

WHAT IS THE VALUE OF MY GEORGIA PERSONAL INJURY CLAIM?

**HOW TO GET COMPENSATED
FAIRLY FOR YOUR LOSSES**





What is the Value of My Georgia Personal Injury Claim? How to Get Compensation Fairly for Your Losses

by Sheryl L. Burke

**Law Offices of Sheryl L. Burke
1230 Peachtree Rd N.E.
Suite 1900
Atlanta, GA 30309**

**Phone: 404-842-7838
Email: Sheryl@SherylBurke.com
www.SBurkeLaw.com**

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Preface

The goal of this guide is help provide a few insights and clear explanations about negotiating a personal injury claim in Georgia. What compelled me to write this book? Before I began representing accident victims I worked as an insurance adjuster for 4 years helping the insurance companies reject or deny the same types of accident claims I now argue for the victim.

Working as an insurance adjuster and later, an Atlanta personal injury lawyer, has allowed me to see how the insurance industry works from the inside out. It's also shown me time and again about the importance of giving clients as much information as possible in order to level the playing field between the insurer and the injured victim.

The information contained in this guide is meant to give you the best possible understanding of how to negotiate a personal injury claim in Georgia after a serious accident leads to injury. I work with many accident victims who nearly lost out on compensation, simply because they didn't understand the process. Few know that once you sign a settlement agreement, you are barred from seeking more compensation, even if the settlement later proves to be far below what you need to recover financially from your accident.

For more information about my law firm and the types of claims we handle as well as important information about the process of filing a personal injury claim in Georgia, I invite you to visit my website and article library at <http://sherylburke.com> or contact me directly to set up a consultation of your case.

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Chapter 1:

How do I know if I have a valid Georgia personal injury claim?

It may sound uncaring or harsh, but it's a fact that not every accident or injury will qualify the victim for a Georgia personal injury claim. Though an Atlanta personal injury lawyer is your best resource when trying to determine the validity of a potential injury claim, there are **3 general starting points you can use to figure out if you have a genuine cause to file a personal injury claim:**

- **Negligence:** In order to successfully pursue compensation from another party (or their insurance carrier) it must be proven that their negligence was the cause of your accident.
- **Damages:** You can't seek compensation if there are no demonstrable damages experienced in the accident. What do I mean by "damages"? Things like lost wages, huge medical bills and disfigurement are some of the most common types of damages that will be seen in a Georgia personal injury claim.
- **Evidence:** It's impossible to fight for the compensation you deserve if there is no proof that negligence occurred and you suffered damages because of that negligence.

In general, only serious injuries and clear examples of negligence will make a viable basis for a Georgia personal injury claim. To get a better understanding of what I mean, let's take a look at some hypothetical accident situations.

Not a Good Candidate for a Personal Injury Claim

Jeff was texting while driving his SUV on a busy city street in downtown Atlanta. Because he wasn't paying much attention to his surroundings, he rear-ended a large pick-up truck that had stopped suddenly for a dog that ran across the street. Jeff bruised his knee against the dashboard, and had some stiffness in his body, but he declined medical attention at the accident scene and didn't have a need to follow-up with a doctor. His car sustained serious damages, and he accumulated \$3,570 in auto repairs.

Why this case *isn't* a good fit for a Georgia personal injury claim: Not only was Jeff the primary cause of his own accident, he didn't seek medical attention and had no medical bills. His only costs incurred were property damages.

vs.

A Good Candidate for a Personal Injury Claim in Georgia

Janet was traveling north on I-85 when her minivan was struck by a semi-truck that "drifted" into her lane. It turns out that the truck driver had dozed off because he had exceeded federal regulations on how many hours a driver can log in one day. Janet was fortunate to survive, but suffered numerous fractures, lacerations and a traumatic brain injury in the accident. She missed two months from work and doctors predict she will need ongoing treatment for years, possibly the rest of her life, to address the ongoing effects of the TBI.

Why this case is a good fit for a Georgia personal injury claim: There is a clear example of negligence on behalf of the truck driver, who is likely backed by substantial accident insurance coverage. In addition, Janet has accumulated massive medical bills, lost wages and will be able to demonstrate through x-rays, CAT scans and other definitive medical evidence that she suffered substantial injuries. These types of factors are the hallmarks of a strong personal injury claim.

