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PATRICK MALONE & ASSOCIATES, P.C.

From Tragedy To Justice - Attorneys For The Injured



We win exceptional verdicts and settlements for our clients in cases of brain injury, medical malpractice, wrongful death and other severe injuries.

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Frequently Asked Questions

Question: What should I do if I've been injured?

Answer: If you or someone in your family has been injured, you should seek competent professional advice as soon as possible to see if you have a claim for personal injury. There are many kinds of personal injuries, and the cause of an injury is not always clear. Patrick Malone & Associates has extensive experience in finding the cause of serious personal injuries. We can help you determine whether you have a valid claim and, if so, who is responsible and what compensation may be available for you.

Question: Why is it important to seek advice promptly?

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Answer: You want to make sure that all relevant evidence is preserved and not inadvertently destroyed or lost. You also need to comply with statutes of limitations and other legal requirements that may bar claims if made too late.

Question: How do you determine if I have a valid claim?

Answer: In a potential medical malpractice case, Patrick Malone & Associates evaluates the medical records and undertakes research of medical literature, consulting with physicians in multiple specialties, as necessary, to determine (a) if there was a departure from required standards of medical care and (b) whether the departures in fact caused the injury. Because the firm has investigated and litigated cases in numerous medical specialties, many potential claims involve areas of medical science with which we are already familiar. In product liability or automobile accident cases Patrick Malone & Associates may engage experts in engineering or accident reconstruction to help in determining the possible merits of a claim. If the issue is a dangerous drug or medical advice, experts in the fields of pharmacology, toxicology and related areas may be consulted.

Question: What if I am contacted by an insurance company?

Answer: If you have been injured, do not discuss your injury or the way it happened until you have consulted a lawyer. These statements might be incomplete or taken out of context and be harmful to your claim at a later date. Do not sign any papers or agree to any settlement, as this may affect your right to pursue your claim. Always seek competent legal advice first. At Patrick Malone & Associates there is no charge for this consultation.

Question: Will there be a legal fee to evaluate my claim?

Answer: No. At Patrick Malone & Associates we will meet with you to discuss your injury free of charge.

Question: How does Patrick Malone & Associates get paid?

Answer: In personal injury actions Patrick Malone & Associates is paid no fee unless it is successful in obtaining compensation for you. Patrick Malone & Associates handles personal injury claims on a contingent fee basis. This means that the legal fee is a percentage of the amount recovered, and there is no fee due unless and until money is actually collected for you.

Question: What about expenses?

Answer: There are certain expenses, such as costs of medical records, court costs and expert witness fees, involved in bringing a personal injury claim. Once Patrick Malone & Associates has evaluated your claim and determined it to be well-

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founded, we will discuss your individual financial circumstances with you. In most cases, the law firm advances expenses to be reimbursed at the end of the case.

In addition, we provide a full written accounting to clients when a case is concluded outlining all of the fees and expenses for your review and approval before any money is disbursed or fees taken.

Question: How much of my time will this take?

Answer: Surprisingly, your claim will not require a great deal of your time, unless it goes all the way to trial. After the initial interview, Patrick Malone & Associates will do most of the work for you. In the typical personal injury case, you would be required to come to the office two or three times to answer written and oral questions about what happened to you. Aside from these questions, which are a routine part of the court process, very little of your time will be required to get the case ready for trial. The final trial preparation process will, however, require more of a time commitment.

Question: Will I have to go to court?

Answer: You will not have to go to court unless your case cannot be settled and must be tried. Because of the careful screening of meritorious cases undertaken by Patrick Malone & Associates, the large majority of claims are settled before trial; however, because of the many factors involved, it is impossible to predict whether your particular case is one which will be settled or one which must be decided by a jury.

Question: Will I hurt the person I'm suing by bringing a personal injury claim?

Answer: Almost all personal injury claims are defended by insurance company lawyers and paid by insurance, so the person or corporation you sue will not have to pay any money out-of-pocket. A personal injury claim is a civil case, not a criminal case, and the defendant will not go to jail because of the claim. However, one of the reasons our personal injury system exists is to make people more careful, and that can be a positive effect that your case can have on the person you are suing.

Question: Is it ever too late to bring a claim?

