

PERSONAL INJURY LAW

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Personal injury occurs when someone is physically or emotionally injured or his or her personal property is damaged. Personal injury laws, also known as tort law, allow the injured party to receive compensation for the damages caused by another party's negligence, wantonness, intentional actions, carelessness, or recklessness. Tort laws exist in every state. They have been enacted by each state and the federal government to protect individual's rights. In order to make a claim for a personal injury, three elements must be present. These include: (1) a legal duty must be present between the defendant (the party causing the injury) and the plaintiff (the injured party); (2) there must be a violation or breach of the duty; (3) because of the breach, damages must be caused to the plaintiff (the injured party).

If someone negligently or intentionally causes injury to you or your possessions in the State of Alabama, that person becomes liable to answer to you under the personal injury laws that govern in Alabama. Liability can be caused by negligence or by intentional acts. These are called "torts." Negligence occurs when you are harmed as a result of someone failing to take appropriate action. An intentional act occurs when someone intends to cause injury or harm. For example, a careless driver may run into the back of your car. This is a negligent act because the driver did not intend to cause damage to you or your car but failed to take reasonable action to prevent the damage. On the other hand, if someone throws a rock through the windshield of your car, that person is intentionally trying to cause damage. This is an intentional act. In both examples, the defendant breached his or her duty, and damages to you and your property occurred.

Personal injury law also covers strict liability. Strict liability means there is responsibility whether or not negligence is involved. Strict liability normally applies to situations that are inherently or abnormally dangerous. Strict liability also occurs in the area of product liability. Manufacturers have the responsibility to assure consumers that their products are safe when used as directed. Under strict liability terms, if someone is injured by a product, he or she does not have to prove intent or negligence. He only has to prove that the product was defective by no fault of his own and that harm was done.

Damages are whatever is owed to you to compensate you for your loss. The defendant has the liability to compensate you if a personal injury has occurred. You and the defendant can agree upon damages through insurance settlements or by other means. Many times the damages offered to you do not fully compensate you for your loss, especially if you have suffered a physical injury causing significant pain and suffering and have been unable to work. Personal injury law determines who is liable for the loss you have endured and what the liable person should have to pay for the damages caused.

There are a few things you can do to help yourself if you are the victim of a personal injury.

- Seek proper medical attention.
- Cooperate with the police, your own insurance company, and your treating physicians.
- Follow-up with the proper authorities and your insurance company.
- Avoid discussing your case with strangers. Also do not discuss your case with insurance representatives who are not with your own insurance company.
- Contact an attorney if you believe your injury was a result of the intentional act or carelessness of another person, especially if you have significant pain and suffering and have been unable to work.

Most personal injury cases are subject to a statute of limitations. This means you have only a certain period of time to file a lawsuit. Be sure to take reasonable steps soon after an injury to learn what the statute of limitations is for your injury. Failing to file a claim within the time limit will be a complete bar to your getting compensation for your injury.