

JACKSONVILLE PERSONAL INJURY GUIDE

*What To Do If You're Seriously Injured
In An Accident*

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Personal Injury and Commercial Trials



It's hard to deal with being injured. It can be even harder to deal with being injured if you've been hurt by someone who was acting negligently. Being hurt in a personal injury case can have serious ramifications for you. You might be feeling like you cannot enjoy life like you used to because of the pain you are in. You may be swamped with medical bills and are taking a hit financially if you are missing time at work. All of these things together make for a highly stressful situation. That is where we come in to help. We work to protect your rights to full and fair compensation for your injuries, losses, and damages. Learn more about your personal injury case here, then give our office a call to set up a free case evaluation.

TYPES OF PERSONAL INJURY CASES

There are several different types of personal injury cases that we cover. Each type requires an attorney who is specialized in that area of practice. We have successfully covered the following personal injury cases:

- » Car accidents
- » Motorcycle accidents
- » Truck accidents
- » Pedestrian accidents
- » Bicycle accidents
- » Slip and falls
- » Nursing home negligence
- » Boating Accidents
- » Medical malpractice

As mentioned, these accidents are all very different. You want to make sure that, when you hire an attorney, they have handled cases like yours. Each type of accident has its own hosts of injuries, evidence to collect, and liable party's insurance company to deal with.

STATUTES OF LIMITATION

The statute of limitations is the amount of time in which you have to file your personal injury case. These personal injury cases can vary in amounts of time you have. For instance you may not have as much time for a medical malpractice case or an accident with a municipality. Generally speaking, however, you will have four years to bring your case. The best thing you can do for your case is hire an attorney right away so you do not have to worry about cutting it close to the time limitations. Your attorney will make sure all of your evidence is collected, your witnesses have been spoken to, and your medical treatment is being completed all the while making sure you are adhering to the time constraints.

HOW COMPENSATION WORKS

In Florida, we follow the pure comparative negligence rules. That means you will be able to receive compensation even when the accident that injured you was partially your fault. You can collect compensation even if you are found to be 99% at fault. The only way you will be barred from collection compensation is if you are deemed to be 100% at fault for the accident. The way fault works is, when you are deemed to be partially at fault, then you will have a reduced compensation award. For example, if slip and fall is the personal injury that you are filing for, and you were distracted on your phone when you slipped in a puddle at a store, you may be deemed 10% at fault for your injuries. If you were compensated \$10,000, you would have a 10% reduction in compensation making your reward \$9,000. Our Jacksonville personal injury attorneys work hard to keep the insurance companies from blaming you for the accident so that you can receive full compensation.

TALKING TO THE INSURANCE COMPANY

The absolute worse thing you can do for your case is give a recorded statement to the liable party's insurance company. They are trained to ask you questions that will force you to answer in a way that is unfavorable to your case. Their goal is to reduce the amount of compensation they owe you or throw out your claim

altogether. What you should do is let them know that they can get into contact with your attorney who will be taking over all communication. You don't want to let them back you into a corner and ruin your case.

FREQUENTLY ASKED PERSONAL INJURY QUESTIONS

How Do I Find the Right Attorney?

Potential clients regularly come in with questions about how they should select their lawyer for a personal injury case. There are a number of resources you can go to. You want to look into the attorney's background, training, qualification, and achievements. In the personal injury field, the lawyer's level of experience and actual results in trial are going to impact how seriously the defense takes you.

Insurance carriers and large corporations know who the good lawyers are and who regularly obtains great results in trial. In our firm, we've had some of the top results in the nation. We've had top 100 verdicts on multiple occasions at this firm.

Board certification is also one of the things you want to look for. Board certification is both a state and national standard where a lawyer has to go through a process of submitting a list of their trials that have gone through verdict, along with passing a written test. A lawyer that is Board-certified has received this recognition after being vetted through a Board Committee.

In addition to that, you want to look for Best Lawyers in America, a national vetting organization. A Tier 1 rating is considered the top rating awarded by Best Lawyers in America. It is something that is voted on by people throughout the region: lawyers, judges and others. The Tier 1 rating means that law firm has been rated one of the top firms in the region in that area of practice. Our firm has a Tier 1 rating in both personal injury and medical malpractice.



At our firm, I've been selected as *the* top lawyer in the field for both personal injury and medical malpractice multiple times over the last decade.

Can We Avoid Going to Trial?

