

Personal Injury and Accident Cases

Personal injury claims are brought when a person is injured due to the fault of another person, insurance company or corporation. Many types of cases are included under this general heading, such as car wrecks, wrongful death, products liability, premises liability, medical and nursing home negligence, and slip & fall cases. It is sometimes possible to resolve - or settle - personal injury claims without filing a lawsuit. A lawsuit is filed when settlement negotiations are not successful. In lawyer-talk, these cases are referred to as tort lawsuits. A tort is a civil wrong for which the law provides a remedy.

In a tort lawsuit, the victim is referred to as the plaintiff and the wrongdoer is referred to as the defendant, or tortfeasor. A successful tort lawsuit is made up of five parts, called elements, which the plaintiff has the burden of proving are more likely true than not.

The plaintiff must prove:

1. That the defendant had a duty to do (or not to do) the act that resulted in the plaintiff's injury;
2. That the defendant breached (or violated) that duty;
3. That what the defendant did caused the plaintiff's injury;
4. That it was foreseeable that the defendant's actions (or inaction) would cause the plaintiff's injury;
5. That as a result of the defendant's actions or omissions the plaintiff was injured.

Once these elements are proven, usually to a jury, the Court will enter a judgment for the plaintiff in the amount of his or her damages. There are three types of damages. Economic Damages include such things as medical bills, physical therapy, lost wages and property losses (such as a wrecked car). Non-Economic Damages consist of pain, disability, scarring, anxiety, embarrassment and loss of quality of life. Punitive Damages are to punish or make an example out of defendants in cases of gross negligence or intentional wrongdoing.

The attorneys at Kitchens Law Firm will promptly settle your case, with your approval, if reasonable compensation for your claim can be achieved by settlement. On the other hand, we will vigorously prosecute your claim in Court if a reasonable settlement cannot be reached through negotiations with the defendant or his insurance carrier.

Call us for a FREE consultation. If you choose to hire Kitchens Law Firm to handle your personal injury case, we will discuss the payment options available to you. We handle most personal injury cases on a contingency fee basis, meaning that we would not charge any fee unless we collect money for you.

Money damages cannot replace what an injured person has lost, but money is the only substitute available to the victims of negligent or intentional wrongdoing. At Kitchens Law Firm, we cannot put an injured person back in the position they occupied before their injury, but we work hard every day to provide them with the maximum compensation available under the law. If you have been the victim of accidental or intentional wrongdoing, we hope you will call us and let us work for you.