



**Skousen,
Gulbrandsen &
Patience** PLC
LAW FIRM



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please **CONTACT US** at...

480.833.8800 or **800.501.2782**

What are the Statutes of Limitations in **AZ Personal Injury** Cases?

If you or a loved one has been gravely injured due to someone else's negligence or wrongdoing, you are entitled to compensation for your damages under Arizona law. However, when filing a personal injury lawsuit in Arizona, it's important to be mindful of the **statutes of limitations**, or the amount of time you have to take legal action following an incident, such as an auto accident, animal attack or other serious injury.

In Arizona, you have up to two years from the date of the injury to file a personal injury lawsuit. After the statute of limitations has passed, you forfeit your right to seek reparations for your injuries. If you're considering bringing legal action, it's important to consult with a personal injury lawyer right away; otherwise, you could lose out on your rightful claim.



There are a few legal exceptions to the usual period of statutes. For instance, if you're considering bringing a lawsuit against the government, you may have only six months to file a suit. Also, cases that evoke the discovery rule can extend the amount of time you have to act legally. The discovery rule covers plaintiffs who could have not known they were injured or who caused the injury. In those cases, your period to act is after the point of discovery, not the actual injury.

“You have up to **TWO** years from the date of injury to file...”

A number of other exceptions could apply to your case. Only an experienced personal injury lawyer such as the attorneys at Skousen, Gulbrandsen and Patience can advise you as to how much time you have to legally act. Don't delay in seeking legal help. Hesitating to take action in your personal injury lawsuit could cost you. Contact us today.



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What is Pain and Suffering?

An accident can leave you with debilitating injuries, including broken bones, disfigurement and paralysis. What's more, these physical ailments can take a toll on victims emotionally, leading to depression, post-traumatic stress disorder and other psychological problems. In personal injury cases, this emotional toll is known as pain and suffering. The amount of pain and suffering a victim has experienced as a result from an accident is factored into the amount of damages awarded in a personal injury suit.

The courts consider many factors to determine the amount of pain and suffering incurred by a plaintiff. The following are just a few questions asked to assess pain and suffering:

How severe are the plaintiff's injuries?

Did the injuries result in permanent disfigurement, paralysis or amputation?

How likely is the plaintiff to fully recover from his or her injuries?

What is the level of pain associated with the plaintiff's injuries?

How do the injuries affect the plaintiff's everyday lifestyle?

Do the injuries prevent the plaintiff from ever working again?

Do the injuries prevent the plaintiff from returning to his or her previous job?

Do the injuries require long-term medical treatment?

Do the injuries require the plaintiff to take pain medications?

Did the plaintiff follow the prescribed course of medical treatment?

Are the plaintiff's actions consistent with those of a person who is in pain?

Because pain and suffering is subjective, the amount of compensation will vary from case to case. The courts will look over medical records, testimony from the plaintiff, testimony from the witnesses and more evidence to help make their decision. Keep in mind that some states have limits on the monetary amount plaintiffs can be awarded in a personal injury case. In Arizona, however, there are no limits to the amount of damages accident victims can receive.

If you've been injured, the personal injury attorneys at Skousen, Gulbrandsen & Patience, PLC can help you determine what could constitute pain and suffering in your case. Consult with us today.

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Personal Injury Law:

A Glossary of Terms

Do you know what IME stands for or what statute of limitations means? Do you know exactly what tort law entails? Don't be embarrassed if you aren't familiar with any of these terms. Like any field, personal injury law involves jargon laymen might not know. Here's a glossary of terms you might happen across if you become involved in a personal injury suit:

Ar·bi·tra·tion (ahr-bi-trey-shuhn), *-n.*

Alternative to trial in which the parties involved agree to appoint an individual or panel to make a binding award or decision based on the evidence and testimony presented.

Bad Faith (bad feyth), *-n.*

Actions by an insurer designed to mislead an insured; refusal or negligence of insurer in fulfilling some duty or contractual obligation.

Com·par·a·tive Fault (kuhm-par-uh-tiv fawlt), *-n.*

An affirmative defense available to the defendant. Reduction of the plaintiff's recovery in proportion to the percentage of negligence or fault attributed to the plaintiff.

