

LIFE ALTERING PERSONAL INJURY CASES IN CONNECTICUT

Your Legal Road Map



Attorney Paul Levin
Attorney Kelly Anne Kasheta

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Attorneys Paul Levin and Kelly Kasheta practice law at the Law Offices of Paul Levin, located in Hartford, Connecticut. The content of this book is written from the perspective and understanding that a full service personal injury law firm may elucidate. It is our hope that the material and resources presented in this book may prove useful should the need ever arise.

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FOREWORD

You Or A Loved One Has Been Hurt – What’s Going To Happen Now?

You are reading this because you have been hurt, or a loved one has been injured or killed in an accident. You may have a life altering, catastrophic injury. You may have a Connecticut workers’ compensation claim, personal injury, or wrongful death case. Or, you may be reading this to educate and prepare yourself in the event you find yourself injured and needing guidance and assistance. More than anything, you want to heal and get back to your life. But someone is at fault for the injuries and pain, and for your loss of life enjoyment. If you have been injured in the course of your employment, you may be wondering who is supposed to pay the bills. What if things do not get better? What will happen if I cannot return to the same kind of work? Your days were full and busy before the accident — where will you find the time it takes to deal with insurance companies? How can you get fair compensation for all you have to go through? Even more catastrophically, what if a loved one has lost their life in an accident or as a result of someone else’s negligence? What happens now?

When you don’t know what to expect, it’s too easy to imagine the worst. No matter how you have been injured or what has occurred, you should talk to an experienced personal injury attorney and get a free consultation without obligation. The rules of ethics that govern attorney conduct require that you be presented with and sign a written retainer agreement which sets forth the subject matter of the representation along with the fees and costs to be charged. Get it in writing!

Knowledge Is Power

The more you know, the less you have to worry about. The more you understand, the better the decisions you can make on the path to recovery. From the first call to the final resolution of your problem, the law firm that you retain should listen and give you straightforward explanations. You should be led to know and understand the process, as this will help you navigate through the steps of an injury, catastrophic loss, or wrongful death case. Experienced trial lawyers often have great communication skills. Ideally, your lawyer should also have compassion for your circumstances and take the time to understand the suffering involved. They should understand both the immediate and probable long-term consequences of your situation in order to effectively communicate such troubles to insurance companies, the courts and juries. They should work diligently to capture and quantify where necessary the many losses you may have suffered as a result of what occurred. It is suggested that you ask questions of the law firm you are considering to retain to satisfy yourself that they have the knowledge, resources, and experience to help you navigate through this difficult time, as well as the reputation for successfully resolving similar cases.

ABOUT US - WE ARE COMMITTED TO YOU

Attorneys Levin and Kasheta have over 60 years of combined experience giving individual attention and caring to our clients. We feel that our individual attention and aggressive advocacy sets us apart from other personal injury lawyers. We press hard to support the rights of people injured in Connecticut, focusing our practice on catastrophic losses, motor vehicle accidents, defective product cases, workers' compensation cases, dog bite cases, premises liability cases and wrongful death cases.

DEDICATION

This book is dedicated to the many clients and families whom we have served throughout our decades of practice. It is our honor and privilege to have assisted you and to continue passionately serving our community for years to come.

ABOUT THE AUTHORS



Paul Levin

Attorney Paul Levin has been admitted to the practice of law in the state of Connecticut since 1989 and in New York Federal District Court since 1992. He is a member of the Connecticut Trial Lawyers Association, The Connecticut Bar Association and the National Association for American Justice. Prior to establishing his own law firm, Paul was associated with the Hartford, CT based law firm of Calvocoressi & Gale. Attorney Levin had an ongoing collaborative relationship with the law firm of Glass, Lebovitz, Kasheta & Bren (G.L.K.B) for over 20 years. He became of counsel to the firm in 2013.

Paul is rated by AVVO (an independent lawyer research organization) as “superb”, has recently been recognized by Hartford Magazine as a top personal injury lawyer in the Greater Hartford, CT area, and was rated by Thomson Reuters as a “super lawyer” in the personal injury category during calendar years 2014-2018. He is a member of the Connecticut Trial Lawyers Association, the Connecticut Bar Association, the American Bar Association and the National Association for American Justice.

While attending the California Western School of Law in San Diego, Paul was admitted to the Order of Barristers for mock trial and moot court accomplishments in numerous competitions across the country. In 1985, Paul earned a bachelor’s degree in accounting from Nova University in Davie, Florida.

Paul has focused his legal practice in the area of personal injury, achieving significant jury verdicts and settlements on behalf of clients who brought cases related to medical malpractice, product liability, construction and serious motor vehicle accidents. Due to a longstanding commitment to workers’ rights and his familiarity with workers’ compensation issues, serious injuries falling into these categories make up a large part of his practice.



Kelly Kasheta

Attorney Kelly Anne Kasheta has focused her career on representing injured individuals and their families. Kelly's experience with personal injury cases spans more than 30 years. Up until 2013, she served as a partner in the personal injury law firm of Glass, Lebovitz, Kasheta & Bren LLC, which had offices situated throughout Connecticut. Attorney Kasheta joined the Law Offices of Paul Levin (the successor firm to G.L.K.B.) in an of counsel capacity where she continues to help injured parties in need of legal representation.

Kelly grew up in the Norwich/New London area and graduated from St. Bernard's High School in Uncasville. She graduated *cum laude* from the University of Connecticut in 1984, and received her Juris Doctorate from the University Of Connecticut School Of Law in 1987. She is admitted to practice before the Connecticut courts and the United States District Court for the District of Connecticut. Kelly clerked for the Honorable Judge James D. O'Connor at Hartford Superior Court for a year after graduating from law school. She joined the G.L.K.B firm in the fall of 1988, and became of counsel to the Law Offices of Paul Levin in 2013.

Attorney Kasheta has been actively involved in the Connecticut Bar Association, having served as a member of the House of Delegates, the Committee on Unauthorized Practice of Law, and the Court Visitation Program for Hartford County schools. She is also a member of the State and National Trial Lawyers Associations. Kelly has served as a judge for the American Mock Trial Association's Intercollegiate New England Regional Tournament and the American College of Trial Lawyers Regional Trial Competition.

Kelly has been active in serving the community as a member of the Enfield Montessori School Board of Trustees and its outreach committee, has been involved with area high schools in their youth apprenticeship/job shadowing programs, is a member of the Paralegal Studies Advisory Committee at Manchester Community College, and has taught catechism at St. Francis of Assisi Church for the past 25 years. Kelly and her dog Jack are a certified therapy dog team with Healers with Halos Therapy Dogs. They visit schools, an adult daycare, and the VA Hospital in Rocky Hill, CT.



The Joining of Two Successful Firms

Attorney Kelly Kasheta's former firm collaborated with the Law Offices of Paul Levin and with Attorney Paul Levin directly for close to 20 years. Kelly met Paul when he was a young lawyer, and she has worked with him on hundreds of files over the years. During that time, Paul and Kelly worked professionally together, developed a good friendship, and were very supportive of each other in their respective practices and careers. In Kelly's former practice, the Law Offices of Paul Levin were viewed as a sophisticated litigation practice, and some of the more complex matters were sent to him for representation. Kelly's former firm merged with the Law Offices of Paul Levin in

2013. The Law Offices of Paul Levin have been active in Kelly's old jurisdictions, and the former firm's phone numbers and URLs have been merged into the practice. The two firms' collaboration grew and developed over decades. Paul's practice was never viewed as a traditional, straightforward personal injury practice. It was viewed and is still thought of today as a more sophisticated practice in terms of capability and the legal issues it handles.

When the firms joined forces five years ago, it wasn't because they had worked together collaboratively for over 20 years or because they stood to benefit from a merger. Rather, they saw the tremendous opportunity to make an impact on the community. Their core values aligned and led them to believe that the power to advocate was greater together than it was apart. By merging, they could both bring a breadth of knowledge and experience to better serve the legal needs of the people of Connecticut. Bringing the firms together was about being better advocates, providing superior service, and helping a broader spectrum of people.

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CHAPTER 1



WHAT IS A LIFE ALTERING INJURY?

A life altering injury is a permanent injury which substantially interferes with one's activities of daily life. Generally, catastrophic injuries are defined as injuries that result in long-term medical problems, permanent disability, shortened life expectancy, and anything that is life changing for the individual who has been injured. It often goes beyond what you might envision as a catastrophic injury, such as loss of limb, brain injury, or loss of life. Effort and analysis is expended in determining exactly how an injury alters an

individual client's life, because it is different for everyone. This is an important factor in every case.

Life altering injuries are not specifically defined by Connecticut statute, but the law that we rely on in instructing juries is somewhat helpful. Financial recovery is allowed for any complete or partial loss of any type of bodily function. You can also think about the functions that the body parts serve, such as walking, bending, lifting, sitting, reaching, using the hands, or thinking. This can include any of the five senses, whether it is hearing, seeing, or someone's emotional state. An injury to any of these functions or senses can be considered life altering in many ways.

In many cases, these types of injuries result in a loss of income, career or livelihood, as well as past and present tangible losses. There is also the non-economic aspect of the loss of enjoyment of one's life. If one is limited or restricted in how they live or enjoy their life, these elements become items of damages that are considered to be compensable. Thus, the definition of life altering injury can be quite varied. Everyone's definition is going to be different, as every situation and case has wide variations and distinctions.

Accidents That May be Considered Life Altering

As the term “personal injury” is very broad, it’s important to note that there can be many different situations and circumstances that may inflict a serious injury onto an innocent individual. The accidents can result from incidents that happen on highways, in public places, and in the workplace.

Some common causes of physical injuries may include (but are not limited to):

- Motor vehicle accidents
- Defective products
- Dog and animal bites
- Lead poisoning and asbestos
- Medical malpractice cases
- Nursing home abuse
- Premises liability
- Slip and fall
- Wrongful death
- Workplace accidents

There is really no simple classification for life altering injuries, and it does not matter whether they happen at work, home, during a recreational activity or at a social event. Many losses and damages often result from these types of tragedies. As lawyers, we cannot fix people medically, and we are left to make up for the financial losses that clients incur. Catastrophic and life altering injuries in general are very specific to the individual. A client's ability to earn money, conduct life activities and normal routines, as well as their ability to comfort themselves can be affected to varying degrees.

Accidents That Give Rise To Catastrophic Injuries

As the term "catastrophic injury" is very broad, it's important to note that there can be many different situations that give rise to a serious, life altering injury. Some of the obvious types of accidents that catastrophic injuries result from are operating machinery, such as being involved in a motor vehicle collision, operating a forklift if you are working in a warehouse, or heavy objects falling from heights. The human body is frail, and if you exert great forces against it or put it in a situation for which it is

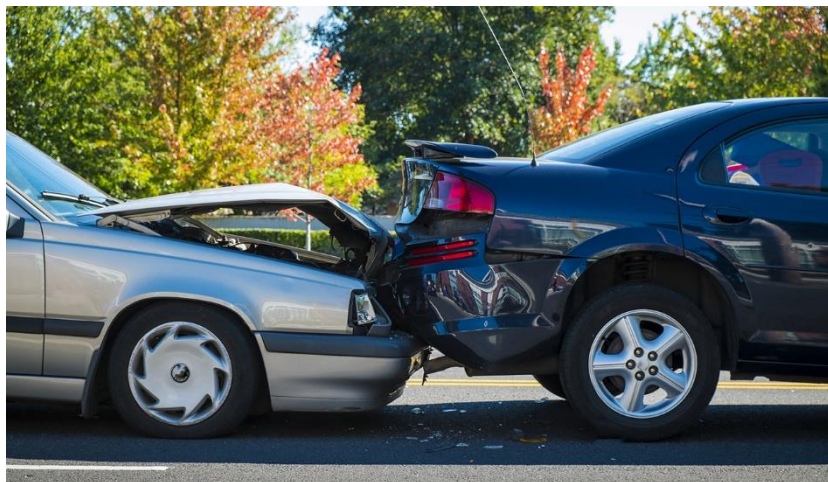
not built to tolerate, then it is going to break. Aside from the bones, internal organs - including the brain - are vulnerable to injury.

Accidents can have many different causes, and the resulting injuries are variable and complicated. There may be medical events that take place in the hospital or on the operating table that result in injury. In those cases, the surgeons or medical facility involved may be held responsible. Medical mistakes can occur as a result of misdiagnosis or general neglect. There is always a duty owed to the patient and a standard of care by which to abide. In any activity - including obtaining medical care for an injury - something worse can unexpectedly develop.

Accidents often occur as a result of someone's negligence or carelessness, and they can come in all forms. There are construction-related accidents, accidents that result from medical negligence and injuries that occur as a result of the manufacturing, production, or design of a defective product. Negligence can involve machinery and all types of equipment on the job. It can also involve motor vehicles, including trucks and tractor trailers. We encounter defective premises cases arising out of negligence, particularly those

involving maintenance and construction-related issues. There can also be catastrophic events that occur outside of a work environment and result from negligence, such as sustaining a dog bite or slipping and falling.

