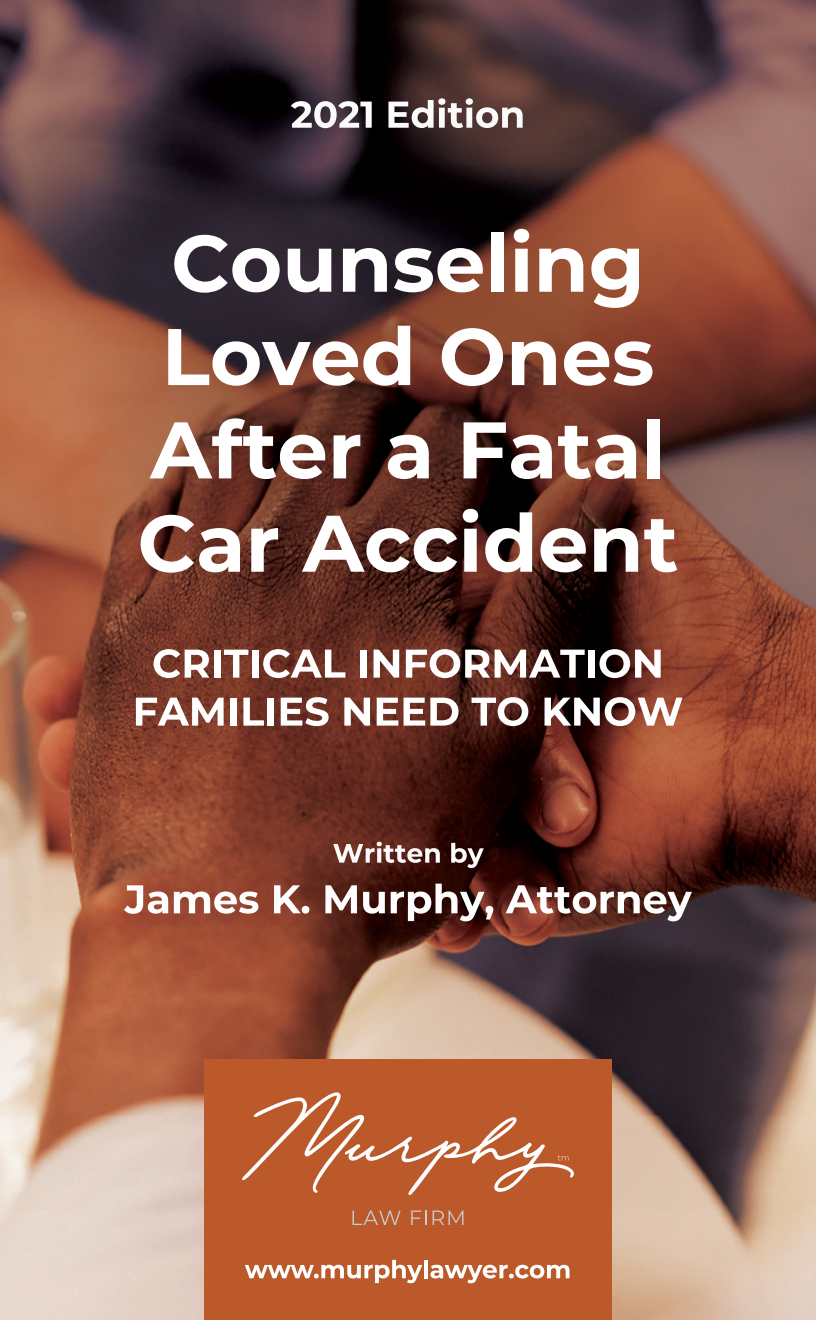

2021 Edition

Counseling Loved Ones After a Fatal Car Accident

CRITICAL INFORMATION FAMILIES NEED TO KNOW

Written by
James K. Murphy, Attorney

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FATAL AUTO ACCIDENTS: DEALING WITH THE GRIEF OF A WRONGFUL DEATH

by James Murphy, Esq.

Attorney-at-Law

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FOREWORD: From Murphy Law Firm

<u>This book is not legal advice!</u> Georgia Law requires that I inform you that what is in this book is not legal advice. I'm not your lawyer until you and I enter a written agreement for me to be your lawyer. I know the arguments the insurance company will make - and so should you - even before you file your claim. I can offer suggestions and identify traps, but please do not construe anything in this book to be legal advice about your case, as each case is different and an attorney can only give you quality legal advice when he or she understands the facts involved in your case.

We have represented thousands of people in car accidents. No one is ever prepared to lose a loved one in a fatal accident.

We have handled many of these cases, and even our staff has suffered loss of a loved one. The founder of the firm, James K. Murphy, lost his own father as a result of injuries he suffered from a car accident over thirty years ago.

If you have lost a loved one due to a fatal traffic accident, the staff at Murphy & Associates expresses their deepest sympathies to you and your family. Although nothing can compensate for the tragic loss of a loved one, certain measures can be taken to help families of fatal accident victims as they try to recover from the indescribable pain of loss. James Murphy has the resources and experience to provide that help and will be glad to talk with you for a free consultation if you would like to know more about how we can assist you.

As an experienced auto accident and wrongful death lawyer, James Murphy has been an attorney for almost twenty years. He is committed to zealous representation of families who have suffered the loss of a loved one.

