

The tragic loss of a loved one due to a pedestrian accident can be devastating, leaving families not only grieving but also facing complex legal challenges. Understanding how to navigate pedestrian fatality claims is crucial for securing the compensation you may deserve. This guide outlines the essential steps involved in pursuing a claim, focusing on wrongful death lawsuits and related legal considerations.

Understanding Pedestrian Fatality Claims

When a pedestrian is involved in an accident caused by a vehicle, the consequences can be catastrophic. If the incident results in death, the surviving family members may have grounds for a wrongful death lawsuit. This type of claim is designed to provide financial compensation for losses incurred due to the unexpected death of a loved one. In Pennsylvania, specific statutes govern wrongful death actions, emphasizing the need for knowledgeable legal representation.

Step 1: Seek Legal Counsel

The first step after losing a family member due to a pedestrian accident is to consult with a wrongful death lawyer in Upper Darby or your area. An experienced attorney will help you understand your rights and outline potential avenues for compensation, including medical expenses, funeral costs, and loss of companionship.

Step 2: Gather Evidence

Proving negligence in pedestrian fatality claims requires substantial evidence. Essential documentation may include:

- Police reports detailing the accident
- Medical records related to injuries sustained by the victim
- Eyewitness statements
- Photographs of the accident scene
- Traffic camera footage if available

Each piece of evidence contributes to establishing liability and supporting your claim.

Step 3: Determine Liability

In many cases, establishing liability involves demonstrating that another party acted negligently. Common factors leading to accidents include distracted driving, speeding, or failing to yield at crosswalks. If law enforcement concludes that negligence was involved, this finding can significantly strengthen your claim.

If medical negligence contributed to the fatality—such as improper treatment following an accident—it could further complicate matters. In such instances, involving a medical negligence fatality attorney may be necessary to explore all potential avenues for compensation.

Step 4: Calculate Damages

Once liability has been established, calculating wrongful death damages becomes paramount. Compensation may cover:

- Medical expenses incurred before death
- Funeral and burial costs

- Loss of future income
- Loss of companionship and support
- Pain and suffering endured by family members

Understanding what constitutes wrongful death damages is critical for ensuring that all potential areas of loss are covered in your claim.

Step 5: File Your Claim

In Pennsylvania, wrongful death claims must be filed within two years from the date of the deceased's passing according to state law. Your attorney will ensure that all paperwork is completed accurately and submitted on time. Failure to file within this timeframe could result in losing your right to seek compensation.

Step 6: Negotiation and Settlement

After filing your claim, negotiations with insurance companies or liable parties will typically follow. Herein lies another crucial role for your attorney; they will advocate on your behalf to secure fair compensation that reflects both economic and non-economic damages.

Keep in mind that many cases settle out of court; however, if negotiations do not yield satisfactory results, litigation might become necessary. In such situations, having a skilled negligent homicide attorney can make all the difference in presenting your case effectively before a judge or jury.

Step 7: Prepare for Trial (if needed)

If your case proceeds to trial due to unsuccessful settlement negotiations, preparation becomes key. Your lawyer will work closely with you throughout this process—gathering additional evidence if needed and preparing witness testimonies—to build a compelling case aimed at achieving justice for your loved one.



Conclusion

Navigating pedestrian fatality claims can feel overwhelming after experiencing an unexpected loss. However, understanding each step—from seeking legal counsel to preparing for potential trial—can empower families during this difficult time. By working closely with an experienced wrongful death lawyer in Upper Darby or elsewhere in Pennsylvania, families can better navigate their options under state laws regarding wrongful death statutes.

Frequently Asked Questions

1. What is considered negligent behavior in pedestrian accidents?

Negligent behavior includes actions like distracted driving (e.g., texting), speeding, ignoring traffic signals or signs, and driving under the influence. Establishing these behaviors is essential when pursuing a pedestrian fatality claim.

2. How long do I have to file a wrongful death lawsuit in Pennsylvania?

In Pennsylvania, you typically have two years from the date of your loved one's passing to file a wrongful death lawsuit [car accident claim law firm](#) under state law.

3. Can I pursue multiple claims if other factors contributed to my loved one's death?

Yes! If multiple factors contributed—such as medical negligence alongside driver error—you may explore various claims relevant under different laws through appropriate legal channels.

4. What types of compensation am I eligible for?

You may be entitled to various forms of compensation including economic damages (medical costs and lost wages) as well as non-economic damages (pain/suffering and loss of companionship).

5. Do I need an attorney even if it seems straightforward?

While some cases might appear straightforward initially; having skilled legal representation ensures proper handling of complexities that may arise during negotiations or litigation processes—maximizing potential recovery outcomes.