CHAPTER 2



MOTOR VEHICLE ACCIDENT CASES

Statistics tell us that a collision happens once every 10 seconds, but when it happens to you, it is always a shock. If you have been in a car, truck or motorcycle accident in Connecticut - whether you are a driver or passenger - you know the feelings of confusion, worry and aggravation at the prospect of having to deal with insurance companies, make a legal claim or file a lawsuit.

The situation is much worse if you have been injured or are confronted by the injury or death of a loved one. You will most certainly have concerns and questions

on how to pay your medical expenses, where financial support for your family will come from, whether or not you will be compensated for damages, and what you will do if you can't return to work. The crash may have taken a fraction of a second, but recovery can be a lengthy, frustrating process, especially when dealing with an insurance adjuster who may sound sympathetic, but whose job is to save their company's money. It is best not to consider navigating the legal system without the guidance of an attorney.

Your Property Damage Claim

If you cannot fall back on your own insurance company for repair, total loss, or rental benefits, and the police report does not take care of this issue, then you should consider small claims court. The amount in dispute must be less than \$10,000 and it may take some effort on your part, but there is sometimes no better or faster remedy available.

In most cases, and especially if there are no significant personal injuries, you will have to act as your own lawyer in small claims court. After all, you want to recover what it takes

to repair or replace your vehicle, not spend the money you need on an attorney. Small claims court is a true “people’s court,” and the court’s clerks are friendly and helpful. If the issue is limited to who was at fault for your vehicle’s damage and how much you should be paid for repairs or its total loss, then losing your case does *not* affect any claim for personal injuries. See Appendix C.

I Keep Being Asked For The Police Report. How Can I Get It?

If you are asked for the police report, do NOT call the police emergency line. Instead, call the records office of the police department that investigated the incident. The information summary form that is given to the drivers at the scene lists the name and town of the investigating officer, as well as the accident report number. That phone number can be found online by researching the town name. If a state trooper investigated the incident, then the number could be found by searching “State of Connecticut, Department of Public Safety”. See appendix C.

The fastest way to get the report is to get it from the town department or state police trooper yourself. If the

report is not ready, then you can ask to leave a message for the investigating officer. It is best to ask politely than to demand it. Individual officers and troopers often respond well to requests for help, but your demand will only serve as a reminder of how busy they are with other things.

The Insurance Company For The Owner Of The Other Vehicle Is Dragging Its Feet. What's Going On?

Insurance companies are supposed to protect their customers. Proper protection means talking to their customer and listening to what he or she has to say. This means that the insurer of the at-fault driver often will not agree to take any action until it has had a chance to talk to its insured or the vehicle's driver. Even if it does reach its insured quickly, if the owner or driver of the other vehicle denies fault (or says that you were also to blame), then the insurance company is not going to pay until the dispute about fault is resolved. The insurance companies know that it is a lot easier to deny the request before paying than it is to pay first and then try to get money back.

There are two things that you can do to expedite the process. First, you can report the accident yourself instead of waiting for the at-fault owner to do so. Once you contact the insurer for the at-fault owner, that insurer is going to be calling its insured in order to get things moving. Secondly, you can obtain the police report, which is an official document from a neutral professional. If the investigating officer puts the full blame on the other driver, then it is much easier to persuade the insurance company that protecting its insured means paying you.

NOTE: When you call the other insurance company to report the accident, this is the only information you provide. Do not give a recorded statement or any information outside of what is necessary in order to report the collision.

My Own Insurance Policy Covers A Rental Vehicle. Should I Use It, Or Just Rely On The Insurer For The Owner At Fault?

There are several good reasons to use your own insurance company. First, your own company might move faster. Secondly, your own insurance company might pay

more. Thirdly, the insurance companies settle between themselves later, and your insurer will almost always get its money back from the insurance carrier of the owner who is at fault. Lastly, your policy requires you to report accidents, so you might as well consider what your insurer will do in comparison with what the at-fault owner's insurance company will do.

I Have Collision Coverage, And I Know That I Can Have My Own Insurance Company Pay For Repairs Or Put A Value My Vehicle. However, I Wasn't At Fault, So Why Would I Want To Do This?

There are good reasons to use your own insurance company. It is prudent to investigate your own coverage, and you may even end up with a better resolution. It can save you time and aggravation as well. You are paying for this coverage, and should not be reticent to use it.

The Insurance Company For The Owner At Fault Says My Vehicle Is A Total Loss And Wants My Title And Keys - Should I Provide Them?

You will most likely be paid the fair market value of your vehicle in exchange for the vehicle itself. The insurance

company will then sell it for parts and scrap. However, it cannot take and dispose of the vehicle without the title and a key. You should remember to retrieve your license plates and personal belongings before the vehicle is taken away. It's good to remember to do this yourself.

Should I Get Insurance For The Rental Car? Won't The Insurance Company Of The Owner At Fault Pay For It?

It is very important to know that the insurance company will not pay for insurance on the rental car. Whatever coverage you have on your own car should apply to the rental, but check with your own vehicle insurance company. If you did not have collision coverage (which pays for property damage to your vehicle, regardless of who was at fault for an accident) then your insurance company will *not* pay for any damage to the rental. If your insurance policy has a deductible that must be met before any property damage is covered, then the same deductible would apply to a rental vehicle.

The Insurance Company Is Going To Pay For A Rental Car - How Does That Work?

If the insurance company of the owner at fault is paying for a rental car, then you may be sent to a particular car rental company where that insurance company gets good rates. You will also usually be allowed a vehicle of a size and type similar to the one that was damaged, but make sure to ask what the insurance company is going to pay for each day of rental. If the company is willing to pay \$28 per day and you rent a car that is \$35 per day, then you are going to have to pay the difference. Lastly, the insurance company should agree to be billed directly.

How Am I Going To Get Around Until My Vehicle Is Repaired Or Until I'm Paid For A Total Loss?

Until your vehicle is repaired or you actually receive payment for its value, you are entitled to either have a rental car paid for directly by the insurance company of the owner at fault, or be paid a modest amount for your daily loss of use of your car. Most often, the choice is yours. But make sure you receive one of these two options.

How Can I Determine The Value Of My Car?

As with many things these days, finding information can be done most quickly on the internet. Quick estimates can be had from Kelly Blue Book (www.kbb.com), Edmunds (www.edmunds.com) and NADA (www.nadaguides.com). See Appendix C. Just remember to avoid relying on figures showing the dealers' selling prices for your vehicle, known commonly as the retail value. This is because the selling price includes dealer profit. You may want to look more closely at trade-in value, or the price a dealer would have paid to buy your vehicle if it had not been damaged. If you do not have internet access, the reference desk of your local library is a good place to go. If you do have internet access, you can try to calculate the value through the same sites that the insurance companies use.

CHAPTER 3



DOG BITE CASES

In Connecticut, people who choose to enjoy the pleasure of having a dog also take on the responsibility of making sure the dog does no harm to people, property, or other pets in the community. Though most dog owners are conscientious about making sure they follow leash laws and other ethical standards for animal care, some are not so cautious.

The good news is that in our state, the law is generally on the side of a dog bite victim. Because of Connecticut's strict liability law, Connecticut General

Statutes section 22-357, you will not need to prove that the dog's owner or keeper was negligent in order to have a successful case for compensation. Generally, simply proving that the owner or keeper has responsibility for the dog is enough.

Though anyone can be attacked by a dog or cat, children and the elderly can be particularly at risk. A dog or cat bite can lead to shots to prevent rabies, wound infections, expensive surgeries, physical rehabilitation and permanent scarring. If you or someone you love has been bitten by a dog or a cat in Connecticut, you may be able to receive compensation for medical and surgical care, pain, emotional consequences and scarring.

I've Been Bitten By A Dog; What Should I Do?

No matter how bad the bite looks, the first thing to do is get medical attention. Most of us have no hesitation about being licked by a dog, but if there has been any breaking of the skin - no matter how small - you run the risk of developing an infection, or worse. Get to an emergency room or a doctor immediately.

Call the animal warden or an animal control officer from your town or city - the number is in the blue pages of your phone book or on the internet. If you can't find the phone number quickly, you can contact the non-emergency phone number for your local police department and ask to be connected with your town's animal control officer. You must make sure that the dog is current on its shots. Rabies is a dreaded disease for good reason. The animal control officer will help identify the animal and contact the owner and/or keeper and make sure that all shots are current.

If there is any risk of rabies, you should talk with a doctor without delay about treatment. Over the years, rabies shots have improved and are nowhere near as painful as they once were. Rabies, however, is as dangerous as ever. Talk with a doctor about what should be done to protect you.

My Child Has Been Bitten By A Dog - What Should I Do?

See above about what to do if you have been bitten; you will follow the same steps for your child. Medical

attention should be an urgent matter, for the wound, the chance of infection, and the possibility of rabies. Never assume that the animal's shots are current. No matter how well you know the owner or keeper, contact the animal control officer to get the most accurate information as quickly as possible. You should also bring your child to their pediatrician.

What If Stitches Or Surgery Is Needed?

This might be a good time to ask for a plastic surgeon, especially if the bites are on a part of the body that is visible or if a child is involved. Plastic surgeons are specially trained in techniques to minimize scars and maximize recovery.

Who Is Responsible For The Injuries?

In Connecticut, the dog's owner or keeper is fully responsible for injuries and damages that the animal causes. Finding the identity of the dog's owner is usually not difficult, and it is something with which the animal control officer will assist you.

Decisions about what it means to be a dog's "keeper" often have to be made when injuries are sustained on rental properties. It is not uncommon for landlords to be sued for allowing a dog in a tenant's apartment. In some cases, a landlord may have even been aware that a tenant's dog was dangerous. The courts have consistently decided that a "keeper" must have responsibility for the dog's care, maintenance, or control, which includes feeding, watering, exercising, sheltering or otherwise caring for the dog. According to Connecticut's statute about injuries caused by dogs, if the owner or keeper is a minor, then the child's parent or guardian is responsible for the dog's behavior.

Is It True That The Owner Or Keeper Is Only Responsible For Injuries And Damages If The Dog Has Injured Someone Before?

Connecticut has a statute about injuries caused by dogs, and the owner or keeper is held responsible for all bites, even if the dog has not hurt someone before. Many of the rules that we follow are not statutes, but rather laws that have been with us for centuries and that are often based on

principles of commonly accepted behavior and decency. These are part of our “common law.”

According to Connecticut’s statutory law, a domestic animal’s owner or keeper is responsible for injuries that the animal causes, regardless of whether or not that animal has previously hurt someone. In other words, once the owner or keeper knows his particular animal is dangerous, he has the obligation to take additional measures to be sure the animal never does it again. If the owner does not take the additional measures, he could be held criminally liable.

The “common law” rule applies to all domestic animals. The owner or keeper is fully responsible, or strictly liable, for all injuries and damages caused by the dog. This is true unless at the time of the event the person who was injured was teasing, tormenting or abusing the dog, or trespassing or committing an unlawful or injury-causing act.

Is There Insurance To Protect Owners And Keepers If A Pet Hurts Someone?

Most insurance policies for homeowners and many policies for renters protect owners and keepers for injuries caused by their pets. People who might otherwise forgive a

neighbor's negligence really do expect dogs to be controlled, tied, or leashed. If someone is injured by a dog - often if it is a child - most people will pursue a claim for damages. Insurance policies will generally cover this, but it pays to check your own coverage. Some insurance policies do not cover particular breeds of dogs (German Shepherds, Chows, etc.) and may have other limitations.

CHAPTER 4



SLIP AND FALL CASES

Often called “slip and fall” or “trip and fall” accidents, premises liability cases arise when someone is injured on someone else’s property, whether it is public or private. If you are reading this, it might already have happened to you or a member of your family.

These cases usually stem from a combination of the most basic of our activities - walking, and the negligence of a business or property owner. Falls occur because of untreated snow or ice, wet or slippery floors, cluttered aisles, dangerous merchandise displays, broken or uneven

pavement, poorly maintained stairs or bad lighting. Falls can lead to serious and catastrophic injuries, expensive surgeries, hospital stays, lengthy physical rehabilitation, permanent disability and even death.

Interestingly, these can be the most difficult cases to prove. The towns, business owners, property owners and landlords in Connecticut have a legal responsibility to make sure the property under their control is maintained, repaired and made safe for all those who use it. There are varying standards of care that apply depending on where a fall takes place and what the property owner's duty is to the person who has been injured.

If you are hurt due to a premises owner or maintainer's failure to create or fix a dangerous condition, they can be fully responsible for your medical expenses, lost wages, permanent limitations, and the resulting pain and troubles that may be with you for the rest of your life. You should obtain the services of an attorney as soon as possible to gather information before the scene changes and to prepare for what most often becomes a contested case or lawsuit. The initial investigation is critical in these cases, as photographs, videotapes, surveillance films, and witness statements need to be identified and preserved.

