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PERSONAL INJURY ATTORNEYS & GRAY

How To Maximize The Value Of Your Personal Injury Case

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Introduction



If you're injured due to negligence, recklessness or an intentional act, you're entitled to collect money damages from the responsible parties. In order to obtain the largest possible amount of compensation, it's important to hire a New Orleans personal injury firm that's willing to go the extra mile. Maximizing a personal injury matter to achieve its highest potential means going the extra mile from day one. Every step that is taken from the moment the accident/incident occurs until the case is settled/tried is an opportunity to enhance the value of your case, so having the right attorney can make all the difference in the world. Wright & Gray is the most reputable New Orleans personal injury firm, known for its high settlements/verdicts and honest communication with clients. Call 504-500-0000 to schedule a free consultation - you don't have to pay us until we win.



A close-up photograph of a bicycle wheel and a blue helmet. The wheel is the main focus, showing the spokes and the tire. The helmet is lying on the ground in front of the wheel. The background is dark and blurry, suggesting an outdoor setting at night or in low light.

To Sue For Damages, You Must Prove Liability

The first step in any personal injury case is to prove that somebody else is responsible for the injuries you sustained. You must prove that the parties were responsible, had a duty to use reasonable care to keep you safe, and that their actions breached that duty. This can be as simple as a witness that saw somebody take their eye off the road and hit the rear of your car or as complicated as proving that an escalator was poorly designed. You're not likely to succeed with suing somebody just because you fell in their store, there must be an unreasonably dangerous condition, such as oil on the floor, in order to sue for negligence.



There are many different types of personal injury cases each with different requirements that are needed to establish liability. These are some of the of the common causes of action for personal injury cases:



Motor Vehicles Accidents including car, truck, motorcycle, bicycle, pedestrian and boating accidents;



Nursing Home Abuse



Shooting Victims



Premises Liability



Slip and Falls Accidents



Dog Bites

For example, a slip and fall case might be 100% liability if there's evidence that a store knew that there was grease on the floor for hours and didn't bother to clean it up. On the other hand, if a witness saw a customer in front of you spill soda on the floor, causing you to slip and fall, it's simply not reasonable to expect them to clean it that quickly. Whatever percentage of liability is established either in settlement or at trial becomes a fixed part of the case and the best New Orleans personal injury attorney will turn his attention towards maximizing the value of the damages for your case.



Medical Treatment

A photograph showing a person lying on a stretcher with a visible injury on their knee. A medical professional in a red and black uniform is attending to the person. The background is slightly blurred, suggesting an outdoor or emergency setting.

The value of a personal injury case always depends greatly on the medical evidence that can be presented to the insurance company and/or a jury. Medical treatment for a personal injury serves three very important goals:

- 1 Connecting the injury to the accident;
- 2 Showing the severity of the injury and
- 3 Establishing how much pain, suffering and mental anguish the injury has caused.

You're entitled to collect both economic and noneconomic damages in a personal injury case.

This means that you'll be reimbursed for any out of pocket medical expenses that you incur, plus the amount and type of treatment you have will impact the value of the noneconomic damages for your case. For example, you'll be reimbursed for the deductible you had to pay for your surgery and the report of the surgery, detailing what was done to your body, will be evidence of the pain you suffered from your injuries.

Every step you take after an accident occurs will impact the value of your case, so it's a good idea to have a plan in mind that you'll follow if an accident happens. The first thing to do after a motor vehicle accident, if you're able, is to call 911 to summon the police and an ambulance to the scene. If you're not able to reach your phone or you're physically unable to make the call, try your best to alert somebody else that can do it for you. If you can get out of the car, you should do so immediately, because there is a risk of an explosion and/or fire after a crash. For a fall case, it's usually not necessary to call the police, but you should be sure to report the claim to somebody in charge. Ask for a copy of the written claim, or take a picture of it with your phone, and make sure to request an ambulance.



