

WHEN IT COMES TO

# Personal Injury Law,

LEARN. UNDERSTAND. ACT.



**SIMON**  
LAW GROUP PLLC

# When It Comes to Personal Injury Law, Learn. Understand. Act.

**A**lthough individuals may have heard the term personal injury before, many do not understand the legal definition of the word. Even further, many do not understand its legal implications and lasting significance in the state of Arizona. Instead of considering its importance, many believe accident law is expensive, time-consuming, and most of all, confusing. While obtaining professional legal help can clarify complex legal jargon, navigating through personal accident injury on your own is easier than you thought.

In legal terms, a personal injury refers to an event where someone has been physically or emotionally injured or killed by the wrongful act of another. Personal injury can be applied to many situations. Among the most common are automobile accidents, motorcycle accidents, work accidents, tripping accidents, assault claims, domestic accidents, malpractice and product liability.

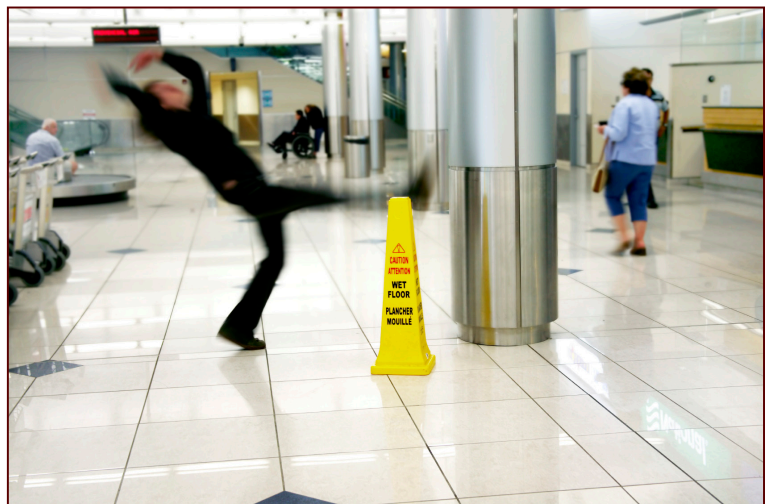
Depending on the case's specifics, an individual has the opportunity to recover financial compensation for medical care, lost wages, emotional trauma, and more. If you were injured as the result of another individual's negligence, recklessness, or misconduct, you may have grounds for a personal injury claim. We urge you to read more if you're concerned about your individual rights in the state of Arizona, and are curious about proceeding with a personal injury claim.

## Negligence & Motor Vehicle Accidents

In the state of Arizona, personal injury law covers many types of accident injuries. One of the most popular reasons for claims is negligence, which refers to a situation where the injured person claims the wrongdoer was careless. Due to the ambiguous nature of this definition, it is apparent that negligible activity is manifested in many ways. Because this behavior has its own standards of conduct, it creates a legal category known as negligence per se.

In more formal terms, negligence per se applies if someone (1) violates a statute, and (2) causes harm to an individual who was (3) within the group of people intended to be protected by the statute, and (4) the harm was the sort of harm that the statute was created to prevent. Nearly every case in the state of Arizona requires the injured person (the plaintiff) to prove that the person responsible for the injuries (the defendant) acted unreasonably. In the situation where the plaintiff can prove that the defendant violated the aforementioned four tenets of negligence per se, the law assumes the defendant was negligent.

Motor vehicle accidents are the most common type of legal negligence in the state of Arizona. According to a study conducted by the National Safety Council (NSC), motor-vehicle accidents



accounted for 36,000 fatalities in 2012. In the court of law, individuals are most commonly held responsible for negligence per se for factors such as drunk driving and distracted or negligent driving. Dangerous road conditions can also be held accountable for negligence, for factors such as lack of guardrails, poorly maintained roads, limited or poor visibility or dangerous intersections

More times than not, financial consequences of motor vehicle accidents are very high, stemming largely from serious injuries such as head, brain, and spinal chord injuries. In addition to medical expenses and long-term care costs, lost wages—wages lost due to missed work time—may play a role in auto personal injury cases. In the most extreme of cases, wrongful death may be a result of a motor vehicle accident.

Wrongful death cases occur when an individual dies as a result of another person’s carelessness or fault. In the state of Arizona, the only persons who can bring wrongful death cases forward are the parents, the widowed spouse, or the natural children of the deceased individual. Often, these cases seek reimbursement for financial losses or personal grief associated with the loss of their loved one.