Identifying the property owner or owners is of paramount importance, as there are certain notice requirements that need to be satisfied.

What Should I Do If I'm Hurt In A Fall?

There are some important things to do if you have sustained an injury from taking a fall. First, do not rush away from the scene. A person who has tripped and fallen is often embarrassed; they get up, look around to make sure no one has seen them, and then they hurry away, perhaps even while limping on a badly injured leg. By the time they return to report their injury, the floor has been cleaned or repaired and there are no witnesses to be found. So *stop*, take a breath, fight the pain and *stay where you are*.

If you do not rush away from the place where you have fallen, you give yourself the chance to look around and see what caused your fall. Stating that it was “something on the floor” is usually not helpful. You want to know what it is, where it seems to have come from, what color it is, and what the area around you looks like.

It can be very helpful to take a picture of the area in which you fell. Most of us carry our cell phones with us

and therefore have access to a camera. There is nothing more helpful than a picture to show just where you are and what caused you to trip or slip and fall. If you can't take a picture, then maybe someone else can. Do not count on the store cameras — their footage is often erased quickly, although this is something we attempt to preserve if at all possible.

Try to identify witnesses. We are embarrassed when we fall, and there is often immediate pain to cope with. However, obtaining the names of witnesses who may have seen what occurred can be very helpful to your case. Those who come to help you are usually willing to leave their name, address and phone number.

It is important that you report the event as quickly as you can. When you hurry away from a store after a fall and only report it later, the store's insurance carrier may be suspicious that you are making things up. Let the store's employees know what happened so an investigation can be done. It is hard enough to prove that the store's owner or employees knew or should have known about the dangerous condition. There is no reason to have the

insurance company doubt whether there even *was* a dangerous condition to begin with.

Get medical attention right away. If you do not rush away from the place where you fall, or you at least report the event promptly, then you help yourself in the most important way possible. This allows you the best chance of getting quick medical care. Driving yourself to an emergency room with a badly sprained or broken ankle, torn knee ligaments, an excruciating headache, or a dislocated shoulder is difficult and dangerous. If you have any doubts about the extent of your injury or your ability to get to a doctor quickly, let the store make the arrangements. Ambulance personnel can begin caring for you right away.

CHAPTER 5

WORKERS' COMPENSATION CASES



Working men and women are the backbone of Connecticut's economy. In agriculture, fishing, shipbuilding, aerospace, gaming, manufacturing, construction, retailing, government service and tourism, Connecticut boasts a diverse workforce that makes it the place we love to call home. Connecticut cannot survive without its hardworking citizens, and the law recognizes this.

When a worker is hurt on the job, paying compensation for medical bills, lost wages and permanent disability is not an employer's *option* - it is the law in

Connecticut. You do not have to “sue” your employer. However, like most things in the law, what is supposed to be a simple procedure often gets quite complicated. Injured workers are entitled to be on equal footing with their employer’s workers’ compensation insurance company. You are entitled to be represented by your own attorney, who will work hard to make sure that your benefits are paid properly and timely, and that pitfalls are avoided.

Understanding CT’s Workers’ Compensation Laws

Connecticut workers’ compensation laws can be complicated. These laws continue to change. Rules and procedures that you or your friends may remember from past compensation cases may already be out of date. The cases for work-related injuries can be time consuming. If you have been hurt on the job and are filing or have already filed a workers’ compensation claim for injury or death, talk with a lawyer before trying to represent yourself.

After a work-related injury, you are left to face mounting medical bills, the prospect of a lengthy recovery, and the fear that you may never be able to return to the same type of work or earning capacity. A death at work

overshadows all of these worries with enormous grief. These are reasons why it is important to seek experienced and competent representation.

In a work-related accident, compensation benefits should be available not only for your injury-related medical and surgical bills, but also for physical therapy, medical equipment, mileage to and from your treatment appointments, and any permanent disability (even if you return to work). In addition, compensation is usually available to make up for lost wages. In scenarios where you are having trouble getting medical treatment after a work accident, your workers' compensation wage benefits are not being paid, or an insurance company has denied your claim entirely, you should seek legal representation.

Do I Need A Lawyer For My Workers' Compensation Case?

This is a good question. You might be surprised, but our first answer is *not* "of course." Many on-the-job injuries are not serious, are witnessed or reported right away, and result in quick medical care paid for by an employer (or its workers' compensation insurance

company) that acknowledges its legal responsibility without hesitation, question or complaint. While we never shy away from talking to an injured worker who has questions, it is unlikely that the involvement of an attorney would be necessary under these circumstances.

If the injury is more serious, is not witnessed or reported quickly, does not heal quickly, or if medical care is discouraged or not provided when you need it, then you need to call an attorney. You should also be prepared to call an attorney if you do not receive compensation benefits or if you receive a Form 43 denying responsibility for your injury. An experienced attorney will help make sure you are getting the treatment you need to heal as quickly and completely as possible. An attorney will make help you receive the compensation benefits which you are entitled to under Connecticut law. An attorney will help you avoid the pitfalls that can severely limit or even end your entitlement to compensation benefits.

We think the biggest problem with workers' compensation is that it should be straightforward and simple, but it often is not. It is important to know that the Workers' Compensation Commission regulates attorney

fees in compensation cases. In almost all instances, the attorney fee is only 20 percent of some of the benefits you may receive. For example, when your employer is making voluntary payments of weekly benefits for temporary total or temporary partial disability, an attorney may not take a fee, no matter how many calls are made to the compensation carrier about late checks. An attorney may not take a fee from medical benefit payments, no matter how much work is done to get you seen by a doctor or to get a medical bill paid.

In fact, a common source of the attorney's 20 percent fee is the payment made for permanent disability after you have healed. Since healing usually takes time, the sooner an attorney is working for you, the more he or she will eventually do for the fee being earned. Finally, the commissioners are quickly available to deal with any dispute an injured worker may have with his or her attorney. Regardless of how well your claim is being handled, if you are seriously injured while in the course of your employment, talking to an attorney is the best idea.

What Is “Workers’ Compensation”?

Connecticut’s Workers’ Compensation Act has been the law for almost a century. It recognizes your value to the state economy, your town and your family. The law protects all people who have been hurt while working, either from a sudden event, an injury that comes from repetitive actions, or an illness caused by the work you do. Your employer must cover all related medical costs, pay a good portion of your lost wages (using the statutory formula), and make an additional payment if you suffer a permanent disability. Unless you hurt the same part of your body again in a new accident, this protection from your employer (through their insurance company) lasts your whole life. If an injury takes a workers’ life, the law requires that a surviving spouse and dependent children receive the workers’ benefits.

I Don’t Want To Sue My Employer - What Should I Do?

You actually don’t “sue” your employer to get workers’ compensation benefits. When a worker is hurt on the job, paying compensation for medical bills, lost wages

and permanent disability is not an employer's choice; it is required. The Workers' Compensation Commission compares these payments to no-fault insurance, so the benefits are paid to the employee regardless of fault.

My Employer Is At Fault For My Injury - Can I Sue My Employer?

It is almost never appropriate to sue an employer that is at fault for your injury. Why is this? Before we had workers' compensation laws, the only way an injured worker could get paid was by going to court and proving his employer was at fault. Injured workers were left without medical care, and their families were without income for a long time before the lawsuits ever came to trial. Finally, the legislature decided action had to be taken to protect injured workers. Workers' compensation laws were passed to force employers to pay compensation benefits to every worker hurt on the job, regardless of whether the injury occurred as the result of a true accident or as the result of the workers' own actions.

In exchange for making an employer pay when it was not at fault, the legislature decided that the employer

would not have to pay anything more than compensation benefits when the employer was at fault. However, where an employer requires the employee to perform work that exposes him to a “substantial certainty” of severe injury or death, the employer’s actions can be said to be so outrageous that a lawsuit may be possible on top of workers’ compensation benefits. This is a very difficult standard to meet. For this reason, these lawsuits are rare and really depend on exactly what the employer did to cause the injury or death.

I’ve Been Hurt At Work — Now What Do I Do?

If you’ve been hurt at work, the first thing you need to do is report the injury to your supervisor. If you do not report your injury, then it is almost sure to be denied by your employer. You may know you were hurt, and if you do not let too much time go by, you may remember the date and time that you sustained the injury. However, an employer cannot check and document an unreported injury, and the coworker who you think will back you up was probably not paying as much attention as you think.

You will also want a doctor to examine you, but if you are not on the way to the hospital to be seen in the emergency department, then you may have to start with your employer's doctor. Many employers use "managed care" programs for workers' compensation, which are like HMO plans specifically for workers hurt on the job. As with many HMO plans, your employer's workers' compensation medical plan may require you to see a particular doctor before you can be seen by a specialist. Although you should have a choice of treating doctors, your list of approved choices may be limited (unless you are not on the way to the hospital for an emergency). Even if your family doctor is a part of your health insurance plan, they may not be a part of your employer's workers' compensation plan. By reporting your injury, you can know where to go for your first examination and not have to find out later that your bill will not be paid or that your employer will not pay attention to the opinion of the doctor you decided to see.

Only a doctor can examine you, order treatment, prescribe medication, and help you to get better as quickly as possible. Only a doctor can tell you and your employer whether you should stay out of work, return with restrictions, or return to full duty.

My Boss Tells Me Not To Go Through Workers' Compensation Because It Will Raise His Premiums. He Says He'll Take Care Of Me. Should I Believe Him?

The workers' compensation law is there to protect you because there are employers who are willing to make promises, but who do not deliver when the time comes to pay. We know that employers who ask you not to go through their workers' compensation insurance carrier will often hint about firing you if you make a claim. Unfortunately, these are often the same employers that fire injured workers who cannot get back to full duty right away. Firing a worker just because they filed a workers' compensation claim is against the law. Do not let yourself get stuck with unpaid medical bills and no income. Instead, make a claim immediately. An employer who treats you honestly, as the law prescribes, is an employer who follows the workers' compensation statute and expects you to follow the law as well.

Can I Be Fired If I'm Out Because Of A Work-Related Injury?

The law does not permit you to be fired just because you file a workers' compensation claim, and there are penalties for an employer that does this. While a contract (like those that are negotiated by a union) or a company handbook may force an employer to keep your position open, the law does not require your employer to hold your position open for you when you are not physically able to work at your job. Connecticut is an "at-will" employment state, and this applies in the workers' compensation arena as well.

Should This Keep You From Making A Workers' Compensation Claim?

Experience tells us that an employer that thinks nothing of letting you go just because you cannot do your job as you heal from a work-related injury is often an employer that will try to avoid its legal obligations based on technicalities. You don't want to find yourself fired and without compensation benefits. It's always best to follow the proper steps and file your workers' compensation claim.

What Can I Do If My Doctor Cleared Me For “Light Duty” But My Employer Tells Me To Do Work I Know I’m Not Able To Do, Or That I’m Not Supposed To Do?

If you find yourself in this situation, then there are two things you can do to protect yourself. First, you can try to prevent the problem from arising in the first place, which can be done by ensuring that your doctor has a pretty good idea of the physical activities your job requires and is specific about the activities he wants you to avoid.

For example, a doctor’s restriction of “no heavy lifting” is meaningless because the term “heavy” is not specifically defined, and as a result you and your manager may end up in disagreement over what you can and cannot safely lift. A doctor’s restriction of “no lifting more than 10 pounds” sets just the kind of restriction that can protect you. You may need to ask your doctor to be very specific in his or her use of terminology. If the doctor is reluctant, remind them that a specific restriction keeps them from being later questioned about what was really meant.

Secondly, you have to stand up for yourself, which can be difficult. You are the employee and your boss has the power to let you go, so if you are told to disregard your

doctor's order, be firm, but be polite. This is why it really helps if your doctor has given you specific restrictions. In the end, you have to make sure the doctor's orders are being followed, or you risk being hurt even further. Many employers will give you light duty work that meets the doctor's restrictions. After all, those restrictions are meant to keep you from getting hurt again. However, if your employer is pressing you to violate your doctor's orders, it is a good time to seek experienced legal representation.

My Permanent Injury Benefits Are Being Paid Out Weekly - Is There Any Way I Can Get Them All At Once?

It takes a commissioner's approval to "commute" (change the form of) weekly benefits to a lump sum. There are two things to consider when asking for a "commutation" of permanent injury benefits. First, the commissioner does not have to agree with the request, and will want to hear a good reason for why the worker needs the money all at once. Even if the worker's debts have piled up and creditors are calling, the commissioner may not approve a commutation request if the worker does not have a steady income or a job.

Secondly, commutation means that the lump sum will be slightly smaller than the full weekly total. This is because the insurance company is losing a little interest on its money by paying all at once instead of doling it out in pieces each week. To the extent that the worker's lump sum is slightly smaller, the attorney's fee is also reduced.

Workers Compensation System - How Else Does It Protect Me?