A client just recently told me that they wanted to avoid going to trial for their personal injury case. They did not want to be in a court room in front of a judge and a jury. Here's the advice that I gave them. The best way to avoid a trial is number one, to ensure that the other side never knows that you're afraid to go to trial. Number two, to prepare your case as if it is going to go to trial and to ensure that we've put pieces in place that make the other side scared to go to trial.

Both sides approach these things by looking for leverage points. If a qualified defense lawyer who knows what they're doing detects that you're scared to go to trial, then they're going to try to force you to take a minimal settlement, or they'll try to force you to walk away and not to go to court.

The reality is the other side needs to understand that you are willing to go to trial from day one, and that you want to go to trial from day one, whether that's true or not. They need to understand that the lawyers that you've got know how to try a case, are successful in trying cases, and will take your case to trial no matter what. This will start forcing them to put settlement offers on the table. It is your decision as to whether or not to take any given settlement offer. A lawyer is not allowed to make those decisions without your input. If the other side makes an offer and you instruct your lawyer to take it, they're ethically obligated to take it, upon your instruction and full advice.

No lawyer can ever force you to go to trial. You've got the right to drop a lawsuit if you choose to. The lawyer should advise you what consequences there are with that. You're also allowed to take any settlement offer that's made. No lawyer can prevent you from doing that. What I advise every client is the most effective way to get a reasonable and fair offer put on the table is to convince the other side that you're prepared to go to trial no matter what, and then for us to work that case up to where they understand what the risk is that they've got if they force it in front of a jury.

Can I Recover for My Emotional Damages?

Oftentimes, our clients ask if they can recover for their emotional damages. The answer is yes, that is truly what these cases come down to. Medical bills are easy to calculate. The human impact that these cases have on our client is what we will negotiate with the other side. For instance, not being able to spend time with their child or spouse is what we call the human impact. With a human component of these cases, it's incalculable. You can't recover it and you need a strong advocate to be able to explain that for you.



Will My Case Go to Trial?

One of the things we're asked by personal injury clients is whether their case is going to go to trial. The answer to that question is it's your choice. Clients make the decisions as to whether or not to settle cases, not lawyers. Any lawyer that makes those decision for you isn't meeting their ethical responsibility.

In every case, I advise clients that if they're not prepared to go to trial, they shouldn't start the case at the outset. Sometimes, clients think that is something harsh for me to say, but it's the reality of how the system works. If you're not prepared to take the case to the end, and the other side detects any vulnerability on your part, then they're going to exploit it.

Insurance carriers and large corporations are not there to be your friend. They're tough and if they detect any lack of willingness to take the case all the way through a trial, then they're going to start pushing you and they're going to push you into a corner and pay you minimal dollars.

We prepare every case as if it's going to go to trial because that's the only way the other side takes you seriously. By getting every case prepared as if it's going to trial, the other side is more likely to come with a reasonable settlement offer. The instances they don't, we've taken them to trial and we've got great results.

It's your decision whether any case goes to trial. It's your decision to accept any settlement. We are obligated under the law to convey every offer to you and to allow you to make the decision, not us.

Who Pays My Medical Bills?

I regularly have personal injury clients ask me whether there's a minimum amount of medical bills that they have to have for the case to be worth something. The answer to that is no. From a legal standpoint, there is no minimum. There are some practical realities of every case, however. There are some cases that can be driven by something other than bills. Examples of that might be a nursing home case where someone's been abused and there aren't huge bills associated with it, but the abuse is something that is compelling to a jury.

The purpose of the case is not to pay us, it's to ensure that the client gets something that compensates them for their losses. When we have cases where there are very small bills, sometimes we have to sit down with the client and explain to them that the size of the case is not going to be worth the time and effort you're going to put into it.

Medical bills typically get paid by insurance carriers, or Medicare/Medicaid. Some people pay them out of pocket but that's relatively unusual. When we have cases, the lien holders are sitting at the table with us as a matter of law. The law provides that they're required to pay your bills and they don't get to walk away from your cases because someone else hurt you. By law, they then have a right to share in some of the recovery to help reimburse some of the losses from the bills.

The goal in every case is for us to achieve a large enough result where we're able to pay those lien holders and still pay you and make you satisfied with what happened in your case. Part of our responsibility as lawyers is to sit down at various benchmarks during the case and talk to you about whether we think the case is going to be productive or not. That's not only our goal, it's our responsibility.

How Long Will This Case Take?

I'm frequently asked how long it takes to resolve personal injury cases in Florida. A responsible lawyer can't give that answer right away. There are a number of things that factor into it.