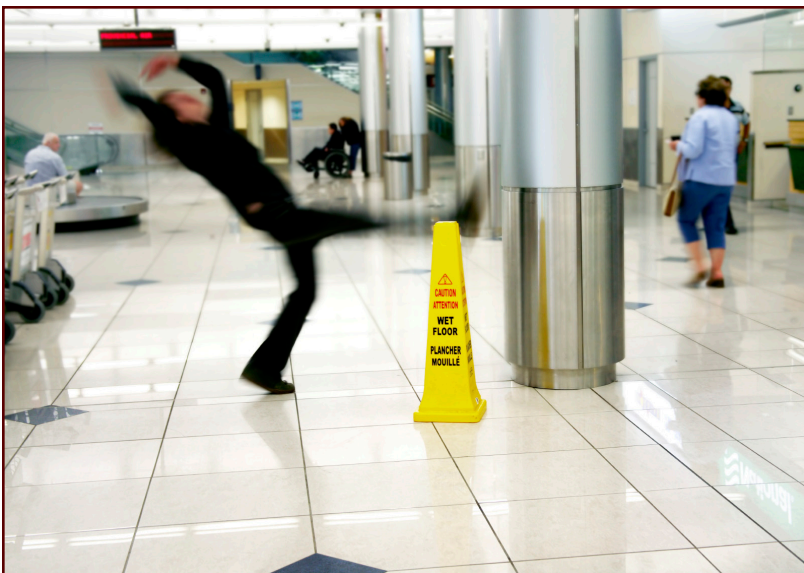
### **Premise Liability & Slip and Fall Accidents**

Unlike automobile accidents and the majority of negligent personal injuries, premise liability involves injuries sustained on someone else’s property, such as residential, commercial, or retail spaces. Much like negligent activity, premise liability cases can be complicated, and depend on a variety of factors including condition of the property when the accident occurred. However, it must be emphasized that premise liability cases can occur anywhere out of the individual’s home, including work, the grocery store, and the hospital.

According to the National Safety Council (NSC), falls are one of the leading causes of unintentional personal injury in the United States, accounting for nearly 8.9 million annual emergency room visits. Additionally, studies show that,

aside from automobile accidents, slip and fall injuries account for the most deaths in America. Unsurprisingly, slip and fall accidents are among the most popular cases in premise liability.

Under Arizona Law, business owners are required to use reasonable care to warn or safeguard their properties against dangerous conditions of which the defendant had notice. However, what makes premise liability cases even more difficult is that retail businesses are not strictly liable for injuries that occur on their premises. In premise liability cases, the plaintiff must prove conditions to be unreasonably dangerous under one of the following conditions:



1. The defendant or its employees created the condition; or
2. The defendant or its employees actually knew of the condition (in time to provide a remedy or warning); or
3. The condition existed for a sufficient length of time that the defendant or its employees, in the exercise of reasonable care, should have known of it.

Whether a condition is “unreasonably dangerous” or not often rests in the business’ ability to demonstrate compliance with appropriate standards of care. Ultimately, obtaining aggressive and professional legal care is a recommended step in proving that a business is accountable for a slip and fall accident in a premise liability case.

## **Professional Malpractice & Products Liability**

Although automobile accidents and trip and fall incidents account for a high majority of personal injury cases in the state of Arizona, there are others worth mentioning. If carelessness is committed by a professional such as a doctor or lawyer, it is considered professional malpractice. Much like cases covered by negligence per se, these cases involve injury caused because of someone else’s negligence or deliberate act.

One of the most common examples of professional malpractice is medical malpractice. In these claims, a patient alleges that a health care provider failed to exercise the degree of care and skill that a provider of the same medical specialty would use under similar circumstances. Because we often rely on doctors, nurses, and hospitals, medical malpractice can be surprising. However, accidents do happen, and recovering compensation for medical malpractice is a feasible reality.

Product liability occurs when individuals sustain injuries due to a dangerous or defective product. Injuries can result from, but are not limited to, defective consumer products like tires, airbags, guns, lawnmowers, football helmets, drugs and tobacco. Product liability cases also include food poisoning. While product liability is much different than cases of negligence or malpractice, the financial compensation can be similar. In any case, consulting an experienced attorney is recommended in order to optimize your results.