In addition to the benefits we've already discussed, you may be eligible for compensation for some of the injuries and conditions listed below:

- Preexisting conditions that the workplace accelerates or aggravates
- Injuries caused during breaks, lunch hours, and work-sponsored activities (such as a company picnic)
- At-work injuries caused by company facilities
- Diseases, such as lung cancer or asbestosis, if contracted by exposure to toxins at work as a result of normal working conditions

- Injuries resulting from mental and physical strain brought on by increased work duties or work-related stress

There are also benefits that may not be apparent, even if your work injury claim seems to be progressing without difficulty. For instance, if you have a second job, you are probably eligible to be compensated for the loss of income from the concurrent employment. You may not be aware of this, or didn't think to ask, and you can remain uncompensated if this issue is not identified and addressed. As we have discussed, it is a good idea to retain an attorney in any kind of significant work injury context, because to navigate the workers' compensation system requires a degree of familiarity with the administrative process and the nuances of the statute. Someone who has not been through the process may not be aware of possible problems and pitfalls, or additional available benefits. There are categories of benefits that a workers' compensation claim is meant to cover, and proper representation will preserve these benefits.

CHAPTER 6



THE DIFFERENCE BETWEEN A PERSONAL INJURY CASE AND A WORKERS' COMPENSATION CASE

It is important to understand the fundamental basis for personal injury claims and workers' compensation claims in order to distinguish between the two. The most important difference is that a personal injury claim is based on the fault of one party, whereas a workers' compensation case does not require a finding of fault. In order to recover damages against someone in a personal injury case for a car accident, a slip and fall, a medical mistake, or any type of

negligence action, a party must be at fault, meaning that they must have done something wrong. In workers' compensation matters, the claim exists regardless of wrongdoing or fault. For instance, if someone stumbles in the hallway at work and breaks their leg, no one is at fault for the fall. However, since it occurred in the course of that person's employment, it will be covered as a workers' compensation claim.

A personal injury claim is the result of someone's negligent act, and these claims are governed by the principles of tort law. A standard of care is necessary for almost every instance. Once the established standard of care has been breached and harm results, a personal injury claim may arise. Connecticut's Workers' Compensation Act states that the employer remains responsible for any injury or harms that occur in the course of someone's employment, regardless of fault. Contrasting with a general personal injury claim, a finding of negligence is not necessary, and the injured person is covered for their injuries and their loss through that period.

A personal injury claim is governed in large part by what we refer to as common law, which we've discussed

previously. Typically, common law is a duty that society, through the process of life experience and courts entertaining different kinds of controversies over the years, establishes what is considered reasonable conduct. Most unreasonable or negligent conduct can give rise to a breach of a duty of care that a court will acknowledge, recognize, and enforce. This is true whether someone is driving inappropriately, failing to maintain their property, engaging in certain types of conduct, or failing to engage in conduct that is appropriate under the circumstances.

A personal injury case is fundamentally a claim for monetary damages and is prompted by a breach of a duty of care that was owed to the injured party. It is different from a workers' compensation claim in the sense that a workers' compensation claim is regulated by statute, and there does not need to be a violation of a duty of care or negligence. The question for a workers' compensation claim is whether the injury itself occurred within the course and scope of one's employment, subject to any exceptions for a worker's own reckless conduct.

Workers' compensation benefits are intended to accomplish several things. A workers' compensation claim

is intended to provide immediate and interim support, medical, and wage indemnity for an injured worker. A personal injury claim generally usually involves getting the compensation at the end of the process, whether it is one or several years later. The injured party is not going to have any immediate financial compensation, where a workers' compensation claim can provide this in the meantime.

How Is My Claim Handled If I Sustain An Injury At Work And I Also Have A Third-Party Claim For Negligence?

It is often the case that individuals who have been hurt at work also have a separate personal injury claim arising from the same accident. This is known as a third-party claim, because an additional party is legally responsible for the injured worker's accident. The workers' compensation claim is obvious, but being aware of a third-party claim may not be so obvious to the injured worker. They may have been injured in a motor vehicle accident while working, or perhaps they fell in someone's broken stairwell while making a work-related delivery. A workers' compensation claim may be very valuable in its own right, but there may be good reason to

pursue a separate personal injury claim. We have many cases where the person has a work injury, but they also have a very significant premises liability claim or motor vehicle accident claim. Alternatively, they may have a medical negligence claim based on surgery that was performed in order to remedy the injury caused at work.

Occasionally, a third-party claim case may be multiple times more valuable than the underlying workers' compensation claim. An attorney has to begin developing and planning for a companion personal injury claim immediately, if there is any possibility that one exists. If an attorney fails to collect and secure evidence, or fails to orient the investigation towards pursuing a personal injury claim by solely relying on the fact that it happened at work, then there is a likelihood that the injured person's third-party case will be harmed.

There are damages that can be compensated in a third-party personal injury case that are otherwise not compensable in a workers' compensation claim. Having both claims pursued together will provide you with the proper level of protection. For instance, if you have a partial loss of earning capacity, then you are going to be quite

limited in your workers' compensation claim to getting a completely full recompense for that loss. However, you may be able to obtain the necessary compensation through a third-party personal injury claim.

There are restrictions on the amount of partial loss earning capacity that you will be paid for under the workers' compensation rules. Certain damages, such as pain and suffering (or in some cases, scarring) can be compensated in a third-party case but not in a workers' compensation claim.

It is often necessary that an injured worker retain a law firm that can handle both the workers' compensation case and the companion third-party personal injury case, should there be one. In this way, they will have a concerted effort working to coordinate the best possible outcome in each potential claim.

CHAPTER 7



WHAT HAPPENS IF YOU'RE UNABLE TO WORK AFTER AN INJURY?

The reality of dealing with a serious injury can have emotional, physical, and financial repercussions. If you are unable to work after an injury, there may be a variety of job-retraining and career-counseling programs available. Under the Connecticut Workers' Compensation Act, there is job retraining that remains accessible to the injured worker for their entire lifetime, regardless of whether or not they resolve their case. You also can seek guidance by working with vocational and job training

experts who can make suggestions about certain positions for which you may be suitable.

In order to develop the case, it is oftentimes necessary to assess work capacity, even if it has not yet happened or if it is only a potentiality. Occasionally, there is an expectation - or at least a hope - that the injured person is going to return to work or to a certain level of function, but there may be a permanent impairment.

A life altering injury involves an impairment that is permanent, and the type of life altering injury may also impact the injured person's vocational aptitude. Vocational experts help assess this and the resulting needs of the injured party. Economic experts calculate the vocational expertise and make projections regarding what a person will be capable of doing. Financial experts can help forecast what someone's financial future looks like, and what their needs are going to be. Economic and noneconomic evaluations are essential to include in a case analysis and validation. In addition to vocational and economic experts, working with a network of life planners and nurse case managers to help analyze medical records and doctor's instructions can be essential. The doctors will often lay out

a prognosis and recommendations, so working closely with life care planners, nurse case managers, vocational experts, and financial experts is fundamental to properly developing the case. These steps are necessary in order to calculate lost earning capacity and to help guide and advise an injured party who is unable to work.

Surviving Financially When A Catastrophic Injury Claim Is Pending

After suffering an injury, an injured person may work closely with one or more of the following professionals:

- Life care planners who are recommended by physicians to determine the cost of a patient's care, develop patient support systems, and consider a client's age and level of impairment
- Nurse case managers to help analyze medical records and doctor's instructions
- Vocational experts to help assess a variety of needs, as well as economic experts to calculate the vocational expertise
- Financial experts to help forecast what someone's financial future looks like and what their needs will be

When a person has been injured, the whole family structure must be taken into consideration. If the injured party is the sole provider for a family, then sources of income sufficient for a continuance of financial support will need to be identified. The problems differ in terms of magnitude and the immediacy of the need. The availability of family resources should also be considered. There are governmental programs that may come into play, such as social security disability, Medicare and Medicaid.

Medicaid is a federally-subsidized state program that provides welfare benefits, food stamps, and medical care in instances where a family or person does not qualify for social security disability or Medicare. Unfortunately, there are instances where none of those programs are going to be immediately available or adequate.

It should also be noted that arrangements can be made to assist with transportation while property damage claims or auto accident claims are dealt with. For example, services such as Meals on Wheels and various social services programs may be available for a person in need. See appendix C. Depending on eligibility, there may even be medical or cash assistance available. Letters of

protection for medical care can be issued. If you do not have insurance or if yours does not cover a particular provider, and if that medical provider is willing to accept a guarantee of payment, then a letter of protection can assist you in getting necessary medical treatment.

In the end, securing a proper resolution to any injury-related lost earning situation may be the most complete way of assisting the injured party who is unable to work. This may be able to be addressed throughout the processing of the claim, or will be compensated upon settlement or trial in a personal injury case.

CHAPTER 8



WRONGFUL DEATH CASES

The common law definition of a wrongful death claim is a civil action that arises where damages are claimed against a party for causing the death of a person due to a negligent, careless, criminal or reckless act. The breach of an established standard of care and the resulting harm can ultimately lead to the death of an individual, which would give rise to a claim. A wrongful death claim gives recognition to the fact that there is value in life. When a life is lost due to a negligent act or a failure to act, the decedent's spouse, children and parents are left to deal

with the consequences. Those individuals have the right to pursue compensation for the things that they lost as a result of the death, such as enjoyment of life, companionship, and the ability to contribute to the welfare and safety of their family members.

In some cases, the deceased individual may have experienced conscious pain and suffering before they died, which would be an element of damages in a wrongful death case. Wrongful death claims are a type of personal injury claim, and require experienced and sophisticated analysis. The demands of these cases - both from a case management standpoint and a client counseling standpoint - include making the families aware of the process and potential outcome. There is a process that has to happen, and it can be years before it reaches a point of fruition. Experienced attorneys who are proficient in handling wrongful death claims will diligently keep the family apprised of the progression of the case, help manage expectations, and clearly explain the process as it unfolds.

There is a cycle that occurs during the workup and prosecution of a wrongful death case, which is distinct from other cases. It often involves rallying and dispatching

many resources to properly address the issues of the case. In Connecticut, actions for injuries resulting in death (also known as wrongful death cases) are strictly regulated by the Connecticut statute set forth in Connecticut General Statutes section 52-555.

Who Can Legally Bring About A Wrongful Death Lawsuit?

The individual who can actually bring a wrongful death lawsuit is ultimately appointed by the probate court. An application is filed with the probate court after the decedent's death, seeking an appointment as the fiduciary of the estate of a deceased person. The fiduciary is usually named in the will, but if the individual does not have a will, then a family member will usually apply to be the fiduciary of the estate.

Once the probate court receives an application, they advertise notice in the newspaper and notify the immediate family members listed on the application. A hearing is held at a set time in probate court, and the probate judge for that particular district will appoint the

fiduciary. The fiduciary of the estate then has the ability to hire a lawyer on behalf of the estate and pursue a wrongful death claim.

Misconceptions About Wrongful Death Cases

One misconception regarding wrongful death claims is that the person bringing the action is solely looking for monetary compensation. More often than not, the parties or family members that are bringing these claims are looking for answers. They are looking for accountability. They are looking to make changes in the way people or facilities conduct themselves or treat individuals. Most family members are distraught over the death of their loved one, and are looking for justice to be served. They are looking for someone to be held accountable, and they are looking for answers to questions that have gone unanswered.

Most family members are desperate to know what happened to their loved one. Often they have a sense that someone did something wrong or that an event occurred as a result of someone's negligence or failure to act.

Another misconception is the generalization that when hiring a law firm to pursue a catastrophic loss or wrongful death claim, the outcome will likely be the same from firm to firm. It may be thought that a wrongful death claim has a certain value, and that going to one lawyer or another is an interchangeable experience. There are several considerations when hiring an attorney in a wrongful death claim, and results may vary from firm to firm based upon the experience, talent and persistence of the principal attorney pursuing the case on your behalf.

The initial intake visit is very important to both the deceased person's family and the lawyer who will guide them through the process. It is useful and often necessary to have a family representative, but it is also helpful to have other family members present in the initial meetings, so that the right inquiries are established and the right dialogue takes place. Most families have not been involved in a wrongful death case on behalf of a family member. It is an obviously painful and difficult time. There is much more at stake for most families than monetary compensation; answers, explanations, and accountability most often remain of primary concern.

While money oftentimes is not the primary motive, it becomes an important residual goal. These are the damages we can obtain for the family. The compensation sought is measured in monetary terms. Attorneys cannot request a court to order a negligent individual to apologize for their behavior or the outcome, and an attorney cannot undo the act. In the end, it is about obtaining answers and accountability, which to a degree equates to justice for family members.

Later in the book we will be discussing statute of limitations, but for the purposes of this chapter, the statute of limitations for filing a wrongful death claim in Connecticut is generally two years, with the same considerations when filing an injury claim. Aside from the filing statute, there may be notification requirements or earlier deadlines that apply because of the type of case, or the entity that is involved. The point is to not rely on what the general rule is or what the letter of the statute says, because there may be exceptions to the rule or additional deadlines and requirements that only a qualified lawyer would be able to address. Seeking immediate legal advice in these cases is the best form of protection for you or your loved one.

