

# Why People Hire Personal Injury Attorneys

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**Sadly, individuals are injured across North Carolina every day in many different ways.**

When injuries, or even deaths, happen, it often isn't the injured or deceased person's fault. In these cases, the injured person or their family may have a legal claim and the right to receive monetary compensation. These situations are when people turn to personal injury

attorneys.

## **Liability and Damages**

Whether or not someone was negligent (at fault) determines legal liability. Under our civil legal system, we have a duty to act with reasonable care in all of our actions so as not to injure others. When someone fails to act with reasonable care, and their actions cause injury or wrongful death, that party is deemed negligent. Unless a legal defense applies, a negligent party is legally liable for the damages caused. Examples range from a negligent driver causing a wreck; to a company negligently producing an unsafe product; to a property owner failing to correct or warn of an unsafe condition that hurts a visitor.

Once negligence is established, the negligent party typically is liable for any damage their negligence caused (unless some sort of legal defense applies). The aim of awarding damages is to make the injured person "whole" under the law. When dealing with serious personal injuries or death, this, of course, cannot truly be done. No amount of money can ever compensate someone for a serious, permanent injury or death. Still, the only mechanism our civil legal system has to compensate an injured party is through the payment of money. The payment of money is how the law compensates for bodily injury and death to "balance the harm" incurred. The negligent party or their insurance company is responsible for paying these damages. Such damages can include past, present, and future medical bills, lost income, as well as non-economic damages meant to compensate for pain and suffering, scarring or disfigurement, loss of use of a body part, or the permanency associated with any continuing injuries.

## **The Role of a Personal Injury Attorney**

When an injured person or their family has a legal claim, and the potential to recover damages, they often hire a personal injury attorney. Such an attorney will advocate on the client's behalf and ensure full and fair

compensation is paid under the law.

The first step a personal injury attorney will take is an initial investigation of the facts of the negligence or wrongful death case. This may include talking to witnesses, reviewing medical records, and reconstructing accidents, among other steps. The attorney will also want to collect more information about his or her client and any other victims in order to understand exactly how people have been hurt and what amount of compensation might be appropriate.

Following such an investigation, there will usually be some outreach to the company or individual at fault or their insurance company. At this point, a personal injury attorney can discover whether the at-fault party is willing to negotiate a fair settlement, or if the case needs to go further, including a potential lawsuit. If a lawsuit is filed, a more formal investigation will take place through the discovery process. This could include taking depositions—involving sworn legal testimony made in a formal setting including a court reporter—and other steps. For instance, in North Carolina, before a case can go to trial, it first has to go to mediation, where the two sides will see if they can work out a settlement without having to go to court. If they can't agree, then the case typically will proceed to trial and be argued in front of a judge and jury. The jury will determine the facts, and the judge will apply the law to the case.

Each of these steps require thoughtful analysis of the legal strategy employed, and zealous representation to advocate on behalf of the injured party or their family. Doing so allows a skilled personal injury attorney to force the at-fault party to pay the most compensation possible under the law. While money will not undo a wrong, personal injury attorneys can ensure that the fullest amount of legal compensation is paid. Doing so can help pay for future medical bills, provide resources for someone who no longer can work, and help support children or other family members. Thus, the right kind of legal representation can make a meaningful, long-lasting difference in people's lives.

## **Conclusion**

When injuries or wrongful death happen as a result of another party's negligence, our legal system puts the responsibility on that negligent party. So, the injured person must turn to that negligent party, or the insurance company, for compensation. An experienced personal injury attorney can assist with these claims and make a meaningful difference. Involving an experienced, committed personal injury attorney will ensure the protection of the injured party's rights, and that the injured party also has skilled guidance during a challenging, complex legal process.

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