



GEORGIA PERSONAL INJURY GUIDE

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

CHRISTOPHER GUNNELS



Accidents happen and sometimes, when people act carelessly, there can be serious injuries involved. It is something that can turn your life upside down. If you have been seriously injured in an accident due to someone else's negligence, you may be wondering what you can do to recover for your medical bills, lost wages, and mental anguish. Our Georgia personal injury attorney is here to guide you through the steps of your case. You are a priority and the success of your case is important to us. After you read about your personal injury case, please do not hesitate to give our office a call to set up a free consultation.

TYPES OF PERSONAL INJURY CASES WE HANDLE

Personal injury is a term that covers a lot of ground. There are several different types of personal injury cases which we have successfully handled before. These include:

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

Each case comes with a host of injuries that need to be treated right away. They also require specialized representation. When you are looking for a Georgia personal injury attorney, you need to take into consideration their experience with your particular type of personal injury case. When you hire someone who

has a proven track record with your case type, you greatly increase the chances of you getting the best possible outcome.



GEORGIA PERSONAL INJURY STATUTE OF LIMITATIONS

If you are injured in Georgia, you need to be aware of the laws that are in place that apply to you. It is important you know the statute of limitations in particular. The statute of limitations is a term for the amount of time you are allowed to bring your

claim or have it settled in civil court. Georgia permits two years starting from the date of your accident/injury to bring or settle your claim. There are some exceptions to this with cases like medical malpractice or nursing home negligence. These are cases where you may not be able to immediately discover that there has been negligence. For instance, you may not realize the pharmacist gave you the wrong medication right away. In those types of cases, your statute of limitations begins when you have discovered, or should have reasonably discovered, that there was negligence.

PERSONAL INJURY COMPENSATION LAWS IN GEORGIA

Very often, there will be fingers pointed at you when you try to bring a personal injury claim. Even if there was a clear liable party other than yourself, the insurance company for the other party tries to turn it around and blame you to reduce their responsibility to give you compensation. When that happens, we put the laws of compensation into play. Georgia follows modified comparative negligence laws which has to do with the reduction or elimination of your ability to collect an award. For example, if you have been involved in a car accident where a driver hit you after running through a stop sign, but you were speeding,

then you would most likely share some fault. Let's say you were awarded \$10,000 for your injuries, but were found to be 20% at fault for the accident. You would then be allowed to collect \$8,000 of that award to account for your role in causing the accident. Georgia law requires the application of comparative negligence laws when there is shared fault between the two parties. This often is a source of contention during negotiations for settlements.

BIGGEST PERSONAL INJURY CASE MISTAKE TO AVOID

Shortly after your accident, you will most likely be receiving a call from the liable party's insurance company. The representative assigned to your case is going to have a goal, which is to get a recorded statement from you. It is imperative that you do not give them any kind of statement. No matter how convincing they are when they tell you it will help resolve your case sooner, you should never agree to do this. All it takes is one wrong answer and you could ruin your case. The insurance company knows this and they are trained to ask questions which illicit a response that is damaging to your case. We suggest that you allow your attorney to take over all communication with the insurance company to avoid any damage.

FREQUENTLY ASKED PERSONAL INJURY QUESTIONS

How Do I Find the Right Attorney?

There are a lot of things to take into consideration when hiring a personal injury attorney. First, you want to make sure that the attorney you hire dedicates his or her practice solely to personal injury lawsuits. There are many attorneys out there who may spend significant time handling other types of cases, such as criminal cases or



bankruptcies, but will also handle a personal injury case too if it comes along. You're not doing yourself a service if you hire a law firm that doesn't handle injury cases every day. At The Gunnels Law Firm, we exclusively handle personal injury lawsuits.

Another thing to take into consideration is to what extent the attorney you hire knows how the insurance system works. Insurance companies have their own way of doing things and determining what the value of a personal injury case is. I spent many years representing insurance companies in personal injury lawsuits and know how they work, how they think and what moves the needle. I eventually determined that I was on the wrong side of that litigation and wanted to spend my time helping individuals who had to fight with these insurance companies. Now I can put that experience that I have being on the other side to use for individuals that I represent. It's important to have an attorney that knows how that system works.