Damages That Survivors Are Entitled To In Wrongful Death Cases

It is the estate that is seeking and obtaining a recovery in these cases, and not necessarily the survivors. The survivors may or may not be the beneficiaries. It may be that a wife or a husband who was legally married at the time of the spouse's death is also a plaintiff, and is also seeking an independent monetary award for the loss that they suffered. This is called a loss of consortium claim.

There are two different rights being asserted: the right of the estate to recover for damages on behalf of the decedent, and the right of the spouse or child for the loss of affection, companionship, and financial support. In order to balance and to compensate against these harms, the court or jury could independently value all of these losses, resulting in a recovery for the surviving spouse on the consortium claim and a recovery for the estate.

A qualified attorney is most always necessary to coordinate and manage these types of cases, identify the many relevant issues, and develop the damages properly. It is a different task when the individual is not available for us to ask questions or to talk to. Having proficient

representation with experience in these matters is ultimately important. It is also a matter of having the right kinds of experts and the right sort of supervision, such as that provided by accountants, evaluators, actuaries, and people who can determine what someone's lost earning capacity might be. There are some very tangible issues that will need a very high degree of edification and that have to be properly identified and addressed.

How Are Wrongful Death Cases Valued?

Everything that applies to a life altering injury determination of value equally applies to a wrongful death claim, although in a wrongful death claim the loss is complete and total, and there is no degree of recovery. Instead of trying to value the loss of a function or impairment that will affect the person until they reach their anticipated life expectancy, the individual in question is deceased; it is a complete loss of everything they did and would have done until they reached their potential life expectancy. If a 30-year old person was presumed to have an additional life expectancy of 45 years, then the damages become a mathematical equation to be determined by a jury

or court. All of the harms, damages, and losses that occurred would be projected over a span of 45 years. The jury or the court value the loss of life within certain broad parameters, and all these factors are given serious consideration.

The courts allow juries broad discretion to award damages for the loss of life and for the conscious suffering that happens before the loss of life. There is no reference book or standard that applies here, because it is impossible to determine the true value of a life. This is a complex matter, and there are tremendous variants in bringing about a proper resolution or proper application of a theoretical construct, which the jury will typically develop themselves. Sometimes this is accomplished on the suggestion of an attorney, and sometimes juries do this on their own. It is important for them to understand what the life of a person was, who they affected, and how much they enjoyed their life, inclusive of their tangible, objective output and productivity in life.

All of these factors make for a very subjective determination that the courts allow juries to make. As mentioned, it is a misconception in wrongful death cases that they have a certain value; they do not. They are worth

what a jury says they are worth, and therefore it is dependent on the lawyers and the legal teams to properly present the cases and educate the juries in order to ensure that proper value is given.

How And When Are Punitive Damages Applicable In a Wrongful Death Case?

In Connecticut, there are specific statutes that provide for punitive damages in some cases. These are what we call exemplary damages, which are distinguishable from compensatory damages because they are not meant to compensate the individual's loss or the loss of a life. Instead, they are meant to punish the person who caused the individual loss or the life altering injury. They have a different purpose, and they are measured differently. The general rule in Connecticut is that you are not eligible for punitive damages for acts of ordinary negligence. If a person or an institution breaches their duty in a purely negligent fashion and severely injures or kills another person, then they have to pay compensatory damages.

However, there is an exception made for what we call extraordinary negligence, which is often defined as recklessness through gross negligence. If one can prove an utter disregard for the safety, rights, and welfare of another that results in a life altering injury or death, then the courts will allow the jury (or the court will itself determine) an assessment of punitive damages to appropriately punish the wrongdoers. This is an important legal issue that needs to be identified and addressed throughout the handling of a case.

How Are Wrongful Death Damages Divided In The Case Of Multiple Heirs?

Determining how wrongful death damages are divided between multiple heirs is the domain of an estate and a trusts lawyer. The answers vary based on whether or not there is a will. Trust and estate law advice should be sought out so that these questions are addressed early in the process. Ultimately, the rules of probate, as administered by the probate court, will be determinative in the distribution of a wrongful death settlement award.

Should Multiple Heirs Hire Separate Attorneys To Pursue A Wrongful Death Claim?

In Connecticut, it is well established that the party that has the right to bring the legal action is the fiduciary that the probate court has appointed. That fiduciary is going to need to report to the probate court, and the probate court will ultimately approve any resolution of a wrongful death claim. The fiduciary also has certain reporting requirements that are adhered to throughout the process. The fiduciary that is appointed by the probate court is the individual that hires an attorney to represent the estate, and it would not make sense if there were multiple heirs with multiple attorneys.

Can Handling a Wrongful Death Claim On Your Own Be A Dangerous Thing?

There is not a legal requirement that a claimant have an attorney. The question of whether a lawyer is necessary is secondary to the overriding question of whether a lawyer provides value. In our experience, a pro se party, which is a party representing themselves, is a risky and dangerous

approach. The courts are not in a position to give legal guidance to an unrepresented party. Experienced legal guidance is of the ultimate importance here.

Courts and the tort system in general are rule-driven infrastructures, and navigating them is similar to driving on the highway; if you do not know the rules, you are going to cause an accident, you will get lost, and you will be confused. Oftentimes the probate court will advise parties to seek a legal representative, but they cannot give legal advice. They very often identify situations in which they believe the fiduciary needs legal assistance and direction. Obtaining capable legal representation is the recommended method for handling these matters.

CHAPTER 9



HOW IS A CATASTROPHIC INJURY OR WRONGFUL DEATH CASE VALUED IN CONNECTICUT?

When dealing with a life altering case, valuing all compensable damages is a traditional starting point. Compensable damages generally include medical bills, lost wages, permanent disability, pain and suffering, future medical expenses, future pain and suffering, and future impact to an individual's earning capacity. These compensable damages may be tangible or intangible. In the end, having proper representation to help organize,

collect records, identify and develop issues, ensure that an injured party is getting proper medical care, and ensure that an injured party's immediate needs are being addressed is important. Navigating injured parties through the process is a vital responsibility of the attorney. As a result of this involvement, attorneys develop the issues of compensable damages, with the end result being to properly and sufficiently monetize the case for the catastrophically injured individual.

How Does Someone Know When It Is The Right Time To Settle?

The proper time to settle depends on the individual. Every injury is personal and every person is unique. As a result, each personal injury case must be addressed in an individualized fashion. Some people heal and recover quickly, while others find themselves undergoing medical treatment years after an injury. Ensuring that the individual is getting proper medical care and monitoring their progress as they are recovering is a very important part of the process.

Before making any decision regarding whether or not to settle, it is necessary to get to the point where the full manifestation of the injury, as well as its impact on the individual and their family's life, is apparent. Injured individuals must reach a point of maximum medical improvement from a medical standpoint. Even though treatment may still be necessary and maintaining long-term care may be a permanent reality, the underlying injury may have fully manifested itself to a point where it will not worsen or improve.

Once maximum medical improvement has been met, the doctors and the allied professionals who have been treating the injured party, as well as the expertise of vocational experts, life care planners, economists, and accountants are all coordinated to facilitate the evaluation process. The goal is to remove as much uncertainty or speculation as possible, while documenting and substantiating all known factors. Early settlement in these cases is usually the goal, and is facilitated by carefully monitoring an injured party's treatment and condition until they reach the point of maximum medical improvement. It is the treating physician who determines

that an injured individual has reached maximum medical improvement, and then a final evaluation is conducted by the treating doctor or the specialist.

The injured person is assigned a degree of permanent impairment, and an assessment will be made in terms of how that permanency is going to affect their work capacity and quality of life. The physician is asked what the future medical needs are going to be, what the future impact may be, the general prognosis, how it may affect the injured person's ability to work, and whether or not they have any specific work limitations. As this information is collected and evaluated, all factors in the individual client's treatment course are considered. It is then that a determination can be made that the case is ready to be resolved.

What Happens If a Catastrophic Injury Victim Dies After Filing A Personal Injury Lawsuit?

If a catastrophic injury victim dies after filing a personal injury lawsuit, their case certainly does continue, it is simply not their case any longer. At that point, the case would belong to the estate of the deceased individual and

someone would be appointed as the fiduciary. If there is a will, it will generally determine who the fiduciary will be, and the claim would be brought on behalf of the estate by that named individual. In the absence of a will, the probate court will appoint a fiduciary to administer the decedent's estate. In both instances, the process of the wrongful death or personal injury claim is carefully monitored by the Connecticut Probate Court.

How Long Does a Life Altering Injury Claim Take To Settle?

There are many variables to consider when determining how long it will take for a life altering injury claim to settle. The length of time is often dictated by the time it takes for the injured party to complete medical treatment. If the individual is deceased, then it will depend on the length of time necessary to collect, evaluate, and properly address all of the issues to formulate the damages profile.

The length of a claim can also depend on the docket or the court. The courts dictate how long these things take when a case is in suit. The overwhelming majority of cases will

settle or go to trial no earlier than 18 months, and could take many years. Though the range is wide, one and a half to three years is the general timeframe for most cases.

Do Life Altering Injury Cases Tend To Go To Trial Or Do They Mostly Settle?

The American Bar Association and their subcommittees have conducted studies on life altering injury cases, and there are various trial lawyers associations that track injury cases (some of which go to trial, and some of which end up settling). For over a decade, there has been a seeming trend away from trials. This is happening for a variety of reasons. The judicial system will divert and push cases off the trial docket wherever possible in an effort to function cohesively and efficiently. Cases are diverted to settlement measures - such as arbitration or mediation - in an effort to bring about a resolution of the case. The cases that go to trial are the ones that cannot be resolved, despite all early discussions and court intervention. These are cases where the parties' positions are just too far apart, and it is the only way to resolve the dispute.

There are many instances in highly disputed cases where the advocates on each side of the controversy will see the case quite differently. As the case litigation proceeds and as the issues become clearer, there is usually an opportunity to explore an agreement. The fact is that most people would rather make their own decisions about settlement than have a judge or jury do it for them.

The uncertainty of what a judge or a jury may do with a particular dispute also supports the general inclination of most individuals and companies to sort out their own business relations, where they can achieve what they believe to be a reasonable result. These factors working together often determine the probability of going to trial.

It is estimated that less than 10 percent of cases actually go to trial. However, if you do not prepare a case - whether straightforward or complex - with sufficient care and energy, and if the attorney that you retain does not convey the complete intent to go trial on your behalf, then the odds of going to trial increase. The parties have to prepare for the worst and hope for the best. By preparing to go to trial, you are reducing the chances that you will actually have to.

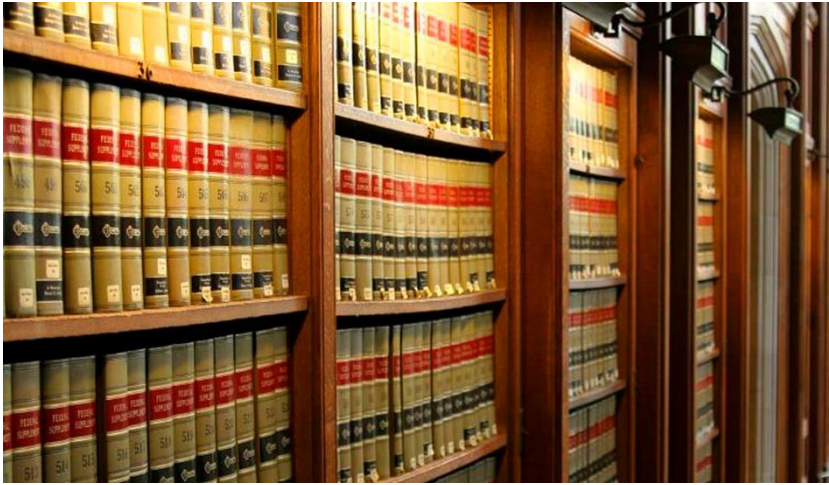
How Do I Know Whether Or Not The Insurance Company's Offer For My Injury Claim Is Fair?

As an injured person, you would not be expected to know if an insurance company's offer is fair. This is presuming you are not a trained lawyer. A family, real estate or bankruptcy lawyer may have no idea what a particular life altering injury case is worth, and they would not be expected to. You would have to rely on your advisors, and in this case your principal advisors would be your lawyer, your law firm, your legal team, and the resources that your legal team can bring to bear to answer the critical questions.

You will have to ask questions, some of which may be lifetime care questions which bear upon value. You will have to consider what it will cost to maintain the level of care that is necessary. A lawyer cannot answer those questions in the absence of sophisticated file development and consultation with the appropriate experts and advisors. A client would not speak to an insurance company; it would be an attorney coordinating those discussions, as well as all other discussions regarding settlements, expectations, the extent of the injury, and what life will look like going forward for the victim.

