

How To File A Personal Injury Lawsuit In Maine

An attorney can guide you through the legal process

Accidents involving personal injury happen every day in [Portland](#) and throughout Maine. A personal injury accident can be any incident in which someone was harmed as the result of the negligence of another party. The injuries suffered in these accidents can impact victims physically, emotionally, and financially.

If you were hurt in a personal injury accident, you have the legal right to seek compensation for the damages you suffered. But the process can be complicated. It's important to understand the steps and procedures involved in filing a personal injury lawsuit in Maine to ensure that your rights are protected and to increase your chances of a successful outcome.

Who can file a personal injury lawsuit in Maine?

A lawsuit can typically be filed by anyone who has suffered injuries and damages as a result of someone else's negligence or wrongful actions. If you are filing the lawsuit, you are the plaintiff. The person or party that you are suing is the defendant.

Some personal injury lawsuits involve [wrongful death](#). In Maine, only the personal representative of the estate can file a lawsuit. If the victim left a will, the personal representative would be the executor. If there was no will, the court can appoint a personal representative.

The beneficiaries of any compensation recovered in a lawsuit involving wrongful death may include the surviving spouse, surviving children, parents, siblings, and possibly other relatives.

What types of compensation can I recover?

You have the right to seek financial compensation for the damages you suffered. Damages are losses and expenses incurred as a result of the injury or accident. Types of damages in a personal injury lawsuit can include:

- **Medical expenses:** These are the past and future costs of hospitalization, surgery, rehabilitation, prescription medications, and other healthcare-related services directly resulting from the injury.
- **Lost wages:** If the injury has caused you to miss work, you may be able to recover compensation for lost earnings and any potential future loss of income or diminished earning capacity.
- **Pain and suffering:** Non-economic damages may be awarded for the physical and emotional pain, suffering, and mental anguish experienced due to the injury. These damages don't have a specific dollar value but are intended to compensate for the overall impact on your quality of life.

- **Loss of consortium:** Spouses or family members of an injured person may be eligible for damages related to the loss of companionship, love, affection, and support due to the injury.
- **Disability or disfigurement:** If the injury results in a permanent disability or disfigurement, you may receive compensation for the lasting impact on your life.
- **Loss of enjoyment of life:** Damages may be awarded if the injury significantly impairs your ability to enjoy life's activities, hobbies, or personal pursuits.
- **Legal fees and costs:** In many cases, a plaintiff may recover the costs of reasonable attorney's fees and litigation costs.
- **Wrongful death damages:** In wrongful death cases, surviving family members may be entitled to damages for funeral and burial expenses, loss of financial support, loss of companionship, and other related losses.
- **Punitive damages:** In rare cases involving extreme negligence or intentional misconduct, punitive damages may be awarded to punish the at-fault party and deter similar behavior in the future. Again, victims are only entitled to seek punitive damages in certain cases.

The specific types and amounts of compensation can vary depending on the circumstances of your case, the severity of your injury, and the strength of the evidence presented. An experienced personal injury attorney in Maine can determine the potential damages available in your case.

How long do I have to file a lawsuit in Maine?

In Maine, the [statute of limitations for filing a personal injury lawsuit](#) in most cases is six years. This means that you generally have up to six years from the date of the injury or accident to file a lawsuit seeking compensation for your injuries and related damages. However, there are some exceptions, including:

- The [statute of limitations for wrongful death claims](#) is generally three years from the date of death.
- In cases involving medical malpractice, [the statute of limitations is three years](#) from the cause of action
- In cases against a government entity, a claim must be filed within 180 days after the accident, and if unresolved, you [have two years from the cause of action](#) to file a lawsuit.

Failing to file a lawsuit within the applicable statute of limitations could result in your claim being time-barred, meaning you may lose your right to seek compensation. It can also take months to build a strong case. That's why it's important to get legal advice as soon as possible following an accident.

Where do I file a lawsuit?

In Maine, personal injury lawsuits are typically filed in the Maine Superior Court. The Superior Court handles more complex and higher-value civil cases. Unlike the District Court, the Superior Court uses juries to decide lawsuits in most cases.

Here are the general steps to file a personal injury lawsuit in Maine:

- **Talk to a lawyer:** An experienced personal injury attorney can assess the merits of your case and guide you through the process.
- **Draft the complaint:** Your attorney will draft a complaint outlining the details of your personal injury claim, including the facts, the defendant's negligence, and the damages you are seeking.
- **File the complaint:** The complaint must be filed with the Clerk of the Superior Court in the county where the injury occurred or where the defendant resides. There is a filing fee.
- **Serve the defendant:** After filing, the defendant will receive a copy of the complaint and a summons, notifying them of the lawsuit.
- **Defendant's response:** The defendant has a specified period to respond to the complaint, either by admitting or denying the allegations.
- **Discovery:** Both parties engage in the discovery process, which involves gathering evidence, deposing witnesses, and exchanging information relevant to the case.
- **Negotiation and mediation:** Parties may engage in settlement negotiations or participate in mediation to resolve the case without going to trial.
- **Trial:** If a settlement cannot be reached, the case proceeds to trial, where both sides present their arguments, and a judge or jury makes a determination.
- **Judgment:** If you win your case, the court will issue a judgment in your favor, specifying the damages awarded.
- **Appeals:** Either party may appeal the court's decision if they believe legal errors occurred during the trial.

Personal injury cases can be complex, and it's crucial to have an experienced attorney who can navigate the legal process on your behalf. The specific procedures and timelines may vary depending on the circumstances of your case, so consulting with an attorney is essential to protect your rights and interests.

How can a lawyer help my case?

An experienced personal injury lawyer will be familiar with how the legal system works in Maine and can advise you on how to proceed. An attorney will have the resources to conduct a thorough investigation into your accident. They can gather evidence, interview witnesses, and consult experts if needed.

In addition, a lawyer will help you document your injuries, losses, and damages. A lawyer can also negotiate with insurance companies on your behalf to secure a fair settlement that covers

your damages. You will be kept informed about the progress of your case while you focus on healing from your injuries.

[Romanow Law Group](#) fights for the rights of people in Maine who have been injured through no fault of their own. Our firm has a proven track record of getting results for clients through negotiated settlements and jury verdicts. Personal injury cases can be complicated. We are up to the challenge.

If you've been hurt in Portland or anywhere in Maine, we can help. [Contact us](#) today to schedule a free consultation.