

Santa Clarita personal injury lawyer Robert Mansour discusses the filing of a lawsuit and what it can mean to the litigants.

Personal injury lawsuits are regularly filed by individuals or groups who have been injured as a result of another party's negligence or wrongdoing. Injury lawsuits are the fastest growing area of litigation right now. For years, they were discouraged by insurance companies who hired lawyers to fight each and every case they deemed either too small or fraudulent.

Nevertheless, because some insurance companies can be unreasonable, and in some cases myopic in their evaluation of cases, lawsuits are becoming more common, and they are usually the result of accidents, medical malpractice, defective products, and assaults. Personal injury lawsuits are filed by injured parties called "plaintiffs" to recover damages or obtain compensation for serious injuries or death resulting typically from accidents caused by someone's error, someone's negligence, a dangerous condition, a design flaw or a manufacturing defect.

In most cases, personal injury lawsuits are best handled by a qualified attorney who can protect and maximize a victim's interest. Personal injury lawsuits are complicated and expensive to mount and that is why my office takes cases on "contingency," meaning there is never a fee until we recover a settlement in your favor. Personal injury lawsuits are usually based on the tort law premise that when someone does something that harms another person physically, mentally, or financially, the person who suffers the harm ought to be compensated for the loss and the person who caused the loss should pay. However, you need to have an experience lawyer by your side to guide you through this maze.

The first issue to be overcome in a personal injury lawsuit is the issue of liability. Liability is found in personal injury cases when: The wrongdoer has failed to exercise the level of care required, as determined by law, there is proof that the victim was injured, and there is proof that the victim's injuries were caused by the wrongdoer's carelessness.

Liability and damages in a personal injury lawsuit can be established on several bases: negligence, strict liability and intentional wrong. Liability means proving that the person or persons that caused the injury have legal responsibility. Liability could involve negligence and/or recklessness, causing an injury that may have been prevented.

Proving "negligence" can sometimes be very difficult. Negligence means that the defendant is accused of causing the injury by doing something without exercising due care or NOT doing something a reasonable person should do in a particular circumstance. Was the party who allegedly caused the injury behaving as a reasonable person would have behaved under the same circumstances? Negligence results from carelessness, recklessness, errors, misjudgments and or mistakes. In some cases, negligence means that the defendant is accused of causing the injury through a failure to prevent it.

Even if you prove negligence and liability, you still need to have tangible “damages” to bring a lawsuit before a judge or a jury. Damages may include payment for medical bills, lost wages, pain and suffering, emotional distress, wrongful death, loss of companionship and punitive damages in certain instances. Damages refers to the monetary compensation the plaintiff is entitled to on account of the defendant’s negligence. Damages could include monetary compensation that will cover medical expenses, rehabilitation and/or lost wages. Damages can also include “non-monetary” compensation for what are known as “general” damages or “pain and suffering” damages.

Before you have to file a lawsuit, a good lawyer negotiate a settlement on your behalf. You deserve fair compensation. Compensation can include medical expenses, disability or deformity, loss of income and pain and suffering. Compensation is usually paid by an insurance company or the party that is responsible for the accident, and it can be processed through a settlement, insurance claim, or as a last resort, a trial.

Personal injury lawyers & accident attorneys in Santa Clarita and surrounding areas can provide valuable legal services for victims damaged by another person's negligence, careless behavior or unreasonable acts. Personal injury lawsuits need to be filed for legitimate claims only. People should stay away from frivolous lawsuits. Judges and juries can smell them a mile away. Insurance adjusters have even less patience for them.

Personal injury lawsuits that do go to trial may either be heard by a judge or a jury, who will make a legal decision regarding the fault and extent of damages. Personal injuries can be devastating to a victim physically, financially, and emotionally. Personal injury lawsuits come in all flavors and varieties and you should not file a lawsuit after asking yourself if it is truly worth it to file.

Robert Mansour is a Santa Clarita personal injury lawyer, Newhall personal injury lawyer, Stevenson Ranch personal injury lawyer, Valencia personal injury lawyer, Castaic personal injury lawyer, and Canyon Country personal injury lawyer. You can visit Robert’s website at www.ValenciaLawyer.com or call (661) 414-7100.