Chapter 2:

Who should I talk to about my Georgia personal injury claim?

The most obvious answer to the question of who to talk to about your Georgia personal injury claim is your Atlanta personal injury lawyer. After a serious accident in Atlanta, **you need be just as concerned about who you *shouldn't* talk to about your Georgia personal injury claim.**

Think of your claim as the most private of private matters. Every conversation you have about it or the accident could potentially jeopardize your entire case. In that respect, you need to limit the conversation and be very mindful of whom you talk to about the matter.

Some of the people who need to be placed on your “lips sealed” lists include:

- **your social networks** – people on Facebook, Twitter or your personal blog don't need to anything about the case. It's vital that you remember that every word you say on the Internet could potentially become evidence that wrecks your claim;
- **your doctor (in some aspects)** – be honest and open with your doctor about your injuries and recovery but do not talk to him or her about the specifics of your impending legal matters, such as the amount of damages you are seeking;
- **your friends/family/co-workers** – the people in your life care about you and want to know about your recovery. It's OK to tell that you were injured in an accident, but politely tell them you can't discuss the full details at this time; and
- **insurance adjusters from the defendant's insurance company** – it's not just *their* adjuster that you have to watch out for, however. *Never* give a recorded statement to adjusters from either side without the direction and supervision of your Atlanta personal injury lawyer. And certainly **never sign anything from an insurance adjuster until your attorney has a chance to look it over.**

Now that we've discussed who you *shouldn't* talk to about your accident in Atlanta and your Georgia personal injury claim, let's look at who you *should* talk to about your personal injury claim.

Here are the people who you should talk to about your claim:

- **Your Atlanta personal injury lawyer** – It may take meeting with several attorneys before you determine who you want to hire as your legal counsel, but once you have secured your personal injury lawyer, you can entrust that individual with the details of your case; even the aspects that may be embarrassing to share.
- **Other parties (doctor, mechanic, insurance adjusters, witness experts) under the direction of your personal injury lawyer** – Your attorney will help you to determine when it is appropriate to speak with other parties and the constraints of those conversations.

As you can see from these two lists, you are encouraged to be overly cautious in your post-accident communications. Remain so until you are through with your Georgia personal injury claim and your settlement is in your hand.

Consider your Atlanta personal injury lawyer to be your point person; after all, you have hired her or him to protect your best interests. He or she can handle your conversations with the insurance adjusters on your behalf, and can provide parameters for how to communicate with anyone else who may become involved in your claim in any way.

Chapter 3:

What is involved in building a successful Georgia personal injury claim?

There are many factors that go into building a successful Georgia personal injury claim, and each case is entirely unique. That is why meeting with an Atlanta personal injury attorney early on in the process is so essential. Your attorney recognizes which factors apply in your case and in what manner, and can give you a rough estimate of the relative chances for success in negotiating a settlement.

An attorney who handles personal injury claims on a daily basis will draw upon past case experience to determine:

- **The validity of your claim** – Only by consulting with a potential client can I determine whether there is valid basis for a Georgia personal injury claim. If after meeting with a victim and hearing about their case (or lack thereof) I feel that they won't be able to successfully reach any sort of settlement, my ethics dictate that I cannot take him or her on as a personal injury client.
- **The strengths and weaknesses of a claim** – One of the most important things you can ask an Atlanta personal injury attorney at the initial consultation is what they believe will be the most challenging aspect of negotiating a settlement. You need to know where you stand early on in the process.
- **A rough monetary estimate for the settlement** – No one can say the absolute value of a claim until it is settled and the victim has the money in hand. Never trust an attorney who tells you otherwise. What I can do, however, is assess your case from all angles, including your lost wages and medical bills, to arrive at a general figure that is fair and inclusive. There are certainly no promises that this is the number that will be attained, and the strength of your claim will dictate how successful you are at reaching that fair value.

After these initial aspects are covered, you and your Atlanta personal injury attorney will begin the arduous process of building a Georgia personal injury claim.

Below is a list of the basic building blocks—or considerations—of assembling a successful personal injury claim in Georgia:

- **where liability rests;**
- **the defendant’s character and behavior;**
- **your own character;**
- **the types of injuries involved;**
- **the existence of prior injuries;**
- **damages;**
- **age of the victim(s); and**
- **the amount of insurance carried by all involved drivers.**

I will go into greater detail about these aspects in subsequent chapters of this book, but remember that your Atlanta personal injury attorney can give you a break down of the factors that are most relevant to your own case.

