

Seven Facts You Need to Know if You've Been Injured in West Virginia

*Answers to Questions you may have about Injury Claims in West Virginia by
Attorney Jeff Robinette*

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When your life has been turned upside down by a sudden and serious injury, you naturally have plenty of questions about how the insurance claims process and court system work. In essence you want to be informed so that you can make wise decisions and be fairly compensated for your injuries. We have answers for you.

Q. For what damages can an accident victim be compensated through a lawsuit?

A. Accident victims in West Virginia may be compensated for economic damages: actual dollar losses such as medical bills, lost wages, and lost future income earning ability. Pain, suffering, humiliation, loss of enjoyment of life, and grief over the loss of a loved one are some of the non-economic losses for which a person may receive compensation. Punitive damages are also awarded in rare cases which serve to punish a defendant for extreme negligence and serve to deter future similar conduct by that defendant and others.

Please keep in mind that you only have two years in which to file suit in WV. After that, your time has run out and you are barred from obtaining the financial recovery you deserve.

Q. Why is it important to follow all my doctor's recommendations for treatment after a car or work accident?

A. If you are hurt in an accident, it is critical to seek prompt and appropriate medical treatment. Don't allow any interruption in your treatment without a good reason. If you skip appointments or fail to follow through with prescribed treatments, the insurance company and their defense lawyers will argue that you must have felt that you were fully recovered from your injuries and had no need of continued treatment.

Q. Is it true that insurance computers do most of the assessment of what my claim is worth?

A. Much of the work that was done by insurance adjusters to evaluate claims in the past is now done by computers. At least 70% of insurance companies now use computer software programs to determine case value. Your doctor will record your injuries using the *International Classifications of Diseases* codes. These codes are then entered into the insurance claims evaluation program. If the required documentation is not entered into the computer in language and codes the program understands, the program will not properly evaluate your injury and may deny the compensation due to you. A knowledgeable personal injury attorney will know how to present the medical evidence the computers are designed to recognize.

Q. I have been injured in a car accident and am considering filing a lawsuit. What information do I need to record to have a successful claim?

A. Documentation is everything when it concerns receiving a fair settlement from an insurance company. Your medical providers will keep records of all visits and treatments for your injury, but you should record the ways your injury has impacted your personal and work life. Only you can testify to the pain you feel, the limitations you have in your workplace, home life, personal relationships, and recreational activities. Record all of these things as well as all activities you find that you can no longer engage in and other ways your injury has impacted your life.

Writing down your observations of injuries and losses when they are fresh in your mind will allow you to recall a greater number of details, and details mean compensation. No one else will do this for you.

Q. Why should I hire a personal injury lawyer after having been injured in a car, truck, or workplace accident?

A. The Insurance Research Council (a non-profit group funded by insurance companies across the nation) conducted a study called "Paying for Auto Injuries" which compared personal injury claims processed by the injured person alone versus those handled by a personal injury lawyer. The study found that those injured persons who were represented by an attorney received over *300% more money* in the end - even after attorney fees and costs were subtracted from the total amount of the settlement or jury award.

Q. Don't all lawyers know how to successfully represent an injured person?

A. Personal injury law has many complexities and requires an understanding of not only tort and insurance law, but litigation and trial procedures and of how insurance companies operate that a general practitioner may not possess.

Additionally, well-experienced personal injury attorneys understand how particular factors will influence the value of a claim. Comparative negligence issues (who was at fault, and to what degree), punitive damage issues, and pre-existing medical conditions of the claimant will also factor into the value of a claim. A serious personal injury attorney will have access to resources that give them up-to-date information about the claim value of various types of injuries.

One size does not fit all in the practice of law. Just as you would not seek treatment from a family practice physician for a traumatic brain injury, you should be equally careful in hiring a lawyer who has extensive experience representing injured people and working with insurance companies.

Q. Should I represent myself?

A. There is a common saying in the practice of law, "Don't hire yourself to act as your own lawyer." The reason for this is that the client lacks objectivity. Objectivity means that you can analyze the law correctly and evaluate the facts of the case in a neutral way. That way you are not overlooking a key weakness in your case.

I have known many people who represented themselves, and even filed their own lawsuits, but in the end finally come around to the obvious need to have a professional oversee and handle their legal matters. If you had a common cold, you would likely go to the local grocery store and buy some cold medicine. But if you had a severe laceration on the leg, you wouldn't likely stitch your leg. Many people try to represent themselves because they think it will be like treating a common cold. By the time they realize that a professional is needed, a lot of damage to their claim has already occurred.

In some circumstances where there is no real dispute as to who was at fault, your damages are small, and your recovery complete, you may be able to settle your claim on your own. The free initial consultation that personal injury lawyers are willing to provide can be a great resource for you in determining if this is the best course for you to take.

The insurance company has lawyers to represent their interests, shouldn't you?

Free Books for WV Accident Victims:



Click on book image to gain a link to the e-book, or if you are a [WV injury victim](#), call 1-304-594-1800 or email our office today to have a soft cover book sent to your home at no cost or obligation to you.

Collision Care: A Guide for West Virginia Accident Victims will give you the basic facts that you must know in order to make the best decisions for your present and future circumstances and to help you achieve the best result possible regarding your injury claim. (87 pages)

Righting the Wrong: West Virginia Serious Injury Guide provides serious injury victims and their family essential information about the insurance claims process to enable them to maximize their efforts to rebuild their lives. (161 pages)

Beside Still Waters: West Virginia Fatal Injury Guide provides surviving family members the information they need in order to pick up the pieces of their lives to enable them to rebuild a financial future for themselves and their children. (123 pages)

Robinette Legal Group, PLLC: We're here to help.

If we can be of any further assistance to you, it would be our pleasure to speak with you personally about your injury claim. If you would like more information, call Jeff Robinette today at 1-304-594-1800 or after hours, 304-216-6695.

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