There are several important reasons why calling an ambulance to the scene of any accident is important including:

1 Establishing that the accident occurred;



2 Showing that it caused injuries serious enough to require immediate attention and

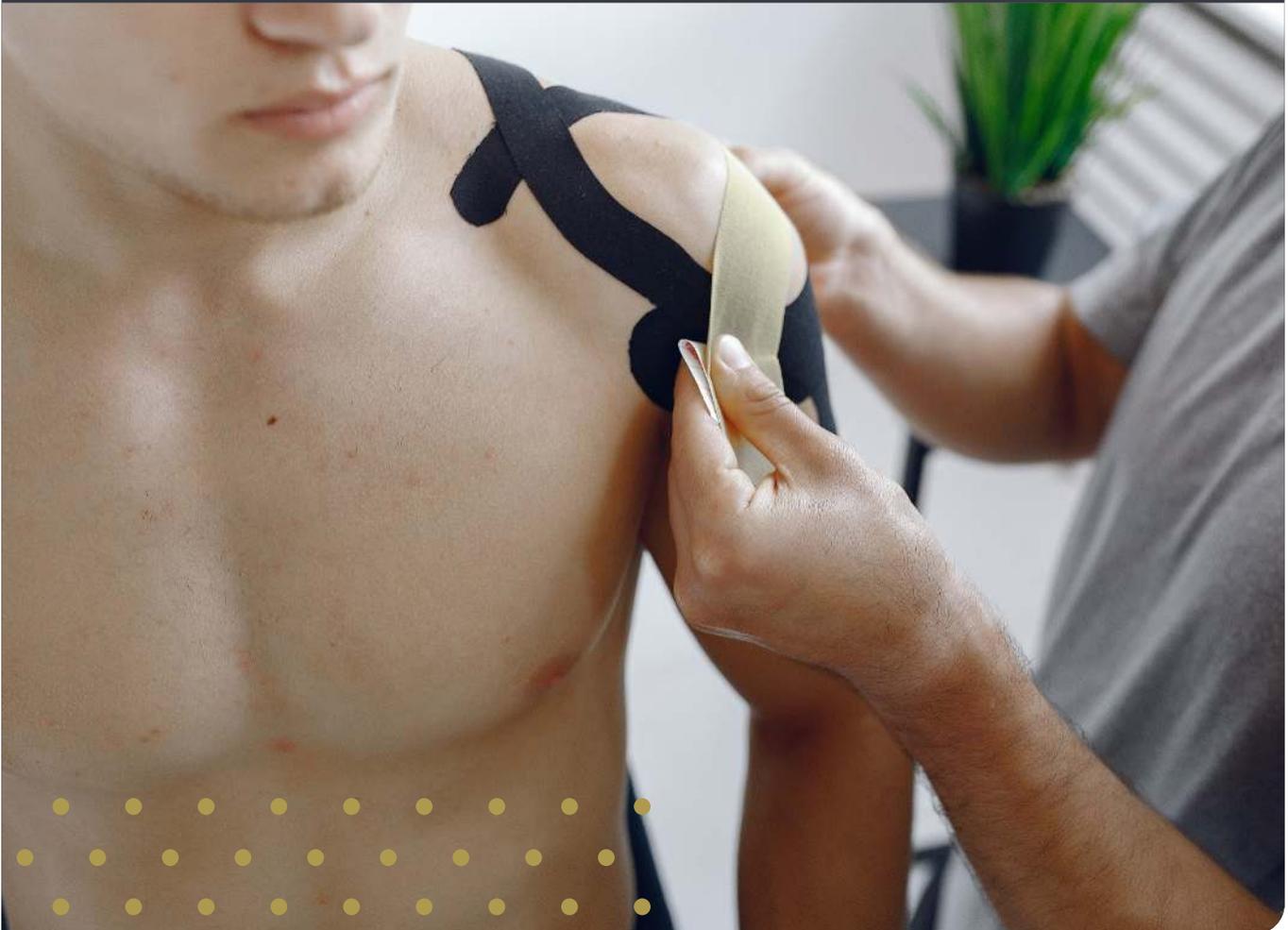
3 Proving that the injuries you're claiming were caused by this accident and not something else.