PREFACE: Why I Wrote This Book

When I was nine years old, I lost my dad to a car accident. Over the years of knowing others that have suffered a similar loss, I am convinced that you cannot understand the pain of losing a loved one until you experience it first-hand. The grief is sometimes so great that it can often take a family member weeks, months, or even years to contact me to consult about what can be done legally to pursue a claim for negligence. But waiting too long can be detrimental to a wrongful death claim. By contacting an attorney immediately, surviving family members will find help in preserving important evidence, taking photos of the accident scene, interviewing witnesses, and finding the appropriate medical experts. A claim for wrongful death must be filed within two years of the date of death (and sometimes earlier), so it is important to contact an attorney as soon as possible.

I wrote this book because far too many family members of fatal accident victims don't know where or how to seek help for their overwhelming feelings of grief, sudden change in lifestyle, and new financial burdens. Although attorneys themselves are not typically certified as grief counselors or experts on grieving or recovery, a wrongful death attorney should have the resources and community connections to refer for grief counseling.

From a legal stand point, it is important to understand that, in a wrongful death claim, family members can seek compensation for various financial losses, including the following:

medical expenses
funeral and burial expenses
loss of earnings and benefits from employment
pain and suffering of the decedent
loss of companionship to the survivors
and possibly punitive damages to punish the defendant.

While no financial award can ease the pain of losing a family member, certain expenses add to the burdens of those who are mourning, and a wrongful death settlement or jury award is intended to lessen the financial stress on surviving family members so they can focus on healing. The purpose of this book is to help you begin this process of healing and give you guidance as you contemplate how to proceed.

CHAPTER I: FATAL TRAFFIC ACCIDENTS

In this book, I cover a variety of topics including fatal accidents, grief and bereavement, coping, and wrongful death—areas of discussion which often relate to many types of loss—but this book is specifically written for surviving family members of fatal *auto* accident victims.

Unlike many other types of death, fatalities from auto accidents leave survivors with the increased difficulty of emotions caused by sudden, unpredictable loss. Although one type of loss is not necessarily worse than another, it is important to note how sudden loss may differ from predictable loss in the way that it affects survivors. If you have suffered a sudden loss, you know that there is no way to prepare for it, and it can challenge your sense of security and leave you with nightmares or other sleep disturbances, increased anxiety, or distressing thoughts, among other symptoms.

Causes of Auto Accidents: What Constitutes a Claim?

In order to understand from a legal standpoint, if one can pursue a wrongful death claim it is important to understand some basic legal principles concerning negligence in a car accident case. First, every driver is obligated to anticipate the presence of other drivers on the roadway and to acknowledge other drivers' rights to use the roadway. A driver must exercise "ordinary care" in exercising control over the speed and movement of his or her vehicle. Even if another driver is negligent on the roadway, one must carefully make an effort to avoid a collision.

What does it mean to exercise "ordinary care"? In general, "ordinary care" refers to defensive driving and keeping a "safe look-out" for other vehicles or potential collisions. Drivers are expected to anticipate situations of danger that may be created by other drivers.

In Georgia, if you want to determine whether you have a case for filing an auto accident or wrongful death claim, consider this general rule: to make a claim against someone else for negligence, a causal relationship must be shown between the act of negligence (or traffic violation) and the resulting injuries or death. I will talk more about wrongful death cases in this book, but the general rule to keep in mind is that a causal connection must be made between the other party's negligence and the victim's death.

Let's take this example: Suppose you are waiting at a red light and another motorist hits you from behind and you are injured. This is clearly an example of negligence. There is a causal connection between the other driver's negligence and your injury and you can pursue a claim against the other driver for your injuries.

Before discussing more specific wrongful death claims, I think that it is more important to talk more specifically about what people go through when they experience the sudden loss of a loved one.

CHAPTER II: GRIEF & BEREAVEMENT

Symptoms, Signs, and Expressions of Grief

When I lost my father due to injuries from an auto accident, I lost my mentor, baseball coach, and best friend. The feeling of loss was an overwhelming one for me. I was experiencing grief. Grief is a natural emotion following the loss of a loved one, described by *Merriam-Webster* as "deep and poignant distress caused by or as if by bereavement." The word *grief* is derived from the Anglo-French word *gref*, meaning "injustice" or "calamity." After my father's fatal accident, injustice is exactly what I felt. Even though the word does not typically apply to emotion, surviving family members often *feel* injustice after the loss of a loved one in a car accident.

In addition to its relation to feelings of injustice, grief is associated with a number of emotional, physical, cognitive, and behavioral symptoms, signs, and expressions.

Emotional, Physical, Cognitive, & Behavioral Symptoms of Grief[1]

Emotional Symptoms of Grief

Since I was a nine-year-old at the time, I cannot recall all that I felt as a result of the sudden loss of my father, but I was certainly feeling some if not all of the emotional symptoms of grief. However, those who are mourning tend to have some or many of the following feelings in common after the death of a loved one:

sadness or depression
shock (especially after an unpredictable loss, as in an auto accident)
anger (at others, God, the deceased, or oneself, often due to the loss of companionship and the belief that the death could have been prevented)
fear, anxiety, or nervousness (including the fear of one's own death, panic attacks, or general worrying)
loneliness (it is impossible to avoid reminders of the loved one's absence)
remorse or guilt (often the family member wishes he or she had been more loving to the one who died or wonders what would have happened if the emergency crew had responded more quickly to the accident)
helplessness (the fear of not knowing how to perform certain tasks that the loved one typically handled)
numbness (sometimes related to denial; other times in an effort to function "normally")
fatigue (grief is both emotionally and physically exhausting, and lack of sleep is often associated with mourning after loss)
frustration (often associated with feeling misunderstood)
ambivalence (uncertainty; conflicting or opposing feelings).

