibility of getting promoted.
- You aren't able to pursue future employment.
- You lose the possibility of getting hired at a different job.

If you experience one of these issues, you can get compensated for by the person who caused your injury.

While loss of income is fairly concrete, loss of earning capacity is more difficult to determine. You will have to prove that you lose future earning capacity. Experts will determine how much money you will be awarded to compensate for this.

Ideally, you will get compensation from your case to cover your medical bills. But, you might have medical bills due before you get the compensation. To solve this issue, you should send a letter of protection to your doctor. If you hire a lawyer, your lawyer can do this for you.

A letter of protection is a form that you sign authorizing payment of your doctor's bills at the end of your case. It lets the doctor know that their fees are protected. It is also an instruction to pay the medical bills at the conclusion of your case. This document explains to a doctor that you are unable to pay your medical bills at the moment. The document assures the doctor that they will receive full payment in the future. When you get compensation, the letter promises that you will pay the doctor.

The so-called letter of protection, or "LOP" for short, is really not much of a letter at all. Instead, it is like a contract between the injured party, the attorney, and the doctor. This contract permits the injured party to continue getting medical treatment. In return, you promise to pay your medical bills in the future. This payment is to come from the settlement or the monetary damages that you get. Your credit will not get hurt in any way throughout this process.

The purpose of a letter of protection is twofold. First, the letter of protection helps relieve any concerns the doctor may have. A doctor might feel concerned about receiving payment for their services. The letter updates the doctor by letting them know that you are involved in litigation. Once you get compensation the doctor will get paid. Since the letter of protection comes from an attorney, the doctor can rest assured that they will get paid. The letter of protection lets the doctor know that their services haven't been forgotten.

Second, the letter of protection helps relieve your stress. Maybe the doctor has been calling or sending letters to you. The doctor might be reminding you about the money you owe for their medical bills. The office might even be demanding payment immediately. This kind of contact would make anyone nervous. It would especially make someone on edge who has been wrongfully injured in an accident. A letter of protection will put a halt to this kind of contact with the doctor.

It is important to keep in mind that the letter of protection doesn't mean you don't have to pay the doctor. If you lose your lawsuit or don't get enough compensa-

tion, you still have to pay your medical bills. Also, the letter of protection doesn't make your attorney liable for your medical expenses. It just gives you more time to pay the bills.

In the event that you lose the case or don't get the compensation you expected, your lawyer can negotiate with your doctor. Your lawyer might negotiate the amount you owe them. This can sometimes work out in your favor.

If you were partially at fault for an accident that left you injured, you might wonder if you can get compensation. Even if you contributed to an accident, you might be able to get compensation. Some states don't allow you to collect damages in this situation. But, some states do. It is important to know the rules that apply in your state.

The State of Connecticut uses "modified comparative negligence." This doctrine is codified in C.G.S. § 52-572h(b), which states: "In causes of action based on negligence, contributory negligence shall not bar recovery in an action by any person or the person's legal representative to recover damages resulting from personal injury...if the negligence was not greater than the combined negligence of the person or persons against whom recovery is sought including settled or released persons under subsection (n) of this section. The economic or noneconomic damages allowed shall be diminished in the proportion of the percentage of negligence attributable to the person recovering which percentage shall be determined pursuant to subsection (f) of this section." (Lexis 2014).

Although it is wordy, this statute is simple. It means that you can't file a personal injury claim if you were more negligent than the defendant. This means that you can't be more at-fault than the other party for the accident and still recover damages. If you were not more negligent than the defendant, you can recover appropriate damages. The amount of damages you can get is lowered based on the percentage that you were negligent. Connecticut law compares your negligence to that of others involved in the accident.

This type of modified comparative negligence approach is referred to as the "51% rule". It is used in Connecticut and some other states. It is called the 51% rule because a plaintiff can't recover damages if they were 51% at fault for the accident.

Some states that use modified comparative fault follow the "50% rule" instead. This means that you can only recover damages if you are 49% or less at fault for the accident.

