

[View this email in your browser](#)

# BLACKBURN **ROMEY**

TRUSTED INJURY LAWYERS

**AUGUST 2025**



Blackburn Romey attorneys (from left): Frank Wolfert, Ryan Lindinger, Tom Blackburn, Chad Romey, Christopher Blackburn and David Singleton.

**In 25 Days You Could be Riding This Harley!**



Later this month, a Blackburn Romey staff member will reach into a container of registered entrants' names and draw the name of the lucky winner of this timeless and exhilarating 2025 Harley-Davidson Fat Boy motorcycle! But in order to win, you must register by noon on Aug. 28. The winner's name will be drawn at noon on Aug. 29 and posted on the [Blackburn Romey website](#). The winner must claim the bike within 30 days. To register or to see the complete list of rules, visit the [Blackburn Romey motorcycle giveaway page](#).



**What Are Your Chances**

# of Winning a Personal Injury Lawsuit?

In Indiana, individuals injured due to another person's negligence have the right to seek compensation. Under [Ind. Code § 34-51-2-5 et seq.](#), injured parties can recover damages as long as they are found to be no more than 50% at fault. However, any compensation awarded will be reduced by the percentage of fault assigned to them.

So, what are your actual chances of winning a personal injury lawsuit? While filing a claim is an important first step, it doesn't guarantee a successful outcome. Below, we'll look at some statistics about personal injury claims and how victims of negligence can improve their chances with guidance from the experienced [Indiana personal injury lawyers](#) at Blackburn Romey.

## What Percentage of Personal Injury Cases Go to Trial?

The vast majority of personal injury claims get settled outside of court before trial. The [Law Dictionary](#) reports that 95% of personal injury cases nationwide are settled outside of court. That means only around 5% go to trial or are disposed of through other means (dismissals or default judgments).

In other words, personal injury claimants are much more likely to resolve their cases through settlement agreements rather than trials. That's because taking cases to trial involves the risk of loss for both parties. Defendants might be motivated to settle when their liability is clear. Plaintiffs often decide to settle to recover fair compensation amounts and avoid the risk of losing their case.

## Which Personal Injury Cases Have the Best Success Rate?

According to [Forbes](#), auto accident claims have the highest success rate at trial at 61%. Conversely, the [American Medical Association](#) reports that 68% of medical malpractice claims are dismissed or withdrawn, and defendants win 88% of those that go to trial.

## What Factors Can Impact Winning a Personal Injury Lawsuit?

Each personal injury case is unique, and the chances of winning a personal injury lawsuit depend on the particular facts and circumstances involved in an

individual case. However, the following factors can impact a plaintiff's chance of winning a lawsuit.



## 1. Injury Severity

Plaintiffs who suffer severe injuries are more likely to win their claims and recover larger settlements or verdict awards. Juries and courts evaluate the injury's severity, medical expenses, future medical treatment needs, rehabilitation costs, and other damages when determining how much to award.

## 2. Evidence Quality

Plaintiffs have the burden of proof in personal injury cases and must present evidence to prove each of the following negligence elements:

- The defendant's duty to exercise reasonable care and caution
- The defendant's breach of that duty of care
- The breach's causation of the accident and injuries
- The plaintiff's calculable damages suffered as a result

To win a claim, plaintiffs must gather and present strong evidence. Some types of evidence that might be necessary include:

- Medical records
- Accident reconstruction report
- Medical bills
- Wage records showing lost earnings
- Photographs of the accident scene, damage caused, and injuries
- Expert opinions
- Witness statements
- Police reports

While police reports aren't generally admissible as evidence at trial, they provide critical details for attorneys to use for investigative purposes.

## 3. Legal Representation

While plaintiffs can represent themselves in personal injury cases, it's not advisable. Most people lack the requisite legal background, negotiation skills, and procedural knowledge to successfully recover fair compensation.

The quality of a personal injury lawyer is likewise important. An experienced attorney with a successful track record in these types of cases is more likely to secure fair compensation for their clients than inexperienced counsel.

#### **4. Liability Issues**

In Indiana, a plaintiff's award will be reduced by the percentage of fault attributed to them under [Ind. Code §§ 34-51-2-5 and 34-51-2-6](#). If a plaintiff is partially at fault for their accident and injuries, they might still recover compensation. However, any award will be reduced proportionally. If the plaintiff is found to be more than 50% at fault, their recovery will be barred.

For example, if a plaintiff's total damages award is \$100,000, but the jury finds them to be 40% at fault, their net verdict will be \$60,000. If they are found to be 51% at fault, they won't recover anything.

Insurance companies often try to assign more fault to the plaintiff to try to reduce or avoid paying damages. An attorney who is knowledgeable about insurance company tactics can gather strong evidence to show the defendant's clear liability and combat the defense arguments.

#### **5. Expert Testimony**

In some cases, expert testimony will be necessary and can significantly increase the chances of winning at trial. Experts are commonly used in complex cases and those involving severe injuries to help jurors understand the issues.

