



# ST. PETERSBURG WRONGFUL DEATH GUIDE

*Steps to Take After Losing a Loved One  
By the Negligence of Another*

SALTER, HEALY, BASSETT & RIVERA



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PERSONAL INJURY TRIAL ATTORNEYS



If you have lost a loved one because of someone who was being reckless, careless, or even malicious, you are probably feeling very heartbroken and lost. These incidents can't be fixed and no amount of litigation can bring your loved one back, so it's harder to cope with. To seek compensation, it involves medical bills, dealing with insurance companies, having your life slipped on its head, and more, but we are here to handle it all for you.

Our Florida wrongful death attorney knows that you need help financially after an accident like this and we are here to help you recover it from the negligent party who tore your loved one from you prematurely. You did not deserve to go through this just because someone else wasn't doing their job and their due diligence. We will go head to head with the insurance company that represents the person who caused this wrongful death and we will not stop until they offer you the compensation you deserve. If they fight us more, we are willing and able to take them to trial. Please call our office today to set up a free consultation and let us get right to work for you.

## WRONGFUL DEATH ACCIDENTS

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Our firm handles even the most severe of cases. We have experience handling every variety of wrongful death cases that victims in Florida have faced. It is so important that you have an attorney who has the knowledge necessary to take on this case for you. The types of wrongful death cases that we have represented victims for include:

- » Auto accidents including:
  - » Car accidents
  - » Truck accidents
  - » Motorcycle accidents
  - » Bus accidents
  - » Pedestrian accidents

- » Bike accidents
- » Construction accidents
- » Product liability

We know that, with these devastating accidents, it can lead to devastating results. They can leave you really struggling to live a normal life and provide for yourself and your family.

## FLORIDA WRONGFUL DEATH RULES

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One of the most important things to keep in mind is your statute of limitations. In Florida, for most wrongful death cases, you have four years from the date of the injury or death to bring your claim. That does not mean that you can sit on it for months and call an attorney the day before your limitations runs out. Four years may seem like a lot of time, but in terms of personal injury and wrongful death cases, it is not. Our attorney needs time to go through discovery of your case and plan out how to get you the best possible results. You also want to be aware that you have to have the proper person bring a wrongful death claim and that takes time to figure out as well. The wisest thing to do is to call an attorney as soon as possible after your accident so that evidence doesn't disappear, witnesses do not forget key details, and we have plenty of time to do what we need to do to make this case win.

Next, you should know how the rules of compensation works in Florida. In our state, we follow the rules of pure comparative fault. That means there is a lot leeway for collecting a reward if there is shared fault in the actual happenings of the wrongful death. This will all be negotiated by your attorney and the insurance company. Wrongful death cases break down into two forms of compensation. There is wrongful death awards and there is pain and suffering awards. The wrongful death awards has to do with the lost wages your family will experience without the help of your loved one as well as any medical bills you have had to incur. Pain and suffering is an award that is based on the loved one who passed. You will receive compensation for how awful the injury that lead to death was and how much that loved one was in aguish before they passed.

The insurance company will always fight you and your attorney on how much you will be awarded. The wrong attorney won't know how to fight back. We don't want to see you get less compensation because you didn't have the right attorney to help you.



## FREQUENTLY ASKED WRONGFUL DEATH QUESTIONS

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### *How Do I Pick the Right Attorney?*

Tragically, we spoke with someone who had a family member who was killed because someone else was and they were very concerned about taking care of the family and the children. Their question was, "How do I find the best wrongful death attorney?" I told them a couple of things that I would look at when interviewing attorneys and determining if you want to hire them.

Does this attorney handle all personal injury cases and, specifically, have experience with wrongful death cases? There are a lot of attorneys out there who handle all types of matters, from real estate, to family law, to contract disputes. Those attorneys might agree to take a wrongful death case if you walked into their office, but it doesn't mean that they're the best qualified. Frankly, even a personal injury attorney that doesn't have wrongful death experience is probably not the person to hire for such a serious and important claim.

In addition to making sure that the attorney has wrongful death experience is to get a board certified civil trial lawyer. The Florida Bar certifies lawyers in the field of civil trial if they have been to trial a significant number of times, and had the approval of judges and other attorneys that have commented on their skill expertise. That puts those attorneys in the top 1% of all attorneys in the state for civil trial law and makes them specialists in civil trial law. If you've had a wrongful death claim with a family member, it just doesn't make sense to

hire an attorney who is not board certified when you can hire a board certified attorney.

The third question is, does this attorney that I'm speaking with go to trial on a regular basis? That's important because the insurance companies know who goes to trial and who doesn't. Their offers and the way that they litigate cases is different depending on if they know the lawyer on the other side is a serious trial lawyer. Serious trial lawyers are going to get better offers from insurance companies and, if the insurance company still won't be fair, are going to be ready to handle your case all the way through trial to get a fair result.