Chapter 4:

How Liability Will Factor into Your Claim

Before we look at liability's effect on your Georgia personal injury claim, let's quickly define a few key terms related to personal injury law:

Negligence: *A failure to take reasonable care to prevent damage or injury to others.*

Liability: *The state of being held legally—and often financially—responsible for an act, such as an accident in Georgia.*

Negligence and liability are interwoven, in that, when a person displays negligence in a situation that results in an accident and/or injuries, they will take on liability for that accident.

Negligence Laws in Georgia

Every state follows its own version of negligence law. **In Georgia, we observe what is known as a modified form of comparative negligence.** Essentially speaking, this type of negligence will compare the actions of involved parties in an accident to determine who was the most responsible—or liable—for the accident.

Georgia negligence laws dictate that **anyone who was determined to be less than 50% can pursue compensation in a Georgia personal injury claim.** If you are found to be 60% responsible—or liable—for an accident, you won't be able to collect damages in a claim or a lawsuit for injuries relating to that accident. While that may seem unfair, it also highlights why having an Atlanta, Georgia injury attorney on your side early on in the fight is so important. Your attorney will work to pursue evidence that demonstrates a minimal degree of liability on your behalf.

Something else to understand about Georgia negligence laws is that **your degree of fault—assuming it is determined to fall below the 50% threshold—will have a direct impact on the amount of your settlement.** To get an idea of how this works in the real world, let's look at another hypothetical accident situation:

Tom is driving his car north on a suburban street, traveling about 10 or so miles over the speed limit. James is headed south on the same street and makes a left turn into Tom's path and the two vehicles collide. After assessing all of the details of the case, it is determined that James was 80% at fault for the crash (people making left hand turns often assume a bulk of the liability in an accident). Tom is assigned 20% of the fault because he was traveling above the speed limit and this likely contributed to James' miscalculation of the safety of making his turn. Tom's damages are factored at \$63,000. After subtracting 20% (\$12,600) his final award is \$50,400.

The takeaway from this is that your liability—or fault, negligence, responsibility, however you want to think of it—can either decrease the potential value of your claim, or bar you from compensation altogether. Your Atlanta, Georgia injury attorney will investigate all the details of your case to help determine (and prove) your level of liability. As your attorney, I don't want you to take on liability that is not yours.

A Special Case: Liability When a Government Entity Causes Your Atlanta Accident

If the other party involved in your accident happens to be a government employee or entity of any sort—whether an employee of the City of Atlanta, Fulton County, the State of Georgia, or a Federal employee—the rules of liability get murky. If a member of the government causes the accident—for instance, a park maintenance worker, or a US Postal worker—your claim will be governed by a Tort Claims Act, such as the Georgia Tort Claims Act. While these acts allow you to pursue compensation from a government entity, they essentially limit the amount of liability that will be assumed by the defendant. This in turn will impact the potential compensation you will be able to pursue.

Chapter 5:

Your Injuries and Your Georgia Personal Injury Claim

The strength of a Georgia personal injury claim is dependent upon the seriousness of the victim's injuries. As the plaintiff in a personal injury case, you will need to demonstrate that your injuries are serious in nature and that they have been and will remain costly to you and your family.

Below are some guidelines for your post-accident medical care that will prove invaluable when negotiating a Georgia personal injury claim:

- **Do not refuse medical care** – After an accident, do not decline medical treatment. Some serious accident injuries are not readily apparent until hours or days after the event. At the same time, by getting medical care immediately, you demonstrate that you are taking your own health very seriously.
- **Follow the ER doctor's orders** – Take all of the instructions seriously and take any medications that are ordered.
- **Seek follow-up care** – Contact your primary care physician after the accident in Georgia, and refer them to your ER doctor so that they may retrieve the records of your initial post-accident care.
- **Follow all of your primary care physician's instructions** - If your doctor orders you to bed-rest, listen to him or her: do not return to work or engage in physical activities until you are cleared to do so.
- **Chiropractic care isn't always covered** – For many patients, chiropractic care is critical to a full recovery, but be aware that some insurance providers will balk at paying for these costs. Be aware of the terms of your policy and maintain receipts related to the cost of this care.
- **Document your medical expenses** – Keep all receipts and copies of bills related to the costs of your medical care; everything from the ambulance bill to a receipt from the pharmacy for pain medications.