#### **6. The Plaintiff's Actions**

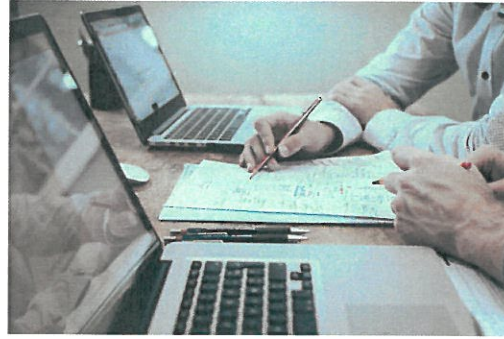
A plaintiff's actions following an accident can affect their chances of winning their claim. For example, if a plaintiff fails to seek medical treatment immediately after an accident, the insurance company will likely try to argue that their injuries were caused by an intervening event. Similarly, failing to continue treatment can result in the insurance company arguing that their injuries are not as severe as the plaintiff claims.

Another common issue occurs when the plaintiff agrees to speak to the at-fault driver's insurance company. Insurance companies are for-profit businesses and will try to use a plaintiff's statements against them. It's best for an accident victim to politely tell the insurance company that they want to speak to a lawyer first and then let the attorney handle all communication for them.

### **What Are the Odds of Winning a Personal Injury**

## Case in Indiana?

In general, Indiana personal injury plaintiffs have roughly a 50% chance of winning their cases at trial. However, most of these cases are settled outside of court before trial through settlements. According to some industry estimates, around 95% of personal injury cases are settled outside of court before trial.



## What Can Increase Your Chances of a Successful Lawsuit?

To increase your chances of a successful lawsuit, take the following steps:

1. Gather evidence at the scene (photographs, witness information, etc.).
2. Seek immediate medical attention.
3. Retain an experienced personal injury lawyer with a successful track record.
4. Follow the doctor's treatment recommendations.
5. Avoid giving recorded statements to the defendant's insurance company.
6. Don't sign an early settlement offer without seeking an attorney's advice.
7. Always be honest with your lawyer, and don't exaggerate your symptoms.
8. Meet the statute of limitations and other claim deadlines.

## Contact an Experienced Injury Lawyer

Suffering injuries because of the negligence of another party can be devastating. However, injured victims might be able to recover compensation by filing a personal injury lawsuit.

Ready to see where your case stands? Call Blackburn Romey at (260) 422-4400 or request [your free consultation here](#).

*Got Questions?*

*We have the answers*

- [What happens if I accidentally run a red light and cause an injury?](#)

- During a rainstorm, when is the road the most slick?
- What do I do if a truck tire blowout hits my car?
- What is truck driver fatigue and how can I prevent it?



## Google Reviews

4.9 ★★★★★ 290 reviews ⓘ

 **candace luedeke**  
4 reviews · 1 photo



★★★★★ a week ago **NEW**

Tom Blackburn and Alicia helped me so much with my personal injury claim. They kept in touch every step of the way, and helped me to understand each option I had to make informed decisions. They are absolutely trustworthy and great to work with. I am so thankful to have had them on my side!

4.9 ★★★★★ 290 reviews ⓘ

 **Gary Knable**  
2 reviews



★★★★★ a month ago

After struggling with an insurance company for over a year I contacted Blackburn Romey. They were quick to reply to my inquiry and I was contacted by Tom Blackburn himself. After our over the phone consultation I was given Chad Romey as my attorney. Chad and his team were quick to respond each time I had a question. His assistants were always happy to answer my questions and always offered to set up an appointment to talk with Chad. They quickly wrote promissory notes to stop my medical bills from going to collections. They kept me informed in every step of the process and were crucial in getting me a settlement I never would have received on my own. All while being both professional and friendly. Hopefully I never have to experience this again but if I do, I hope to deal with Chad and his team again.



Copyright © 2025 Blackburn Romey All rights reserved

# BLACKBURN **ROMEY**

TRUSTED INJURY LAWYERS

Talk to one of our attorneys today!  
Free initial consultation  
Fee based upon recovery

**Call 833-FOR-HELP**

## **EVANSVILLE**

815 John Street, Suite 120  
Evansville, IN 47713  
**930-212-1166**

## **FORT WAYNE**

4203 W Jefferson Blvd  
Fort Wayne, IN 46804  
**260-422-4400**

## **MERRILLVILLE**

2620 W Lincoln Highway  
Merrillville, IN 46410  
**219-769-7415**

## **LAFAYETTE**

35 Executive Drive, Suite 2  
Lafayette, IN 47905  
**765-447-9121**

## **SOUTH BEND•MISHAWAKA•GRANGER**

1450 University Drive Court  
Granger, IN 46530  
**574-277-7711**

## **INDIANAPOLIS**

8777 Purdue Road  
Indianapolis, IN 46268

317-204-1087

---

**TERRE HAUTE**

2901 Ohio Blvd., Suite 116-5

Terre Haute, IN 47803

812-645-5288

*Want to change how you receive these emails?*

*You can [update your preferences](#) or [unsubscribe from this list](#).*

**Blackburn Romey Newsletter 2024 Winner**

**1st Place — Best Online Newsletter**  
*Woman's Press Club of Indiana*

**2nd Place — Best Online Digital Newsletter**  
*National Federation of Press Women*