



COOPER LAW GROUP  
TRIAL FIRM

# FREQUENTLY ASKED QUESTIONS



**PERSONAL INJURY LAW**



## **What is personal injury?**

Personal injury is the area of the law designed to protect people by providing a system of monetary compensation after they have been injured in an accident or due to the fault of someone else.

## **What is negligence?**

Negligence is the failure to use that level of care that an ordinarily careful person or business would use in the same circumstance. A driver who takes her eyes off the road, a physician who misses a diagnosis, a surgeon who cuts where he should not and a company that fails to warn its customers of a slippery floor are all examples of negligence.

## **Do I have a personal injury case?**

If you have been injured in an accident or circumstance that was not your fault you likely have a case for personal injury.

## **What is medical malpractice?**

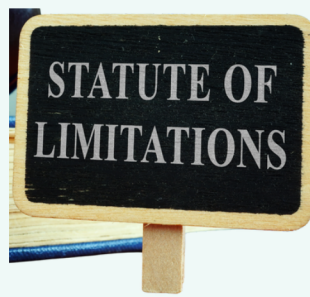
Medical malpractice is a subcategory of personal injury and is designed to protect patients by providing a system of monetary compensation after they have been injured as a result of a violation in the standard of care.

## **What is a standard of care?**

A standard of care is a medical rule or protocol that is generally accepted by the medical community as the appropriate course of action in response to a patient's illness or condition.

## **Do I have a medical malpractice case?**

If you have experienced an unexpected complication or suffered significant harm as a result of a medical procedure, misdiagnosis, wrong treatment, lack of follow-up or some other form of inattentive medical care, you may have a case for medical malpractice. Given the additional rules and procedures adopted by courts to protect healthcare providers from lawsuits, the only way to know if you have a medical malpractice case is to discuss your situation with an experienced medical malpractice attorney.



## **How much time do I have to file a lawsuit?**

In personal injury law, deadlines for filing a lawsuit are governed by what are called statutes of limitations which were created to set the maximum time after an event within which a lawsuit can be started. While the concept seems straightforward enough, implementation can be incredibly difficult.

Not only are there several potential traps, but defense attorneys and insurance companies take advantage of the existence of these statutes all the time to avoid responsibility in even the most clearest of cases.

Below is a breakdown of the time limits for filing many of the claims we handle on a routine basis:

- Injury from car accident: 2 years from date of accident;
- Injury from medical malpractice: 2 years from date of discovery;
- Injury from trip-and-fall: 2 years from date of accident;
- Injury from defective product: 3 years from purchase or receipt;
- Injury from libel or slander: 2 years from date of publication;
- Injury from fraud: 3 years;
- Wrongful death: 2 years from date of death.

The other important thing to keep in mind is that several personal injury claims have notice requirements in addition to statutes of limitations. For example, if you are injured and want to sue a municipality or the state, you are usually required to give notice of your intent to make a claim, sometimes as early as 90 days from the date of the accident. To be on the safe side you should always contact an attorney about your case as soon as possible.



## **Do I need a lawyer?**

If you have been injured in an accident that impacts your daily activities or interferes with your quality of life in any way, you should consult an attorney. Even if you think your case is straightforward, an experienced personal injury attorney is likely to recover more financial compensation for your injuries than you could on your own and will make sure your rights are protected throughout the process.



## **How much does a personal injury lawyer cost?**

A reputable personal injury attorney should cost you nothing up front and nothing unless you recover money in your case. At Cooper Law Group our fee is generally 1/3 of the client recovery. This is called a contingency fee.



## **What are case expenses?**

Case expenses are the costs of litigation that an attorney pays to others on behalf of its clients in order to properly build a case. Depending on the case, these payments may include court filing fees, investigative charges, medical record retrieval fees, expert witness expenses, consultant fees and trial preparation costs. Cooper Law Group advances these expenses with the understanding that they will only be reimbursed if there is a successful recovery to the client.



## **What are liens?**

When your case is about to be finalized, your attorney will have to give due consideration to paying back certain medical expenses or lost wages. In Connecticut, these claims are called liens. The most common examples that we see are Medicare, Medicaid, ERISA health and workers' compensation liens. Depending on the type of lien and the party who paid it, you may or may not be obligated to pay all or some of it back out of the proceeds recovered in your case. Our firm is adept at identifying valid liens (and weeding out invalid ones) and negotiating lower payments depending on the circumstances.



## How much is my case worth?

Ultimately, the value of any case is how much money is recovered based on the extent of the person's injuries and other measurable losses. As you can imagine, this figure can differ depending on who you ask. The rule of thumb when it comes to value is that the payout should be commensurate to the amount of harm suffered in the accident. Our goal is to present our client's case in the strongest light possible to maximize the payout and create the highest value we can. This is where our experience as trial attorneys can make a big difference in the outcome of your case.



## What types of losses are recoverable in Connecticut?

Generally speaking, the losses that can be recovered against a defendant are broken down between economic or tangible losses and human or intangible losses. Economic damages cover out-of-pocket payments for lost wages, lost earning potential, medical expenses and future care needs. Non-economic or human-type losses are not tied to an exact dollar amount nor can they be calculated with standard economic principles. Rather, they are subject to interpretation and need to be presented in the best light possible to maximize their effect. Examples of non-economic damages include payments for physical pain, mental suffering, emotional distress, scarring, disfigurement, permanent injury, inability to perform activities, conscious pain and suffering and death.



### **Have More Questions? Contact Cooper Law Group For Answers.**

To get answers to your personal injury questions, schedule a free consultation with Attorney Cooper. You can call us at 203-404-1355, email us at [jcoop@coopgrouplaw.com](mailto:jcoop@coopgrouplaw.com) or fill out our online contact form.