Common But Serious Injuries After an Accident in Georgia

If your injuries are limited to a few scrapes and bruises, or “soft tissue damage,” it is not likely that you will be able to successfully negotiate a satisfactory Georgia personal injury claim. But there are many other far more serious accident injuries which my office sees on a regular basis.

For each type of injury, it is important that you seek the proper medical care and support, not only for your long-term health, but also, the strength of your claim. When specialized care is needed, start by asking your primary care physician for a referral to a specialist. Your doctor knows you and your history best, and it is advantageous to you both financially and health-wise to work with someone whom your trusted healthcare provider recommends.

Listed below are a few of the most common types of serious accident injuries that can occur and the types of treatment you may seek as a result:

- **Traumatic brain injury** – Common in motorcycle crashes, slip and fall accidents and rollover collisions, a traumatic brain injury (TBI) after an accident in Georgia can result in short- or long-term memory loss, personality changes, pain, and a loss of the special senses. You may need to seek cognitive therapy, speech therapy and even occupational therapy. If the TBI leads to depression or personality changes, it may be necessary to seek counseling as well.
- **Spinal cord injury** – Often seen in severe auto accidents, bicycle accidents or pedestrian collisions, these are among the most devastating injuries, as they are permanent and can lead to paralysis or a loss of functioning in the part of the body located below the point of injury. The victim will need intensive medical intervention and long-term care, such as physical therapy, as well as adaptive measures for the home, such as wheelchair ramps and accessible bathrooms.

- **Burn injuries** – A potentially life-threatening trauma that can happen in any type of vehicle accident, but most commonly seen in motorcycle collisions. Severe burns leave a victim vulnerable to deadly infections, long recovery, intense pain and disfiguring scars. Treatment may involve skin grafts and long-term hospitalization, as well as reconstructive plastic surgery.
- **Internal injuries** – The trauma of an auto accident can cause internal bleeding and other injuries that will require life-saving surgery and follow-up care. Because of the serious nature of these injuries, a victim may have to make significant adjustments to their lifestyle and miss extended periods of work as they recover.
- **Broken bones** – Any type of accident can lead to bone fractures. A common example would be an older adult who slips and falls in an Atlanta grocery store and suffers a broken hip. Serious fractures may require osteopathic surgery and follow-up care with physical therapists.

These are just a few examples of serious injuries that can result from an accident in Georgia. These injuries can mean severe pain and a loss in wages and quality of life for a victim. Seeking appropriate medical care immediately after an accident and documenting the costs of all required care will better position you to negotiate your Georgia personal injury claim.

Chapter 6:

Character Counts in a Georgia Personal Injury Claim

When you are pursuing compensation in a Georgia personal injury claim after an Atlanta accident leaves you with serious injuries, you may not expect to be under scrutiny. After all - you are the victim. But because your case pits you against the insurance companies, your actions and words are under the watchful eye of the insurance adjusters assigned to your case.

As an Atlanta personal injury lawyer, **I urge my clients be very mindful of all of their communication in relation to their Georgia personal injury claim.** In Chapter 2 of this book, I detailed with whom you should talk about your case, but I will reiterate this point again: everything you say or do can be used to devalue your side as you negotiate a personal injury claim. Because your character plays an important role in determining the value of your claim, my Atlanta law firm works with clients to assess potential “problem areas” and address proper protocol and behavioral guidelines in the course of a claim.

An Attorney’s Guidelines for Protecting Your Character and Claim

Listed below are guidelines to preserve your character and the strength of your Georgia personal injury claim:

- **Always conduct yourself calmly and rationally** – Accidents are stressful situations, but it’s vital that you keep your emotions in check. Do not yell or act aggressively at the scene of the accident. Saying something like “That jerk over there cut me off!” will only make you seem irrational and unreasonable. Likewise, if you are rude to an insurance adjuster, witness, the defendant or anyone else involved in the Georgia personal injury claim process, you will only hurt your case.
- **Deactivate or suspend your social media accounts** – No matter what settings you choose for a social networking profile, nothing on the Internet is safe. Everything you say or post on Twitter, Facebook, etc. has the potential to damage your claim and your character. For instance, if you were pursuing damages for a spinal cord injury and posted pre-accident photos of your ski trip on Facebook, it will look highly suspicious and call your honesty into question.

