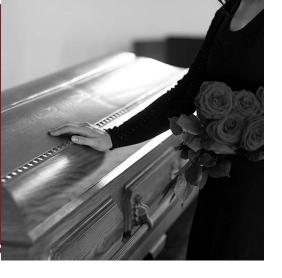
# **GEORGIA**

# WRONGFUL DEATH GUIDE

What To Do If You've Lost a Loved One in an Accident





If you have lost someone you love due to the negligence of another person or entity, we first and foremost want to say that we are deeply sorry. No amount of money or compensation can make the grief of losing a loved one easier, but it can help you get through financially and provide for your family. These cases are a tragedy and the preventable nature of them makes it so that the pursuit of compensation is typically the only way to get justice. Families often feel this loss on an emotional level, but it is also common to feel the loss on a financial level, as well. Our Georgia wrongful death attorney will fight hard to get you

the compensation you and your family needs. After you read about your case a bit, please do not hesitate to call our office to set up your free, no-obligation case evaluation.

# Basics About Georgia Wrongful Death Claims

Legally speaking, the term wrongful death is something that would apply to the loss of someone's life due to another acting in a careless, negligent, or deliberate manner. Wrongful death cases will hold the liable party accountable in a lawsuit action, seeking compensation against them. The way to get compensatory damages and sometimes punitive damages is to prove their negligence in some way caused the loss of your loved one. Again, we understand that this may not help heal the emotional damages, but we do want to help you recover for the financial damages.

# How a Georgia Wrongful Death Claim Works

The first step to any wrongful death claim when a client comes into an office is to be able to find out whether or not their circumstances fall under the definition of wrongful death and if they will have an eligible claim. In order to have a claim, there has to be either an individual or an entity who is directly responsible in the cause of your loved one's death. An attorney will be asked to prove that there was negligence involved in your loved one's death. It could either be that they did not do something to protect your loved one or that they did something wrong that could have been prevented which caused the fatality.

For example, if there is a doctor caring for someone, they have a duty to provide a certain standard of care to a patient. If they are negligent and their patient dies, the family of the patient will be eligible to bring a wrongful death case against that medical practitioner. The attorney's job is to prove that the doctor's actions was, in fact, a direct cause of the patient's death. Furthermore, there is a burden of proof that the family is going to be suffering financially due to this passing.

Our attorney knows how to successfully bring cases such as these to fruition and is willing to help you and your family seek the compensation you deserve. There is a lot of work to be done, so if you believe your loved one suffered a wrongful death, please call our office right away to set up a consultation.

# Wrongful Death Compensation and Damages

There are a few things for which you may be able to seek compensation if you are a surviving family member of a person lost to wrongful death. These damages include medical bills (in some cases), funeral/burial costs, as well as punitive damages. Punitive damages are damages that are sometimes available to the family if the liable party acted in a criminal matter that caused your loved one's death. Punitive damages are to punish the responsible party.

You may also be able to seek wrongful death lawsuit damages, including:

- Pain and suffering of the lost family member
- Lost wages that would have been provided to the family
- Loss of a personal relationship with the family member
- Loss of benefits from work including retirement benefits

Georgia law states that only particular individuals are permitted to bring a wrongful death case. It is according to Georgia statutes that the only people who are allowed to recover compensation on behalf of the deceased are:

- The spouse of the victim
- The children of the victim if there is no spouse
- The parents of the victim of there are no children or spouse
- The executor of the victim's estate in instances where there are no aforementioned claimants

It is also a part of Georgia state law that, when a spouse receives wrongful death compensation but there is no will in place, that they must allocate the compensation award with any children of the deceased. If the children are still minors, they will have their portion of the compensation award placed under a guardian's name where it will be kept until they turn eighteen years old.

# Frequently Asked Wrongful Death Questions

#### What is the Cost to Pursue a Wrongful Death Claim?

If you have recently lost a loved one in an incident caused by someone's negligence, you may be wondering if you have a wrongful death claim or



how much it would cost you to pursue that. At our firm, we represent people who have lost loved ones in wrongful death claims in the state of Georgia on what is called a contingency fee. This means you do not pay anything unless and until we recover on your behalf, either at trial or through settlement. If we don't recover, then you do not owe us anything.

The cost of pursuing the claims can vary depending on the facts. In medical malpractice cases or negligent security cases, for example, there may be disputed versions of events requiring that we prove that the other party was, in fact, responsible. That can take time and money.

Either way, we pay all the costs as we go, and you don't have to pay us any fees until we recover for you. If you have any questions about your wrongful death case here in Georgia, please call us and we'd be honored to speak to you about it.

#### How Long Will a Wrongful Death Case Take?

People often ask about how long it takes to resolve a wrongful death claim in the state of Georgia. Every case is different, and each depends on the facts. As a first step, we need to have an estate established. Once we can do that, a case often can be resolved fairly quickly. In other scenarios, cases may go on for quite some time, sometimes years. The average time frame for personal injury cases of all types to get resolved is approximately 17 months. However, this is not a one-size-fits-all type of scenario.

#### Who Can File a Wrongful Death Claim?

People often ask, too, about who can actually file a wrongful death claim. In Georgia, there are laws that establish who is allowed to bring the claim when someone has died as the result of the negligence of others. One type of claim is what we refer to as a survivor claim; for example, if someone is married, the spouse is the one who can bring that claim. If someone dies and they weren't married at the time of the death and they don't have any children but their parents are alive, then the parents have the claim. If someone dies and they don't have parents who are living, they weren't married, they don't have children, then the claim may pass to their siblings.

It can get complicated, but is all established by law in Georgia. If you have any questions, please call us. We'll be happy to answer your questions, any questions that you may have about a wrongful death claim here in Georgia, and to help you as best as we can.

#### What is My Wrongful Death Claim Value?

If you have recently lost a loved one due to the negligence of another





person or party, you may be wondering what the value of your claim may be. Of course, there's no amount of money in the world that can replace your loved one; in our civil justice system, however, the only compensation that people can recover is money.

What is a claim worth? There's no set answer to that question. There are different factors that are considered when a jury determines the damages in a wrongful death case. The claim that the surviving relatives have includes different types of damages, but it's primarily looking at

the full value of the person's life from the perspective of the person who was killed, so what he or she has lost.

There's no formula that anyone can use to put a number on that, and every case is going to be different. If you have lost a loved one due to the negligence of someone else and you have questions, please give us a call and we'll be happy to discuss your case with you. It will be our honor if you select us to pursue this case on behalf of you and the loved one you have lost.

# Call Our Georgia Wrongful Death Attorney Today

If you need a supportive and understanding Georgia wrongful death attorney to represent you and your family, please do not hesitate to call us today to set up a free initial consultation.

### About the Author

Princenthal & May is a law firm dedicated to helping people who have been seriously injured or have lost a loved one due to the negligence of others or workplace accident. Whether your case arises out of a car wreck, trucking accident, slip and fall, defective product, or dangerous premises, our goal is the same – maximize your recovery so that you can best care for yourself and your family during your time of need. While we are often able to resolve cases early in the process, we do not hesitate to go to trial in order to obtain the maximum recovery possible for you and your family.

