

BACKGROUND

There are two basic aspects to any type of personal injury claim: liability and damages. Damages are the value of the injuries you have suffered, both objective and subjective, and liability is whether or not another party is legally responsible for those injuries. You must prove both elements to be successful in your claim.

Common types of personal injury cases include auto accidents, slip and falls, dog bites and medical malpractice.

LIABILITY

Illinois is a comparative negligence state, meaning you can recover financially so long as you can prove you were not over 50% responsible for your own injuries. However, should the matter proceed to trial, your financial recovery will be reduced by whatever percentage the court or jury finds you personally liable.

Some personal injury claims, such as animal bite claims, are traditionally considered "strict liability." Basically, that means as long as you can prove you were in a place you legally had the right to be, and did nothing to provoke the animal, the owner of the animal will be liable to you for your injuries without further proof.

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DAMAGES

"Damages" is the term used to describe your losses from an accident. It can be the loss of income, medical bills, loss of normal life, pain and suffering or emotional distress. You can recover for both past and future losses in these categories.

It is your responsibility to prove, more likely than not, that your injuries and damages were proximately caused by the occurrence. This can be done through your testimony and/or the statements of your doctors or experts.

Pre-existing medical conditions do not disqualify you from making a claim, but your medical professional will need to support that there was an aggravation that led to your need for further care.

You want to carefully document any damages you may claim. The mere fact an accident occurred will not automatically entitle you to a settlement or recovery. You must prove you suffered or incurred expense as a result of the accident.

(815) 431-1111

WHAT TO DO IF INJURED

- **Contact an authority.** No matter how or where you were injured, it is important to document the occurrence with the appropriate authority so there is no question in the future that it happened and how it happened. Call the police, or if appropriate, the property owner.
- **Do not admit fault.** It is fine to listen to others after an occurrence, but never volunteer information yourself. In general, speak to no one about the claim unless required by the police, your insurance company or your attorney. DO get whatever information you can, including contact information for witnesses and insurance information.
- **Take photos.** It is very important to try and document both the scene of any occurrence and your physical injuries. Photos can be the evidence that makes your case.
- **Seek immediate medical care.** There are no rewards for patience. You want to make sure you treat early and often. Be very clear with your medical providers what injuries you believe are related to the accident.
- **Keep a journal.** Document who you talked to and when and what you talked about. Keep track of how you are feeling as you may be called upon later to remember details of your recovery.
- **Limit social media.** What you say and post can and will be used against you!

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