Physical Symptoms of Grief

[1] Lists of symptoms adapted from Philip Chave's website (http://www.distanthealer.co.uk/grief.htm)

Tragedy affects people profoundly, not only in emotional ways, but in physical ways. Some of the physical symptoms of grief include the following:

back pain
weakened muscles
muscle tremors (often experienced in the hands or in the form of chattering teeth)
lack of energy
digestive problems and stomach pain
headaches
dizziness
shortness of breath
tightness in the chest
increased sensitivity to noise and volume
increased intensity of any existing physical conditions.

Cognitive Signs of Grief

If you are mourning the wrongful death of a loved one, you are most likely familiar with the ways in which grief affects your thought processes, although you may not consciously acknowledge the new change in thought patterns. Upon reading these cognitive signs of grief, however, you may come to realize how your mind has responded to tragedy. Awareness of these signs does not mean that you must try to dismiss them immediately, but it should lead you to recognize them as temporary coping mechanisms in response to trauma.

disbelief (especially in the case of sudden loss, as in an auto accident)
problems with concentration
preoccupation or obsession (with the auto accident or the person who died)
confusion
hallucinations or a sense that the deceased is still present somehow
desire to “escape” (whether through the media or one’s own imagination: entertainment, daydreams, or fantasy).

For years after my father’s death, I always thought my father was still alive, that he was coming back. I imagined seeing him many times. It took me years to get over this. Grief may affect the way you think permanently: your perspective and outlook on many things, including life itself, may change, sometimes even for the better. Your thought patterns, however, should not change in such a way that would permanently impair your performance in work or school, although temporary impairment with daily tasks is normal and acceptable. The above list includes signs of grief that are normal and acceptable for a period of time, but you should seek professional help if you are unable to heal from these thoughts over time or if they prevent you from functioning in a healthy way.

Behavioral Expressions of Grief

Tragedy affects people in essentially every aspect of their lives, including their behavior. When a loved one dies, survivors may suffer some of the following behavioral changes:

disrupted sleep (a change in sleeping patterns, such as frequent sleeping or difficulty sleeping; dreams of the deceased or loved one's death)
increased activity (an attempt to stay busy and, therefore, avoid pain)
social withdrawal (isolating oneself from family or friends; ironically, withdrawal and increased activity can co-exist: one can become increasingly busy without having meaningful contact with friends or family)
frequent crying (although some find it difficult or even impossible to cry, a phenomenon which is discussed in the next section of this book)
changes in appetite (for some, a loss of appetite occurs; others experience an increase in appetite)
obsession with finding out why the loved one died (the cause of the accident)
absent-mindedness (such as forgetting little details)
irritability
lack of motivation.

Crying: Is it Required?[2]

At a very young age, I remember being told that boys don't cry and for that reason, I don't think that I ever cried after losing my dad. According to Edward Creagan, M.D., crying is frequently included in the list of behavioral expressions associated with grief, it is not common to everyone going through the grieving process. Grief is universal, but the expression of grief is often extremely individual. Tears are a frequent and important part of the mourning process for many people, but they don't fall from the eyes of everyone. According to Creagan, the inability to cry does not necessarily mean that the grieving individual cannot heal from trauma.

Creagan asserts that many factors can affect the way an individual mourns, including the following:

the type and quality of relationship between the mourner and the person who died
the time a family member had to prepare for the tragic loss (in the case of a fatal traffic accident, the inability to prepare can leave survivors in a state of shock that can prevent tears)
the personality of the individual who is grieving.

So according to Creagan, if you have suffered loss and have not been able to cry, it's okay. If you haven't felt like crying, give yourself time to grieve in your unique way. As long as you deal with your emotions in a healthy manner, it's okay if the tears don't fall right away.
However, if you want to cry and simply can't do so, contact a grief counselor or another bereavement professional who can help you through the mourning process. A support

[2] Adapted from Edward T. Creagan, M.D.'s article on the Mayo Clinic website (http://www.mayoclinic.com/health/grieving-process/AN01649)

group is another way to engage in healthy expressions of grief and learn about coping. In some instances, antidepressants or related medications may be prescribed (only by a professional) as *temporary* aids.

If you feel that your inability to cry is inhibiting or preventing you from grieving appropriately, seek the help of a counselor or someone who is trained to diagnose and treat unresolved grief. Failing to mourn in a healthy way can lead to complicated grief, depression, and other mental health problems, and seeking professional help as soon as possible is a must.

In the Atlanta Metro area we recommend:

William B. Carr, D. Min., LMFT
Shallowford Family Counseling Center
Shallowford Presbyterian Church
2375 Shallowford Road, N.E.
Atlanta, GA 30345
(404) 321-4383

Ordained Presbyterian Minister
Fellow – American Association of Pastoral Counselors
Licensed Marriage and Family Counselor
Chaplain, United States Army Reserve

Grief Management Group – Wednesday – 10:00 a.m. – Shallowford Family Counseling Center

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Embry Collins Ph.D.
660 Exchange Place
Lilburn, GA 30047
(770) 935-6690

The counselor we used is a psychologist. He specialized in family relationships not necessarily grief. Personally I think he is special because he is a bereaved parent and I would recommend him highly to anyone who asked.

Larry Connelly, Chaplain
Piedmont Hospital
1968 Peachtree Rd., N.W.
Atlanta, GA 30309
(404) 605-3866

As a fellow Compassionate Friend and bereaved parent of 19 years, he is certainly willing to be available to a point for couples who are experiencing their grief as result of a

perinatal loss or otherwise. He has done a considerable amount of that as chaplain at Piedmont Hospital.