Other states follow the "pure comparative negligence" system. Under this system, the judge or jury gives a percentage of fault to each party involved. They award

damages according to this percentage. In a state that uses pure comparative negligence, you can get compensation even if you were 99% at fault.

A small number of states still use the “pure contributory negligence” system. Under this system, you can only recover if you didn’t contribute to the accident in any way. This approach is much harsher than the three comparative negligence approaches.

Luckily, in Connecticut, you can recover some damages even if you contributed to the accident. But, if the accident was partially your fault, be prepared to get a smaller amount of compensation. This compensation might not cover all your expenses related to the accident.

Many people involved in a personal injury case wonder how compensation is determined. You have suffered, and not just physically. Not just in a way that’s easy to put a price tag on. So how do insurance companies go about deciding the compensation that you deserve? Do they take into account all your hardships? And do they expect money to cover all your damages?

An insurance company will take the following information into account when determining your damages:

- Medical expenses such as bills and care.
- Loss of income if you are unable to work.
- Loss of educational experiences such as attending lectures, job training, seminars, conferences, or school.
- Loss of social experiences such as missing vacations or special events.
- Property damages.
- Emotional damages. This is where feelings of stress, depression, anger, etc. are compensated for.

An insurance adjuster will be assigned to your case in order to give a quote for compensation. The insurance adjuster comes from the at-fault party’s insurance company. The role of the insurance adjuster is something that you should be familiar with if you are going to file a case.

Once an accident resulting in injury occurs, both parties should notify their insurance companies. Generally, the at-fault party's insurance company will assign an insurance adjuster. The adjuster will work on the personal injury case. The insurance adjuster is part of the whole process of the case. They are involved from the moment that the personal injury claim gets made to the case resolution. This is the case whether the resolution is trial, appeal, or settlement. Understanding the role of this adjuster can help you build your case. It will also help you know what to expect during the lawsuit process.

Insurance adjusters are usually claims professionals that get hired by insurance companies. The job of the insurance adjuster is to propose a quick and inexpensive settlement. These settlements are usually proposed toward the beginning of the case. This tries to save the insurance company money. Insurance adjusters evaluate the accident, the case budget, and the risk management purposes. They do this to propose a settlement that is attractive to the injured party.

It is not in your best interest to accept the first settlement from an insurance adjuster. This is because adjusters want the plaintiff to settle quickly without involving lawyers. Insurance adjusters will try to pressure you into taking the deal. This is because it will not cost the insurance company a lot of money. Insurance adjusters might also try to get you to delay your lawsuit. They do this in the hopes that the statute of limitations will run out on your case. In Connecticut, you cannot file a personal injury lawsuit after two years of the date of the accident. Insurance adjusters do not have your best interest at heart. Instead, they are biased toward the defendant and the defendant's insurance company. While they might seem sympathetic toward you, they just want you to take the settlement. For this reason, it is important that you hire your own personal injury lawyer. Your lawyer will protect your interests and your rights. Your lawyer will know what is a fair settlement better than you can due to his or her experience. You should not negotiate with an insurance adjuster unless you have a lawyer present.

A settlement proposed by an insurance adjuster might seem appealing. But, it is a good idea to wait to take a deal. You probably will not get the compensation that you deserve if you take the first deal offered.

The insurance adjuster uses a formula in order to determine the compensation that you should get for your case. Determining compensation or the value of your personal injury claim is not easy. Many factors are involved in determining what you should get based on your situation. Finding out how much your injuries are worth can

be a long process. This is because sometimes certain physical repercussions take months or even years to assess.

You must present all your injuries if you wish to get compensated for them. Usually, the at-fault party involved in the accident should pay for:

- Your medical care.
- Any loss of income due to an inability to work because of the injury.
- Physical disability that is permanent.
- Loss of educational experiences, such as school or training.
- Social experiences, such as parties or vacations.
- Emotional damage.
- Property damage.