When looking for a wrongful death attorney in Tampa or St. Petersburg, Florida, make sure that the attorney you're talking to has handled wrongful death cases on a regular basis, only handles personal injury cases, is board certified in civil trial law and does go to trial like the attorneys at our firm.

## *What Do We Do After a Wrongful Death?*

Death caused by another's negligence or a company's negligence is a devastating time for a family. Family members are often in the grieving process and not thinking about what needs to be done to ensure that the party who is responsible for that death is held accountable. It is imperative that, if you have experienced a wrongful death in your family, you immediately contact a board certified civil trial lawyer with experience in personal injury and wrongful death to help you in your time of need.

Having an appropriate attorney there will ensure that any investigation that needs to be done is conducted, witness statements are taken, and that anything else that needs to be done to ensure that the responsible party for that death is held accountable is done. Our firm has extensive experience in handling wrongful death claims.

## *Can We Avoid Trial for a Wrongful Death Claim?*

I had a client ask me on a very serious wrongful death case, "Are we going to have to go to trial on this case, or is there a way that we can avoid going to trial on this case?" I told him that, typically, we have to try wrongful death cases if the insurance company is not doing the right thing, not being reasonable in

fairly evaluating the case, and offering an amount that they should. If that happens, then we will try that wrongful death case and we'll ask a jury to do the right thing.

The way to avoid having to go to trial is by being thoroughly prepared through depositions and discovery that we'll exchange with the other side. Also, any survivors of the person who was killed in that wrongful death case will be prepared and ready for any depositions or trial testimony that they have to present, including any cross examination that might be coming from the insurance company.

We'll have medical providers, as well as any experts that are necessary for that wrongful death case. We will have them ready to go so that by the time we get to trial on that wrongful death case, the insurance company will see we're ready and if they're not going to do the right thing, then we're going to ask a jury to do it for us.

## *What Are Common Mistakes Made After a Wrongful Death?*

We spoke with a family that had a loved one who was tragically killed in an accident that wasn't their fault. They had a lot of concerns, and we spent a lot of time with them going over everything they needed to know about making this claim on behalf of their loved one. One of the questions they had was, "What mistakes should we avoid making in proceeding with this wrongful death claim?" There are a number of mistakes in a wrongful death claim. They can be very easy to avoid, but critically important to make sure that they are avoided.



It is very important that the cause of the accident and death are documented extensively. These are very important claims for every family member, whether it's a car accident or a truck accident, or some other type of accident, it's important that appropriate professionals are sent out to the scene to document

evidence, document tire marks if that's appropriate, take measurements, do interviews and determine what all the factors were that led to this accident and this death. That needs to take place immediately.

Most people, when faced with a death, don't want to get an attorney involved for a period of time because they have a number of other things and family considerations that they have to deal with. The problem with that is, the scene where the accident and the death occurred is going to change immediately, so it's critically important that someone go out there on your behalf, from an attorney's office, and document all of those things immediately in order to prove your claim.

That leads me into the next thing that's critically important to avoid in a wrongful death claim, and that is hiring the wrong attorney. If you hire the wrong attorney for your wrongful death claim, it's going to be very difficult to prevail. You need to hire only an attorney who handles all personal injury cases, has experience with wrongful death cases, and is a trial attorney. If you hire somebody who has no experience with wrongful death cases, they're not going to know the steps to take to maximize the claim for you and your family.

If you hire an attorney who doesn't do trial work, the insurance companies and defense lawyers are going to know that that lawyer is not willing to take it all the way, and the offers and settlement possibilities are going to be very different, so make sure that you're looking for an attorney that exclusively handles personal injury cases, wrongful death cases, and is a trial lawyer.

## *What Are the Steps in a Wrongful Death Case?*

Recently, a family came into our office regarding a potential wrongful death case. These are the most tragic cases that our firm has to deal with because it's the loss of a loved one. They wanted to know what the steps of the case would entail. First, we do our investigation. We find out how the accident happened and who will ultimately be liable for our client's damages. We then contact all insurance companies that would be involved.

When we have gathered all the evidence, witness statements, and photographs, we then submit that to the insurance company for what's called a demand. The

insurance company then has 30 days to evaluate the claim. If the initial offer that the insurance company makes is unreasonable, then we will file a lawsuit on behalf of our clients.



## *How Much is My Claim Worth?*

In speaking with a family that had a tragic death in the family and wanted to bring a wrongful death case, one of their questions was, “How do you value a wrongful death case?” It’s a very difficult question because it gets back to the question, *how do you value the loss of human life?* That’s not easy, but it’s something that a qualified wrongful death attorney can help you and your family understand.