Leslie Gorski, Ph.D.
Loss and Grief Specialist
Grief Support Services
3642 East Bay Street
Duluth, GA 30096
(770) 232-1221

Ronald J. Greer, Th. M
Pastorial Counseling Service
Peachtree Road United Methodist Church
3180 Peachtree Road, NE
Atlanta, GA 30305
(404) 266-0849

Kathleen D. Michaud, MA, LMFT
555 Sun Valley Dr. E-1
Roswell, GA 30076
(770) 509-9468

Dr. Shaw
North Gwinnett Center
415 Scenic Highway
Lawrenceville, GA 30045
(770) 955-5718

The Mourning Process

Mourning the Loss of a Loved One[3]

Whether you cry or not, you must come to resolve your feelings of grief to some degree. Sadly, no matter what the circumstances are surrounding a fatal accident, there is no easy way to lose a loved one.

Here is an account from my Legal Assistant, Hannah Field. After the passing of my father, I tried anything to bring him back. I felt closer to my father when I visited his grave. Every Christmas the cemetery would have a ceremony in which mourners could write a note to their lost loved one and hang it on the Christmas tree. We also did candle lighting on his grave and brought him flowers on his birthday and special holidays.

I had the hardest time getting over the passing of my father. I had to go to counseling and I went to a grief camp to help me bond with others who had lost loved ones. I began to recognize that my father wasn't coming back, and day by day, I still talked to him but the reassurance of having family and friends around helped me with the coping with the loss of my father.

Losing a child typically results in overwhelming feelings of injustice. Parents may grieve over their child's lost chances, dreams, and potential, as well as the feeling that they as parents have lost a part of their own identity. They may also feel a sense of responsibility for their child's death, even if that feeling is irrational.

Here is a testimonial of Lisa Callahan about what she experienced.

Eleven short months later while still recovering from the loss of my mother in law I received the phone call no parent wants to receive. My oldest child at the age of sixteen had been killed. Shock immediately set in and took over. I have always been an individual who is very much "in control". However, I had no control in this situation. I am a very strong willed and minded person and I have taken an "in charge" attitude. I immediately went into decision making mode all the while in a bewildered state of confusion and shock. It was very much an out of body type experience.

My church family has been the biggest support system for me. I would advise anyone in a similar situation to reach out in your time of need to your church and if you are not involved let the churches in your community reach out to you. There is great strength and healing to be found when allowing one to witness and/or minister to you. If you are a Christian and believe in the Bible then you can read for yourself what Christ has to say about heaven. Although it is not at all easy you will find peace.

Frequently Asked Questions About Grieving

[3] Adapted from the Concerned Counseling website (http://concernedcounseling.com/Communities/depression/related/loss_grief.asp)

As Hannah and Lisa describe, one of the ways to begin resolving your feelings of grief is to know that you're not alone. Others who have experienced loss have most likely gone through a similar thought process of questions, including the following[4]:

Am I going crazy?

At times, you may feel as if you really are losing your mind. Especially if your need to grieve is different from what is expected socially and culturally, you may feel alone and out of control. Like many others who have suffered loss, you may be affected in almost every aspect of your life: physically, emotionally, mentally, and spiritually. At a time when you most likely feel the least capable of doing so, you may find yourself being forced to learn new skills or make unexpected adjustments in your life. As you go through this difficult and trying time, it is especially important that others allow you to grieve in order to begin the healing process.

How long will I experience grief?

Although the grieving process may include some similar experiences for different people, it is a highly individual experience. While focusing on a timeline may discourage you or even be impossible to do, focusing on the intensity and duration or your grief will give you a better idea of when to seek further help. At first, grief is overwhelming, often leaving survivors of wrongful death accidents feeling out of control. Over time, however, the bereaved learn how to choose when they focus on emotions of grief or think about memories of the loved one. Grief may continue for a long time, depending on your relationship with the loved one and circumstances surrounding his or her death. Some take years to get to the point where the roller coaster of emotional ups and downs finally lessens, and others recover from the most intense feelings within a year, but still have those intense feelings at certain times like birthdays, holidays, and other important dates.

How should I act around others and what should I expect from them?

Some people become very uncomfortable and helpless when they are around those who are grieving, making the one who suffered loss feel avoided and isolated. In order to relieve some of the anxiety of others about how to help you grieve, make sure that you make an effort to communicate your needs to your family and friends. Make it clear to them what is comforting to you or if you just need them to listen-- they will be much more comfortable with the situation if they don't have to guess about your needs.

Is it okay to pursue a wrongful death claim?

[4] First three questions adapted from the Australian Centre for Grief and Bereavement website (http://www.grief.org.au/support.html#gqs)

For many people who have suffered loss in a fatal car accident, contacting an attorney is the furthest thing from their minds. After the initial shock and overwhelming feelings of grief, however, they may become aware of new needs and begin to worry about how to pay funeral expenses or medical bills, who will care for their children while they are grieving or at work, or how they will make ends meet after financial loss. Some people fear that pursuing a wrongful death claim will mean they are focusing on the wrong things rather than focusing on the memories of the loved one. In reality, delegating to an attorney to focus on the legal aspects of your case allows you to focus on healing.

When to Seek Professional Help[5]

When Grief Goes on Too Long

Asking these questions, whether out loud or silently in your mind, is normal. It's also normal to experience sadness, numbness, or even anger after the loss of a loved one. But over time, these emotions should lose intensity as you begin to accept your loss move forward in your life. If it has been a significant amount of time since your loss and you have not made progress or do not feel any better, you may be suffering from a more serious problem than grief.

