

# VIRGINIA PERSONAL INJURY GUIDE

*Steps to Take After a  
Serious Accident in Vienna*

MICHAEL STRONG





Our Virginia personal injury lawyer in Fairfax VA has been fighting for just compensation for traffic injury victims all across Virginia and our surrounding communities of Vienna, Fairfax, Arlington, and Falls Church for more than 36 years. To find out how you can get more for your whiplash or other soft tissue injury claim.

In order to help and not hinder your way to financial recovery, we do not charge upfront fees or out-of-pocket costs. Our nationally ranked Virginia personal injury lawyer is ready to help you pursue justice.

## VIRGINIA PERSONAL INJURY LAWYER WITH 35+ YEARS' EXPERIENCE

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Accidents may seem like a part of everyday life, but no innocent person should be made to pay for someone else's carelessness or recklessness. If you've been harmed in an accident caused by someone else in Fairfax County, Virginia, you should hold the responsible party accountable for his or her role in your injury. Slip and falls cases, workplace injuries, medical malpractice injuries, dog bites, car accidents, boating accidents, nursing home neglect, and other serious injuries are all eligible for compensation under personal injury law in Virginia. To determine if your injury qualifies for such a claim, you will need to speak with a Virginia personal injury lawyer.

## PERSONAL INJURY CLAIMS IN VIRGINIA

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Fairfax County, like the rest of Virginia, has a particular regulatory framework for personal injury claims. These personal injury cases usually have two year statute of limitations for injury claims with adult claimants. Claims for small children can use a different set of rules and regulations that need

to be researched by a competent Virginia personal injury lawyer. A statute of limitations of two years means that a claim for a personal injury needs to be filed within two years of the actual injury to the claimant. In additions, some insurance companies may challenge a personal injury claim, and the insurance matter may need to be brought before a county judge to decide a disputed claim.

A qualified personal injury attorney can help a claimant overcome obstacles as disputed insurance matters. A Virginia personal injury lawyer can help injured parties reach the most favorable legal settlement possible. There are certain time limitations for cases to be decided, and various types of personal injury matters that may need to be managed. Depending on the type of personal injury case, there are negligence rules that could affect the outcome of a claim as well.

## TYPES OF PERSONAL INJURY CASES FILED IN VIRGINIA

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There are many different types of personal injury cases that are filed in the Commonwealth every day. They may be related to any of the following:

- » Car Accidents
- » Motorcycle Accidents
- » Truck Accidents
- » Premises Liability
- » Slips and Falls
- » Brain injuries
- » Dog Bites
- » Medical malpractice
- » Nursing home abuse

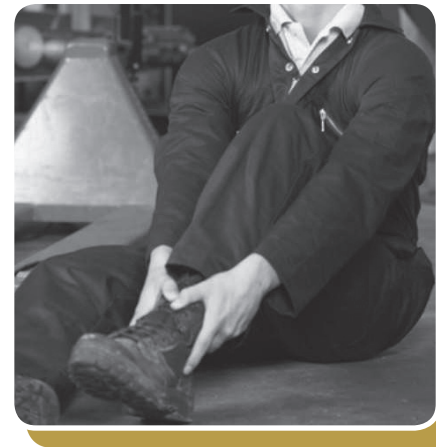


- » Workers' compensation
- » Construction accidents
- » Dangerous products
- » Dangerous prescription
- » Wrongful Death
- » Pedestrian accidents

## CONTRIBUTORY NEGLIGENCE IN VIRGINIA AND LAWSUIT LIMITATIONS

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Personal injury claims in Virginia are governed by a doctrine known as contributory negligence. This says that a claimant cannot receive damages from a personal injury lawsuit if the claimant had even 1% fault in the matter. Only four states, including Virginia, and the District of Columbia adhere to the pure contributory negligence rule. This means that the insurance companies in Fairfax County cases often utilize this doctrine to attempt to force a less favorable settlement for the injured party. A qualified professional personal injury attorney may be needed to level the playing field and help the injured party reach the most favorable legal settlement possible.