You should keep a record of any tangible expenses that arise as a result of your injury. This includes loss of income, property damage, medical bills, etc. These bills are straightforward and easy for the insurance company to pay. If you have a record of these bills and can prove how they relate to your injury, you should get compensation for them. But, other types of compensation can be difficult to determine. It is hard to put a monetary price on pain, suffering, or lost opportunities. Insurance companies have formulas for dealing with these types of losses.

Insurance adjusters begin by adding up the medical expenses related to the injury. This is referred to as medical special damages. This is a base figure that adjusters use to determine how much money covers intangible losses. This is referred to as general damages. If your injuries are minor, the insurance adjuster will multiply the medical special damages by 1.5 or 2. This happens to include general damages. If the injuries are more serious or longer lasting, the special damages can get multiplied up to 5 times. This happens to account for general damages. In extreme cases, the special damages can get multiplied by up to 10.

At this point, the negotiation will begin. This is a starting figure for compensation. But, it can go higher depending on your settlement or mediation tactics. If you decide to take the case to trial, you could be awarded even more money.

Statute of Limitations

After an accident takes place, the victim of the accident has a limited amount of time to file a lawsuit. This time period is referred to as the statute of limitations. Personal injury lawsuits are time sensitive cases. This means that you don't have an infinite amount of time to file a personal injury lawsuit. Instead, every state has what is called a "statute of limitations." This statute of limitations places a time limit on bringing a personal injury lawsuit.

Connecticut, like many of the other states, has a two-year statute of limitations. This means that you only have two years to bring a personal injury action to receive compensation. Initially, this rule seems straightforward and simple enough. But, there are some exceptions to this two year rule.

When the clock begins to tick for bringing a personal injury action isn't entirely clear. According to C.G.S. § 52-584, "No action to recover damages for injury to the person...caused by negligence, or by reckless or wanton misconduct...shall be brought but within two years from the date when the injury is first sustained or discovered or in the exercise of reasonable care should have been discovered, and except that no such action may be brought more than three years from the date of the act or omission complained of, except that a counterclaim may be interposed in any such action any time before the pleadings in such action are finally closed." (Lexis 2014).

This statute means that a personal injury action must happen within two years of the date of injury. This refers to the date that the accident took place. But, this statute also recognizes an important exception to this general rule. The statute acknowledges that injuries are not always immediately clear. It could take months or years after the accident took place before realizing you got injured. The statute allows the clock to begin ticking once you discover that you got injured in an accident. In some situations the clock may start ticking when you should have discovered the injury. This happens "in the exercise of reasonable care." A Judge determines the date by which you should have known about your injury. This is the case even if you weren't actually aware of it by that time. This determination is based on a reasonable person standard. In other words, the Judge asks by what date would the reasonable person have known about the injury.

The statute also states that you can't bring a claim past three years after the accident occurred.



9

WRONGFUL DEATH

Car accidents can result in serious injuries. If you are reading this book because a loved one was killed in a car accident, you can take action to get justice. Of course, if you have lost a loved one, this is a difficult time for you. No amount of money can replace your loved one. But, wrongful death compensation can help you through this difficult time. You can learn more about wrongful death compensation in this chapter.

If your spouse was seriously injured or killed because of medical malpractice, you should take action. You can make a consortium damage claim and receive compensation. Both Connecticut Legislation and the Connecticut Supreme Court recognize the consortium damage claim. So if you are a resident of the State of Connecticut and wish to make this claim, you can do so. Understanding the consortium damage claim can help you get the compensation that you deserve.

You can file for a consortium damage claim in some cases. If your spouse got killed or seriously injured in an accident, it will affect your marriage. The carelessness or negligence of the at-fault driver can alter or even destroy a marriage. This makes the spouse of the victim a victim as well. You can file for both economic and non-economic damage compensation in this situation.

Economic damage compensation from a consortium damage claim will refer to physical things. These are the physical things that one spouse used to contribute before the accident. This can include both financial support and household service or chores. If one spouse is no longer able to contribute to these aspects of home life, Connecticut law allows for compensation. This compensation is in the form of money. It must get paid to make up for these losses. The court will consider:

- Past earnings.
- Life expectancy.
- Government statistics.
- Projections for future earnings.

