

## Introduction – Why Did I Write This Book?

When I went to law school, I realized that I didn't know much of anything about the law or about our court system. As it turns out, most people have never had to sue a company or another person. Since you are reading this book, you're probably in the same boat.

I am a Louisiana lawyer (and a proud graduate of the LSU Law School), and during my seventeen years of practice, I have helped my clients learn about the legal process and its uncertainties. This guide is intended to give you the same explanation my clients get, in simple, easy to understand language.



Doctors and lawyers like to use technical words that their patients and clients do not understand as a way of maintaining superiority in the business relationship, and to support their egos.<sup>1</sup> Would you know that the word “confusion” used by a lawyer in Louisiana means that if two people owe each other \$5, that the two debts offset each other automatically? The use of that terminology

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<sup>1</sup> According to Russian playwright Anton Chekhov, “Doctors are the same as lawyers; the only difference is that lawyers merely rob you, whereas doctors rob you and kill you, too.”

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would “confuse” most people. Similarly, the term “personal injury” is used by lawyers, but is not necessarily understood by non-lawyers to mean that a “person” has been injured as opposed to a business (which would be called “commercial litigation” by your lawyer). If you are sitting in a lawyer’s office, generally something bad has happened to you, your child, spouse or other family member. You are vulnerable, and need to understand the process that seems to move along without much input from you.

It is my hope that you will read this book and gain a better understanding of the judicial system and some of its foreign words. You should be in a better position to discuss your claims with your lawyer. If you don’t read the entire book, you should find it useful as a reference guide. Please share this book with your friends and family. If you feel the need to hang onto it, have them call our office for a copy.

## *This Book is Not Legal Advice*

I am not allowed to give legal advice in this book; however, I can offer suggestions and advise you of the legal process used in personal injury claims so you can make an informed decision about what steps to take with your case. So, please do not construe anything in this book to be legal advice about your particular claim. If you or a family member hires our firm to represent you, we will then be in a position to give you quality legal advice. Sometimes the best advice you can get when you're thinking about filing a lawsuit is that you do not have a case that can be won. If that is true, we will tell you. If I accept your case, we will be in this together as a team, making the right decisions for the right reasons – for you.

### *What is a Personal Injury Case?*

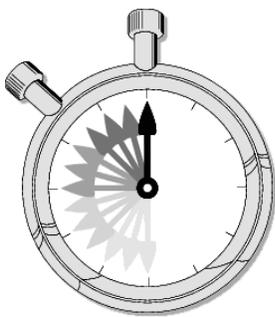
**Personal injury** is a legal term used to describe an injury to your body, mind or emotion, as opposed to an injury to property. The most common types of personal injury claims are auto accidents, wrongful deaths, accidents at work, slip and fall accidents, accidents in the home and product defect accidents (product liability). If the negligence of another party can be proven, the injured party may be entitled to compensation from that party. However, just

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because you were injured, doesn't mean you're entitled to money. You must **prove** that someone else was negligent or careless, and it was their negligence or carelessness that caused your injury. If the only thing in your case is your car got banged up – then you have a **property damage claim**. Usually, your insurance company or the other person's insurance company will handle the property damage claim.

### *Time Limitation*



Louisiana has the shortest period in the United States to file suit. In an injury case, you need to file suit within one (1) year of the date of the injury.<sup>2</sup> Failure to do so, prevents you from receiving any type of recovery from the negligent party. There are some exceptions (which you shouldn't count on) for cases where you did not know you were injured until later.

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<sup>2</sup> There are some administrative procedures that are unique to medical malpractice cases. If you have such a case, please make sure your lawyer files your claim as soon as possible.

## I. Do I Need a Lawyer?

*“The first thing we do, let’s kill all the lawyers.”*

*- William Shakespeare*

### A. Why Can’t I Resolve My Claim Myself?

Business groups and insurance groups spend millions of dollars to publish ads and “studies” to show that the legal system is unfair to litigants. This money is spent to convince regular people who serve on juries, and who may be deciding your case, that all lawsuits are baseless. For example, the U.S. Chamber of Commerce web page<sup>3</sup> contains such scary headlines as:

***“America’s Out-of-Control Civil Lawsuit System Hurts Businesses, Employees, and Families”***

*“\* Frivolous lawsuits are crippling our legal system and sucking the vitality out of American businesses.”*

This same group regularly ranks Louisiana courts as some of the worst in the United States. Without a lawyer, you will not be in a position to challenge this indoctrination

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<sup>3</sup><http://www.uschamber.com/legalreform.htm>.