

Hiring an Attorney 101: What's Defined as "Personal Injury"

Personal injury law can be defined as follows:

"physical injury inflicted on a person's body, as opposed to damage to property or reputation."

Accidents resulting in serious bodily injury happen often due to the negligence of others. Be it a business owner or a healthcare professional, their negligent behavior can result in a direct risk to your safety (and at times even your life).

In the days and weeks following an accident or death because of someone else's injurious behavior, it's important to understand all your legal rights as they pertain to personal injury law:

- The statute of limitations
- Formal lawsuit vs. Informal settlement
- When does personal injury occur?
- Retaining a board certified civil trial attorney

What is "personal injury" and when does it occur?

A "personal injury" case can arise when one becomes injured or dies because of an accident where they were not at-fault. If you become injured in a slip and fall accident or you're the victim of something as tragic as a bridge collapse, for example, someone else may be responsible for the negligence that directly caused the accident to occur, causing your injury or loss of life.

Personal injury law and its nuances

Personal injury cases can become "formal lawsuits" when legal counsel is retained, and civil court proceedings determine the opposing party is legally at-fault through a judgement made against them or, more commonly, a legal dispute that is resolved through a settlement. A settlement would occur before any lawsuit is filed and is preferable in many cases.

Formal lawsuit vs. informal settlement: exploring your options

Let's explore the two distinctions and expand on their differences:

1. **Formal lawsuit:** While a criminal case is initiated by the government, a formal personal injury claim is generally initiated when a private citizen (known as the "plaintiff") retains a board certified civil trial attorney who files a civil "complaint" against another individual (known as the "defendant") and alleges they acted in a manner that can be considered careless or negligent enough to cause serious bodily harm or a fatality.
2. **Informal settlement:** When it comes down to it, most personal injury cases alleging fault against an individual due to serious bodily harm or the death of a loved one are

resolved in a what's known as "settlement". Those involved are normally insurers, the injured party and the party they allege caused the injury and their attorneys. A settlement is usually reached in a process called "negotiation" or "mediation", and a written agreement will follow that stipulates both parties will take no further action. Upon agreeing to the terms of the written agreement, the matter is then resolved through financial compensation.

The statute of limitations: why it matters

"Plaintiffs" are limited in the amount of time allotted to file a lawsuit. This is called the "statute of limitations" and in the state of Florida, it is **(2) two** years.

If the Plaintiff exceeds the two-year statute in which they have a right to file a lawsuit, they forfeit any financial compensation they sought to gain. The judge will dismiss the complaint every time, no matter what.

An interesting difference

While other areas of law abide by rules found within statutes (penal codes in criminal law cases, for example), much of personal injury law takes place within court decisions.

A handful of states have made attempts to summarize personal law within written statutes of their own, however, practical reasons deem that court judgements remain the official source of law in any case resulting from injury or accident.

The best personal injury law firm in South Florida

Our board certified civil trial attorneys have the longstanding experience and litigation skills in personal injury law necessary to obtain the compensation you deserve when you're injured or the family member of someone who passed away because of someone else's negligent or irresponsible actions.

Whether you've been in a motor vehicle accident, suffered a slip and fall, or you've lost a loved one to nursing home abuse, **Shaked Law Firm** provides a confidential, stress free atmosphere in which to discuss your personal injury case. Contact us for your complimentary consultation and take the first step. There's no obligation. Call us today: (877) 529-0080.