Complicated Grief

Others who have lost loved ones will tell you that the sadness of losing someone you love never goes away completely, but it shouldn't remain the focus of your life or keep you from doing the things you enjoy. If your pain keeps you from moving forward with your life, you may be suffering from a condition called complicated grief. Complicated grief refers to an intense, ongoing state of mourning that disrupts the bereaved one's relationships or daily routine. Here are some of the symptoms of complicated grief:

intense longing for the loved one who died
debilitating thoughts or pictures in the mind of the loved one
imagining that the deceased is still alive
denial that the loved one died
searching for the loved one in places he or she often was
feelings of emptiness or thoughts that life has no meaning
ongoing bitterness or anger over the incident
avoiding reminders of the loved one.

Depression

Depression includes many of the same symptoms as grief, making it difficult for some to distinguish the two. How can you tell the difference? It is important to remember that grief is a roller coaster, including a wide range of emotions and both good and bad days. Depression is different: a depressed person has almost no moments of happiness, but

[5] Adapted from HelpGuide.org, a resource for anyone going through life's challenges (http://helpguide.org/mental/grief_loss.htm)

rather suffers constant feelings of despair and emptiness. Below are some distinguishing symptoms of depression:

overwhelming sense of guilt
suicidal thoughts or preoccupation with dying
feelings of worthlessness or hopelessness
slow movement or speech
inability to function at anywhere (at work, home, school, etc.)
overpowering imagination: seeing or hearing things that are not really there.

Do Antidepressants Help?

As a general rule, someone suffering from normal grief does not require antidepressants. An antidepressant may relieve some of the symptoms of grief, but it will never treat the cause, since the cause is the wrongful death itself. Complicated grief and depression result in a secondary cause, however, and may require further medical attention.

When to Seek the Help of a Professional

If you believe that you have any of the above symptoms of complicated grief or clinical depression, seek the help of a mental health professional as soon as possible as previously listed. If these conditions go untreated, they can lead to permanent emotional damage, serious health problems, or even suicidal behavior. Treatment may change your life for the better.

Specifically, contact an experienced therapist or grief counselor if you feel as if your life isn't worth living, wish you had died too, or blame yourself for the fatal accident. You should also seek professional help if you experience feelings of numbness for an extended period of time, have trouble trusting other people, or cannot perform normal activities each day. Thoughts of harming yourself should result in contacting a physician immediately.

If you are not sure whom to contact, please feel free to call our office, and I will gladly connect you with a professional, experienced and compassionate grief counselor in your area. You may contact our office online at www.murphylawyer.com or by phone at (770) 577-3020.

CHAPTER III: COPING & HEALING

How to Help Yourself

Healing Through the Grieving Process[6]

The grieving process is vital to your overall healing after sudden loss. Some things about grieving are important to know: First of all: It is not linear. You may feel as if you're not making progress because your emotions are going through cycles, but allowing yourself to go through different emotions will help you recover. Second, it requires patience. Be patient as you grieve, but contact a counselor if your emotions keep you from performing daily tasks for an extended amount of time. Third, coping and healing is different for different people. Read this account from Lisa Callahan:

For a long time I did not attend counseling. For me personally this was more difficult than the funeral itself. The loss of a child is a very personal loss and I felt as though the counselor could not connect with me in a personal manner. I was simply reliving my tragedy and not gaining any ground. With this impersonal level there was no connection as to the positives to be brought out of the situation. Therefore, I leaned again back on my church family and family members that were the most supportive spiritually and emotionally.

For Lisa, traditional counseling did not work. She states "my healing began the day I was at a bible study conference." While there I learned that the pastor over the conference had lost a teenage son in a tragic accident. His son had died while cleaning a gun. His wife and daughter were there and I had the opportunity to sit down with another mother for the first time and talk about the helplessness and overwhelming since of guilt and emptiness that up till now I thought I was the only one experiencing all of these emotions. It was healing to talk with someone who had experienced all the same emotions I had from the same situation. I learned I am not crazy at all. Anyone who experiences the loss of a child should also seek someone out that has experienced the same. I would also advise it to be someone who is not in a destructive state or depressed state but rather someone who has healed emotionally from their own situation.

Ways to Cope After Loss[7]

Everyone copes with painful experiences differently, but some of these ideas may help you through your pain as you celebrate the memory of your loved one while receiving the social support you need after tragedy. You may choose to adapt the suggestions on this list, but it should help you generate ideas for ways to cope:

talk with family or friends about the loved one, how you're feeling, etc.

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[6] Adapted from the University of Texas at Austin's Counseling and Mental Health Center website (http://cmhc.utexas.edu/griefloss.html)

[7] Adapted from the University of Texas at Austin's Counseling and Mental Health Center website (http://cmhc.utexas.edu/griefloss.html)

participate in a support group
take part in counseling
participate in social activities you enjoy
find spiritual support and encouragement
read books or poetry that you relate to
listen to your favorite music
write in a journal
make time in your schedule to relax
exercise
develop healthy eating habits
try to be patient
let yourself feel the emotions of grief.

Remember that some ways of coping with loss are helpful, like talking to encouraging friends or others who have experienced loss. Others ways of coping may be destructive, preventing healing and potentially causing bodily or emotional harm. If you have considered abusing substances or realize that you are isolating yourself from others, contact a professional who is trained to help you.