## WHAT ARE PUNITIVE DAMAGES?

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Punitive damages are damages that are awarded to punish the party responsible for an injury. In the Commonwealth of Virginia, there is a \$350,000 “cap” on recovery of punitive damages for most personal injury settlements. Punitive damages are not available in all cases, but if you are injured by a third-party who is particularly egregious in their disregard for your rights, such as drunk

driver or distracted driver, make sure you discuss the possibility of punitive damages with your Virginia personal injury lawyer.

There are some defendants that have a certain level of immunity against personal injury claims. Municipalities and sovereign governments usually are immune from personal injury claims. These restrictions are imposed in order to assist these public officials and to guard against any frivolous insurance claims. An experienced and knowledgeable personal injury attorney in Fairfax can let you know when your claim may be subject to an immunity defense and when exceptions to these doctrines are available.

## THE IMPORTANCE OF A VIRGINIA PERSONAL INJURY LAWYER

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Even if your case seems open-and-shut to you, navigating the complicate field of personal injury without proper legal advice is a serious mistake. A Virginia personal injury lawyer will work hard to assist you in reaching the most favorable legal settlement possible for your claim. If you choose our personal injury attorney to aid you in your recovery, you can count on a team of skilled legal professionals working by your side to advocate on your behalf all through the process.

We will safeguard your rights and protect you from making any mistakes that might decrease your chances of receiving a favorable outcome. We will negotiate with the party responsible for your injury to try and broker an agreement that guarantees you what you are owed; however, our trial attorneys also stand ready to represent you in the courtroom if that is the avenue that offers you the best chance of a favorable and just recovery. Call a Virginia personal injury lawyer today for a free consultation.

## WORKING HARD TO ACHIEVE FULL & FAIR COMPENSATION

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Our Virginia personal injury lawyer has been proudly representing injured clients all across Virginia and surrounding communities for more than 35 years.

We believe in delivering real justice for people during their time of need. There is nothing more important to us than fighting for our clients' rights and making sure that they have what they need to recover down the long road ahead.

Below Are Some of Our Past Results:

- \$925,000 — Wrongful Death Settlement
- \$650,000 — Hit & Run Accident
- \$425,000 — Hit & Run Accident
- \$350,000 — Bike Injury
- \$265,000 — Dog bite case
- \$250,000 — Motorcycle Accident

Our team works hard to make sure you are compensated for medical bills, lost wages, loss of earning capacity, pain and suffering, and funeral expenses (if your loved one was lost).

Your claim matters to us, and we show you by working hard to prepare all aspects of your claim and by providing our personalized attention. We keep you up-to-date on all progress related to your claim and go out of our way to make sure you understand the status of your case.



## FREQUENTLY ASKED PERSONAL INJURY QUESTIONS

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### *What Should I Do If I'm Seriously Injured?*

Usually, the first thing people want to know when they come to see me about an injury that they've recently suffered is, "What are the first steps I should take after the accident?" We find that very often, people get confused and upset when they're involved in an accident. The most important thing to remember is, number one, don't get

terribly upset. It's not going to make anything any better or make it go in your favor to be accusative or lose your temper.

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

People often come to me for the first time after they've been contacted by an insurance company. In those cases they ask, is it really important that I speak to this insurance company, and provide the details they're asking me about? The simple answer to that is, there's no need to contact the insurance company or respond to their questions at that stage in your case.

Usually right after the accident is when they're calling and trying to take what they call a recorded statement to verify what happened. Sounds reasonable enough to most people, but unfortunately, insurance companies have learned a variety of techniques to try to sneak in questions that are designed to find ways to defeat your claim without you even knowing they're trying to contest the claim, by asking you certain questions in a certain way. For that reason, you need legal advice before you take any kind of recorded statement, in front of an insurance adjuster or by phone.

