



Should You File A Brain Injury Lawsuit?

Fri, Aug 20, 2010

If you or a member of your family has been physically incapacitated with a [brain injury](#) through no fault of yours, you should seek compensation immediately. At the very least the person or persons responsible should help pay for your medical and rehabilitative expenses.

To assess your situation and help you determine if you have a fighting chance, here are some guidelines you can use to determine if you should take your case to court and if you have a strong chance of winning your lawsuit.

Circumstances Under Which You Can File A Lawsuit

First of all, there are some situations where you cannot successfully file because there is no one to blame for the accident. And the operative word here is “accident.” These situations are generally caused by falling, hitting your head accidentally, or both. In these situations, there were no factors that can be blamed on someone else. For instance, cases like a slippery floor or a falling object (from the sky) are not caused by someone else. After all, you could have simply fallen cause you were clumsy or a piece of hail fell from the sky causing you to fall and hurt yourself.

In contrast, a situation where a lawyer will consider accepting the lawsuit and one that might result in a positive outcome in court include:

- Work-related injuries
- Unattended slippery/wet floors
- Unsafe equipment
- Defective products

In these instances, you would argue negligence on the part of the other party which caused your injury. That is, “but for their action” the action would not have occurred.

In addition, be aware that lawsuits like these are strong but will require a lot from you in terms of time and effort. You must be willing to submit appropriate information your [attorneys](#) and not hold anything back that might substantiate your claims and prove your case.

What You Can Claim For

In terms of justice served, you should not take the other party for all they've got. You should simply seek expenses (incurred from the treatment and rehabilitation), loss of income if you are an earning adult, or expenses incurred because you had to hire someone to take care of your responsibilities (ex. Child care for small children). However, if there is permanent damage and lifelong suffering, then that person should be held liable.

The whole process of filing a lawsuit isn't easy and can be very frustrating. Therefore, if you are filing suit due to a sustained brain injuries, it may take a toll on you and your family, so be ready for the additional pressure. At the same time, you will also feel relief because the costs must be a heavy burden, and make sure the person responsible is punished properly and required to pay for your medical bills and other bills too.

Do not feel any remorse because it could happen to another person. Sometimes, it takes a big knock on the head for some people to finally accept that they need to grow up and be more mature. They have to learn that their actions or decisions can affect the lives of other people in a way that is devastating and permanent.

[Demas & Rosenthal](#) has been representing injury victims for nearly twenty years. We are committed to offering the highest quality representation and level of service. We have extensive experience handling a variety of brain injury and have the resources to take on major corporations and insurance companies; Please, do not rely or act solely upon the information provided in this article. Please consider getting a consultation immediately. The [best personal injury law firms](#) will provide a free consultation. [Demas & Rosenthal](#) will provide a free, confidential consultation if you were injured. The free consultation offer extends to family members as well.