I was very young when my dad passed away. Although I was not mature enough to understand the full implications of his death, I did know that I would never see him again. This loss came to me over thirty years ago. Back in those days, individual and family counseling were not often utilized. Most comfort and reassurance came from family and friends. Thinking back though, I most certainly could have benefited from some form of professional counseling or from being around others who had experienced a similar tragedy in their lives.

Rituals, New Activities, & Moving Forward[8]

You can honor your loved one by taking part in rituals that celebrate the loved one's memory. These symbolic acts should contribute to your acceptance of the loss and help you move forward while honoring the loved one's wishes. You may want to place an obituary, help plan or speak at the funeral if you feel that you can handle doing so, create a display of the loved one's favorite things, or make a collage of pictures of the one lost. Even smaller-scale, more private things can help you heal after loss, such as lighting a candle in the loved one's memory, planting a tree in a place that the loved one enjoyed, or planning a gathering of your closest family and friends.

Other activities that may help you heal include continuing a project the loved one began, such as volunteer work, something the loved one was building, or even working at his or her business. Helping others will also contribute to your coping process, whether you choose to volunteer at a local charity or donate to a cause your loved one felt was important. You might want to help a children's organization, a hospital, or an organization that works to fight a specific disease. If you are ready to move forward, consider new

[8] Adapted from the California Home Care & Hospice website (http://www.californiahomecareandhospice.com/bereavement04.html)

activities, interests, hobbies, or even relationships. Moving forward requires that you put all regrets into perspective; thoughts like “what if” or “if only I had.” must be answered with realistic responses and thoughts of the good you did for your loved one. Resolve your regrets so you can focus on healing.

Although moving on can be a good thing, making a major decision too soon after loss could interfere with the healing process. Allow yourself time to adjust to the changes that already took place due to the loss your loved one before you make a decision to move, change occupations, or remarry. It is important to take the time to think through these decisions and determine if they would be good for you.

One of the best places to find guidance and comfort may be your place of worship. Prayer, religious ceremonies, and friendships with others who share your faith will offer encouragement to you in your time of need. If your recent loss has left you with many questions, seeking the guidance and wisdom of a pastor or clergy member may help you sort through your thoughts.

How to Help Others Who Are Grieving

Even if you have not experienced the indescribable trauma of losing a loved one before, you can help others who are mourning the wrongful death of a loved one as they go through the coping process. Although many have the tendency to “clam up” and isolate themselves after losing a friend or family member, everyone going through the mourning process needs the support of others. You can be that support for your friend, but you need be informed in order to best help a grieving person.

Even if you have not experienced the indescribable trauma of losing a loved one before, you can help others who are mourning the wrongful death of a loved one as they go through the coping process. Those experiencing grief may tend to isolate themselves after the loss of a loved one, but what they need most is support from friends and family. You can offer your best support for your friend if you are informed about how to help those who are grieving. Simply spending time with the person who has lost, asking him or her about feelings, or being a listening ear can bring healing to your friend, loved one, or co-worker in need.

One of the best things you can do for a grieving friend is to understand that grief is expressed very differently in different people. Know that some friends experiencing loss may want to talk about the tragedy or reminisce about the person, while others may need a break from mourning and want to participate in different activities with you. If you feel that the person experiencing grief is overly sad or you become concerned for his or her safety or health, contact a professional right away. There are ways you can help, but you must know when the situation is bigger than what you can handle and needs the assistance of an expert. No matter what, try not to rush your friend or force healing. Feelings of loss may never disappear completely, but should become manageable over time.

There are some good resources with current internet links that provide good helpful information.

How to support a grieving person (http://helpguide.org/mental/grief_loss.htm)
If someone you care about has suffered a loss, you can help them heal by asking about their feelings, spending time just being with them, and listening when they want to talk.

Helping others who are experiencing grief (http://www.distanthealer.co.uk/grief.htm)
When a friend, loved one, or co-worker is experiencing grief – people often have a hard time – how can they help? It helps to understand that grief is expressed through a variety of behaviors.

Supporting Others Who Are Grieving (http://cmhc.utexas.edu/griefloss.html)
As the shock of the loss fades, there is a tendency on the part of the griever to feel more pain and sadness. Well-meaning friends may avoid discussing the subject due to their own discomfort with grief or their fear of making the person feel bad. As a result, people who are grieving often feel more isolated or lonely in their grief.

People who are grieving are likely to fluctuate between wanting some time to themselves and wanting closeness with others. They may want someone to talk to about their feelings. Below are some ways that you can help a friend experiencing loss.

- Be a good listener
- Ask about their feelings
- Just sit with them
- Share your feelings
- Ask about their loss
- Remember the loss
- Make telephone calls
- Acknowledge the pain
- Let them feel sad
- Be available when you can
- Do not minimize grief
- Talk about your own losses

Ten Ways to Help the Bereaved (http://www.grief.org.au/support.html#ggs)

- Be present and attentive to the bereaved person.
- Allow for moments of silence and reflection.
- Listen in a non-judgmental and accepting way.
- Avoid the use of clichés such as "Think of all the good times." "You can always have another child."
- Mention the deceased person's name and encourage the bereaved person to talk about them.
- Offer practical and emotional support e.g. by minding children or cooking a meal.

- Understand that tears are normal and healthy part of the grieving process.
- Don't try to fill in conversations with a lot of outside news.
- Remember that grief may take years to work through.
- Acknowledge anniversaries and dates of significance for the bereaved person.

