

SURVIOR'S GUIDE ***TO WRONGFUL DEATH CASES*** ***IN SOUTH CAROLINA***

*The Facts About Insurance, Investigations
& the Legal Process*



DAVIDBLACKWELLLAW

Table of Contents

1

Introduction

Common Questions Asked By Family Members	01
Estates After an Unexpected Death	02
Understanding the Role of Family	03

2

Do I Have a Wrongful Death Case?

Do I Have a Case?	04
Should I Pursue a Wrongful Death Suit?	05
What is My Case Worth?	06

3

Where Do I Begin?

Should I Talk to the Insurance Company Without An Attorney?	07
First Steps in Filing a Case	08

4

Legal Experience

What Our Clients Say	09
Meet David	10

5

Ready to Get Started?

What to Bring to a Consultation	12
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Introduction

The unexpected death of a family member can be a shock. If the death was caused by another person acting negligently or recklessly, you may also be experiencing anger and disbelief. Most likely, you are asking yourself a million questions, and you may desperately be searching for more details around the circumstances of the death.

Common Questions Asked By Family Members

- ① Why did this happen?
- ① How did it happen?
- ① Who is responsible, and will they be held accountable?
- ① Why was my loved one taken from me so early and so unexpectedly?
- ① Did my family member suffer?
- ① How will my family ever put our life back together after this death?

At **David Blackwell Law**, our compassionate team works with you to help answer your questions and prepare you for the next steps.

We have the resources to investigate the circumstances around your loved one's death, determine who may be responsible, and inform family members who may be eligible to collect wrongful death damages. We can also help you handle details of the estate and probate court.



Estates After an Unexpected Death

When a death is unexpected, it can be difficult to know where to start the process of handling the estate. You may be trying to determine if there was a will or searching for an estate attorney.



Do you have a will?



If there was not a will that appoints a **personal representative to oversee the administration of the estate**, you will have to go to probate court to get a **personal representative** named.

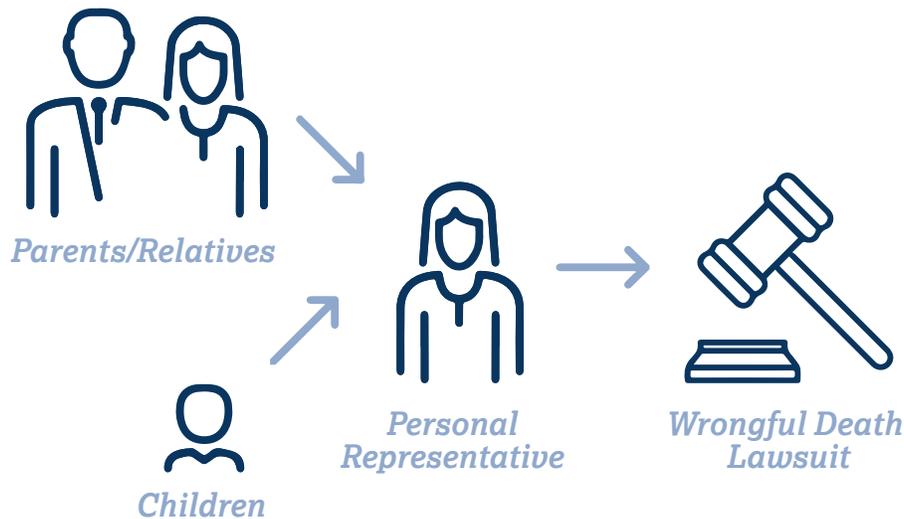
Often, the details of handling an estate can delay family members from dealing with a wrongful death suit. However, it's important not to wait too long to file a wrongful death suit.

David Blackwell Law can help families deal with estate issues and wrongful death suits at the same time. We can explain each step of both of these legal processes and take the burden off of you.



Understanding the Role of Family

There may be confusion about which family member should take the lead in handling a wrongful death case or which family members can recover damages.



The person named as personal representative to oversee the estate is the person who would file a wrongful death claim or lawsuit on behalf of the people who may recover damages in a wrongful death case.

South Carolina law states that the following people may recover damages in a wrongful death case:

- ◆ The surviving spouse and children of the deceased person.
- ◆ The surviving parents of the deceased person, if there is no spouse or child.
- ◆ The heirs of the deceased person, if there are no parents, spouse, or children.

2

Do I Have a Wrongful Death Case?

How do you know if you have a wrongful death case?

Wrongful death claims involve all types of fatal accidents, from simple car accidents to complicated medical malpractice or product liability cases.

Persons, companies, and governmental agencies can be legally at fault for acting negligently and for acting intentionally.



Person(s)



Companies



Government Agencies

A wrongful death suit must meet the following criteria:

- ◆ You must prove that the death occurred because of someone's negligence or wrongful conduct. Negligence means the person failed to act as a reasonable person would have acted.
- ◆ You must show the extent of the loss to the heirs of the person who died.



Should I Pursue a Wrongful Death Suit?

Some families feel the process of a wrongful death suit may extend the pain and grief of the loss. They do not want to focus on the details of their loved one's death. Other families want to be sure someone is held responsible for the death. Still others simply cannot afford the medical bills, funeral expenses, or loss of income created by the death of a loved one.