This happens to determine the correct amount of compensation that your case will warrant.

Non-economic loss is more difficult to handle because it is intangible. Non-economic damage refers to the love and companionship in a marriage altered by the accident. If your spouse is seriously injured or killed in an accident, you will get compensation for emotional support. This includes the loss of comfort, solace, support, love, sexual relations, and affection of your spouse. Of course it is difficult to compensate for these aspects of a marriage with money. But this is the best way for the offending party to make up for his or her negligence.

Wrongful death occurs when a death is caused by an accident. The death is the result of someone else's negligence. You can sue an individual person or a group of

people for wrongful death. If your loved one's death was the result of a car accident that was someone else's fault, you can make a wrongful death claim.

To file a wrongful death claim, you must be related to the victim. You also have to be financially injured by the victim's death. Generally, this means that spouses and children can file a wrongful death lawsuit. In some cases, more distant relatives can sue. But, spouses and children are generally the people who are financially affected by death.

Once you have determined that you can file a wrongful death lawsuit, you must prove your case. You have to do this to receive compensation. You must prove that the victim died as a result of misconduct. This misconduct can be an inappropriate act or the failure to act by the at-fault driver. In the case of a car accident, you have to prove that the defendant either intended to cause harm or was careless. You also have to prove that these actions contributed to your loved one's death.

To get compensation you must prove two things. First you must prove that you were financially injured by the death of a relative. Second you have to prove that the defendant's negligence caused the death. The value of each claim will vary. They will depend on the circumstances surrounding your loved one's death. You could recover damages for your personal pain and suffering. You might also get compensation for the destruction of your loved one's earning capacity. Compensation can pay for other reasonable expenses and the death of your loved one. You can also receive compensatory damages for direct expenses. This includes funeral bills or medical bills, as well as long-term expenses. An expert will help you make these calculations. They will calculate how much money the deceased would have made in their lifetime. The defendant will owe you that money to compensate for your loss. Because of this, the damage awards in wrongful death lawsuits can be extremely high.

In addition to these types of damages, you might be entitled to punitive damages. These damages are meant to punish the person or entity responsible for the death of your loved one. Even though it was an accident, punitive damages can deter a person from making the same mistakes in the future. A Judge will award these damages on a case-by-case basis.

If someone dies as a result of a car accident, the family should file a wrongful death claim. The family will be entitled to compensation. A driver's negligence will not go unnoticed in the State of Connecticut. Immediately following death, the driver responsible must pay for all funeral and burial expenses. These are considered economic damages. This includes the cost of:

- A casket.
- A tombstone.
- Floral arrangements.
- Burial plot.
- Funeral home expenses.
- Service fees.

In addition to funeral expenses, the responsible party should pay the projected income of the deceased. Wages, profits, and income that the deceased probably would have earned over the course of their life should be paid. The money should come from the at-fault driver and get paid to the deceased's Estate. This money damage is not just the amount of money that the deceased was making at the time of death. It is also the projected amount of money that he or she would have made in the future. A forensic economist will get hired for your case. They will calculate how much the deceased would have made. This is based on government studies and statistics. It is also based on the talents and education of the deceased. Promotions and raises will be predicted. The deceased's family will get compensation for the loss of this money. You will also get compensation for the contributions that the deceased made to a household. This includes chores or other activities with economic value. These activities will get evaluated by an economist. They will make a suggestion for their worth in money.

Car accidents can have devastating consequences. This is especially true when negligence results in death. It is impossible to compensate for the loss of a loved one. But the deceased's family and Estate could get compensation in the form of money. Economic damages will cause the driver responsible for death to pay for funeral expenses. Also, the driver will have to pay the victim's family money that the victim would have made to provide for their family. This money will vary from case to case. Experts will be consulted to determine the proper amount of money to give to the family.

