

FREQUENTLY ASKED QUESTIONS

Personal Injury

1. What must be proven to recover damages under the law?

Any person who has been injured or lost a loved-one as a result of the wrongful act of another may be entitled to compensation. The wrongful act that causes an injury or death need not be intentional. The law also protects those who have been injured by the negligence of another. "Negligence" means that the person causing the injury did or failed to do something a reasonable person would or would not have done under similar circumstances. In other words, if the person who caused the injury acted unreasonably and created an unreasonable risk of harm, that person can be subject to liability for the injuries he caused.

2. What are examples of personal injury cases?

The law may provide compensation to an injured person or to the family of someone killed by the wrongful conduct of another no matter how that injury was caused. Some examples include: automobile and trucking accidents, railroad crossing accidents, dangerous and defective products such as punch presses, milling machines, saws, tools or drugs, construction accidents, electrocution, burns, medical, hospital or nursing home negligence or malpractice, and other professional negligence.

3. What compensation does the law provide for those who have been injured?

Once a jury determines that a person has been injured as a result of the wrongful conduct of another, the jury is asked to compensate that person for: past and future medical and hospital bills, past and future wage loss or loss of earning capacity, disfigurement, disability or loss of a normal life, and past and future physical and mental pain and suffering. In a wrongful death case, the family of the person killed may be entitled to compensation for the loss of financial support that the decedent would have provided, as well as compensation for the loss of the love, companionship and affection of the deceased. Under a recent change in Illinois law, a family will also be able to seek compensation for their grief.

We work with nationally ranked experts, such as economists, life-care planners, physicians and others to prove that our clients are entitled to the greatest amount of compensation that the law allows.

4. What should I do if I think I may have a case?

You need to speak to a lawyer qualified and experienced in personal injury cases as soon as possible. There are time limits under the law within which a personal injury case must be filed. All rights can be lost if suit is not filed within these time limits.

You also need to gather as much information as you can about how the injury occurred, who might be responsible, where the injuries sustained in the accident were treated, and the bills

for that treatment. Bring this information, such as accident or police reports, medical records, or bills when you come to consult with us. This information will help us investigate your potential case.

5. How much does it cost to hire a lawyer to represent me or my family in a personal injury case?

There is no charge for an initial consultation. If we take on your case, we receive a fee based on a percentage of the amount recovered. There is no fee if there is no recovery. We are also reimbursed from any recovery for the costs we advance to prosecute the case.

6. What do I do if the insurance company insuring the person or entity that caused my injury contacts me?

You have an obligation under *your own* insurance policy to cooperate in the investigation or defense of any potential claim. This means that if *your insurance company* wants to take a statement from you or wants to obtain information, you should comply with its request. However, you have no obligation to cooperate with the insurance company for the *person or entity you believe might be responsible for your injury*. This means that you should not provide any information or give any statements to the insurance company for the person or entity that might be responsible for your injuries until you have first spoken with us.

Medical Negligence

1. What is medical negligence?

Physicians, nurses, and other health-care workers, hospitals, nursing homes are liable for an injury or death caused by their negligence. The term “negligence” in this context means that a doctor, nurse or other health-care worker failed to comply with the applicable standard of care. The term “standard of care” means that the doctor, nurse or other health-care worker failed to act as a reasonably careful physician, nurse or health-care worker would have acted under similar circumstances. It is also necessary to show that the medical negligence caused the injury or death.

2. How is medical negligence proven in court?

Unless the injury is one that is within the common knowledge of people who are not in the health-care field, such as operating on the wrong leg, the law requires that medical negligence be established by expert testimony. This means that in order to prove that a physician or a nurse negligently caused an injury, a suitably qualified doctor or nurse must testify that the physician or nurse who has been sued was negligent and that this negligence caused the injury or death. We work with nationally recognized medical and other experts to prove these complex cases.

3. What compensation does the law provide for those who have been injured by medical, hospital or nursing home negligence?

The law provides for the same measure of damages in these cases as in any other personal injury case. Once a jury determines that a person has been injured as a result of the wrongful conduct of another, the jury is asked to compensate that person for: past and future medical and hospital bills, past and future wage loss or loss of earning capacity, disfigurement, disability or loss of a normal life, and past and future physical and mental pain and suffering. In a wrongful death case, the family of the person killed may be entitled to compensation for the loss of financial support that the decedent would have provided, as well as compensation for the loss of the love, companionship and affection of the deceased. Under a recent change in Illinois law, a family will also be able to seek compensation for their grief.

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4. What should I do if I think I may have a medical, hospital or nursing home malpractice case?

You need to speak to a lawyer qualified and experienced in medical, hospital or nursing home negligence cases as soon as possible. There are time limits under the law within which such a case must be filed. All rights can be lost if suit is not filed within these time limits.

The first step to determining whether there was medical negligence that caused an injury is to get a complete copy of the medical or hospital records relating to the treatment in question and bring these records with you when you come to see us. You should also gather any other relevant information, such as where later treatment was rendered and bills or other documentation of the cost of such care, and any other information, such as pay stubs, that will help show lost income. Bring this information when you come to consult with us.

5. How much does it cost to hire a lawyer to represent me or my family in a medical, hospital or nursing home negligence case?

There is no charge for an initial consultation. If we take on your case, we receive a fee based on a percentage of the amount recovered. There is no fee if there is no recovery. We are also reimbursed from any recovery for the costs we advance to prosecute the case.

Because expert testimony is almost always required to prove a medical, hospital or nursing home malpractice case, on occasion we ask our clients to pay the cost of having a physician or other expert conduct the initial review the medical records. If we then accept the case, we advance all further costs and are reimbursed for these costs from the recovery.