You'd be surprised how many times shopkeepers or homeowners will try to deny that your accident occurred. This is very difficult to get away with if there's an ambulance call report that shows exactly where the accident happened and that you were injured. Taking an ambulance to the emergency room is prudent to ensure your health, in addition to laying the foundation for the severity of your injuries. For example, you're more likely to be able to collect top dollar when claiming a leg injury if the first piece of medical evidence says that you were taken to the hospital by ambulance with complaints of right leg pain, rather than "walked in" the next day. The longer you wait to seek treatment, the weaker your case will be due to the implication that injuries that can wait for treatment aren't serious. Waiting can also give rise to the inference that the injury might have happened, or was worsened by a subsequent event, during the gap between the accident and treatment.

After your initial medical visit for your injury, whether it was at the emergency room, an urgent care center or with your own doctor, it's important to follow up with all of their recommendations for testing, specialists and therapy. Physical therapy is helpful for healing injuries without surgery and can add value to your case, but one of the biggest mistakes you can make is to go to therapy every day without following up with specialists and testing.



For example, if you have a soft tissue shoulder injury, an MRI can diagnose whether you've sustained a torn ligament and an orthopedic surgeon can give his opinion about whether or not surgery is required. Even if you don't choose to have surgery, this will enhance the value of your case. Your New Orleans personal injury attorney will be tracking your treatment and obtaining your medical records throughout the life of your case for use in pleadings, for discovery and in settlement packages.



Property Damage

The value of an auto accident case often turns on the extent of property damage to the vehicles involved. The higher the amount being claimed for property damage, the easier it is to prove that serious injuries occurred as a result of the crash. For example, if you're hit in the rear by a speeding drunk driver using a cellphone and the car is totaled, your claim for a debilitating neck injury is more believable. On the other hand, if it's fender bender it's going to be much harder to prove that severe injuries were caused by this collision. MRI's are used to diagnose soft tissue injuries, but they have their limitations. One of those limitations is that it's difficult to distinguish an acute injury from an accident from a pre-existing degenerative condition. There is ample evidence that shows that even a small jolt from a hit in the rear accident can cause serious neck injuries, and there are additional arguments to be made such as the size and weight of the vehicles or the deployment of airbags, but nothing completely changes the fact that more property damage will always add value to a personal injury case. In addition to the numbers, it's also helpful to take photographs that show the extent of the damage to the vehicle for visual impact. Your New Orleans personal injury attorney will use your property damage claim information and photos to help you collect the largest amount of compensation possible for the injuries you've sustained.

A man with a beard, wearing blue hospital scrubs, is sitting up in a hospital bed. He is holding and reading a white document. The bed is white with a control panel on the side. In the background, there are white blinds covering a window. The overall scene is brightly lit, suggesting a hospital room.

Lost Earnings

The value of a personal injury case also hinges on the amount of disability caused by the injuries sustained by the victim. If you return to work the day after your accident, it will reduce the value of your case because you will not have a claim for lost earnings and it will also be perceived as evidence that your injuries were not severe. You're entitled to collect economic compensation for your lost earnings, lost fringe benefits (such as a company car,) lost business revenue and for any lost earnings potential that you suffer for your expected lifetime. For example, a movie star that sustains a disfiguring scar would have a huge claim for lost earning potential and a construction worker that becomes wheelchair dependent would have a substantial claim.