Distribution of Recovery and Wills

The sudden loss of a loved one due to a motor vehicle accident can be devastating. The stress of dealing with grief and trying to get your life back on track can make for a difficult time. Fortunately, if your loved one had a Will drawn up before his or her death, this process can be a little easier. Instead of guessing at what the deceased would have wanted, fighting over assets, or having a court decide who gets what, you can follow the instructions left by the deceased. In most cases, if the deceased left a valid Will, the recovery is distributed among the survivors as the deceased wished. But, there are some exceptions to this that are set up by Connecticut law. Familiarizing yourself with these exceptions can make the process as easy as possible.

One exception to the Will can happen if the deceased has a surviving spouse. The surviving spouse can request a statutory share of the deceased spouse's property. This means that the spouse is entitled to one-third of all property mentioned in the Will. This includes both real and personal property. Once all the deceased's debts get paid, one-third of the remaining property can go to the spouse. This happens as long as the spouse gives written notice of wanting the statutory share. This happens regardless of the terms of the Will. In the case of the surviving spouse deserting the victim before their death, the spouse will not get statutory share. This share is meant to help the surviving spouse make up for the loss of a spouse in financial terms.

Another exception to the deceased's Will can be made by a Judge of the Probate Court. This exception can happen for the benefit of a victim's surviving spouse or any children. If the Judge thinks that a larger amount of the property should go to the deceased's spouse and children, this will happen. This is another exception meant to help the family compensate for the death of a provider.

If you are a spouse who has lost your husband or wife due to the carelessness of another driver, you must make some tough decisions. But, it is important to keep in mind that you can get financial compensation. This can happen regardless of your spouse's Will.

On the other hand, a sudden death due to a car accident can mean that the deceased did not have time to compose a Will. When there is no Will involved, distribution of assets can be difficult to determine. If the victim did not have a Will, who receives compensation is decided by the law. These different scenarios and laws can be complex. It is important that you familiarize yourself with your relationship to the deceased. This will determine how the distribution of the victim's assets affects you.

Before any recovery from a wrongful death claim can happen, a Judge approves where the money is going. Keep in mind that each situation is different. You may or may not receive compensation depending on your relationship to the deceased. This

will also depend on who else survived the victim. The State of Connecticut has laws that determine how money should get distributed.

The net estate of the deceased will go to the surviving spouse if the victim has no children or parents. If both parents and the spouse survive the deceased and there are no children, the money goes to these family members. But, the money will not get split equally in this case. First, the spouse will receive the first \$100,000 awarded by the wrongful death claim. Also the spouse will receive three-fourths of any subsequent payment. The parents will receive the remaining one fourth. If a spouse and children survive the victim, the spouse will receive the first \$100,000 of the net estate. They will also get one half of the balance. What remains will be divided equally between the children. If a victim is survived by a spouse and children from a previous marriage, the net estate is split between them. Half of the estate will go to the spouse. The other half gets split among the children. If just children survive a victim, the net estate will be divided among those children. In the case that a victim is only survived by parents, those parents will split the net estate.

These are some of the most common examples of how an estate can get divided among family members. If you are unsure about your personal case, you can talk to an attorney.



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HIRING A LAWYER

No matter the circumstances, filing a personal injury claim can be confusing and frustrating. In this book, we have tried to make the process easier for you. But, there is only so much that we can tell you about the process without knowing your personal situation. For this reason, we feel that the best thing that you can do to win your case is to hire a lawyer. A personal injury lawyer can advocate for you during this difficult time.

You can do a lot of research and learn a lot about filing a lawsuit and representing yourself. But, you are not trained to handle this situation. You did not go to law school. Chances are, you've never been involved with anything like this. A lawyer, on the other hand, will have the experience that you do not. Personal injury lawyers know relevant laws and court rulings like the back of their hand. Hiring a lawyer like this is your best bet for winning your case. You'll only find a lawyer with this much knowledge and passion if they work with personal injury cases.

