



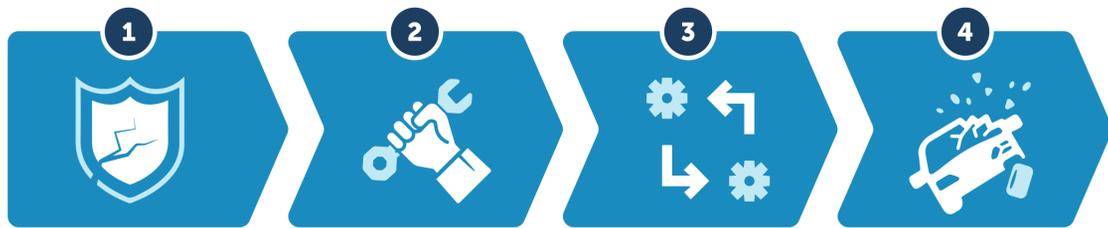
# ELEMENTS OF AN ARKANSAS PERSONAL INJURY CLAIM



Personal injury cases involve an element of negligence, which is the failure of one party to use reasonable care to avoid causing injury or loss to another person.



Depending on the facts of the case, a victim may seek to recover medical expenses, lost wages and other types of losses, such as pain and suffering.



**DUTY**

**BREACH**

**CAUSATION**

**DAMAGES**

However, in order to recover in a personal injury lawsuit, the plaintiff (the person bringing the lawsuit) must prove four elements. If the plaintiff can do so, then he or she will likely prevail over the defendant (the person or entity responsible for the accident).

These elements are *duty, breach, causation, and damages*.

## FIRST STEP DUTY 1



The first step in a personal injury case is analyzing whether the defendant owed the plaintiff a duty of care, which is an obligation to avoid injuring someone else or placing them in danger. Generally, we all have a duty of care to others on some level. The question then becomes who we owe that care to, and what depth of care we owe to them.

In some cases, such as in car accident claims, it is easy to identify the duty of care, because Arkansas' traffic laws set out specific duties of drivers. In other situations, such as in commercial establishments, it may be more challenging to determine whether a duty is owed and how broad that duty is.



## SECOND STEP BREACH 2

The next step is determining whether the defendant breached his or her duty of care by either doing or failing to do something that a "reasonably prudent person" — or an average person — would do under similar circumstances. If a defendant created or allowed a dangerous situation to exist beyond the normal of risk that we encounter, he or she may have breached their duty of care. For example, a reasonably prudent business owner would not allow spilled liquid to remain on their floor without mopping it up after being notified of it.



## THIRD STEP CAUSATION 3



The third step requires the plaintiff to prove that the defendant's breach caused their injury. While this may seem like a relatively simple step, it may be challenging in certain cases. For example, if you slipped and fell on liquid at the store, you may claim that it was the owner's fault for failing to clean it up — but the owner may claim it was your fault for looking at your phone instead of where you were going while walking through the store.

## FOURTH STEP DAMAGES 2

Finally, the fourth step is to prove damages, which includes any physical and emotional injuries, property damage and lost income that you may have suffered as a result of the accident. Your attorney will establish the total amount of damages caused by the defendant's conduct, and will either negotiate for a settlement that compensates you for your losses, or take your case to trial to win a just award.



**Physical Injuries**



**Emotional Injuries**



**Property Damage**



**Lost Income**

## HOW DO I KNOW IF I HAVE A CLAIM?

If you have been hurt in an accident due to another person or entity's action or inaction, you may be able to file an Arkansas personal injury lawsuit. A personal injury case may involve a:



**Car Accident**



**Truck Accident**



**Motorcycle Accident**



**Distracted Driving Accident**



**Construction Accident**



**Amusement Park and Roller Coaster Accident**



**Slip and Fall**



**Dog Bite**



**Wrongful Death**



**Nursing Home Abuse**

If the other person or entity's negligence caused an injury to you, and you suffered harm as a result, then you might have a claim for damages. During a free case review from an Arkansas personal injury attorney, you can learn more about your rights and options for pursuing a lawsuit.



**Personal Injury Claims**



**Medical Malpractice Claims**

It is important to act quickly if you believe that you have a viable personal injury case. In Arkansas, there is a three year statute of limitations for personal injury claims, which begins to run from the date of the injury. The statute of limitations for medical malpractice claims is two years.

If you have been injured in any type of Arkansas accident, we can help. With offices in Arkadelphia, Little Rock, Conway, and Bentonville, we represent clients throughout the state.

Contact us today at **501-708-4833** or online to schedule a consultation