Those types of discussions only give a window into your physical and psychological well-being, and what your expectations are. As you often hear, anything you say may be held against you - this is a constitutionally required warning that is given to individuals who are about to be arrested or have been arrested and are about to be questioned. There is a reason for this! There is no law, rule, or statute that says you cannot talk to an insurance company, but why would you if what you say may be mischaracterized or misinterpreted? You have nothing to gain, and very much to lose by talking to an insurance company without the benefit of competent representation.

CHAPTER 10



MISCELLANEOUS CONSIDERATIONS

Statute Of Limitations On Catastrophic Injury Claims In Connecticut

Providing a general answer to questions about statutes of limitations is complicated because it depends not only upon the type of case, but also upon the presence of special circumstances that may affect the time period. With that said, there is generally a two-year statute of limitations for negligence cases in Connecticut. If you are dealing with a product liability case or a defective product, then the standard time period is three years. There are

exceptions to the time periods that require consultation and guidance at an early juncture. For example, there might be a two-year statute of limitations for a medical negligence case in Connecticut, but if it involves a physician who is employed by the state or a medical facility owned and operated by the state, then there is a period of one year within which you must file certain notifications and the law suit.

Similarly, you may have two years to bring a case in court, but there are often earlier written notification requirements that apply. A typical example would be a claim involving a defective highway or street owned and maintained by a government entity, the state or a municipality. There are also some exceptions involving the service of alcohol by a liquor establishment or restaurant.

One of the guiding recommendations pertinent to the statute of limitations is not waiting long after your accident before engaging legal counsel. There needs to be an immediate assessment of the parties to be notified and a close tracking of the statute of limitations and relevant notice deadlines.

In certain instances, you may not be able to bring a case, even if you are injured and have the assistance of an attorney. Careful consideration and a degree of due diligence is required in evaluating the merits of a case. This includes gathering evidence, interviewing people, and oftentimes getting the opinion of an expert before one has a good faith basis to proceed with a case. Even if you have recognized a statute of limitations that is expiring, if you do not have a good faith basis or belief that you can prove your case, it may not be prudent or ethical to proceed.

If you want to bring a claim against a healthcare facility or physician in Connecticut, you must first have to have an opinion by a similarly situated health care provider stating that medical negligence likely occurred. If you do not have this independent medical opinion when you file the case, then your case can be dismissed.

If you come to a lawyer too late in the process and they do not have the opportunity to complete their investigation to undertake due diligence, then they may not be able to file the case for you. Deadlines may have passed, evidence may have been lost or disappeared, or witnesses may have forgotten the events. There are many

reasons to quickly obtain a competent lawyer and ensure that your rights are protected.

As discussed, the statute of limitations for catastrophic life altering injuries is going to be based on the particular circumstances of a case and then determined by statute. There is a statute in Connecticut that applies to medical negligence cases and gives a party the right to an extra 90 days if the two-year statute of limitations is about to run out. The extension has to be filed in court before the two years expires. Clearly, when you have someone who is incompetent, incapable, or deceased and cannot assert their own rights, a legal relative or responsible party should contact an attorney.

The lawyer will evaluate and advise on the statute of limitations, and get the required notices filed. A responsible representative needs to be thinking about helping the family or the individual locate and obtain proper representation at the earliest possible moment.

Factors That Can Lead a Personal Injury Or Wrongful Death Case To Litigation

For a variety of reasons, it is often the outcome that personal injury or wrongful death cases end up in litigation. Often this is to learn more about what happened and to secure evidence that the lawyer or client does not have in their possession, and will not have access to short of instituting a lawsuit. In the absence of subpoena powers and the ability to conduct depositions and discovery, you often will not have a full picture of what happened. Not having all of the evidence bears tremendously on liability issues in the absence of the litigation process, which can often be unpleasant and lengthy.

In the absence of this process, it is just too easy for an insurance company or the person in the position of decision-making authority to say “No, we don’t think we are at fault,” or “We are not going to pay that much.” You can only attempt to discuss what would be a just resolution for your case and what would be an appropriate valuation of the case outside of the court process. It is easy for a business decision maker (oftentimes an insurance adjuster) to try to save money for their client. If the insurance

company is going to offer anything, it is ultimately left to the injured party to value the case.

The insurance companies typically have a value called an insurance reserve, which holds for both life altering injuries and death cases. The insurance company will put a value on a case that they do not share with you or your lawyer. They assess a case, and then modify the assessment until a case is settled. One of the goals of the litigation process is to have them increase the assessment in the reserve. That initial figure - whether you negotiate, attend a pretrial settlement conference or attend mediation later on - will be at the forefront of the authority that the insurance company's lawyer is going to have.

If a lawyer underworked a case by failing to employ the right resources, collect certain evidence or take certain depositions, then they have failed to take the necessary steps in order to properly work the case. A failure to take those steps could have a strong impact on the offer they receive in a case. When underprepared, attorneys could be "playing against the reserve." The defense decision makers are going to try to save the insurance company money - this is a reality of the system. If you are pro se (self-

represented), or if you have an under-skilled or inexperienced lawyer, the injured party can lose money on the case. It is about properly identifying issues and mapping out a course, both of which should begin at the intake interview. Even though it might result in a lawsuit being filed down the road, the process is and should be started very early.

Can A Family Member Help Me With My Injury Claim?

If someone is catastrophically injured to the point that they are incapable of handling their affairs, there is a system in Connecticut where a legal conservator or a representative of the injured party can be appointed through the probate courts. That representative (who is often a family member) can help to facilitate the ongoing care and address the business of the catastrophically injured person. A family member may also help to facilitate communication, medical care assistance, and general support. This can be done formally through the probate system with the appointment of someone who will be held in a fiduciary capacity to help take care of the incapacitated

person's needs. Depending on the severity of the injuries, it can also be done in an informal fashion.

Handling An Injury Claim Involving A Minor

A child under the age of 18 is considered a minor in the state of Connecticut. In general, a child has the right to compensation for pain and suffering, medical bills, future medical expenses, loss of ability to earn an income, permanent injury, or disability. The minor's injury is treated in the same manner and valued the same as an adult person's case. A parent may have a separate right to be compensated for medical bills paid on behalf of a child.

The Connecticut probate system has a procedure whereby a guardian is appointed to manage the affairs of a minor when they are injured and need to pursue a claim for their damages. The need for a court-appointed guardian depends on the monetary value of the case. This guardian is usually a parent, and the guardian will need to adhere to the probate procedure. Initially, an application for appointment of guardian is presented to the probate court. Once approved, the appointed guardian will continue to report to the probate court as the minor's claim proceeds. Depending

on the value of the claim, the probate court will approve any settlement of the case, and the proceeds will be maintained in a restricted account on behalf of the minor child.

If you or a loved one have a minor child who has been involved in a serious accident, it is important to know that the assumption that the minor will have extra time to pursue a case is not true. Generally, the statute of limitations does not extend the time for filing a case because of a minor's incapacity. There are states in our country that have statutes that give additional rights to minors. In Connecticut, we do have an exception for sexual abuse cases. If a minor was sexually abused, they have a period of time beyond the time they reach adulthood where they could still assert their legal rights, even if their parents did not do so.

For a personal injury case in Connecticut, there is no general rule that extends the time based solely on the fact of the injured party being a minor. Therefore, the parents of minors need to protect their children by speaking to a competent lawyer early in the process. The assumption that they will have extra time because there is a minor involved may not be true.

As discussed earlier in this chapter, it is important to know that Connecticut has varying rules regarding notice dates and deadlines that have to be filed, and some of those notices are as short as 60 or 90 days. There are certain lawsuits that need to be filed within one year. There are two-year statutes of limitations, and three-year statutes of limitations on product cases. Individuals need to get to a competent, capable lawyer who can have the legal issues assessed and analyzed in order to determine what notices need to be filed, and to immediately determine the applicable statute of limitations.

In some extreme and unfortunate cases, parents wait too long and are ultimately unable to make a claim. As a result - and despite the fact that someone definitely made a mistake - nothing can be done to help the injured child.

CHAPTER 11



STEPS TO TAKE AFTER A CATASTROPHIC EVENT AND HIRING A LAWYER

When you or a loved one is involved in a catastrophic accident, the first step is to make sure the proper authorities are notified. If it is necessary for the police to be involved, they should be immediately contacted. Notify your employer if an accident happens while you are working. An immediate first step is to request an ambulance and get medical treatment if someone has not done this for you. You should get yourself

to an emergency department or a walk-in clinic as soon as possible. Another important step is to keep good notes on everything that transpires, and to make sure that you do not dispose of any tangible or concrete evidence in your possession. You should secure anything you have on your telephone, such as telephone messages. Retain all of your correspondence in one place, and keep a diary or a log of what's happening. Maintain any witness names and contact information. These are all important measures to take after any accident. Among your initial first steps is contacting a lawyer to preserve your rights, determine deadlines, identify issues, deploy necessary investigation efforts, and guide and assist you through the process.

Situations to Avoid After An Injury or Accident

There are several situations you should avoid that may have a negative impact on your claim. You should not talk to representatives of the other party's insurance company, and you should be careful when providing any statements. You should also avoid discussing any details about your case on social media, because everyone is watching. You should be very cautious with how you present

any information about the accident. Getting immediate medical attention and being cautious about talking to anyone from the opposing insurance company are important measures to take if you haven't retained an attorney. Being careful about what you say, where you say it, and with whom you discuss your case should be very carefully guarded throughout the life of your claim.

How Critical Is The Collection Of Evidence As An Initial Step?

Among the initial measures that need to be taken with these claims is the collection of evidence. Evidence and witnesses are absolutely critical. We are not there at the scene of a catastrophic event, and we rely heavily on the individual or their family members, when possible, to obtain whatever they can. Employing capable and skilled private investigators who will collect evidence and information after a catastrophic event or an accident occurs is crucial in documenting your case. If the injured party or a family member can take photographs of a defective piece of equipment or a damaged vehicle and any debris at the scene, it would be very helpful.

Retaining a lawyer who has access to the necessary resources to secure evidence and properly investigate an accident should be among your first steps.

Research Before You Hire A Lawyer To Handle Your Claim

When seeking legal guidance and an attorney, it is very important to consider what questions you will need to ask in regard to the specialization of the case, the lawyer's experience, and the accountability of the lawyer. An injured party needs to take great care when researching law firms. In navigating through the many attorneys available, the injured party should spend time interviewing the prospective attorney to make sure they feel comfortable working with them. You can familiarize yourself with the law firm or attorney in advance by checking websites and paying careful attention to testimonials if they are available.

There are many well-respected and long-lived attorneys and law firms that advertise, but there are also some that are not quite as proficient. There are boutique law firms that are skilled and specialized, but there are also

high-volume firms that can fall short of the mark when it comes to serious legal representation. There are distinctions between the ways in which law firms operate and conduct business, and there are differences in terms of how effectively a law firm can pick up a case and bring it to a meaningful conclusion through proper litigation.

Law firms advertise in different ways; some do so by placing ads on billboards and buses, while others do so by sponsoring sports teams or weather reports. Due to the diversity of lawyer advertising, you have to make sure that you research before you select a law firm. Your legal and financial outcome depends greatly on this decision. Thorough and accurate research is a crucial starting point in building and pursuing your case.

Asking The Right Questions

The injured party wants to make sure that they ask the right questions about experience, results, availability and access to essential resources, as well as about the attorney's capacity to handle the sophisticated nature and the

individual elements of their claim. An attorney's answers to the following key questions should be strongly considered:

- Have you handled many cases like mine?
- What resources do you have available?
- How will I communicate with you throughout the process?
- What are your attorney fees and costs, and how are they billed?

Importance of Experience

As a matter of licensure, an attorney who is in good standing and licensed to practice before the Connecticut courts can represent themselves as being capable of handling a catastrophic, life altering, personal injury or death case. Practically speaking, however, there is more to consider. There are varying degrees of capability that should be established concerning whether or not an attorney is able to handle a wrongful death case or a complex medical injury case. Simply being a licensed attorney does not mean that one is proficient in more complex catastrophic injury matters.

An injured person needs to be aware of general practice law firms that may not have the necessary skill and resources to pursue such claims. They may take on a case which has a degree of complexity or an order of magnitude beyond what they really should be doing, and be unaware that they are not adept in a particular area. They may win the case, but there may be significant issues and compensation that remain improperly addressed. Oftentimes, defense lawyers and the insurance companies are aware that a particular attorney is not an experienced personal injury lawyer. They may not garner the same degree of respect as other attorneys, and they may not necessarily offer the same amount of monetary compensation to settle the case.

An unskilled or inexperienced attorney may also be pressed harder by the opposing side, and may miss a settlement opportunity that would have been offered to a well-respected, well-prepared and experienced attorney.

Legal Fees And Quality Of Representation

In personal injury matters, an attorney's fees are regulated by statute. Lawyers commonly charge one third

of the gross settlement, subject to a downward sliding scale adjustment dependent upon the amount of the gross recovery of damages obtained. Injured parties, therefore, are not shopping based upon fee or cost considerations, but rather on the quality of the firm's experience, reputation and ability to communicate their approach to the case. You want to look at the reputation of the firm, not only amongst clients, but also amongst their peers. Reputation is just one element. You would want to consider the experience of the lawyer, their track record, and consider the types of cases they have handled when making a decision.