The claim would not be for the entire amount of money you would have made in your profession prior to your accident as it would be reduced by the amount you are able to earn after your injuries reach their maximum healing. If you were paralyzed from the neck down and unable to perform any type of gainful work, you could collect the entire amount you would have earned, but if the movie star becomes a doctor, the doctor's salary would be deducted from her recovery. The amount of lost earnings you collect will also be used to show how your life has been altered drastically for the worse, causing pain, suffering and mental anguish. That's why victims that are paralyzed or lose a limb can sometimes collect astronomical amounts of compensation. In order to prove lost future earnings potential, the best New Orleans personal injury attorneys hire an economist as an expert to predict how much money you would have made if you had continued your career.





Communication With Your Lawyer

Promptly answering phone calls, responding to emails and providing the information requested by your attorney is an important part of maximizing the value of your case. Some cases can be settled very quickly for large sums of money, but others require many years of litigation in order to obtain the highest possible amount of compensation. No matter how long your case is taking it's important to contact your New Orleans personal injury lawyer with the following types of information throughout the life of your case:

- Call your attorney if you stop any type of treatment or if your doctor recommends any new treatment plan such as surgery;
- Send your attorney any correspondence you receive regarding your case;

- Give your attorney the name and contact information for any new doctor you see;
- Inform your attorney if you go back to work, stop working or start a different job and
- Inform your attorney if you move or if any of your contact information has changed.

The best New Orleans personal injury attorneys are always trying to find a way to settle your case for the largest possible amount of money, as quickly as possible. That's why it's important to be reachable at all times and to communicate new developments as soon as possible. For example, informing your attorney that you'll be having surgery may prompt switching gears to more aggressive litigation for your case. New Orleans personal injury attorneys have deadlines to exchange information with their adversaries and a duty to keep that information up to date. Failing to provide information to your attorney delays your case and in some rare situations can even cause a matter to be dismissed. Attorneys are always asking each other questions as they negotiate a case and the answer often requires input from the client. The longer it takes to reach the client, the longer it takes to move the case forward, in addition to making a poor impression on opposing counsel and the court.



Types Of Damages In Louisiana For A Personal Injury Case

In Louisiana, economic damages are called “special damages” and noneconomic damages are called “general damages.” Special damages include any expenses or losses caused by your injuries such as:



Out of pocket medical expenses including doctors, hospitals, therapists, medication, prosthetics and accommodations to home/vehicle;



Lost earnings and lost future earning capacity;



Lost business revenue, lost business opportunities



Property damage.

Future medical expenses, lost earnings and other long term costs are established using projections calculated by appropriate experts. General damages are subjective, based on how the injury has impacted your life. For example:

01

The pain involved with surgery and post operative rehabilitation;

02

The humiliation of having a scar on your face;

03

The depression caused by being unable to work in your profession

04

The loss of enjoyment of life due to needing assistance with the activities of daily living and no longer being able to participate in activities such as dancing or hiking.

The subjective impact on a person’s life will often be a judgment call based on demographics. For example, a retired army sergeant is much less likely to be traumatized by a scar on his face than a teenage girl. Life expectancy plays a role, too. The teenage girl will likely have much longer to live with the condition than the retired army sergeant. A professional dancer will be more greatly impacted by a mild loss of function in her knees than a college professor and a writer may suffer more from an arm injury than a runner. The inability to pursue your favorite hobbies can be evidence for your claim of loss of enjoyment of life even though you never made money from those pursuits. It’s important to work with an experienced New Orleans personal injury attorney that will take the time to get to know you as part of the strategy to maximize your claim.

Family members that have suffered the loss of a loved one due to a negligent, reckless, or intentional act can make a claim under Louisiana Civil Code 2315 for wrongful death. This is called a “survival action” under this statute, allowing close family members to collect compensation for their losses such as:

- > Loss of economic benefits;

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- > Out of pocket medical costs;
- > Pain and suffering of the deceased prior to their death and
- > Emotional suffering due to the loss of a loved one.

In order to commence a wrongful death action an executor or administrator for the estate of the deceased person must be appointed. This process can be lengthy, so it's important to speak to an experienced New Orleans personal injury attorney as soon as possible after your loss.