Com·plaint (kuhm-pleynt), *-n.*

A formal statement filed by the plaintiff with the court that sets forth his/her injuries and damages and why he/she believes the defendant is liable.

De·fault Judg·ment (dih-fawlt juhj-muhnt), *-n.*

When a defendant fails to formally answer a plaintiff's complaint in a timely manner, the plaintiff may ask the court to enter a judgment against the defendant.

De·mand Let·ter (dih-mand let-er), *-n.*

A letter expressly stating a legal right and an amount due as reasonable compensation for injuries to person and/or property.

IME (ahy-em-ee), *-n.*

Insurers refer to this as an "independent medical examination." Attorneys representing injured people refer to this as an "insurance medical examination." An insurer may require the injured person to attend an IME under the provision of the Personal Injury Protection (PIP) Policy or by a defendant after a lawsuit is filed in court. In either instance, the insurance company selects the doctor of their choice and pays for the examination.

Li·a·bil·i·ty (lahy-uh-bil-i-tee), *-n.*

Responsibility or fault for an incident resulting in injuries and damages to person and/or property.

Neg·li·gence (neg-li-juhns), *-n.*

Failure to exercise ordinary care or caution.

Stat·ute of Lim·i·ta·tions (stach-oot of lim-i-tey-shuhns), *-n.*

A limited time period whereby a party can sue. In Arizona, accident victims generally have up to two years

Have a question about a legal term? The personal injury attorneys of Skousen, Gulbrandsen & Patience, PLC have the answers. Give us a call today.



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Martindale-Hubbell Bar Register of Preeminent Lawyers

Skousen, Gulbrandsen & Patience, PLC, has earned a Preeminent AV rating in the *Martindale-Hubbell Law Directory*® for our legal capabilities and devotion to professional ethics. Since Martindale-Hubbell bases assessments on surveys of members of the bar and of judges, we take pride in our colleagues' recognizing and respecting the quality of our legal work.

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The information included in this newsletter is not intended as a substitute for professional legal advice. For your specific situation, please consult the appropriate legal professional.

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Ways to Damage Your Arizona **Auto Accident** Case

Not exchanging information with the other driver involved in the accident.

One of the first things you want to do if you've been involved in an auto accident is exchange information with the other parties involved. Having this information will greatly simplify the auto insurance claim process. Be sure to get the driver's name, address, phone number, insurance company, policy number, driver's license number and license plate.

Not seeking medical attention immediately after the accident.

Be sure to get checked out by a medical professional following an accident. This is the best way to have a trustworthy record of your injuries as a result of the accident. Without this documentation, it could be difficult to prove your claim.

Not moving on your auto accident claim soon enough.

There are statutes of limitations in auto accident cases. In most cases in Arizona, you have two years to file an auto accident claim. In cases that involve the government, you have six months to follow a claim. Waiting too long to file can mean forfeiting your claim, regardless of fault.

Not taking insurance investigations seriously.

Following your accident, the insurance adjuster of the at-fault insurance company will conduct a thorough investigation of the accident. Keep in mind that it is the adjusters job to find anything that would prevent you, the victim, from receiving the maximum settlement amount. In these investigations, always tell the entire truth about the accident.

Signing away your rights.

Do not sign anything without having your lawyer review them first. Signing even innocent-looking papers could give the insurance company access to your private medical records and could curtail the investigation.

Revealing too much information online.

Defense attorneys and insurance adjusters scour Facebook, Twitter, blogs and other websites to find information that could damage your case. If investigators find anything posted online that indicates you're not as injured as you claim to be, it can be used against you in court.

Not properly documenting your damages.

If you've been in an accident, it is in your best interest to provide as complete of a picture as possible of the damages resulting from your accident. Get doctors' notes and medical records, obtain multiple repairs estimates, take pictures and videos of your car damage and/or injuries – anything and everything that will make your case rock solid.

Not communicating with your lawyer.

In auto accident cases, it's very easy for accident victims to unknowingly do the wrong thing and end up with a smaller settlement, or worse, no settlement. For best results, call your car accident lawyer with any questions you have, and definitely before taking action on something that could significantly impact your case.