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Pedestrian Accidents FAQ

Q: I've been hurt in a pedestrian accident and I want to file a claim for my injuries. What's the first thing I should do?

A: There are a number of things you can do in the first few days and weeks after an accident to protect your right to compensation, such as: 1) write down as much as you can about the accident itself, your injuries and any other losses (such as wages) you've suffered as a result of the accident; 2) make notes of conversations that you have with people involved in the accident or the injury claim; 3) preserve evidence of who caused the accident and what damage was done by collecting physical items and taking photographs; 4) locate people who witnessed the accident and who might be able to help you prove your case; 5) notify anyone you think might be responsible for the accident and tell them about your intention to file a claim for your injuries, especially if a government agency or employee may be involved; and 6) contact a [personal injury attorney](#) to evaluate and pursue your claim.

Q: What if I was partially at fault for the accident?

A: You may bear some responsibility for the accident, which may reduce your eventual recovery. For example, if you were 50% at fault, your recovery may be reduced by 50%.

Q: As a pedestrian, what duty is placed upon me to avoid accidents?

A: Every pedestrian has the duty to obey traffic laws and to reasonably observe traffic conditions. Generally speaking, pedestrians should not begin or continue their forward course across a street if they are aware of the approach of a vehicle.

Q: How soon after I am injured do I have to file a lawsuit?

A: Every state has certain time limits called "statutes of limitations," which govern the amount of time you have to file a personal injury lawsuit. In some states, you may have as little as one year to file a lawsuit arising out of an automobile accident. If you miss the deadline for filing your case, your claims can be dismissed. Consequently, it is important to talk with a lawyer as soon as you receive or discover an injury.

Q: What damages are recoverable in pedestrian accident cases?

A: The injured party may recover damages for past and future medical expenses, past and future wage loss, past and future pain and suffering. If the defendant's conduct is extreme, punitive damages may be awarded. If the pedestrian dies, his or her survivors are entitled to recover full compensation for their economic losses that result from the pedestrian's death, as well as damages which stem from the loss of society care and comfort of the decedent.

Q: Do I need to retain an attorney?

A: It is almost always a good idea to retain an attorney in a pedestrian accident case because there usually will be some questions related to fault and comparative negligence. Expert witnesses may need to be retained to reconstruct the accident factors, and help determine responsibility for the accident.

Q: What should I bring to my meeting with a lawyer?

A: You should provide a lawyer with any documents that might be relevant to your case. Police reports, for example, contain eyewitness information and details about the conditions surrounding auto accidents. Copies of medical reports and bills from doctors and hospitals will help demonstrate the extent and nature of your injuries. Information about the insurer of the person who caused your injury is extremely helpful, as are any photographs you have of the accident scene, your property damage, and your injury. The more information you are able to give your lawyer, the easier it will be for him or her to determine if your claim will be successful. If you haven't collected any documents at the time of your first meeting, however, don't worry; your lawyer will be able to obtain them during investigation of your claim.

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