

PERSONAL INJURY

If you have sustained an injury due to the negligence or intentional action or inaction of someone else, there may be potential to make a claim against that individual or business and their insurance company. Whether or not you are entitled to compensation depends on both the type of accident, the cause of the accident, and the comparative fault of the parties involved. The following examples reference some of the instances in which personal Injury claims are applicable. This is not meant to be an exhaustive list. If you believe you have been injured, you should seek legal counsel at once.

Motor Vehicle Accidents: Allocation of fault may be determined by traffic regulations and the amount that each driver's carelessness contributed to the injury

Commercial Accidents: Compensation may be awarded if

1. Your injury results from an unsafe condition present in a store or commercial area

AND

2. The owner was aware of or should have been aware of this hazard, but failed to correct it before the accident

Home/Farm/Apartment/Recreation Injuries: In cases where injuries result from such things as negligent maintenance, oversight, or attacks by pets, the renter, owner, or resident may be found liable. However, if an injury arises on property used free of charge for recreational purposes, the property owner may be exempt from liability.

Unsafe Public Conditions/Governmental Employees: Compensation may be possible in certain circumstances should an injury be caused by the negligence of a government employee or by unsafe public conditions. Strict notice and claim requirements are in place for these types of claims. You should contact an attorney immediately.

Intentional Injuries: When an injury is the result of an intentional act, you may be entitled to compensation from the responsible party, but not from their insurance.

How long do I have to bring a claim? The amount of time in which you can make a claim for compensation depends on the type of injury you sustained, and against whom liability is sought. This variation is illustrated by the Iowa statutes of limitation:

Personal injury - generally 2 years, but special statutes may apply:

- Claims against cities/counties/schools - generally 6 months
- Claims against the State of Iowa - 2 years
- Workers compensation claims - 2 years from the date of occurrence for which benefits are claimed OR if weekly compensation benefits were paid, within 3 years from the date of the last payment of weekly compensation benefits.

How much will I be compensated? Compensation for your injury may include several factors: medical expenses, wage loss, pain and suffering, and loss of enjoyment of life. The value placed on each claim varies with the severity of the injury, the effects of the accident on your life, and the probability that a recovery against the wrongdoer is warranted. There is no guarantee of compensation or recovery.

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How long will it take to recover compensation? If the individual responsible for your injury has insurance, an insurance adjustor may make an offer based on medical treatment records, expenses, and wage loss. In many cases, personal injury cases are settled out of court. This is possible if the offer made is acceptable to you and your attorney. However, if no agreement can be reached, a lawsuit may be filed with in applicable Statue of Limitations. Once this occurs, it may take 12 to 18 months or more for the case to be litigated.

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