- **Be honest and open with your attorney** – As your Atlanta personal injury lawyer, I cannot give you the best advice or counsel if I don't know the full story. Your attorney is obligated by attorney-client privilege to maintain the privacy of your conversations and communications. Do not be afraid to answer your attorney's questions, even the embarrassing ones.
- **Don't try to hide your past** – Tell your Atlanta personal injury lawyer about any past injuries or medical care that you have had. Likewise, tell your attorney about a criminal record, driving violations, or any other litigation in which you've been involved. Rest assured the insurance adjuster will be able to dig up this information and you don't want your attorney to get sandbagged during the negotiation process. At the same time, it casts a shadow on your credibility if it becomes apparent that you were trying to hide your past from the adjusters or the court.
- **Ask your Atlanta personal injury lawyer to act as your go-between** – In certain situations your attorney can act as your proxy, such as during any negotiations with the insurance adjuster. By putting your case into the hands of a trained professional, you can best protect the strength of your character and focus on healing from your injuries.

How the Other Party's Character Impacts Your Georgia Personal Injury Claim

The behavior and past of the defendant—in other words, the person responsible for your injuries—can have a profound impact on the negotiation of your Georgia personal injury claim. While you may be uncomfortable digging into someone's past, your Atlanta personal injury lawyer can objectively investigate the defendant's character to provide relevant evidence for the case.

Listed below are aspects of the other party's character that may come into play in your Georgia personal injury claim:

- **His or her behavior at the accident scene** – How the defendant acts at the scene of the accident can be quite telling. If you were in a crash, and the other driver fled the scene, tried to start a fight with you, or called a friend to come and drive their car away, these facts will provide compelling evidence as to the defendant's character.
- **Driving history** – Does the other party have a history of speeding or negligent driving? Are they a habitual offender? DMV and court records can prove an invaluable form of evidence for your case.
- **Criminal history** – If the defendant in your case has been arrested numerous times for DUI, for instance, your attorney will have leverage in negotiating your personal injury claim.
- **Their activity on social networks** – Your Atlanta personal injury lawyer understands what to look for on Facebook or Twitter accounts that may prove crucial to demonstrating any troubling aspects of the defendant's character.

Chapter 7:

A Look at Medical & Non-Medical Damages

During the process of negotiating your Georgia personal injury claim, it will be necessary for you and your personal injury lawyer in Atlanta to provide a list of damages for which you are seeking compensation. There are many types of damages—which could also be referred to as costs or expenses incurred—to consider after an accident in Georgia. Remember: the idea of seeking compensation in a claim is to return you to the state you were in prior to the accident, or as close as is possible.

Below is a list of the most common types of medical and non-medically related damages seen in a Georgia personal injury claim:

- **Property damages** – This includes all of your real property that is either destroyed or damaged in an accident. For instance, if your new \$30,000 SUV is totaled when you are struck by a drunk driver who ran a red light in downtown Atlanta, the loss of the vehicle will count as property damage. This may also include personal effects, such as eyeglasses that are shattered during an accident, or a laptop that is destroyed during a rollover accident and so on, provided you can prove with evidence that these damages occurred and were a direct result of the accident.
- **Medical expenses** – These are perhaps the weightiest damages considered in the typical Georgia personal injury claim. Some of the medical expenses you may incur include:
 - cost of the ambulance;
 - emergency room visit;
 - hospitalization charges;
 - walk-in clinic visitation;
 - chiropractor charges;
 - dental work;
 - corrective plastic surgery (for disfiguring injuries);
 - prescription drugs;
 - over-the-counter drugs;
 - laboratory tests;
 - diagnostic tests (x-rays, MRIs and CAT scans);
 - prosthetic appliances;
 - physical therapy;