I might add, also, that in Virginia, we have a protective statute of prohibition against introducing recorded statements at trial of a personal injury case if they're intended to contradict the statement of the injured victim. However, in many cases, those statements can be introduced when they're intended to show the nature and extent of your injuries. It's always best you simply decline the invitation to give a recorded statement and allow your attorney to make the evidence available as it's fully developed, whether it be waiting until your doctors have made a thorough analysis of your injuries, or until your treatments are completed and you know what the final outcome of your case might be.

## *Should I Take a Settlement Offer from the Insurance Company?*

People often ask me, "Is it okay to accept a settlement offer at the first offer step?" Normally, insurance companies are sophisticated enough to know that if they offer a quick payment for a low sum, that it's far more likely an injured person will accept that offer without understanding the consequences. For

example, when you take that offer, that is the only money you get from the case, regardless of what happens to your injury or your recovery process after that date.

More importantly, the offer is usually extraordinarily low. It probably only covers your medical expense and a few hundred dollars for what they call compensation for other things. They don't go into the details of all the days that you suffered with headaches, back pain, or neck pain as a result of the accident, or explain to you what the value of those components might be, because they're harder to value than the actual dollar amount of your bills or lost wages. Don't take the first offer. It's far better for you to retain an attorney and thoroughly evaluate your case, because it may be worth much more than what any insurance company is willing to offer you within a week or two after the accident.

### *What Mistakes Should I Avoid?*

Obviously, the most important thing to remember is that you have to get an attorney on your side after the accident as quickly as possible. Making the mistake to delay finding an attorney to help you with a case can cost the entire case because investigation immediately after the incident is the most important thing that you can do to preserve your rights. The other things that are often seen are not getting medical care quickly enough and not making a proper report of what happened in the accident. In each of those instances, it's always helpful to have an attorney because they're mindful of all those steps you need to take.



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

Often, I receive a call from a client who would like to retain our firm to help them with a personal injury case in Virginia. In Virginia, the time in which you must file a lawsuit to preserve your claim for a personal injury case is two years. As a result, people often come out of the woodwork and try to get an attorney very late in the game when they know that two-year deadline is approaching. In



my estimation, that's often a very dangerous tactic to wait that long to see an attorney.

So much about your case depends on a careful evaluation of the scene and preserving the evidence of what happened and the physical evidence. There can be devastating consequences to the merits of your case by not retaining an attorney early on. By all means, if you have the ability to do so, retain a lawyer immediately.

## *How Long Will My Case Take?*

I often tell my clients who have that type of question that it depends on how quickly you're able to recover from your injuries in that type of case. Don't be worried that months have gone on before you've been able to resolve the case. Instead, focus on what is it going to take to feel better by following the doctor's instructions during your recovery process. Once that process is completed, we can wrap your case up in a relatively short period of time. To rush the recovery process means that you will also probably have a less successful recovery from your injuries. By giving time to complete the recovery process in the medical care, you will actually help resolve the case more quickly.

## *What Steps Should I Take to File a Claim Against a City?*

One of the first steps that are required is to put the government entity on notice of your claim in writing. That writing has to have special components to it that state the time, exact location, as well as the parties involved in the accident in Virginia.

In addition, the other steps that are typically involved are preserving the evidence that may be available as to how the accident occurred. You have to prove negligence in order to recover from the insurance company. Other steps that are required are following through with the medical care, documenting the medical history of recovery from this injury, and making a proper demand and filing suit within the two-year statute of limitations.

## *Can I Be Partially at Fault?*

The simple answer in Virginia is, no. The reason is because Virginia is one of only four states in the United States that has the doctrine of contributory negligence as a complete bar to any recovery from your injury claim. In those cases where you're partly at fault, there is no basis for recovering under Virginia law.

## NO RECOVERY, NO FEE. CALL US FOR A FREE CONSULTATION.

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We welcome clients from all walks of life and all cultural backgrounds. At our office, we have multicultural staff members who speak Thai and Vietnamese. Our multi-lingual lawyer also handles every personal injury case with no upfront or out-of-pocket fees We only get paid if you do. Don't wait to contact a personal injury lawyer in Fairfax VA today!



### 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.

