

# VIRGINIA WRONGFUL DEATH GUIDE

*Important Advice  
After a Serious Accident*

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Are you mourning after the loss of a loved one? Wrongful death lawsuits can be brought when there is a fatal accident that was caused by another's recklessness, carelessness, negligence or wrongful act. For families, there is no greater tragedy. And although no amount of money will feel just, a settlement provides families with financial security after a wrongful death.

Life is forever altered for families after a wrongful death. This time can be scary, traumatic, and often, families don't know who to turn to help for. A Virginia wrongful death lawyer provides the assistance that families need.

If you lost a loved one in an accident caused by carelessness, negligence, or wrongful behavior, you may be entitled to compensation.

Our Virginia wrongful death lawyers can help. We understand what your family is dealing with and realize that you and your family need the time and space to grieve. Our team provides compassionate legal assistance. We will fight for the compensation you rightfully deserve.

## CALL NOW FOR A FREE CASE EVALUATION AND TO LEARN MORE ABOUT YOUR FAMILY'S RIGHTS.

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### *What Is Wrongful Death?*

Fatal accidents occur every day in Virginia, and often times, no one can be held liable. Wrongful death cases are different, though. Wrongful death is any fatal accident that was caused by recklessness, carelessness, or wrongful behavior.

These accidents can happen in the workplace, during a medical procedure, or due to a motor vehicle accident. There are many causes in which an accident could be avoided, if someone hadn't been acting carelessly or recklessly. Examples include:

- » **Motor Vehicle Accidents** – If a car accident was caused by negligent behavior, like speeding, DUI or distracted driving, a wrongful death lawsuit may be filed.
- » **Trucking Accidents** – Trucking accidents caused by fatigued driving, improper equipment maintenance, or DUI can result in a wrongful death lawsuit.
- » **Premises Liability** – Property owners who do not take care to protect visitors can be tried for wrongful death.
- » **Medical Malpractice** – Doctors and medical providers can fail to meet standard of care, resulting in a death. A wrongful death lawsuit can be brought in cases of medical malpractice.
- » **Dog Attacks** – A case can be brought against dog owners who fail to take safety precautions to protect the public.
- » **Workplace Accidents** – Any workplace fatality can result in wrongful death benefits through Virginia’s Workers’ Compensation fund.

## COMPENSATION AVAILABLE TO SURVIVORS

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No amount of money feels sufficient for the loss of a beloved family member. Yet, in cases of wrongful death, compensation is available to provide financial security for surviving dependents. This can help families recover financially, as well as compensate them for ongoing emotional pain and suffering.

In wrongful death cases, compensation can be obtained for:

- » Grief and emotional trauma



- » Medical expenses leading up to the wrongful death
- » Funeral expenses
- » Loss of income, services, insurance, and protection
- » Loss of consortium

In some wrongful death cases, families can pursue punitive damages. This is a form of financial punishment for the negligent party, and it's reserved for cases of gross negligence or malice. Punitive damages are awarded by a jury, if your case goes to trial, and they are awarded on top of any compensatory damages.

Ultimately, a qualified Virginia wrongful death lawyer will help you fight for any and all forms of compensation. In your grief, compensation can help you avoid financial difficulties in the face of tragedy.

## FILE A WRONGFUL DEATH CLAIM

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In Virginia, wrongful death claims must be brought by a personal representative of the victim's surviving family or estate. Beneficiaries can be any family member or those dependent on the victim for support. Examples include:

- » Spouses
- » Children
- » Grandchildren (if victim's child is deceased)
- » Parents
- » Siblings
- » Other relatives of the same household that relied on the victim for support, including in-laws, adopted children, or blood relatives

In cases when the victim had no surviving members, wrongful death cases can be brought by the victim's estate.

# HIRE A WRONGFUL DEATH LAWYER

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In the immediate aftermath of an accident, family members experience shock and pursuing legal action might feel overwhelming. An attorney provides families with the time and space to grieve. Your attorney becomes an advocate on your behalf, completely managing the legal process.

Your claim must be filed within two years of the fatal accident. That's why it's important to contact a Virginia wrongful death lawyer as soon as possible after an accident. Our process for new cases include:

- » Investigating the accident and determining fault
- » Meeting with qualified experts (e.g. medical experts in malpractice cases, or traffic safety experts in fatal car/truck accidents)
- » Filing claims on your behalf
- » Negotiating for a fair-valued settlement
- » In necessary, trying your case in court

In your family's time of need, you need a lawyer you can trust, and who can pursue your case with compassion. Our Virginia personal injury attorneys can help you fight for the maximum compensation that you rightfully deserve.

## FREQUENTLY ASKED WRONGFUL DEATH QUESTIONS

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### *What is a Wrongful Death Claim?*

As a family member who has lost a loved one in a wrongful death injury in Virginia, you may have a question about what wrongful death claims are all about. In Virginia, they usually follow two basic courses. One is the type of wrongful death claim that focuses on the difficulties that your loved one went through up until the time that they passed. The other is to focus on what the

losses to the family are if they passed away right away after the accident. Those are two very different kinds of claims to pursue. They require different kinds of evidence, and they usually depend on how long the person survived until the time of death after the accident. In both cases, it's important to note that finding the right attorney to help you establish what the losses were to your family is the most important thing that you can do when you've lost a loved one in a wrongful death accident.