- surgical costs (including fees for the anesthesiologist and surgical instruments, and so on);
 - at-home nursing care; and
 - medical supplies (bandages, gauze, heating pads, creams, lotions, ointments, etc).
- **Non-medical damages** – These damages include lost wages and earnings both now and in the future (for instance, if you will be unable to return to your high-paying job as a landscape architect because of your back injury, your Georgia personal injury settlement should take that into consideration); lost vacation time or sick leave; travel expenses (car rental or transportation costs if your car is destroyed in an accident or your injuries leave you unable to drive); costs associated with getting to and from your various medical appointments, such as mileage or public transportation costs; and costs for household help or childcare when your injuries prevent you from being able to tend to your personal and household needs.
- **Emotional damages** – Sometimes referred to as “pain and suffering,” these damages are difficult to quantify as they are related to the stress, embarrassment, depression or post-traumatic stress disorder that may accompany a serious accident. An insurance adjuster will likely try to diminish these damages as the “costs” can’t be demonstrated through bills and receipts, and aren’t visible simply by looking at a victim. Your personal injury lawyer in Atlanta will work with you to provide evidence of these damages in your pursuit of a fair settlement that addresses all of your injuries; physical and emotional.
- **Punitive damages** – In extreme cases of negligence or willful and wanton disregard for human safety and life, a court may award punitive damages. An example of this may be a habitual drunk driver who causes a severe or fatal auto accident in Atlanta. Punitive damages are not necessarily the norm, so you’ll need to consult with your personal injury attorney in Atlanta to determine whether it is appropriate to seek punitive damages in your case.

5 Things to Know About Tracking Expenses and Seeking Damages

In my time as personal injury lawyer in Atlanta, I have identified some common themes when it comes to plaintiffs and their pursuit of damages in a Georgia personal injury claim. These observations may prove useful to you as you attempt to negotiate your claim:

- 1. Determine how you will pay for medical bills at the outset –**
Review the limits of your auto insurance policy to determine if you have medical payments coverage. If so, this will cover your treatment right away. Otherwise, if you are fortunate enough to have medical insurance, you may be able to seek payment through your insurer. If neither applies, talk to your primary care physician about alternatives; will your doctor be willing to put you on a payment system or a lien until your Georgia personal injury claim settles?
- 2. If your insurance policy is confusing, ask for help deciphering it –**
Auto insurance policies are written in language that is confusing to the average consumer. Your personal injury lawyer in Atlanta can help you to go over your policy to ensure that you are getting the coverage that you paid for.
- 3. If Medicare or Medicaid pays for your medical expenses, you will owe them out of your settlement –** If either of these government-run healthcare programs covers the medical fees related to your accident and you are successful in a Georgia personal injury claim, you will have to pay back this money out of your settlement. This is also the case with private insurance.
- 4. An insurance adjuster may try to sidestep their duty to pay for your lost wages –** An insurance adjuster may try to take advantage of you by glossing over the full impact of your lost wages. They will certainly not remind you to consider any lost sales commissions, overtime, or missed bonuses. Work with your employer to collect documents which clearly and specifically outline exactly how much income (including bonuses, raises, etc.) and opportunity that has been lost because of your injuries.

(cont.) You'll need pay stubs, income tax forms and other employment documents to verify these figures. In some cases, your personal injury lawyer in Atlanta may have access to experts who can use complicated formulas to determine the most accurate, inclusive and fair number that represents your total lost wages. If you are self-employed, you will need to rely on your income tax records to demonstrate previous wages. You will also need to prove how your injury is costing you income in the long run, such as documentation from clients who concur that you had to turn down work, and so on.

- 5. Your age can impact the value of your Georgia personal injury claim** – Insurance adjusters and the courts will evaluate a child's injury claim in a different manner than they will a similar injury case for an adult. On the one hand, a child's youth and innocence will certainly factor into a claim, particularly if a child accident victim suffers permanent disability. On the other hand, there are no lost wages to consider for a child victim.

These are just a few things to know when negotiating your Georgia personal injury claim. Your personal injury lawyer in Atlanta can talk to you about factors that are unique to your specific case.

Chapter 8:

Why Evidence is Critical to Your Georgia Personal Injury Claim

In order to have any success when negotiating a Georgia personal injury claim, you and your personal injury lawyer in Atlanta, GA will have to provide substantial and compelling evidence that verifies your claim. In your initial meeting with your attorney, you will discuss the types of evidence that are necessary for your claim, but it certainly helps to know ahead of time the types of evidence that will benefit your side.