Setting Expectations

You and your lawyer will most likely have a long-lived relationship. You will want to meet with the attorney in person, making sure that you see eye-to-eye on how you will proceed. Occasionally, there is a philosophical difference between a client and a lawyer that becomes apparent later on in the process. It is better to understand that you can get along and that you have the same perspective about what you are trying to accomplish at an early juncture. It can be complicated to switch lawyers later

in the case, so it is better to get the decision right in the beginning. This takes some talking and reflecting, and while it's not necessary, it is ideal for it to be done in person.

How Does Hiring An Attorney Impact An Injury Claim?

As discussed earlier, insurance companies set a reserve at a time when they may not even know that an injured party is represented. They modify and alter the reserve during the process until the claim is eventually settled. Even though the insurance adjuster is negotiating through a defense lawyer, they are going to try to offer less than the actual amount of the case. Many factors are considered, including the strength of the advocate.

We have discussed many important reasons to hire an attorney, and to do so early on. Having representation during the life of your injury claim will certainly have significant bearing on the progression of the claim, as well as the end result. There are many legal issues, nuances, rules, deadlines, and strategy and resource issues that are best navigated by a capable injury attorney.

Does The Threat Of Going To Trial Enhance The Likelihood Of A Larger Settlement From Insurance Companies?

It is not so much the verbal threat of going to trial as it is the actions of your law firm that enhance the likelihood of a fair and comprehensive settlement. The attorney communication is what sends the message. You can threaten that you will take them to trial, but if you have not prepared properly, then it is an empty threat in the estimation of the defense attorney or the adjuster. The attorney's track record and experience play a role here as well. Their ability, willingness, and perseverance in proceeding to and through trial are all factors that signal to the opposition an unwillingness to back down.

It is important that it is known and recognized to opposing attorneys that you will go to trial, and having the appropriate attorney on your side certainly makes that clearer. The insurance companies and the defense attorneys know which lawyers will be prepared for trial and which lawyers will fight to the end for their clients.

IN CONCLUSION

When you or a loved one suffers a life altering injury that is caused by someone else or occurs in the workplace, the consequences that it may have on your life can be devastating. In the ultimate catastrophic event of the loss of life, the result is permanent and absolute. In addition to the short and long-term physical effects that an injured party may have, injury victims often have to deal with the costs of expensive medical treatment, lost income, and permanent lifestyle changes following the accident.

The legal roadmap may not always be clear to the injured party and their family, and the necessary steps may be complicated and confusing. Connecticut has statutes and rules to guide the resulting claim and compensation process, many of which we have discussed. Interpreting, identifying, complying and recognizing the necessary steps of the process are imperative from the very beginning. It is important to contact an experienced attorney to learn what can and should be done. The road

map in this book has been laid out to help educate you or your loved one, to help make important decisions and to not suffer further harm. Before you proceed, get an initial consultation from a licensed, experienced attorney and learn about your rights and options. This will lead you to securing the best possible outcome for your life altering, catastrophic injury claim.

At the Law Offices of Paul Levin, we are committed to helping Connecticut injury victims fight for the compensation they are entitled to for their various and significant losses and damages. We hope that you have found the information contained in this book helpful. It is important to keep in mind that most all cases are unique and individual to the injured party, and do require both experience and a willingness to provide tenacious representation.

Appendix A

Real Cases

The following passages are condensed extracts of cases we have handled in the past. These anecdotes are here to show examples of injuries suffered by individuals and the details of their unique situations that brought them to pursuing a life altering, catastrophic injury case. Be advised that a past record of success in any particular case or cases is no guarantee of success in yours, even if you have what appears to be a similar case. The facts, circumstances and laws of each case may be unique and may lead to different outcomes.

Hand Injury at Work:

We once had a client who was a chef, and he was very passionate about his profession. One day he got his hand caught in a dough mixer while working. The dough mixer did not have a shut off switch, although dough mixers in large commercial kitchens are supposed to be equipped with this type of protection.

His hand was terribly injured, and he had multiple surgeries. Ultimately, he was unable to continue his occupation as a chef. The pain subsided to a degree, but he had a hand that only rendered him useful as an assistant; he could no longer be in the kitchen. To him, it was a traumatic and severely life altering accident. The client had a son who was about to go to college, and he was worried about how he would finance his son's college education. We pursued a defective product claim and a workers' compensation claim, because this happened in the course and scope of his employment. As a result, he had a safety net while the litigation was pending. He had his medical bills paid and was provided with a weekly income needed in order to save some money for his son's college education.

Ultimately, we pursued a defective products case against the manufacturer. We later learned that the manufacturer had safety gauges, but sold this unit without one. They wanted to sell as many machines as they could, and they considered it an optional feature. If a commercial kitchen wanted to pay for it, they would have to purchase it separately. We did not consider a safety device of this

sort “optional,” We brought suit in Hartford Superior Court, and got a sizeable verdict for the injured party. Thankfully, he was able to send his child to college and find an alternative career. This client’s definition of a life altering injury may have been different from someone else’s due to the unique nature of his life, injury, and his family circumstances.

Suffered Amputation at Work:

We handled a case for a woman who was cleaning the bed of a truck that had a conveyor belt on the floor. She was doing this at her employer’s instruction, and most unfortunately got her legs stuck in the conveyor belt. Ultimately, she suffered an amputation and had to learn to walk on a prosthetic leg. She was eventually able return to work for the same employer, but doing so required a lot of work, effort, and determination on her part. There was a jury trial that resulted in a sizeable verdict, and the settlement proceeds allowed the client to get on with her life. This was a case where we pursued both a workers’ compensation claim and a separate defective product claim.

Automobile Accident:

In one of our cases, a gentleman was struck from behind in what was a relatively moderate automobile collision. He injured his back and struck his head, the latter of which resulted in a mild traumatic brain injury. There was no definitive bleeding in the brain, he did not have any penetrative injury to the skull, and he could still think and talk, but he was not the same after the accident. He could not process information in the same way that he could before the accident.

As a result, his family viewed him a bit differently and he was not happy with himself. This was a man who was in the late stages of his career as a high-level executive, and who suddenly found himself incredibly cognitively limited. Realizing that his capabilities were diminished, he took an early retirement.

We wound up suing the trucking company responsible for the accident, as well as the company that owned the truck. As insurance companies will do if they believe a jury might not appreciate the details of a case, this

insurance company offered too little money, and we had to bring a lawsuit to try the case.

Ultimately, there was a significant recovery after a jury verdict in Hartford Superior Court. Judging by appearance, one might not have noticed that he slurred his words or was unable to hold a conversation, but he nonetheless had a very real injury that altered his life. The litigation process was necessary for this gentleman to be properly compensated.

Roofing Accident at Work:

In another case, our client fell off of a roof and broke his back while in the process of completing a construction job. Since the construction crew was getting paid based on how quickly they completed the work, they were hurrying to get the job accomplished. The client was not wearing the fall protection that is mandatory by OSHA standards, and his employer was not requiring it. In this case, we not only pursued a workers' compensation claim, but also went to great lengths to uncover that necessary safety shortcuts were not taken, in the hopes of not having an accident occur again. This was an important factor and result for our client.

Medical Negligence Case Arises From Work Injury:

In another case, we represented a client who worked for the town and had a terrible fall. She wound up stretching her femoral tendon beyond its capacity, which required surgery in order to be corrected. The necessary surgery is normally a straightforward procedure. Unfortunately, a well-known surgeon inadvertently cut the client's femoral nerve, which innervates the movement of the leg. As a result, she suffered significant and chronic pain, a pronounced limp, and never fully regained the use of her leg.

Although the initial injury would have typically been repaired and unlikely to have lifelong effects, our client ended up with a permanent problem due to poor medical care. It is not uncommon for medical facilities or professionals to be at fault for an injury that occurs in the hospital or on the operating table. Oftentimes these events occur as we are pursuing a different type of claim (in this instance, we were pursuing a workers' compensation claim).

Electrocution Injury at Work:

We have also encountered electrocution cases. We once represented a client who was electrocuted when a ladder that he was carrying came in contact with an overhead wire. He sustained multiple injuries and burns that had terrible, life altering results. The electricity actually entered his body in one location and exited his body in another. This was a Connecticut workers' compensation case, but the possibility of other claims was thoroughly and exhaustively explored for the injured worker. Our client was assured all avenues of recovery were investigated and pursued for him.

Missed Opportunity of Case:

A family came to our office that had a catastrophically affected child as a result of a birth injury. The parents were understandably in denial, and they thought that their child was just developmentally delayed. They were not convinced that the doctor or the facility had done anything wrong, and so they waited in order to see if their son would improve. When he was

about five years old, the mother joined a support group for children with profound cerebral palsy. As a result of the support group, she learned that many of these conditions occur as the result of medical negligence. She also learned that many families had turned to attorneys in an attempt to receive compensation.

The family came to the office with their son in a wheelchair. He did not walk or talk, and he was entirely verbally non-communicative. He had a stomach tube, and was unable to eat. We very thoroughly researched this issue to see if there was any possible way that we could bring a claim. We even considered bringing a claim by making the assertion that the parents were negligent in not getting him proper legal representation within the statute of limitations period.

Part of our research revealed that while some states have rules that would have helped us to bring a claim, Connecticut did not. For example, in California, the statute of limitations tolls when the minor reaches 18 years of age. This means that in the event that parents make a mistake or miss the deadline to file a claim on behalf of their injured

child, that child still has the opportunity to bring a claim on their own behalf.

Unfortunately, there is no such extension of the statute of limitations in the state of Connecticut. As a result, this family was precluded from bringing a claim of any sort. It seemed very clear that the facility and the doctors who delivered the baby made errors, but the claim could not be pursued due to the expiration of the statute of limitations.

APPENDIX B

TESTIMONIALS

“I had almost given up trying to sue for medical malpractice before speaking with Attorney Paul Levin, because my case had already been rejected by another large firm. I was told that I did not have a viable case, even though I went totally blind. It seemed that none of my doctors tried to do anything about it while it was happening, until it was too late. Because of Attorney Levin’s efforts, I am financially independent, can properly take care of my son, and can make sure that he gets a good education. I moved out of the inner city and relocated out of state where it’s better for us both. Attorney Levin believed in my case and succeeded. Although I never did get an apology from my health care providers, I at least understand what they did wrong, and they paid money to compensate me for the harm caused.”

- Rebecca P.

“I just wanted to say thank you to Attorney Kasheta for all the work she did on my case. Being in England and corresponding to each other from there seemed like an unusual situation, but she made everything so easy.”

- Lisa R. of Surrey, England

“My construction site injury case came to trial right after the dramatic events of September 11, and all of us - including the Hartford, CT jury - were still in shock from those events. In those circumstances, the Law Offices of Paul Levin still connected with the jury, and they awarded a lot more than what had been offered at mediation. I could not even get an attorney to sit down with me to discuss this case before contacting Attorney Levin because I had not had surgery and did not yet know if I would be permanently affected. He is a keeper and I have recommended family members and friends to him since.”

- Norman W.

“Paul is extremely knowledgeable about personal injury law. He knew about traumatic brain injury and how it would affect me for the rest of my life. He was supportive throughout the long process and kept me well apprised of where my case stood throughout the two-and-a-half years that it took to litigate and go to trial. He knew exactly how the jury would react when defense motions portrayed the insurance company in its true light through foolish objections, and he convinced the judge to rule in my favor with regards to those objections. As a result of his skills, the jury ruled in my favor. I highly recommend the Law Offices of Paul Levin.”

- Christopher

“You guys fought for me and my family and I could not have asked for a better law firm to take my case. Attorney Kasheta did everything she said she would do for us, and not one time did she forget about us. You never made us feel like our case was not important.”

- A. and J. S. of Norwich

“I was fortunate to find the Law Offices of Paul Levin to take on my very difficult medical negligence case. He is a man of true integrity and high morals. Against some very difficult circumstances, he persevered in uncovering every detail of a situation that was being swept under the rug at many levels. He is truly interested in seeking justice in the face of a medical system that was less than honest. I would recommend the Law Offices of Paul Levin to anyone who is seeking honest and righteous legal representation.”

- Medical Malpractice Client

“The Law Offices of Paul Levin helped me and my family through one of the most difficult times of our lives. He was very caring and understanding of our situation. He always made sure we were well informed regarding our case and always responded to our calls. He made himself available at all times, and never made us feel bad for bothering him. His knowledge, experience, and compassion are outstanding. We couldn’t have asked for a better attorney.”

- Fran

“Through a long trial and against many odds, the Law Offices of Paul Levin prevailed and won the case against a medical community intent on keeping things quiet. They are intelligent and resourceful and seemed to always be one step ahead of some very high-profile defense lawyers. Having won the case against the defendants, they were not satisfied with the financial outcome. In the interest of their client, they appealed the case and were able to obtain some additional financial relief for me. I cannot say enough about the honesty, integrity and sincerity that was evident throughout my years of dealing with the Law Offices of Paul Levin.”