## *What Happens When I File a Claim?*

Recently, a family came to see me when a daughter had fallen on steps outside of an apartment building and had passed away as a result of her injuries. When that happened, they wanted to know what the steps were. They can be somewhat complicated, but the first step that has to be taken in pursuing a claim when we have a lost loved one is to get proper

qualification with the court to allow a representative of the family to pursue the claim legally. The next most important thing, of course, is to hire an attorney as early as you possibly can to establish what the facts and circumstances of the death were. Oftentimes, when somebody passes away as a result of an accident, their testimony isn't available to preserve the specific occurrence and the conditions that were prevailing at the scene where it happened. The value of the case can be severely compromised without that. It's extremely important to get an attorney early in the case to help you investigate, from any other source available, what you need to prove and win a wrongful death case in Virginia.

## *How Much Does It Cost to File?*

When I'm asked by families to assist in prosecuting a claim for wrongful death in Virginia, often I'm asked the question of how much is it going to cost to handle that claim. As in most personal injury cases, attorneys will typically charge only at the end of the case on the recovery that's made at the end of the case. That, usually, is the largest expense out of all that's associated with prosecuting that claim. There are other charges that have to be incurred, for example, in

investigating the claim, or in expenses of litigation, which might include expert witnesses or medical providers or other expertise that has to come into play to establish how the accident happened that caused the death, as well as what the subsequent injuries were that led to the death.

## *Who Can File a Wrongful Death Lawsuit?*

The simple answer is that you do not need to be a family member in order to qualify as a representative to pursue the claim on behalf of the deceased for personal injuries or death. However, the measure of damages is determined, and the class of beneficiaries who receive those damages is determined by your family relationship. In other words, the people who are the immediate family to the deceased person are the ones entitled to recover the damages. Oftentimes, families come to me and say, “We are so distraught by this loss, we don’t feel capable of being able to do all of the administrative tasks associated with your claim,” and in those cases, you can find an outside person, an independent representative, to qualify in order to file your claim in court.

## *Should I Talk to the Insurance Company?*

When I’m asked if it’s okay to speak with an insurance adjuster after a member of my family has been killed in an accident, my simple answer is “do not.” The reason is, number one, you probably were not a witness to the accident, so what do you have to add to the insurance company’s analysis at this early stage? The second thing to note is that insurance companies are there for one purpose and one purpose only, and that is to try to minimize the value of your claim, and so they’re looking for information that can help them to find appropriate defenses to raise to try and minimize the value of this case.



## *How Long Do I Have to File?*

In Virginia, we have a rule that you have two years from the date of the accident causing the death in which to file your claim. Occasionally, there are tolling

provisions that will apply that can extend that time period, but the general rule is two years from the date of accident.

## *How Much is My Case Worth?*

Frankly, the difficulty in coming up with that figure has to do with the nature of the loss to begin with. It is extremely difficult to evaluate how much it's worth to have lost a family member. I can't imagine that I'd ever be faced with the difficulty of making that decision if I were to have lost a loved one in an accident. In those cases, as lawyers, we have to look to the value based on what the expected lifespan would have been to the person that passed away. The value of the loss has to do with the nature of the importance of that person to the family, and the nature of the emotional connections that that person had, whether with their spouse, or children, or other loved ones in their immediate family. It's a very difficult analysis to make, and one that takes a lot of personal time and attention. In coming up with that figure, it's always best to have an attorney that actually will take the time to come out and meet with you and understand your family in order to come up with the best figure and best result in that case.

## *What Type of Compensation is Available?*

When a member of your family has been killed as a result of an accident in Virginia, you may want to know what kind of recoveries you're entitled to collect from that unfortunate accident. When we see these types of cases, we'll typically tell you that you are entitled to cover funeral expenses, last illness expenses, but most important in these types of cases is the loss of a family member and what that person meant to your family. It has much more to do with the pain and grieving that you and other members of your family have gone through as a result of that unfortunate loss.

# REQUEST A FREE CASE EVALUATION

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If you have lost a loved one due to someone's carelessness or negligence, our legal team wants to help. We provide discrete legal services for grieving families, and can help you recover the compensation you deserve.

Call now for a free case review. Our initial consultations are no-obligation. You can choose to hire us if you feel comfortable with our team. Call now to learn more about your rights.



## ABOUT THE AUTHOR

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Michael R. Strong has handled complex auto accident, trucking accident, and products liability claims for over 38 years. He has achieved many six-figure settlements and verdicts for his clients involving highway accidents, products liability claims, and medical malpractice claims.

A true litigator, Michael Strong is licensed to practice law in Virginia, Maryland, and the District of Columbia. He has been licensed to practice law since 1980. Mr. Strong earned his law degree from the University of Dayton School of Law. He handles cases involving personal injury and business litigation, including catastrophic injuries, serious accidents, business contracts, business transactions, and more. As a dedicated advocate, he is well-known for his client-focused representation. He has secured favorable results for many of his cases and is passionate about serving his clients.

Mr. Strong is the author of several articles involving personal injury recovery advice, development of sources of insurance coverage in complex accident cases, and creative solutions for compromise of medical provider and subrogation liens. He is also a Number One Best Seller on Amazon.com on Insurance Issues.