Misconceptions About Grief and Coping

Nine Common Myths and Realities About Grief
(http://concernedcounseling.com/Communities/depression/related/loss_grief_5/asp)

Here are nine of the most common myths and realities about grief. Knowledge of these issues is extremely helpful for both the bereaved and those who want to help them. The bereaved gain assurance that their responses to a death are quite normal and natural. Simultaneously, family, friends, religious leaders and other caregivers have the correct information about grief thus enabling them to respond more patiently, compassionately and wisely.

Myth #1:
"It's been a year since your spouse died. Don't you think you should be dating by now?"

Reality:
It is impossible to simply "replace" a loved one. Susan Arlen, M.D., a New Jersey physician offers this insight: "Human beings are not goldfish. We do not flush them down the toilet and go out and look for replacements. Each relationship is unique, and it takes a very long time to build a relationship of love. It also takes a very long time to say good-bye, and until good-bye really has been said, it is impossible to move on to a new relationship that will be complete and satisfying."

Myth #2:
"You look so well!"

Reality:
The bereaved do look like the nonbereaved on the outside. However, at the interior, they experience a wide range of chaotic emotions – shock, numbness, anger, disbelief, betrayal, rage, regret, remorse, guilt. These feelings are intense and confusing.

One example comes from British author C.S. Lewis who wrote these words shortly after his wife died, "In grief, nothing stays put. One keeps emerging from a phase, but it always recurs. Round and round. Everything repeats. Am I going in circles, or dare I hope I am on a spiral? But if a spiral, am I going up or down it?"

Thus, when people comment in astonishment "You look so well," grievers feel misunderstood and further isolated. There are two much more helpful responses to the bereaved. First, simply and quietly acknowledge their pain and suffering through statements such as: "This must be very difficult for you." "I am so sorry!" "How can I help?" "What can I do?"

Myth #3:
“The best we can do (for the grievers) is to avoid discussing the loss.”

Reality:
The bereaved need and want to talk about their loss, including the most minute details connected to it. Grief shared is grief diminished. Each time a griever talks about the loss, a layer of pain is shed.

When Lois Duncan’s 18 year-old daughter, Kaitlyn, died as a result of a what police called a random shooting, she and her husband were devasted by the death. Yet, the people most helpful to the Duncans were those who allowed them to talk about Kaitlyn.

“The people we found most comforting made no attempt to distract us from our grief,” she recalls. “Instead, they encouraged Don and me to described each excruciating detail of our nightmare experience over and over. That repetition diffused the intensity of our agony and made it possible for us to start the healing.”

Myth #4:
It’s been six (or nine or twelve) months now. Don’t you think you should be over it?”

Reality:
There is no quick fix for the pain of bereavement. Of course, grievers wish they could be over it in six months. Grief is a deep wound which takes a long time to heal. That time frame differs from person to person according to each person’s unique circumstances.

Glen Davidson, Ph.D., professor of psychiatry and thanatology at Southern Illinois University School of Medicine tracked 1,200 mourners. His research show an average recovery time from 18 to 24 months.

Myth #5:
“You need to more active and get out more!”

Reality:
Encouraging the bereaved to maintain their social, civic and religious ties is healthy. Grievers should not withdraw completely and isolate themselves from others. However, it is not helpful to pressure the bereaved into excessive activity. Erroneously, some caregivers try to help the grieving “escape” from their grief through trips or excessive activity. This was the pressure felt by Phyllis seven months after her husband died.

“Several of my sympathetic friends who happen to have not yet experienced grief first hand have suggested that I interrupt my period of mourning by getting out more,” she recalls. They say, solemnly, ‘What you must do is get out among people, go on a cruise, take a bus trip. Then you won’t feel so lonely.’

“I have a stock answer for their stock advice: I am not lonely for the presence of people, I am lonely for the presence of my husband. But how can I expect these innocents to

understand that I feel as though my body has been torn asunder and that my soul has been mutilated? How could they understand that for the time being, life is simply a matter of survival?"

Myth #6:
"Funerals are too expensive and the services are too depressing!"

Reality:
Funeral costs vary and can be managed by the family according to their preferences. More importantly, the funeral visitation, service and ritual create a powerful therapeutic experience for the bereaved.

In her book, What to do When a Loved One Dies, (Dickens Press, 1994) author Eva Shaw writes: "A service, funeral, or memorial provides mourners with a place to express the feelings and emotions of grief. The service is a time to express those feelings, talk about the loved one, and begin the acceptance of death. The funeral brings together a community of mourners who can support each other through this difficult time. Many grief experts and those who counsel the grieving believe that a funeral or service is a necessary part of the healing process and those who have not had this opportunity may not face the death."

Myth #7:
"It was the will of God."

Reality:
The Bible makes this important distinction: life provides minimal support but God provides maximum love and comfort. Calling a tragic loss the will of God can have a devastating impact on the faith of others.

Consider Dorothy's experience: "I was 9 years old when my mother died and I was very sad. I did not join in the saying of prayers at my parochial school. Noticing that I was not participating in the exercise, the teacher called me aside and asked what was wrong. I told her my mother died and I missed her, to which she replied: "It was the will of God. God needs your mother in heaven." But I felt I needed my mother far more than God needed her. I was angry at God for years because I felt he took her from me."

When statements of faith are to be made they should focus upon God's love and support through grief. Rather than telling people "It was the will of God," a better response is to gently suggest" "God is with you in your pain." "God will help you day by day." "God will guide you through this difficult time."

Rather than talking about God "taking" a loved one it is more theologically accurate to place the focus upon God "receiving and welcoming" a loved one.