- Client from AVVO

DISCLAIMER:

The Law Offices of Paul Levin do not intend to provide legal advice in the creation or publication of the materials found in this book. The materials presented do not constitute legal advice. They are not intended to be a substitute for legal advice. The intent of these materials is to provide the reader with information regarding the subject matters discussed. Every case has different facts and circumstances that must be considered when definitive legal advice is rendered. Every state has different laws and rules that apply to various types of legal causes of action and these materials may not be applicable in states other than Connecticut. To avoid any potential confusion, understand that an attorney-client relationship is not intended to be formed unless and until a written retainer agreement is signed by both you and an attorney. If you require legal advice, you should seek the services of a competent attorney. Listing of fields of law does not indicate any certification of expertise therein. Also, be advised that past results in any cases or cases, no matter how similar to yours, provides no guarantee of a successful outcome in your case. The facts, the law and other circumstances that may apply in your case can lead to variable results.

Appendix C

Resources

The attorneys at the Law Offices of Paul Levin believe that knowledge is power. To help you learn more about the topics that affect you as an injured person in Connecticut we have compiled the following list of resources.

Social Services Resources

- **Connecticut State Department of Social Services**

<http://portal.ct.gov/dss>

- **Medicare (US gov)**

<http://www.medicare.gov/>

- **CT Access Health**

<https://www.accesshealthct.com/AHCT/LandingPageCTHIX>

- **Connecticut State Department on Aging**

<http://www.ct.gov/agingservices/site/default.asp>

- **Community Renewal team (Meals on Wheels)**

<http://www.crtct.org/en/need-help/senior-services/meals-on-wheels>

Motor Vehicle Accident

- **American Automotive Association (AAA)**

<https://www.aaa.com/AAA/common/zipcodeGateway/index.html>

- **Edmunds**

<https://www.edmunds.com/>

- **Kelly Blue Book**

<https://www.kbb.com/>

- **NADA**

<http://www.nada.com/>

- **National Highway Traffic & Safety**

<https://www.nhtsa.gov/>

1-888-327-4236

- **National Transportation Safety Board**

<https://www.nts.gov/Pages/default.aspx>

- **U.S. Department of Transportation**

<https://www.transportation.gov/>

855-368-4200

Workers' Compensation

- **State of Connecticut Workers' Compensation Act**

<http://wcc.state.ct.us/law/menus/wc-act-2009.htm>

- **State of Connecticut Workers Compensation Commission**

<http://wcc.state.ct.us/>

- **State of Connecticut Workers' Compensation Districts**
<http://wcc.state.ct.us/wcc/dist-ct.htm>
- **Office of the Chairman - Hartford, CT 06106**
 Phone: (860) 493-1500
 Fax: (860) 247-1361
- **Compensation Review Board - Hartford, CT 06106**
 Phone: (860) 493-1500
 Fax: (860) 247-1361
- **1st District Office - Hartford - 999 Asylum Avenue, Hartford, CT 06105**
 Phone: (860) 566-4154
 Fax: (860) 566-6137
- **2nd District Office - Norwich - 55 Main Street, Norwich, CT 06360**
 Phone: (860) 823-3900
 Fax: (860) 823-1725
- **3rd District Office - New Haven - 700 State Street, New Haven, CT 06511-6500**
 Phone: (203) 789-7512
 Fax: (203) 789-7168
- **4th District Office - Bridgeport - 350 Fairfield Avenue, Bridgeport, CT 06604**
 Phone: (203) 382-5600
 Fax: (203) 335-8760

- **5th District Office - Waterbury** - 55 West Main Street, Waterbury, CT 06702

Phone: (203) 596-4207

Fax: (203) 805-6501

- **6th District Office - New Britain** - 233 Main Street, New Britain, CT 06051

Phone: (860) 827-7180

Fax: (860) 827-7913

- **7th District Office - Stamford** - 111 High Ridge Road, Stamford, CT 06905

Phone: (203) 325-3881

Fax: (203) 967-7264

- **8th District Office - Middletown** - 90 Court Street, Middletown, CT 06457

Phone: (860) 344-7453

Fax: (860) 344-7487

Links to State of Connecticut Resources

- **Department of Public Safety: Connecticut State Police**

<http://www.ct.gov/despp/site/default.asp>

(860) 685-8190

- **State of Connecticut Department of Consumer Protection**

<http://www.ct.gov/dcp/site/default.asp>

(860) 713-6100

- State of Connecticut Department of Motor Vehicles (DMV)
<http://www.ct.gov/dmv/site/default.asp>

(860) 263-5700

- State of Connecticut Department of Transportation
<http://www.ct.gov/dot/site/default.asp>

(860) 594-2000

- State of Connecticut Insurance Commissioner
<http://www.ct.gov/cid/site/default.asp>

(800)203-3447

- State of Connecticut Small Claims Court
<http://www.jud.state.ct.us/faq/smallclaims.html>

Court Service Centers:

- Ansonia-Milford Judicial District courthouse 203-283-8260
- Danbury Judicial District courthouse 203-207-8766
- Fairfield Judicial District courthouse 203-579-7210
- Hartford Family Court 860-706-5064
- Meriden Judicial District courthouse 203-238-6499
- Middlesex Judicial District courthouse 860-343-6499
- New Britain Judicial District courthouse 860-515-5151
- New Haven Judicial District courthouse 203-503-6819
- Norwich Judicial District courthouse 860-823-0857
- Stamford Judicial District courthouse 203-965-5297
- Tolland Judicial District courthouse 860-896-4945
- Waterbury Judicial District courthouse 203-591-3308
- Connecticut Probate Courts

<http://www.ctprobate.gov/Pages/Welcome.aspx>

- **Department of Public Health and State Department of Health Licensing**

<http://www.ct.gov/dph/site/default.asp>

Area Hospitals and Health Care Facilities

- **Connecticut Children's Medical Center – Hartford, CT**

<https://www.connecticutchildrens.org/>

- **Day Kimball Hospital – Putnam, CT**

<https://www.daykimball.org/>

- **Hartford Hospital – Hartford, CT**

<https://hartfordhospital.org/>

- **Lawrence Memorial Hospital – New London, CT**

<https://www.lmhospital.org/locations/new-london-365-montauk-ave.aspx>

- **Manchester Memorial Hospital – Manchester, CT**

<http://www.echn.org/about-manchester-ct>

- **Marlborough Medical Center – Marlborough, CT**

<https://middlesexhospital.org/our-services/hospital-services/marlborough-medical-center>

- **Middlesex Hospital – Middletown, CT**

<https://middlesexhospital.org>

- **St. Francis Hospital – Hartford, CT**

www.stfranciscare.org/hartford

- **William H. Backus Hospital – Norwich, CT**

<https://backushospital.org/find-a-doctor/>

- **Windham Memorial Hospital – Willimantic, CT**

<https://windhamhospital.org/>

- **Yale New Haven Hospital – New Haven, CT**

<https://www.ynhh.org/>

- **Bridgeport Hospital – Bridgeport, CT**
<https://www.bridgeporthospital.org/>

General

- **Connecticut Board of Education and Services for the Blind
- Windsor, CT 06095**

<http://www.ct.gov/besb/site/default.asp>

(860) 602-4000

- **Connecticut Commission of the Deaf and Hearing Impaired
- West Hartford, CT 06133**

<http://www.cdhi.ct.gov/cdhi/site/default.asp>

(860) 231-8756

(800) 708-6796

- **Connecticut Council on Developmental Disabilities -
Hartford, CT 06106**

<http://www.ct.gov/ctcdd/site/default.asp>

(860) 418-6160

1-800-653-1134 (Toll Free Connecticut)

- **Connecticut Department of Developmental Services -
Hartford, CT 06106**

<http://www.ct.gov/dds/site/default.asp>

(860) 418-6000

Toll-free (866)-737-0330

- **Connecticut Department of Education - Hartford, CT 06106**

<http://www.sde.ct.gov/sde/site/default.asp>

(860)713-6543

- **Connecticut Department of Emergency Management and Homeland Security - Hartford, CT 06106**
<http://www.ct.gov/demhs/site/default.asp>

(860) 256-0800

Toll-Free: (800) 397-8876

- **Connecticut Department of Public Health's Novel H1N1 Influenza webpage - Hartford, CT 06134**
<http://www.ct.gov/ctfluwatch/cwp/view.asp?a=2533&q=439092>

H1N1 Influenza Hotline: 1-800-830-9426

- **Connecticut Department of Public Health's Public Health Preparedness and Response webpage - Hartford, CT 06134**
http://www.ct.gov/dph/taxonomy/ct_taxonomy.asp?DLN=46945&dphNav=|46945|

(860) 509-8000

- **Connecticut Department of Public Health's Public Health Preparedness and Response, Connecticut Guide to Emergency Preparedness - Hartford, CT 06134**
<http://www.ct.gov/dph/lib/dph/communications/pdf/preparedness12pg.pdf>

(860) 509-8000

- **Connecticut Department of Public Safety - Middletown, CT 06457**
<http://www.ct.gov/dps/site/default.asp>

(860) 685-8190

- **Connecticut Department of Social Services' Aging Services Division - Hartford, CT 06106**
<http://www.ct.gov/agingservices/site/default.asp>

(860) 424-5274

Toll Free (in State) 1-866-218-6631

- **Connecticut Department of Social Services' Bureau of Rehabilitation Services Vocational Rehabilitation Program - Hartford, CT 06106**

<http://www.brs.state.ct.us/programs.htm>

(860) 424-4844

Toll-free 1-800-537-2549

- **Connecticut Department of Social Services' Division of Social Work & Prevention Services - Hartford, CT 06106**

<http://www.ct.gov/dss/cwp/view.asp?a=2353&q=316628>

(860) 424-5058

- **Connecticut Department of Social Services' Medicaid Program - Hartford, CT 06106**

<http://www.ct.gov/dss/cwp/view.asp?a=2353&q=305218>

1-800-842-1508

- **Connecticut Long-Term Care (LTC) Services and Supports: Aging and Disability Resource Centers**

<http://www.ct.gov/longtermcare/site/default.asp>

Community Choices 1-800-994-9422

- **American Burn Association**

<http://ameriburn.org/>

- **Bicycle Helmet Safety Institute**

<https://helmets.org/>

- **Brain Injury Association**

<https://www.biausa.org/>

- **Consumer Products Safety Commission**

<https://www.cpsc.gov/>

- **National Safety Council**

<http://www.nsc.org/pages/home.aspx>

- **Safe Kids USA**

<https://www.safekids.org/united-states-0>

Types of Catastrophic Accidents:

- Amputation Injuries
- Bicycle Accidents
- Birth Injuries
- Brain Injury
- Burn Injuries
- Bus Accidents
- Car Accidents
- Construction Site Accidents
- Dog Bites
- Drunk Driving Accidents
- Hip Fractures
- Internal Injury
- Medical Malpractice
- Medication Errors
- Nursing Home Abuse and Neglect
- Motorcycle Accidents
- Personal Injury
- Product Liability
- Sexual Abuse

- Spinal Injury
- Surgical Errors
- Trucking Accidents
- Unsafe Premises
- Unnecessary Surgery
- Workers' Compensation
- Wrongful Death

The Law Offices of Paul Levin

We can be reached locally at:

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(860) 429-7336 Storrs

(860) 456-4011 Willimantic

(860) 886-6899 Norwich

(860) 774-1699 Brooklyn

(860) 257-1000 Greater Hartford

And toll free at:

1-800-999-2020

1-800-CAR-LAWYER

www.connecticutinjuryhelp.com

www.glkb-law.com

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LIFE ALTERING PERSONAL INJURY CASES IN CONNECTICUT

Your Legal Road Map



Attorney Paul Levin

Attorney Paul Levin has been admitted to the practice of law in the state of Connecticut since 1989 and in New York Federal District Court since 1992. Paul established The Law Offices of Paul Levin in Hartford, Connecticut in 1993. Paul has focused his legal practice in the area of personal injury, achieving significant jury verdicts and settlements on behalf of clients who brought cases related to medical malpractice, product liability, construction and serious motor vehicle accidents. Due to a longstanding commitment to workers' rights and his familiarity with workers' compensation issues, serious workplace injuries make up a large part of the practice.



Attorney Kelly Anne Kasheta

Attorney Kelly Anne Kasheta has earnestly focused her career on representing injured individuals and their families for more than 30 years. Up until 2013, Kelly served as a partner in the law firm of Glass, Lebovitz, Kasheta & Bren LLC, which had offices throughout central and eastern Connecticut. Attorney Kasheta joined the Law Offices of Paul Levin (the successor firm to GLKB) in an of counsel capacity where she continues to help injured parties and their families in need of legal representation. Kelly has represented clients in all manners of personal injury, including serious motor vehicle collisions, premises liability, dog bite, products liability, medical malpractice, wrongful death and workplace accidents.

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