No one plans to go through a personal injury case. For this reason, you might feel worried about how you're going to afford a lawyer. You might not be sure how you will get through this difficult time in your life. But when you are faced with personal injury, you need to think about your future. Make sure that you get the compensation that you deserve.

If you are thinking about hiring a personal injury lawyer to help you with your case, start looking for one as soon as possible. In general, you should get legal advice about a personal injury claim as soon as possible. A lawyer can help you through the whole process, from start to finish. A lawyer can help you determine how severe your injuries are and what you are entitled to. They can also help you understand if you have a chance at getting compensation. Before you file, you should make sure that you have a case. A lawyer can review the facts with you to determine your situation. They can use their experience and knowledge to help you understand the outcome of your case. They will also know how to approach your case and establish the best defense for your argument. Contacting a lawyer as soon as possible can help you with things like:

- Making sure you've reached your maximum medical improvement before filing a claim.
- Gathering evidence for your case.
- Filing the paperwork for a personal injury lawsuit.
- Deposing the defendant or other people involved in the case.
- Going with you if you get deposed by the defendant's lawyer.
- Helping you decide if a settlement is in your best interest.

- Representing you in court.
- Determining fair compensation for your injuries.
- Making sure that when the case is over, you get the compensation that you are entitled to.
- Appealing a decision by the court if there was an issue with your case.

The bottom line is that you should retain a personal injury lawyer, or at least contact one, as soon as you think about filing a personal injury claim. Finding the right lawyer can also take time, so you should start the process immediately. If you want to hire a lawyer to help you through your personal injury case, this is a good step. He or she should have all the facts as soon as possible to help you make the right decisions. At the least, contacting a personal injury lawyer is in your best interest.

A concern that most people faced with the task of hiring an attorney struggle with is money. Of course you want to hire a lawyer that will help you get compensation for your injuries. But unfortunately, this isn't a perfect world. How are you supposed to find the perfect lawyer, let alone afford him or her? The fact of the matter is that there is no guarantee that a personal injury lawyer will win your case. But, there are ways to make sure that you hire an attorney that cares about your case. You can find someone who is going to do everything they can to make sure that you make the right decisions. And, the right personal injury lawyer will do this at an affordable cost.

Unfortunately, it's not enough to just hire a personal injury lawyer and be done with it. Not all personal injury lawyers are the same. Some are professional and passionate, but some are mediocre. Some are affordable, while others are unreasonably expensive. Fortunately, there is one way that you can sort through the good, the bad, and the ugly at no cost to you. Before you hire a lawyer, you can meet for a free initial consultation to decide if he or she is the best lawyer for you. Most lawyers offer these consultations to give you the opportunity to meet with them and determine if it is the right fit for you before hiring.

Lawyers understand that trusting someone to represent you can be a big decision. For this reason, many lawyers offer a free consultation. During the consultation you can meet with a lawyer and discuss your case. At that time, you can explain the situation that you are in to the lawyer. You can ask any questions that you have about your case. If you want to know how experienced the lawyer is, ask them about cases

they've worked on. Also consider client testimonials when trying to determine a lawyer's knowledge and experience. Some lawyers have a page on their website dedicated to client reviews. If this is the case, chances are that that lawyer is experienced and dedicated.

Another great thing about a free consultation is that you can ask about the lawyer's fee. If you ask about fees and the lawyer says something like, "We can discuss that later", proceed with caution. You don't want to get stuck paying hidden fees. If you meet with a lawyer that is upfront about costs, they probably don't have hidden fees. You can get a pretty good idea of what you will pay and if you can afford it. Some lawyers are also flexible about payments and payment method. You also want to try to find a lawyer that charges a flat rate, as this means that you won't have to pay by the hour. Instead, you just pay one fee for the whole process, which will cut down on costs.

Many personal injury lawyers work on a contingency fee basis. This means that your lawyer only gets paid if he or she wins your case or you settle and are compensated for. Using a lawyer that gets paid based on the outcome of your case can save money. But, it is important that you discuss the contingency fee that your lawyer charges. This will make sure that you can keep as much of the compensation money as possible.

