



What to do if you are the victim of a personal injury



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• How does the process begin?

Your lawyer will interview you to learn the facts of the accident and the extent of your injuries. After the initial interview, your lawyer will obtain medical records, have witnesses interviewed, obtain police reports, and any other information to help you prove your claim for personal injury.

• How will your claim be evaluated?

To verify whether you have a valid claim, your attorney will consider if the loss you suffered was caused by another person's conduct. There are three kinds of wrongful conduct: negligence, intentional misconduct, and strict liability.

Negligence is the most common basis for recovery of losses from an accident. The law holds individuals responsible for their own carelessness. The most

common example is a driver of an automobile failing to stop for a stop sign.

You can recover for an act of intentional misconduct if someone has deliberately hurt you or your property.

Companies and individuals can be responsible for damages on the basis of strict liability if they have engaged in a dangerous activity, such as conducting explosions or keeping wild animals as pets or if they have manufactured or sold a defective product.

• Does a lawsuit have to be filed?

Your lawyer may be able to settle your claim and obtain compensation for your loss without filing a lawsuit. Realize that your claim can be settled after a lawsuit is filed, or even after a trial begins. If a lawsuit is necessary, your lawyer will prepare all of the necessary documents to file your claim with the appropriate court. Your lawyer will also gather the evidence needed to prove your claim, should your case go to a trial.

• What is your injury worth?

Your lawyer will assist you in placing a dollar value on your injury. Realize that you may be entitled to compensation for any out of pocket medical expenses, lost wages, and the cost of repairing your property. You may also be entitled to compensation for any pain, disfigurement, physical handicap, embarrassment, loss of life enjoyment, mental and

emotional distress, and other psychological injuries.

The time, effort, and expense of a lawsuit may not be worthwhile if the party responsible for your injury does not have adequate funds to pay for your damages. Your lawyer can help you determine what assets or insurance are available to compensate you for your loss.

• How can you help your attorney?

Your claim is only as good as the evidence that supports it. Therefore, you must preserve as much of the evidence as possible. If you are the victim of an injury, you should take notes on how the accident occurred, including the names, addresses, and phone numbers of witnesses, doctors, physical therapists, and any other medical care providers that treated you.

Immediately after the accident occurs, it is useful if you take pictures of the injury itself, damage to any property, and where the accident occurred. Have someone take photographs of any bumps, bruises, cuts, stitches or other visible signs of injury. If your injury occurred in an automobile, take pictures of the damaged vehicle to show the extent of the damage. Clear photographs will provide valuable support for your claim.

Preservation of all evidence is essential to proving your case, and getting you a successful resolution to your claim. If evidence is lost or destroyed, it may be difficult to prove your case at

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trial. Evidence should be stored in a safe place, where it cannot be damaged or disturbed.

Additionally, you should keep a daily journal of the medical and financial consequences of your injury. Keep detailed records of hospital stays, treating doctors, treating nurses, doctor visits, medical treatments, physical therapy, lost time from work, lost earnings, and expenses you incur as a result of your injury. Further, you should describe the pain you are suffering, where you are hurting, how badly you are hurting, how often you are experiencing the pain and how you are limited in your daily life.

In conclusion, be aware that others may be responsible for your injuries. If you are injured by the act of another, consult with an attorney as soon as possible. It is important to act quickly so that your rights are protected under the law.

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MICHAEL L. TESTA, Jr., was born and raised in Vineland, New Jersey. Michael was admitted to the New Jersey Bar in 2001. He was also admitted to practice before the United States District Court of New Jersey. After graduating from Villanova University, Villanova, PA 1998 he obtained his law degree from Villanova School of Law, Villanova, Pa. in 2001. He recently furthered his education at Temple University's nationally recognized Beasley School of Law, (LL.M. Trial Advocacy Degree 2006). His professional associations include Cumberland County Bar Association, Association of Trial Lawyers of America-NJ, Board of Governors; ATLA (National) for the Young Lawyers Division, Board of Governors. Other memberships include the Vineland Lions Club, Acting Parliamentarian; Vineland Downtown Improvement District/Main Street Organization, Chairman of the Board of Directors; The Vineland Regional Dance Company, Board Member; The Italian American Benevolent Association and The North Italy Beneficial Association. Michael is a member of the firm of Basile & Testa, P.A., Vineland, NJ. His areas of practice are Civil Litigation, Personal Injury, Criminal Defense and Municipal Court.

