

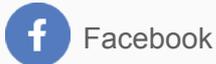
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**PERSONAL INJURY  
VETERANS DISABILITY  
& SOCIAL SECURITY**  
We Won't Take NO For An Answer®



## PERSONAL INJURY CASES IN THE NEWS



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An accident is more than just “traumatic.” Many of our clients have sustained debilitating injuries; many lead to loss of income. At Jan Dils, Attorneys at Law we have a motto: “We won’t take ‘NO’ for an answer.” We understand that getting injured can be one of the scariest things in the world. And let’s face it, insurance companies are notorious for fighting tooth and nail against injured victims.

In this month’s newsletter, we focus on compensation tips regarding the most common personal injury case types – automobile accidents, premise liability, and dog bites. However, we deal with many, many other forms of injury. Check out our Personal Injury [practice areas](#) should you ever need legal representation.

The next article is about proving fault in an auto accident. We just got past August – surprisingly, according to the National Highway Traffic Safety Administration, it’s recorded as the month with the highest number of car accidents. But don’t get too relaxed behind the wheel. Saturday is still the worst day of the week.

### Personal Injury law blog

[What You Need To Know  
About Medical Payments  
Coverage](#)

[Car Value Depreciation, and  
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Sincerely,



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## UNDERSTANDING PERSONAL INJURY PAYMENTS



The way a personal injury payout occurs depends on many factors, including the party making the payment, the type of payout being made, and the initial reason for the payout in the first place. These factors will vary by case, however, there are certain general procedures. This article outlines the three most influential factors in determining how a personal injury compensation claim is settled.

### THE CAUSE OF ACTION LEADING TO PAYMENT OF COMPENSATION

#### CASE MANAGERS

#### Contact a Jan Dils Case Manager

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Every injury sustained by a victim, which is an injury that resulted in another's negligence will be labeled as different causes of action.

These varied causes of action, whether a result of an automobile accident, premise liability, dog bite, etc., will determine how compensation is paid out to the injured party. The actual events leading to an injury are used to determine the responsible and liable parties.

## **THE LIABLE PARTY MAKING COMPENSATION PAYMENTS**

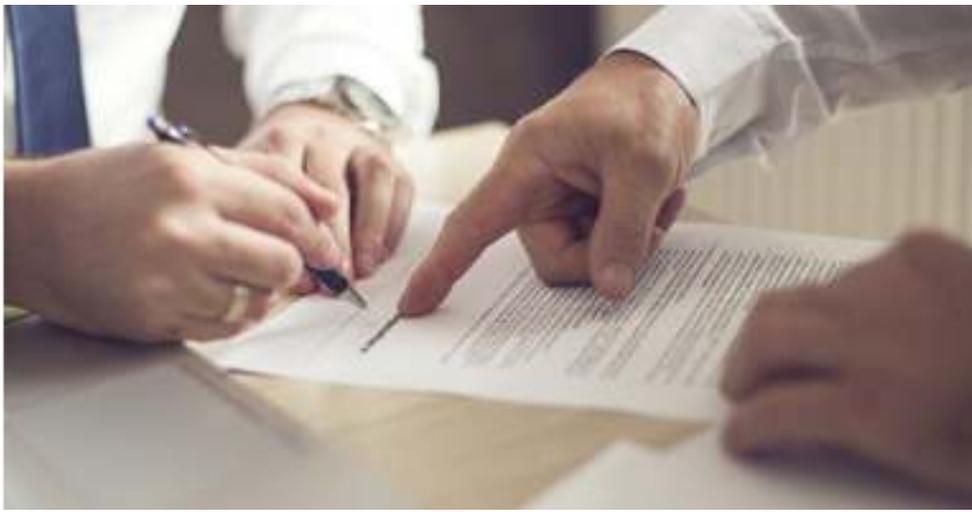
When a notification letter and demand letter are sent to the liable party, an injury victim can expect the following processes for resolving their compensation demands depending on the entity they are requesting compensation from, including:

- Automobile accident compensation claims will involve negotiating with the insurance provider of the liable driver. These claims for compensation require negotiating with a claims adjustor from the insurance company, who may eventually pay out a settlement claim to the injured victim.
- Premise liability claims will also involve negotiating with the liability insurance carrier of a given property owner. These claims will also require negotiations with a claims adjustor from the insurance company, who may eventually pay out a settlement to the injured victim. Any settlement amount will be paid out by the insurance company to the injured patron.
- Dog bite claims will involve negotiating with the dog owner's insurance provider and/or the property owner where the dog bite occurred. Again, this claim type will require negotiations with the insurance carrier of the dog or property owner.

In any personal injury case, a victim will have to determine if a named liable party is covered by liability insurance. If they are, the compensation demands of the injured party, if settled, will be negotiated and paid out by the insurance provider. In an automobile accident case, if a named defendant does not have liability insurance coverage, or does not have sufficient liability insurance coverage, the injured victim's insurance company through underinsured or uninsured motorist coverage may become applicable.