Products Liability

1. *What is products liability?*

The term, “products liability”, refers to a body of law governing compensation for injuries or deaths caused by dangerous or defective products. The manufacturer, distributor or seller of a product can be liable for the negligent manufacture of a product or, in some circumstances is subject to strict liability if a product is unreasonably dangerous, even if the manufacturer or seller has used due care in the manufacture and sale of the product. A court may determine that a product is unreasonably dangerous if the product is dangerous beyond the extent that would be contemplated by the ordinary consumer who purchases it. In some situations, a product is considered to be unreasonably dangerous if an alternative and feasible design would have prevented the injury, or the manufacturer or seller fails to show that the benefits of the challenged design outweigh the risk of danger inherent in the design.

Sometimes, a breach of warranty may give rise to a claim for injuries caused by a product.

2. *What are examples of products liability claims?*

Almost any injury caused by a product can give rise to a product liability claim. A product may cause an injury because it was defectively manufactured. For example, a piece of a grinding wheel might come loose because the wheel was not constructed properly. A product can also be rendered unreasonably dangerous because there were no warnings or inadequate warnings or instructions on how to use the product safely. A guard or safety device may be missing, such as where there is nothing to prevent an operator’s hand from being injured in a punch press or other industrial machine. The product may have a design defect that caused the injury.

We work with nationally regarded experts to investigate and prove these challenging cases.

3. *What compensation does the law provide for those who have been injured by a dangerous or defective product?*

The law provides for the same measure of damages in these cases as in any other personal injury case. Once a jury determines that a person has been injured as a result of the wrongful conduct of another, the jury is asked to compensate that person for: past and future medical and hospital bills, past and future wage loss or loss of earning capacity, disfigurement, disability or loss of a normal life, and past and future physical and mental pain and suffering. In a wrongful death case, the family of the person killed may be entitled to compensation for the loss of financial support that the decedent would have provided, as well as compensation for the loss of the love, companionship and affection of the deceased. Under a recent change in Illinois law, a family will also be able to seek compensation for their grief.

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4. What should I do if I think I have a product liability case?

You need to speak to a lawyer qualified and experienced in product liability cases as soon as possible. There are time limits under the law within which such a case must be filed. All rights can be lost if suit is not filed within these time limits.

It is vital that you preserve all information that would identify who manufactured and sold the product, such as receipts, canceled checks, or charge card statements. It is also important to save any manuals or other literature that came with the product. Sometimes, even the box the product came in can be important. It is also crucial to preserve the product that caused the injury, which can not only help to identify the manufacturer, but, just as importantly, the product can then be examined to determine if it can be proven to have been unreasonably dangerous. Taking photographs of the product can also be useful. You should bring this information with you when you come to see us.

If the product that caused the injury is not in your possession, such as where a machine or tool used at work caused the injury, you should call us without delay so that appropriate court orders can be sought to require the owner of the product to preserve the product, any manuals and all information about its purchase.

As with any other case, you should also gather information about where the injuries sustained in the accident were treated, the bills for that treatment and any information, such as pay stubs, that will help show lost income. Bring this information, such as accident reports, police reports, medical records, or bills, when you come to consult with us. This information will help us investigate your potential case.

5. How much does it cost to hire a lawyer to represent me or my family in a product liability case?

There is no charge for an initial consultation. If we take on your case, we receive a fee based on a percentage of the amount recovered. There is no fee if there is no recovery. We are also reimbursed from any recovery for the costs we advance to prosecute the case.

Construction Accidents

1. Who is responsible under the law for a construction accident?

Construction work is one of the most dangerous occupations in this country. Those entities that have control over the means, methods and operative details of the work are subject to liability for injuries caused by their negligence. For example, if a general contractor retains enough control such that a subcontractor is not entirely free to do the work his own way, the general contractor might be subject to liability for an injury to a subcontractor's employee. If one

subcontractor improperly erects a scaffold that is to be used by other trades at the site, the entity that erected the scaffold may be subject to liability for injuries caused by the improper construction of the scaffold to other workers at the site. Liability may also exist for injuries caused by the failure to erect appropriate barriers or supports, the improper storage of materials, improper use of cranes or hoists, and other negligent conduct.

We work with leading construction and safety experts to investigate and prove these challenging cases.

2. What compensation does the law provide for those who have been injured in a construction accident?

The law provides for the same measure of damages in these cases as in any other personal injury case. Once a jury determines that a person has been injured as a result of the wrongful conduct of another, the jury is asked to compensate that person for: past and future medical and hospital bills, past and future wage loss or loss of earning capacity, disfigurement, disability or loss of a normal life, and past and future physical and mental pain and suffering. In a wrongful death case, the family of the person killed may be entitled to compensation for the loss of financial support that the decedent would have provided, as well as compensation for the loss of the love, companionship and affection of the deceased. Under a recent change in Illinois law, a family will also be able to seek compensation for their grief.

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3. What should I do if I or a loved-one has been injured in a construction accident?

You need to speak to a lawyer qualified and experienced in construction accident cases as soon as possible. There are time limits under the law within which such a case must be filed. All rights can be lost if suit is not filed within these time limits.

It is important that you make a list of the names and addresses of the general contractor, architect, construction supervisor, and as many subcontractors as you can. This information is important in determining who might be responsible for your injuries. As with any other case, you should also gather information about where the injuries sustained in the accident were treated, the bills for that treatment and any information, such as pay stubs, that will help show lost income. Bring this information, such as accident reports, police reports, medical records, or bills when you come to consult with us.

4. How much does it cost to hire a lawyer to represent me or my family in a construction accident case?

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