Each family must decide what is right for their individual situation.

What is My Case Worth?

There are many different factors to consider in each wrongful death case. The amount of compensation is affected by:

- ◆ The amount of money the deceased would have provided to survivors if he or she hadn't died, including loss of expected earnings; loss of benefits such as health insurance or pension plans; and the value of goods and services that a victim would have provided.
- ◆ Family members may also be awarded money for mental shock and suffering, grief and sorrow, loss of companionship, and reasonable funeral expenses.
- ◆ The amount of medical expenses connected to the death (which may be awarded under a survival claim).

Attorney David Blackwell has many years of experience working with wrongful death cases in South Carolina. He offers free consultations to grieving family members to help them determine if they have a wrongful death case, the types of damages that may be recovered, and next steps in the legal process. If you are not sure whether you should pursue a case or not, our free consultations can help you decide the best course of action for your family.

Where Do I Begin?



Should I Talk to the Insurance Company Without An Attorney?

Dealing with an insurance company may not be as straightforward as it seems. Remember that the goal of the insurance company is to settle the case quickly and for as little as reasonably possible.

There are several guidelines to keep in mind when dealing with an insurance company.



You do not have to accept the settlement offered to you or sign forms sent to you.

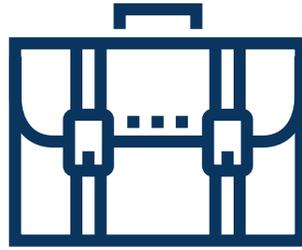


An attorney can help you determine if the settlement offered is a reasonable one.



The insurance company has investigated the details and circumstances of your loved one's death, but they may not share all the information gathered with you.

An experienced wrongful death attorney will also investigate the case and provide you with all the details. Often, these details can affect the amount of a settlement.



First Steps in Filing a Case

1

A wrongful death case must be filed by the **personal representative** or **administrator of the deceased person's estate**. The first step is to get someone appointed to that role through probate court.

2

The cause of the death has to be investigated. This may include obtaining medical records, interviewing witnesses, and getting the medical opinion of an expert.

3

Once it is determined the death was caused by the negligence or wrongful actions of another person, a company, or agency, a wrongful death case may be filed.

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*We're Here to Help with Investigations
and Insurance*

The team at **David Blackwell Law** can fully investigate your case, talk with insurance companies, and help determine if any settlements offered are fair and in your best interest. To find out more about how we can help you, call us at **803-285-0225** for more information or to schedule a free consultation.

Legal Experience

What Our Clients Say



“Being in an auto accident is a life changing experience. Life-altering injuries, property damage, missed work, and medical bills only contribute to an already stressful situation. David Blackwell Law stood up for me and guided me through the entire process, ensuring that I received fair compensation to secure my future.”

RALPH HOTHAM JR., CLIENT



“David Blackwell Law is very effective. They are courteous, easy to talk to, and easy to get along with.”

GLEN CRAWFORD, CLIENT



“I have known David Blackwell for many years. He brings passion and integrity to his legal practice and work tirelessly for his clients. David knows how to maximize results in difficult situations.”

BRIAN TRIMNAL, LOCAL ATTORNEY



“I have known David Blackwell since I started practicing law. David takes every case personally and does everything necessary to get the best possible results for his client. He is always a strong advocate for his client and is always willing to go the extra mile.”

VAN MYERS, LOCAL ATTORNEY



Experience and Professionalism

Attorney

David Blackwell

David is certified to practice law in all South Carolina state courts, the Federal District Court and the Fourth Circuit Court of Appeals. David is a member of the South Carolina Bar Association, the Trial Lawyers Association, and the Lancaster County Bar Association. He also serves as a business law professor at the University of South Carolina, Lancaster Campus.

Last year alone, David handled nine wrongful death cases involving children and adults. These cases, including past and current cases, come from all throughout South Carolina.

We have the experience and the resources to thoroughly investigate any wrongful death claim. We team up with highly qualified accident reconstructionists, medical record review experts, economists, investigators, and others as may be needed.



Ready to Get Started?

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*Are you ready to talk to an experienced attorney
about your wrongful death case?*

David Blackwell offers free consultations to help survivors determine if they have a wrongful death case and understand what would be involved if they decided to pursue the case.



FREE
CONSULTATIONS

To schedule your free consultation, call **803-285-0225**

At David Blackwell Law, we treat each family and case with compassion and professionalism. We can help:

- ◆ Review your case to determine if it meets the South Carolina requirements for wrongful death.
- ◆ Review any insurance settlement offered to determine if it is a fair settlement.
- ◆ Investigate details of your case, including reviewing medical records and/or police reports, interviewing witnesses, and obtaining the opinions of experts.
- ◆ Negotiate with insurance companies.
- ◆ Take your case to court if needed.

What to Bring to a Consultation

You should bring all the information that you have to your free consultation. The following are helpful documents if you have access to them:

- ◆ Death certificate
- ◆ Autopsy report
- ◆ Police reports
- ◆ EMS reports
- ◆ A list of medical providers
- ◆ Medical records
- ◆ Funeral costs
- ◆ Pictures of family with the person being filed for.
- ◆ 3 years of tax returns
- ◆ Any insurance coverage information.
- ◆ A will of the deceased, if they had one.

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