You also want to make sure that the law firm or attorney you're hiring is getting good results in the personal injury cases they are handling. Ask about results they're receiving and how often they're trying cases. It's important to know that you're working with someone that is willing to do all the work that is necessary.

The final thing, as previously mentioned, is making sure you have an attorney who tries cases. There are way too many attorneys that aren't willing to take a case all the way to trial, and the insurance companies know who those attorneys are. We strive to never be an attorney who is going to be looked at as being afraid to take a case to trial. We are in the courtroom a lot, and the insurance companies we deal with know that.

You don't want to find yourself with an attorney who is going to just take the best offer the insurance company will give you. In many instances, the insurance company is not going to be the one that gives you a fair offer and you're going to have to take the case to a jury to make sure you are fairly compensated. We pride ourselves in going through the entire process and not stopping until we've achieved justice for our clients.

What Mistakes Can I Avoid?

We frequently see people come into our office who have caused damage to their personal injury claim without even knowing it. The first mistake we often see

people make is not calling the police and filing a police report when an accident occurs. It's essential to have the police arrive and make a police report so that, one, the claim is documented – what occurred, where it occurred and when it occurred – and, two, that we have the information necessary to pursue a claim against the at-fault driver. If no police report is taken, those drivers may disappear, and we may never be able to locate them to pursue your claim.

A second thing we see people do is not accurately report their injuries at the scene of the incident. We frequently have people tell the responding officer that they are not hurt, when, in fact, they admit to us that they were already experiencing pain. This is not the time to be tough and hide your injuries. Make sure that your injuries are accurately recorded. It's not good for us if at the scene you claim to have been suffering from pain, but the accident report says, "no injuries reported." Tell the officer when you are feeling pain.

Another thing that people do that is very detrimental to their claim is not seeking medical treatment immediately after they've been injured. If you are feeling pain at the accident scene, go to the hospital and get checked out. If it's not until the next morning that you begin to feel pain, which is very common, go that day and get checked out. This does two things: it documents the injuries that you're having and when you began having them, and it begins your recovery right away.

Finally, make sure you hire an attorney immediately to help preserve your rights and walk you through this process. If you try to handle these cases yourself, insurance companies will take advantage of you because you don't have a lawyer that knows the process. Don't just hire a lawyer; hire the right lawyer – one that's experienced and knows how to handle these cases. If I can help you with any type of personal injury claim, please call me at the beginning. We're here to help.

Should I Talk to the Insurance Company?

We're often asked by clients whether they should give a recorded statement to an insurance company that has requested one after an accident has occurred. The answer to that question is no. While people think they may be doing their case a service and making it better by telling their side of the story, they are at a disadvantage in those types of claims. The insurance companies have adjusters

who are trained to ask questions and get information from the injured party that could be harmful to the case later on.

We want to make sure that the insurance companies do not ever get a chance to speak with our client without us present and available. To the extent that we ever do have to give recorded statements, always wait until you have an attorney to participate in the recorded statement with you.



Is There a Minimum Amount of Medical Bills?

When people call us over personal injury cases, one of the things they often ask is if there's a minimum amount of medical bills that they need to have sustained in order to support a claim. The answer to that is, no, there's no rule about how much is required in medical expenses before a claim is viable.

There are certainly cases where the amount of injuries and medical expenses that have been suffered just don't warrant the time and expense of pursuing a case. However, there are some claims, that can be very significant, that involve a very small amount of medical expenses relative to what the injury is. One example that we've dealt with recently is a multiple finger amputation. There's simply not much that can be done, other than covering the wound and sewing it shut, to help one of those cases. You can often have a lot more expenses in dealing with a – relatively speaking – back or neck injury than you may have with something as severe as fingers being amputated. Obviously in that situation, the finger amputation case would have a lot more value because of its permanent damage.

