

NEW JERSEY PERSONAL INJURY LAW FREQUENTLY ASKED QUESTIONS



COMPREHENSIVE GUIDE TO YOUR
RIGHTS AND THE LEGAL PROCESS

General Questions About Personal Injury Cases



What is a Personal Injury Case?

A personal injury case, also known as a tort, is a legal claim brought by one person against another for harm caused by negligence or intentional wrongdoing. In New Jersey, these cases typically involve accidents where someone's actions or inaction directly led to another person's injury. This can range from car accidents and slip-and-falls to medical malpractice and product liability.

What is the Statute of Limitations in New Jersey?

The **statute of limitations** is a law that sets a strict time limit for filing a lawsuit. In New Jersey, for most personal injury claims, the statute of limitations is **two years** from the date of the injury. If you do not file your lawsuit within this timeframe, you will likely lose your right to seek compensation for your damages, regardless of the merits of your case. It is crucial to consult with an attorney as soon as possible after an injury to ensure your claim is filed on time.

Insurance and Compensation in New Jersey

What is New Jersey's No-Fault Insurance Law?

New Jersey is a "no-fault" state when it comes to auto insurance. This means that after a car accident, your own auto insurance policy's Personal Injury Protection (PIP) coverage will pay for your medical expenses and lost wages up to a certain limit, regardless of who was at fault for the accident. However, New Jersey's "no-fault" law has a "verbal threshold" which limits your ability to sue the at-fault driver for pain and suffering unless your injuries meet certain serious criteria (e.g., death, dismemberment, significant disfigurement, fracture, permanent loss of function, etc.).

What is Uninsured Motorist (UM) and Underinsured Motorist (UIM) Coverage?

- Uninsured Motorist (UM) Coverage protects you if you are injured in an accident caused by a driver who has no auto insurance.
- Underinsured Motorist (UIM) Coverage protects you if you are injured in an accident caused by a driver whose insurance limits are too low to cover your damages.

Both UM and UIM coverage can be vital in ensuring you receive the compensation you deserve when the at-fault driver cannot adequately provide it.



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The Legal Process and Timelines

How Long Do Personal Injury Cases Typically Take?

The timeline for a personal injury case can vary significantly depending on the complexity of the case, the severity of the injuries, the cooperation of the involved parties, and the court's schedule. Simple cases with clear liability and minor injuries might settle within a few months. However, more complex cases involving serious injuries, disputed liability, or extensive damages can take several years to resolve through negotiation or trial.

What is the Comparative Negligence Rule in New Jersey?

New Jersey follows the rule of modified comparative negligence. This means that if you are found to be partially at fault for your own injuries, your compensation may be reduced by your percentage of fault. However, you can only recover damages if your percentage of fault is less than 50%. If you are found to be 50% or more at fault, you will be barred from recovering any compensation from the other party.

Fees and Consultations

How Do Personal Injury Lawyers Typically Charge Fees?

Most personal injury lawyers in New Jersey work on a contingency fee basis. This means that you do not pay any upfront legal fees. Instead, the attorney's fee is a predetermined percentage of the total amount recovered on your behalf, whether through a settlement or a court award. If no recovery is made, you typically owe no attorney fees. This arrangement makes legal representation accessible to individuals who may not be able to afford hourly fees.

What Should I Expect During a Consultation?

During an initial consultation with a personal injury attorney, you can expect a thorough discussion of your case. You should bring any relevant documents, such as police reports, medical records, insurance information, and photos of the accident scene or injuries. The attorney will listen to your account of what happened, assess the strengths and weaknesses of your case, explain your legal options, discuss potential outcomes, and outline their fee structure. Most initial consultations are free of charge and confidential.



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Special Situations

Workplace Injuries: Workers' Compensation vs. Third-Party Claims

If you are injured at work in New Jersey, you may have two avenues for seeking compensation:

- 1. Workers' Compensation:** This is a no-fault system that provides benefits for medical treatment and lost wages to employees injured on the job, regardless of fault. You typically file a claim with your employer's workers' compensation insurer.
- 2. Third-Party Claim:** If your workplace injury was caused by the negligence of someone other than your employer or a co-worker (e.g., a defective piece of equipment manufactured by a third party, or a driver who caused a work-related car accident), you may have a separate personal injury lawsuit against that third party to recover damages beyond what workers' compensation provides, such as pain and suffering.

What If I Was Injured by an Uninsured Driver?

As mentioned earlier, if you are injured by an uninsured driver, your Uninsured Motorist (UM) coverage under your own auto insurance policy is crucial. This coverage allows you to file a claim with your own insurance company for damages, including medical expenses, lost wages, and pain and suffering, as if the uninsured driver had been insured. An attorney can help you navigate this process and ensure you receive the full compensation you are entitled to under your policy.

Disclaimer

This document provides general information about New Jersey personal injury law and should not be considered legal advice. Every case is unique, and the laws are subject to change. It is essential to consult with a qualified New Jersey personal injury attorney to discuss the specifics of your situation and receive personalized legal guidance. Do not delay seeking legal counsel, as statutes of limitations apply to all legal claims.



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