In addition to special, general and wrongful death damages, the Civil Code of Louisiana Article 2315.4 provides for punitive damages for victims injured by drivers that were intoxicated at the time of the accident. Punitive damages are prohibited in Louisiana unless specifically authorized by statute but have been allowed under maritime law when a defendant's conduct was so heinous that it "amounted to a conscious disregard for the rights of others."



Some states, including Louisiana, place caps on the amount that can be recovered for specific types of cases. In Louisiana, there is no cap on recovering special or general damages for motor vehicle accidents, slip and fall accidents and product liability cases except for claims against a government agency that are capped at \$500,000. For medical malpractice cases, the total recovery for both special and general damages combined is capped at \$500,000. There is an exception for future medical expenses arising from the medical malpractice for victims that have suffered injuries that are life long. State laws that cap damages are often changing and are sometimes deemed unconstitutional by the courts, so it's important to speak to your New Orleans personal injury attorney about caps that may impact your recovery.



Selecting The Right Lawyer



If you've been seriously injured in an accident, choosing the right lawyer can make all the difference in the world, especially for victims of life altering catastrophic injuries that need substantial resources to access state of the art medical treatment and rehabilitation. Whether your case is large or small, it's crucial to select a New Orleans personal injury attorney with the experience and know how to help you collect the largest amount of monetary compensation for the injuries you sustained. These are some of the questions you should ask before hiring a personal injury attorney:

- › Does the attorney specialize in personal injury law, meaning that all or most of the cases he handles are in this area of the law?
- › Do I feel comfortable with this attorney and trust him?

- > Am I getting straight answers to my questions or the run around?
- > Is the attorney patient with me or am I getting the bum's rush?
- > Has the attorney handled similar cases with successful results?
- > Does the attorney have a real proven track record of million dollar success
- > Does the law firm care about my community and share their success?

At Wright and Gray, we are committed to maximizing the value of every case we handle with the goal of improving the lives of our injured clients and the health of the community. Our firm motto is For the Culture, For the Community, For YOU. We chose this motto because we believe in New Orleans; the people and the culture. We support our culture by going to war for our clients to get them every dollar they deserve. We've earned our reputation as the top personal injury law firm in New Orleans by helping clients feel comfortable every step of the way through their cases. From the moment you call us, chat on our website, email us, video conference or walk through our doors, you'll feel your anxiety melting away. When you hire Wright and Gray for you accident case, you'll be able to relax and begin your healing process, knowing that we've got all of the issues covered. You can also feel good about how we give back to the community through our scholarship fund, adopt a high school senior program, food drives, giveaways, literacy programs and other activities that benefit New Orleans' neediest. It's the way to win on all levels and we are blessed to partner with the New Orleans community to change how New Orleans Personal Injury cases are handled.



New Orleans Personal Injury Lawyer

If you have been injured in any type of accident, it's important to hire a New Orleans personal injury attorney that can help you collect the highest possible amount of compensation and put your mind at ease.

Call 504-500-0000 to schedule a free consultation

YOU DO NOT HAVE TO PAY US A PENNY UNTIL WE COLLECT MONEY FOR YOU.

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ABOUT THE AUTHOR

Daryl A. Gray

Daryl A. Gray of Wright and Gray Injury Lawyers practices personal injury law. He proudly only represents injured people. His law firm, Wright and Gray, handles cases from auto accident to serious multiple plaintiff class actions. Daryl is a winning trial lawyer who has a proven track record of collecting millions of dollars for his clients.

Daryl is a member of the Louisiana Association of Justice, the American Association of Justice, the Tennessee Association of Justice and the National Trial Lawyers Association, who honored him with their Top 40 under 40 award in 2018. Daryl is also a graduate of Loyola College of Law in New Orleans and the prestigious Gerry Spence Trial Lawyer's College.