While a lot of how these cases are viewed involves the amount of medical expenses that have been suffered, it's not always determinative. If you have suffered what you believe is a substantial injury, or an injury that warrants pursuing a claim, that's a good thing to follow up on. Give us a call and talk to us about it. We're here to help.

How Much Will My Case Be Worth?

When we have clients come in who have a personal injury case of any sort, they often want to know what the value of their claim is and how much compensation they're entitled to. That can vary based upon many different sources. Georgia law does not provide any type of formula that tells what someone is entitled to when they have been injured in a personal injury matter by the negligence or carelessness of another person.

If you have a viable personal injury action, what you're entitled to under the law is special damages, which are the medical expenses and lost wages that you have incurred in dealing with whatever injury you have, and non-economic damages, which is pain and suffering and the disruption of your life.

When determining the value of your claim, it all comes down to the amount of these expenses, along with how significantly you were injured. We're looking at the severity and whether your injury is permanent or not. Permanent injuries have a lot more value than non-permanent injuries do.

In addition to what the value of your injury is, you also have to look at the amount of available insurance coverage. It doesn't really matter how much value your injury has if there's not enough insurance coverage to support paying you that amount. You could have a million dollar claim with someone who has \$25,000 in liability insurance, and the likelihood is you're going to be capped at that \$25,000 regardless of how much value your injury has. The important thing to do is, at the time that you are injured, consult a personal injury attorney right away who can help you work through these issues and make sure to maximize the value of your case.

If you have a personal injury matter that you would like to consider following through with, please give me a call. We're here to help.

How Long Will This Case Take?

One question we always receive from clients is how long it will take to resolve their personal injury case. The answer is that it can vary greatly. In smaller car wreck cases, where the client heals from his or her injuries and it's not a significant life-changing case, those claims can often be resolved fairly quickly. If you have a medical malpractice or negligent security case, those cases can often

go on for three to five years. What's important to note is that until you have fully healed from your injuries, you can't go about pursuing your case.

The statute of limitations for a personal injury claim in Georgia is two years from the date of the incident. If you have a car wreck or you have a negligent security issue, you have two years from that date to file a lawsuit. In that time, you will be treating for your injuries and going through the process of recovery. With a car wreck case, if you take four months to heal from your injuries, then, at that point, we can go ahead and submit a demand and try to get the claim settled before having to file a lawsuit. If the claim won't settle before we file a lawsuit, then we must litigate and work that through the system.

From the point that we file a lawsuit, it's generally – for more minor claims – six months to a year before we can get a resolution to the claim. On claims that involve significant injuries, the person may treat for two years with their doctors and not be able to get better, and we need to make sure that they've gotten as much treatment as possible before we file a lawsuit. Those cases often get filed close to the end of that two-year period.

Once those types of case are filed, they usually take a lot longer in litigation. They can take two to three years on their own. From the date of the injury, those cases can often last somewhere from two to five years. If you have any questions about personal injury claims and how long they may take, please give us a call. We're here to help.

PLEASE CALL OUR GEORGIA PERSONAL INJURY ATTORNEY TODAY

If you have been injured due to someone else's negligence, carelessness, or even malice, please call our office today to set up a free consultation. You deserve to have competent and dedicated representation. Our Georgia personal injury attorney is highly experienced in many different practice areas and will guide you through your case step by step. When your life is flipped on its head,

call our attorney to get the compensation you deserve from the liable party's insurance company.

ABOUT THE AUTHOR

Mr. Gunnels is the founding member of The Gunnels Law Firm, LLC in Atlanta. Mr. Gunnels graduated from Georgia Southern University with a degree in Business Management in 1999 and from the University of Alabama School of Law in 2002, with honors. While at Alabama, he served as a Senior Editor and Treasurer for the Alabama Law Review and won several awards for skill in oral advocacy in competition with the Environmental Moot Court Team. He was also inducted into the Bench and Bar Legal Honor Society and elected by his peers to serve as an Associate Justice on the University of Alabama's Honor Court. Mr. Gunnels has extensive experience handling a wide variety of general liability matters. He has successfully resolved cases involving wrongful death, personal injury, construction defect, premises liability, mass torts and products liability.