The first part of it is economic. What was this person contributing to his or her family members through their work and their earnings? That’s a part of the claim, and we’ll look at that and be able to get the information, get the proof, and provide that to the insurance company.

The truth is, in most wrongful death cases, the majority of the evaluation of what the case is worth is how the loss of this person has affected his or her family members. There is a claim for pain and suffering to the remaining survivors or family members of the person who is now deceased as a result of somebody else’s fault.

We’ll interview and speak with children, sisters, brothers, and parents to determine what this relationship was like. What was this person’s involvement? What we find with many of our clients is very close familial relationships. When determining the value of a wrongful death case, we get all of that information and we’re sure to provide that information to the insurance company and to the defense lawyers to make sure that we get a fair settlement for the wrongful death case.



## *Should We Take the First Offer?*

I had a client ask me, recently, regarding a wrongful death case that she's involved with, "Should we take the first offer that's come in from the insurance company?" I told her there are a lot of factors involved in answering that question but, nine out of ten times, the answer is no. That initial offer from the insurance company is going to be low; it's not going to be in a range that's fair and reasonable to settle the case. Usually, what we have to do is depositions, discovery, and get to the courthouse steps. If a reasonable offer doesn't happen at that point in time, then we'll try the case.

## *How Long Will the Case Take?*

I had a new client recently contact me about a very serious wrongful death that had occurred to one of her family members. One of the many questions she had was, "How long is this process going to take?" I told her, like any other wrongful death case we handle, there are different phases we need to go through and timelines vary case to case.

The first phase is called pre-suit. We would be gathering information about how the death occurred, their funeral expenses, who the survivors were, and gathering all the information that we need to present the claim to any insurance carrier responsible for that wrongful death.

After we get that information together during that pre-suit time period, we would submit a demand to the insurance carrier. If they did the wrong thing and didn't settle that case, then we would file a wrongful death lawsuit. That process can be extensive. I told her, as I tell every client, you have to be patient; it can take a while. There are depositions that will occur, paper discovery that will be exchanged, and there's always a settlement conference, that will happen during that process. At that conference, if, again, the insurance carrier does not do the right thing, and try to settle that wrongful death case, then we will go to trial and we will try that case.

# CONTACT OUR FLORIDA OFFICE TODAY

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If you are looking for the attorney to help you get the compensation you deserve, please call our Florida wrongful death attorney today to set up a free consultation and let us get to work for you. We will make sure you are protected from the insurance company. Let us be your champion!

## ABOUT THE AUTHORS

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### *Robert J. Healy*

A lifelong resident of the Pinellas County and St. Petersburg area, Rob Healy is a founding partner of Salter, Healy, Bassett & Rivera and an accomplished trial lawyer. Rob honed his trial skills while representing big corporations and insurance companies for one of the largest defense firms in the state of Florida before teaming up with Brad Salter to found Salter Healy. Today, Rob continues to maintain his passion for providing ordinary people with extraordinary legal service. By only representing Plaintiffs now, Rob uses his past experience representing insurance companies to the advantage of his wrongfully injured clients.

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### *Brad Salter*

A founding partner of Salter, Healy, Bassett & Rivera, Brad Salter helped create the firm with the intention of providing effective legal service, along with compassion, those who are injured. Brad is a board certified attorney who has practiced in St. Petersburg for over 20 years. Brad honed his skills at a large insurance defense firm after graduating from law school. While with that firm, he earned his Board

Certification in Civil Trial Law, which made him the youngest board-certified civil trial lawyer in the state at the time. Shortly after obtaining board certification, Brad decided to change the focus of his practice and represent the injured, instead of the insurance companies.



### *R. Evan Bassett*

R. Evan Bassett is a Board Certified Civil Trial Lawyer who has practiced in Florida for nearly 20 years. Evan is a fifth generation Floridian. He attended high school at Berkeley Preparatory School in Tampa and has lived in the Tampa Bay Area all of his life. He attended Furman University where he obtained his Bachelor of Arts degree with a major in Spanish, and with minors in Political Science and

Communications. While at Furman, Evan was invited for membership in the Phi Sigma Iota International Foreign Language Honor Society, and the Sigma Delta Pi National Hispanic Honor Society.



### *Daniella Rivera*

Daniella Rivera is a bilingual attorney practicing in the area of civil litigation, with a focus on personal injury. She is first generation American from El Salvador; born in Baton Rouge, Louisiana, her college endeavors eventually led her to St. Petersburg, FL. Daniella joined Salter, Healy in 2007 and was able to hone her skills while earning her Juris Doctor degree from Stetson University College of Law. Daniella focuses on working closely with her clients

and has a passion for providing ordinary people with extraordinary legal service. Daniella focuses her entire practice on fighting for the rights of those who have been injured in car accidents, motorcycle accidents, bicycle and pedestrian accidents, slip and falls, premises liability and other personal injury cases.



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