Listed below are examples of important evidence in a Georgia personal injury claim:

- **Photographs** – Take pictures of everything at the accident scene if you are able. If it’s an auto accident in Atlanta, get photos of the vehicles, street conditions, skid marks, any roadway obstructions and your own injuries. If you are unable to safely take photos at the time of the accident, return to the scene later or send a trusted representative to photograph the scene soon after the event. If you are involved in a slip and fall accident, be sure to photograph the hazard that caused your accident, and so on.
- **Police reports and incident reports** – For an auto accident in Atlanta, be sure to obtain a copy of the police report as soon as possible. For something like a work injury or slip and fall accident, request a copy of the official incident report immediately.
- **All receipts and bills** – This includes repair bills for your car, doctor and hospital bills and any other accident-related cost; even something as minor as a bottle of aspirin, a box of bandages, or a parking stub from the hospital parking lot. If an expense is a direct result of your accident, it is imperative that you keep a record of it, particularly if you are paying out of pocket.

- **Pain journal** – Keep track of your progression and symptoms. Don't write vague missives like, "Today was a bad day." **Be specific.** Things like; "When I tried to get out of bed this morning, I felt intense, sharp pain in my lower back. Later, after sitting in a chair for an hour, I experienced an aching sensation in my legs." These details are critical when trying to prove the effect your injuries are having on your day-to-day life.
- **Damaged property** – Do not throw away anything related to your accident until your personal injury lawyer in Atlanta, GA tells you it is safe to do so. This includes ripped and bloodied clothing, damaged vehicles and so on.
- **Contact information for witnesses** – Always make your best effort to secure the full contact information (name, phone number, email address, etc.) of any witnesses to your accident. Don't trust that you can get these from the police report. Pass this information along to your personal injury attorney so that he or she can proceed with gathering witness statements about the accident.
- **Medical aids** – If you required to use a cast, crutches, a brace, cervical collar, etc., after an accident, hold onto that until after your claim is settled.

Act Fast After a Serious Accident in Atlanta

While we are on the topic of evidence, it is important to note that **all evidence should be collected as soon as possible after an accident in Atlanta.** The more time passes, the greater the chance that evidence can be lost forever. For instance: a totaled vehicle may get crushed and melted down into scrap metal; a witness may move (or forget key details about the accident); or a road defect that caused an accident may be corrected before being documented in a photograph.

The need to collect and preserve evidence is just one of the reasons it pays to act quickly after a serious accident in Atlanta and contact a personal injury lawyer in Atlanta, GA. **Whenever you delay seeking compensation after an accident, you risk running up against the statute of limitations—which is 2 years for personal injury in Georgia**—while also sending a message to the insurers that your injuries were not serious enough to warrant swift action.

One of the best things you can do as a plaintiff is to act quickly and secure legal representation as soon as your injuries will allow you to take action.

Chapter 9:

What Auto Accident Victims MUST Know: How Insurance Impacts the Value of Your Claim

One of the most common misconceptions I encounter as an Atlanta personal injury attorney is the idea that by having an auto insurance policy, a victim will recover all of his or her accident expenses, including any and all medical bills. I feel so strongly about this that I have written an entire book on the topic; *Buying Car Insurance in Georgia: An Insider's Guide to Getting Maximum Protection at Minimal Cost*. If you own or operate a motor vehicle in Georgia, or you have recently been injured in an accident in Atlanta, **I encourage you to order this free consumer's guide**. It offers a very easy introduction to the tricky world of auto insurance.

In short, what you need to know about the value of your Georgia as compared to your auto insurance policy is that **your insurance company will only pay you up to the limits of your policy**. So if your medical bills reach \$500,000, but you only have \$25,000 worth of insurance available, you will only receive \$25,000 from your insurer. It is for this reason that most Atlanta personal injury attorneys will decline cases where there is no insurance or insufficient insurance. When this is the case, it is simply not economically feasible for the client or the attorney to pursue compensation from the client's insurer.

This doesn't mean that if you purchased a policy with low limits that you should automatically throw your hands in the air and take what's given to you. By meeting with an Atlanta personal injury attorney, you will be able to determine all of the possible avenues for compensation. For instance, if you were in an accident with a semi-truck and the truck driver was acting negligently, you can pursue damages from the trucking company involved.

Never deny yourself the opportunity for a fair negotiation in a Georgia personal injury claim when you have the option of seeking a free consultation with a personal injury attorney. Most attorneys will take injury cases on a contingency basis, meaning, if you don't recover compensation, you don't pay. Always be sure to ask about attorney payment structure during your first consultation.

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