## **What You Can Do**

As displayed by these examples, personal injury in Arizona encompasses a vast number of cases. Unfortunately, accidents do happen—the way in which you react to accidents is what will ultimately save you money and grief. Arizona personal injury law states that if found liable, the defendant may be responsible for medical bills (past and future), in addition to any discomfort, emotional harm, lost wages or physical limitations that are the result of the accident.

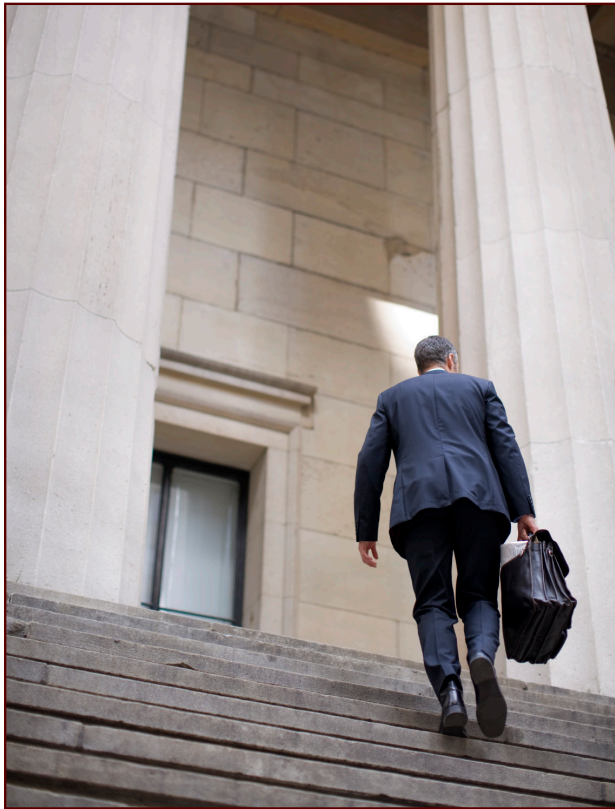
While calculating medical bills and lost work time can be an easy process, compensating pain, emotional harm, or physical limitations can be a tedious process. Additionally, proving fault can be a difficult process. The total amount of compensation depends on the percentages that both the plaintiff and the defendant were responsible for during the accident. At this point, it is up to a court of law to decide the fair and reasonable compensation.

It should be noted that injuries sustained from accidents are not always immediate. Often, injuries can happen weeks or months after the original accident. In Arizona, an individual has two years to file a lawsuit related to a personal injury, although some cases may require a shorter deadline such as suing a governmental entity. Keep in mind that if you are unable to agree on a settlement for your claim with the other party involved, you must file a lawsuit to protect your rights.



The state of Arizona does not require individuals to hire an attorney for a personal injury claim. However, as outlined above, legal help is invaluable in a court of law, especially if proving fault is of importance. Often, there can be multiple individuals involved in proving fault, and protecting your own rights can be difficult. That's where Simon Law Group can step in.

Simon Law Group pledges to offer aggressive, professional legal representation to optimize your results. We know that a successful personal injury claim will provide you with compensation to pay for medical costs, lost wages and pain and suffering. At Simon Law Group, we will aggressively pursue your case, utilizing all our legal knowledge and resources.



Simon Law Group represents people in all walks of life throughout the metropolitan Phoenix area. We pride ourselves in obtaining the best results for our injury and accident clients. We enjoy an excellent reputation within the insurance industry because of our thoroughness, integrity, honesty, and professionalism. Because of our 30 years of experience, we have seen many types of personal injury cases, and will work with you to maximize your results.

**Call 24/7 480-745-2450**

**Request a Free Consultation**

**[www.simonlawgroupaz.com](http://www.simonlawgroupaz.com)**

**C**raig J. Simon is a licensed attorney with over thirty (30) years of trial experience. He has over 200 bench and jury trials in the span of his career. Craig moved from Cleveland, Ohio to Tucson, Arizona where he graduated from The University of Arizona. He then received his law degree from John Marshall Law School in Chicago, Illinois. Craig litigated personal injury and family law matters in metropolitan Chicago for fourteen (14) years. In 1998, he moved his practice to Arizona and continued representing injured parties in tractor collisions, trucking crash cases, wrongful death, medical malpractice and product liability matters. Craig also has a passion for representing mothers, fathers, husbands, wives and grandparents in all aspects of family law matters.