Nearly all personal injury lawyers work for a percentage of your compensation money. The good thing about a contingency fee is that a lawyer is paid based on his or her ability to win your case. If they do a good job, you will win your case. Then the lawyer will get paid an agreed upon percentage of your compensation. But, if you lose your case, your lawyer won't charge you anything. The contingency fee is a good way to make a lawyer affordable. But, you need to take into consideration how much the contingency fee that your lawyer asks for is.

During the first meeting with your lawyer, you need to discuss specific fees. A lawyer can't just tell you that he or she works based on a contingency fee. You need to know the specific percentage of your compensation that the lawyer will get if you win your case. A large chunk of the money that should go toward your medical expenses could instead go to your lawyer. Consider a lawyer that charges a contingency fee of 33% and a lawyer that wants 25% of your compensation. If you receive \$20,000 as compensation from the at-fault party, and you give a lawyer 33% of this, they get \$6,600. But, if your lawyer takes 25% of your compensation, he or she is only entitled to \$5,000. You could save \$1,600 in this scenario if you hire a lawyer that charges a 25% contingency fee. For a settlement in which you receive \$50,000, if you give 33%

to your lawyer, that is \$16,500, as opposed to \$12,500 given for a 25% fee. Obviously, you would get to keep more money as the amount of compensation increases. For instance, if you receive \$100,000 in compensation, you could save \$8,000 if your lawyer gets 25% instead of 33%. At Mr. Car Accident, we charge a 25% contingency fee. This is one of the lowest contingency fees in the State of Connecticut.

Contingency fees are a great way to save money if you don't get compensation for your accident. But if you do, you need to decide beforehand the percentage that your lawyer will get. Different percentages charged by your lawyer can cause you to lose or save a lot of your compensation. Consider how much money you can keep if you and your lawyer agree on a 25% contingency fee, as opposed to a 33% fee. So, it is important to discuss the percentage of compensation that your lawyer will charge before you hire them.

Most of the personal injury lawyers in Connecticut will charge a 33% contingency fee. This is a standard fee. But, our office charges a 25% contingency fee. We prefer to give you as much of the compensation that you get as possible. To discuss our practices and how we can help you throughout this process, contact our office for a free consultation. We are happy to discuss past cases that we have worked on and how we can help you with your case.



MR. CAR ACCIDENT®

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CONCLUSION

We hope that this book helps you as you being the personal injury case process. Getting informed on what to expect can make the process less intimidating. If after reading this book you still have questions about your case, do not hesitate to reach out to us. We would love to answer your questions over the phone or during a consultation in our office. To set up a free consultation with one of our lawyers, please contact us at: 203-816-6700.

About The Authors

Attorney Jay Ruane

Jay Ruane is a founding partner of Ruane Attorneys. He has been distinguished as one of the most aggressive, creative, and experienced lawyers in the State and honored by his peers with leadership positions in a statewide bar association. His passion and energy are two of the driving forces of this firm. Trained in the application of road crash reconstruction and scientific principles of auto and human factors dynamics at multiple seminars, Jay has put this knowledge to use for years on behalf of his clients. Jay has a million dollar verdict in Waterbury and numerous settlements of civil cases for his clients. Co-Author of the Connecticut Car Accident Guide, Jay's knowledge of personal injury is put to use daily for the clients of Mr. Car Accident®.

Attorney Stephen Lebedevitch

There are two things you should know about Stephen Lebedevitch – he's a team player, and he likes to win (did we mention that, in his spare time, he's a competitive volleyball player?) Stephen's experiences on the court have made him the lawyer that he is – he knows how to work with other people to achieve a common goal, and he is willing to put in long hours and tons of effort in order to improve. His competitive nature also means that he plays to win and takes his cases extremely seriously. Stephen has been handling civil litigation since he started practicing, and has won cases in the trial court, the Appellate Court and the Supreme Court of Connecticut. He is ready to consult with you for free about your car accident case.