## **THE TYPE OF COMPENSATION BEING PAID**

Another method of obtaining compensation would be through court awards, which occur when a given personal injury suit cannot be settled outside of court and forces a case to trial. The compensation awards mandated by a judge or jury in these cases will vary in their method of payout, per the terms of the award verdict.



## GETTING LEGAL HELP

Each request for compensation will prove different, and may require an individualized process of remedying compensation requests. The determination of whether legal counsel is required is again, case-specific, but in practice, having an attorney to represent your claims case will not only provide clarity on how your specific personal injury claim will be paid out, but more importantly, an attorney can provide the necessary tools and negotiations to ensure a payout does occur in the first place.

*Source:*

*<http://www.personalinjurylawyer.com/resources/personal-injury/personal-injury-claims/how-compensation-a-personal-injury-paid-out>*



## PROVING FAULT IN A CAR ACCIDENT



As with other types of accidents, figuring out who is at fault in a traffic

accident is a matter of deciding who was careless – or "[negligent](#)." In many cases common sense will tell you that a driver, cyclist, or pedestrian acted carelessly, but you may not know what laws or rules that person violated. Your argument to an insurance company that another person was at fault can be strengthened if you find some "official" support for your conclusion. There are a number of places to look for such support, including:

- **Police Reports:** If the police came to the scene of your accident, particularly if they knew that someone was injured, they probably made a written accident report. Ask the traffic division of your local law enforcement agency how to get a copy. Sometimes a police report plainly states an officer's opinion that someone violated a specific traffic law and that the violation caused the accident. It may even state that the officer issued a citation. Other times, the report merely mentions negligent behavior, without plainly stating that the violation caused the accident. Regardless of how specific it is, any mention in a police report of a traffic law violation or careless driving by another person can serve as great support in showing that the other person was at fault.
- **Vehicle Codes:** Another place to look for support for your argument that the other driver was at fault is in the state laws that govern driving. These rules of the road are contained in each state's statutes and are usually known as the "Vehicle Code." A simplified version of these laws (sometimes called "The Rules of the Road") is often available at a local department of motor vehicles office. The complete vehicle code is usually available at many public libraries, and all law libraries. Typically, if a particular code section has been violated, it will be noted in the report of the law enforcement agency.

## **TYPES OF ACCIDENTS**

- **Rear-End Collisions:** If someone hits you from behind, it is virtually never your fault, regardless of why you stopped. A basic rule of the road requires a vehicle to be able to stop safely if traffic is stopped ahead of it. If it cannot stop safely, the driver is not driving as safely as the person in front. The other sure-fire part of the rear-end accident claim is that the damage proves how it happened: If one car's front end is damaged and the other's rear end is, there can't be much argument about who struck whom. Of course, the driver of the car that hit you may have a claim against someone who caused you to stop suddenly, or against a third car that pushed his car into yours, but that doesn't change his or her responsibility for injuries to you and damage to your car. Keep in mind, however, that even if you have been rear-ended, in a few circumstances your own carelessness may reduce your compensation under the rule of "comparative negligence." A common example is when one or both of your brake or tail lights were out, especially if the accident happened at night. Another example is if you had mechanical problems but failed to do all you could to move the vehicle off the road.
- **Left Turn Accidents:** A car making a left turn is almost

always liable for a collision with a car coming straight in the other direction. Exceptions to this near-automatic rule are rare and difficult to prove, but they can occur if: The car going straight was going well over the speed limit. The car going straight went through a red light. The left-turning car began its turn when it was safe, but something unexpected made it slow down or stop. This is an extremely difficult exception to use because a basic rule of the road says a car making a left turn must wait until it can safely complete the turn before moving in front of oncoming traffic. As with a rear-end collision, the location of the damage on the cars sometimes makes it difficult for the driver to argue that the accident happened in some way other than during a left turn.

If you are involved in an accident, make the attempt to report it to the police. If officers do not arrive, be sure and collect the other driver's license and insurance information. If damage has occurred, take pictures. As an immediate next step, call your insurance agent for advisement. If injury occurs in an [auto accident](#), seek the necessary medical treatment as soon as possible. Then, seek legal counsel to make sure you receive the compensation you deserve. At Jan Dils, Attorney at Law, there is no initial consultation fee. We have your best interest at heart.

<http://www.nolo.com/legal-encyclopedia/car-accidents-proving-fault-29604.html>

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Jan Dils, Attorneys at Law, handles Personal Injury Claims, Social Security and Veterans Disability for clients throughout West Virginia with offices located in Parkersburg-Beckley-Charleston-Huntington-Logan as well as one additional office located in Charlotte, North Carolina. But regardless of where you are located we are able to serve you or a family member Nationwide.

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