Answer: It is important to consult a lawyer as soon as you are aware that you have been injured, because there are statutes of limitations which prohibit the bringing of old claims, and because it is easier to gather information about a recent injury. However, even if you were injured some time ago (and especially if the injured person is a minor or disabled from bringing an action on their own), you may still be able to bring a claim. Talk with a lawyer to get more information.

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Question: Why should I bring a personal injury claim?

Answer: If you are injured through the fault of someone else, you are entitled by law to compensation for your injuries. This compensation is available not only for expenses you have already incurred, but for losses you will suffer in the future. If you or someone in your family is severely injured, this compensation can protect against changes in family situations, so that the injured person's future is secure. Also, by bringing a claim you may be able to prevent similar injury from happening to someone else.

Question: Do I still have a claim if my medical bills were paid by insurance?

Answer: Often. In many cases you are entitled to be compensated for your medical bills regardless of whether or not they have been paid. (However, your health insurance company may claim reimbursement from you if any of your compensation represents bills that the insurer has paid. This is called "subrogation.") In addition, you may be entitled to compensation for many other aspects of your injury, such as lost earning capacity, scarring or disfigurement, future medical expenses, and pain and suffering.

Question: What is the value of my claim?

Answer: The value of your claim depends on a wide variety of factors, such as the severity and permanency of your injury, the amount of your medical expenses, the liability of the defendant, and whether the case is to be tried or settled. It is impossible to estimate the value of a claim until the case has been fully investigated from all aspects, and sometimes its valuation may fluctuate depending on developments during the course of the litigation. You should be wary of anyone who tries to tell you the value of your claim at an early stage. After we have completed a thorough investigation of your case, we are in a position to offer you our opinion as to the value of your claim. If the insurance company offers to settle your claim, we will discuss the proposed settlement with you, and give you our advice about whether to accept the amount offered. Of course, the ultimate decision to accept an insurance company's offer of settlement or to allow a jury to determine the value of your injuries is always up to you.

Question: If I have a claim, how long will it take?

Answer: The initial evaluation of a claim usually takes a month or so, except for medical malpractice claims, which may take three to six months. After a lawsuit is filed, the length of time depends on how crowded the court calendar is, and whether the insurance company is willing to settle the claim before trial. Most cases take between one and three years to complete.

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Question: If my lawsuit is successful, what type of compensation can I receive?

Answer: Compensation for personal injury and medical malpractice cases comes in two main forms:

Economic damages — Bills for costs and expenses, both past and future, that can be documented as a result of an injury or death. These may include medical expenses, lost wages or lost future income.

Non-economic damages — Payment for the effects of injury or death, including loss of enjoyment of life, scars, disability, pain, and loss of relationships with loved ones.

Question: What if I want to bring a claim on behalf of a family member who has died?

Answer: In cases where the claim is by a family for the death of a loved one, a family member must be appointed as the victim's personal representative. The personal representative then acts on behalf of the surviving family members.

Question: How will I know what's happening with my case?

Answer: At Patrick Malone & Associates, we value your trust. We understand that you want to be kept aware about your case, and we ensure that a skilled, knowledgeable staff member will be available to discuss your case with you at all times. We make it a priority to keep you informed about the progress of your case at every step, and share all important documents and correspondence with you. You are encouraged to contact the lawyer's legal assistant or attorney at any time.

Question: What geographic areas do your lawyers take cases from?

Answer: Patrick Malone & Associates has lawyers who are admitted to all the federal and state courts in the District of Columbia, Maryland and Virginia. We routinely prosecute personal injury cases in all three of those jurisdictions. We also practice in other states with co-counsel from those areas. We have had successful cases in Pennsylvania, Delaware, New Jersey, New York and elsewhere.

Question: What if I need a lawyer in a place where you don't routinely practice?

Answer: [The Inner Circle of Advocates](#) is an excellent resource for finding highly qualified personal injury lawyers throughout the United States. The Inner Circle was founded in 1972 and limits its membership to 100 of the best and most successful plaintiffs' attorneys in the nation.

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Click here for more information on our [medical malpractice](#) and [personal injury specialties](#).

If you have more questions about personal injury cases, please [contact us](#).

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