Every case is different, and every case must be worked up properly. The injuries have to reach a stable point, meaning the doctors have to agree the injuries have reached maximum medical improvement. We need time to gather the medical records, investigate, talk to doctors, and analyze the liability in the case.

In an automobile or trucking accident case, that means potentially getting an accident reconstructionist involved. We need to get photographs. We need to interview the witnesses from the scene. We then have to put together a picture of who was at fault. In a medical malpractice or nursing home case, we have to hire experts who are going to be able to talk to us about the medical problem at issue and what the cause of the damage was in the case.

The goal of a personal injury lawsuit in the state of Florida is to finish it in 18 months. That doesn't always happen. Complex cases take longer. If you're in the products liability, medical malpractice, nursing home and other complex areas, it's probably going to take longer.

There is no magic answer. We tell every client you need to treat this case as if it is going to go all the way to the end, through a trial. If we're able to get a result achieved early that you're satisfied with, then we'll all be happy.

What if I Have a Pre-existing Condition?

In a lot of personal injury cases, we are asked whether a pre-existing condition impacts the value of a personal injury case. The answer is maybe, but not as frequently as the defense attorneys and adjusters will argue. A pre-existing condition is much different than a pre-existing symptom.

If there are pre-existing symptoms before the accident, then we go in great depth and detail into the records, to see exactly what those symptoms were, how long they lasted, what the gap was between the last time one had those types of complaints and then we show the difference or how that symptom was aggravated by the accident that we're addressing.

What Does a Good Witness Do for My Case?

Clients ask us about the role of expert witnesses because it is a tremendous expense in any type of personal injury case and very, very important. For instance, in a medical practice case, Florida law requires an expert witness to

review all the relevant records and give an affidavit stating that there has been malpractice before we can even begin the lawsuit.

In a motor vehicle case or motor vehicle collision, we may need an expert witness for some type of specialized knowledge on either recreating an accident, putting together an economic report, and computing the present value of one's damages. Expert witnesses are tremendously important and have tremendously important roles in these types of cases.

Should I Take a First Settlement Offer?

We're often asked if you should take the insurance company's initial offer once you've been injured in an accident. My recommendation is always a hard no to that question. There are many things that come into play in personal injury accidents. Most importantly, you may not know the extent of your injuries for quite some time until after the accident has occurred. I tell everyone to go see your doctor immediately and contact a lawyer as soon as you're injured to let them guide you through the case.



Oftentimes, your damages are more severe than you initially know. If you've settled for that lowball first offer, you're not going to be able to go back against the at-fault party again for further damages.

Will My Personal Injury Case Go to Trial?

We're almost always asked by our clients if it's possible that there will be an amicable or agreed-upon settlement before a jury trial. The answer is yes, but we're very careful to make sure that we get the full value of one's case. If the other side eventually does what's right, through our advocating the case, and puts a fair and reasonable offer on it, then it can resolve short of a jury trial. If they don't, we have the knowledge and the resources to take it to a jury trial, and that's what we do at Edwards & Ragatz.

CONTACT OUR FLORIDA PERSONAL INJURY ATTORNEYS TODAY

If you have been seriously injured by someone else's negligence, please do not hesitate to call our Florida personal injury attorneys. We will support you through every step of the way to make sure you are protected and have the best chance at full compensation. We will go over the details of your personal injury case during our first meeting. Call us today to set up a free consultation.

PREPARED BY EDWARDS & RAGATZ, P.A.

Tom Edwards and Eric Ragatz have worked together for more than 10 years, and between them, they bring decades of experience to every case. Tom is a Board Certified Civil Trial Lawyer, the highest specialty recognition given to lawyers handling injury and death cases and has the highest rating of AV by Martindale-Hubbell, a national attorney rating service. Eric has represented many injured clients in complex personal injury, medical malpractice, nursing home abuse and product liability cases, and has the highest rating of AV by Martindale-Hubbell.

This experience, and the personal devotion to clients and the relentless commitment to pursue justice, is why Edwards & Ragatz, P.A. is recognized for excellence in the Jacksonville area, and throughout the state. We are a dedicated team of various fields of expertise that serve clients with compassion and the utmost professionalism, making us one of the most trusted law firms in Jacksonville. From seasoned trial lawyers to paralegals and registered nurses, you can rely on the Edwards & Ragatz, P.A. team to deliver the comprehensive service and personal care your case deserves.

If you find yourself in an unfortunate situation and need medical malpractice lawyers or a personal injury attorney in Jacksonville, we will use our legal experience and vast resources to get fair compensation for your injuries. Together, we'll put the law on your side.

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