

# Personal Injury

A Guide to Your Rights  
After The Injury



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# Disclaimer

This guide is for informational purposes only and does not constitute legal advice. Reading this material does not create an attorney-client relationship between you and Warden Law Firm or any of its attorneys. Every personal injury case is unique, and the information provided may not apply to your specific situation.

You should not act or rely on any information in this guide without first seeking professional legal counsel. Laws may change, and interpretations can vary based on individual facts and circumstances. If you have been injured and are seeking legal advice, we encourage you to contact a qualified attorney licensed in your jurisdiction.

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# Understanding Personal Injury Claims in Arkansas

In Arkansas, a personal injury claim arises when someone is harmed due to another's **negligence** or **intentional actions**. To succeed, the injured party must prove three elements: duty of care, breach of that duty, and direct causation of injury. Typical cases include car crashes, slip-and-fall incidents, medical malpractice, and workplace injuries.

Not all injuries qualify—there must be significant harm, usually physical injury or emotional distress. Arkansas follows a **modified comparative negligence system** under Arkansas Code §16-64-122 (2024), which reduces recovery in proportion to your fault—and bars recovery entirely if you're 50% or more at fault.

If you believe you qualify, consult with an Arkansas personal injury attorney, such as Harry Warden, to explore your rights and pursue compensation for medical bills, lost income, and pain and suffering.

# Key Concepts



## Duty of Care

Duty of care refers to a legal obligation requiring individuals or organizations to act with a reasonable level of caution to avoid harming others. For example, drivers owe a duty of care to others on the road to operate their vehicles safely.

## Breach of Duty

A breach occurs when someone fails to meet their duty of care, acting in a way that a reasonable person would not. This could include texting while driving or running a red light.

## Direct Causation of Injury

Direct causation means the breach of duty led to the injury — without the negligent action, the harm would not have occurred. It connects the wrongdoing directly to the victim's damages.

# How Do You Prove Fault?

Proving someone's legal responsibility can only happen when they fail to fulfill their **duty of care**, and cause you harm as a result. Here are some common examples:

- Car Accidents: A driver running a red light may be negligent.
- Slip and Falls: Property owners must maintain safe premises.
- Wrongful Death: Families need to demonstrate negligence to claim damages.



## Note on Arkansas Statutes of Limitations

These cases are subject to strict statutes of limitation—Arkansas typically allows three years to file personal injury claims, though wrongful death may follow its own timeline.

However, the insurance companies often try to resolve the accident in a matter of days, which can put pressure on you to make a decision that strips you of your deserved compensation. **Therefore, we recommend that you seek legal help before you begin the claims process.**



# The Claims Process: Step by Step

Filing a claim after trauma can be daunting, but the process is straightforward when broken down:

1. Collect evidence: police reports, medical records, photos, and witness accounts.
2. Mind the deadlines: Missing the statute of limitations—typically three years in Arkansas—can bar your claim.
3. Calculate damages: Beyond out-of-pocket costs, include pain, suffering, and future losses.
4. Consult an attorney: Personal injury lawyers like Warden Law Firm help quantify damages and negotiate settlements.

## Possible Damages:

### Economic:

- Medical Bills
- Lost Wages



### Non-economic:

- Pain and suffering
- Loss of companionship



# How Modified Comparative Negligence Works in Arkansas

Arkansas uses a modified comparative negligence system:

- If you're 0–49% at fault, your award is reduced by your share.
- If you're 50% or greater at fault, you recover nothing.

For example, a \$100,000 award would be reduced to \$60,000 if you were 40% at fault. But if you're 50% to blame, you get nothing.

**Thus, early legal representation can prevent unfair blame from insurers or other parties.**



# Time Is of the Essence

Arkansas law generally gives you three years from the date of injury to file a lawsuit. Federal exceptions exist (e.g., minors, medical malpractice), but you should act quickly. Missing deadlines—even by days—could eliminate your right to compensation. An attorney can help ensure your claim is timely and properly filed.

## Call A Lawyer Now!

Calling an attorney quickly will help you get the compensation you deserve. Plus, there are several perks to consulting with an experienced personal injury attorney like Harry Warden...

**501-291-0422**





# Why Hire Warden Law?

## **Help fight state interpretation**

We are experts in the state's comparative fault rules

## **Critical evidence gathering**

We will quickly collect medical, police, and other critical documentation

## **Negotiations & advocacy**

We're experienced injury lawyers who aim to maximize recovery

## **'No fees unless you win'**

Warden Law Firm is For The Win – which is all the more reason why we operate on contingency.

# Conclusion

Arkansas personal injury law requires proving duty, breach, causation, and damages, with litigation affected by comparative negligence and strict timelines. Gathering documentation, understanding your rights, and consulting a knowledgeable firm like Warden Law Firm can make a significant difference in your outcome.



**Don't wait – call Warden  
Law Firm for your free  
consultation today!**

**501-291-0422**

