

# How to File a Personal Injury / Accident Injury Claim: Guide by New York Lawyer

Personal Injury is a legal term for injuries suffered by individual through other's negligence, recklessness in an accident, inaction, medical malpractice or negligence. If you get injured in a personal injury accident due to someone else's fault, then you can sue for recovery damages for your injury. However you must be careful while filing a personal injury claim against the negligent party or while filing an accident claim with your insurance company.

- 1) You must demonstrate that you received injuries due to fault of some individual or an authority who has legal responsibility to bear expenses incurred due to injury.
- 2) Damages which you are claiming must reflect your losses or injury accurately.

Once you have proved these facts, then you need to analyze whether your personal injury was caused due to Negligence, Intentional Wrong, or Strict Liability.

**a) Negligence:** Most of the personal injury cases are reported due to negligence of some medical authority or an individual. These cases fall into the category of medical malpractice or Tort law.

If you suffer serious injuries while walking on an icy patch which wasn't cleaned at the door of a store, then the storeowner can be held responsible due to negligence.

Other negligence cases include victims being injured due to sub-standard services by some authority. There are other cases where pedestrian get injured due to faulty pathways etc.

**b) Intentional Wrong:** Intentional wrong cases fall under criminal act law. Victims who suffer sexual abuse, physical abuse or assault cannot receive monetary damages from the law authorities. Instead they have to file a civil lawsuit in order to receive justice and compensation for their injuries. These sort of injury cases are referred as Intentional Wrong Suit because they were not accidental in nature.

**c) Strict Liability or Product Liability** – If your injury was caused after using a defective product then the manufacturer can be held responsible.

In these cases manufacturer can be held responsible regardless of the fact whether it was intentional or unintentional.

For most of the personal injury cases you must contact a personal injury lawyer or attorney who will help you receive justice and compensation for your injuries.