Myth #8:

"You're young, you can get married again." Or "Your loved one is no longer in pain now. Be thankful for that."

Reality:
The myth is in believing such statements help the bereaved. The truth is that clichés are seldom useful for the grieving and usually create more frustration for them. Avoid making any statement which minimize the loss such as: "He's in a better place now." "You can have other children." "You'll find someone else to share your life with." It is more therapeutic to simply listen compassionately, say little, and do whatever you can to help ease burdens.

Myth #9:
"She cries a lot. I'm concerned she is going to have a nervous breakdown."

Reality:
Tears are natures safety valves. Crying washes away toxins from the body which are produced during trauma. That may be the reason so many people feel better after a good cry.

"Crying discharges tension, the accumulation of feeling associated with whatever problem is causing the crying," said Frederic Flach, M.D., associate clinical professor of psychiatry of Cornell University Medical College of New York City.

"Stress causes imbalance and crying restores balance. It relieves the central nervous system of tension. If we don't cry, that tension doesn't go away.

Caregivers should get comfortable at seeing tears from the bereaved and be supportive of crying.

Specific Ways to Support the Bereaved[9]

Following the initial shock that comes from a tragic auto accident, the grieving person may begin to feel even more pain or sadness. In order to help someone experiencing such intense emotion, think about which of these things you can do that will encourage or help your friend in need. Some or all of these tips may help in your situation, depending on the individual's personality and other factors:

listen actively and intently
ask your friend about his or her feelings
express your feelings as well
ask the person about his or her experience of loss
share stories of your own losses
remember the loved one with your friend
simply spend time with the bereaved

[9] Adapted from the University of Texas at Austin's Counseling and Mental Health Center website (http://cmhc.utexas.edu/griefloss.html)

acknowledge that the experience is painful
allow the grieving person to be sad
avoid comments that minimize grief
make any phone calls that your friend might not be ready to handle
make yourself available to help with anything else needed.

More Ways to Help a Grieving Person[10]

In addition to the ideas mentioned above, the following suggestions may help your family member, friend, or co-worker after a fatal auto accident or event of wrongful death:

be attentive to your friend
don't be afraid of silence or moments of reflection
when listening, be accepting and non-judgmental
avoid clichés: listening is better than offering empty advice or solace
encourage the bereaved to talk about the loved one; don't be afraid to mention the loved one's name
cook meals or care for the children of the grieving person
try to be comfortable with tears
avoid filling awkward silence with news of current events or changing the subject remember that grief may take years to work through
acknowledge birthdays, anniversaries, and other important dates that carry significance for the grieving person.

Healing & Wrongful Death Cases

Whether you have suffered loss or you are helping a friend who has lost a loved one, coping is a necessary, yet sometimes slow, process. It takes time to heal after loss, and you may never fully heal from all your grief, but it is essential that you heal from the emotions that debilitate you or keep you from moving forward and enjoying life. One of the ways to begin the healing process after a fatal auto accident is to allow an attorney to help with your financial situation, connect you with support groups, refer you to a compassionate and experienced grief counselor if necessary, and handle the legal aspects of the accident. Some fatal accident attorneys will even help you get connected with a charity or benefit important to your loved one. If you have questions regarding wrongful death, your loved one's accident, or the legal process, feel free to contact me or review the information in the next section of this book. The wrongful death process can be complicated, but I have outlined a few key points that may bring understanding at this confusing and difficult time.

[10] Adapted from the Australian Centre for Grief and Bereavement website (http://www.grief.org.au/support.html#gqs)

CHAPTER IV: WRONGFUL DEATH

Why Someone Might Need an Attorney

Although no amount of money could ever replace the loss of a loved one or truly compensate for the pain and suffering experienced after a fatal accident, certain measures can and often need to be taken in order to ease the financial situation of surviving family members so they can focus on healing. If you have lost a loved one in a traffic accident, you know of the indescribable pain that accompanies sudden loss. Especially due to the intense emotions and stress that follow tragedy, you will need an experienced wrongful death lawyer to work as an advocate for you and your family so you don't have to worry about handling everything yourself.

By contacting an attorney immediately, you will receive help preserving crucial evidence, taking photographs of the crash scene, interviewing anyone who witnessed the accident, and obtaining the services and important statements of medical experts. In the state of Georgia, you must file a wrongful death claim within two years of the date of death (or earlier depending on the situation), so contacting an experienced fatal accident lawyer as soon as possible is extremely important.

Specific Ways a Fatal Accident Attorney/Wrongful Death Lawyer Can Help

Specifically, a lawyer can help you recover the compensation you are entitled to after the wrongful death of a loved one, such as compensation for the following:

your pain and suffering, sorrow, or mental anguish
the loss of companionship, love and affection, comfort, advice, and/or guidance of the one who died (loss of consortium)
the loss of earnings of the one who died (the decedent)
your financial losses due to the wrongful death (present and future)
medical bills and expenses
funeral and burial expenses
any out-of-pocket expenses related to the fatal accident or death.

What is your wrongful death case worth? Many surviving family members ask what amount of compensation they will receive for the above-listed items. Although we at Murphy & Associates will be glad to consult with you regarding an estimate of the compensation you may receive, no attorney can tell you in advance an expected monetary amount without knowing certain details and factors of the case. Some of the many factors that can affect compensation amounts are listed below:

the age of the deceased and the surviving family members (heirs) who will receive compensation
the health and life expectancy of the deceased (and heirs) before the fatal accident
the financial loss associated with the auto accident
the insurance company involved and coverage available

whether surviving family members were dependents of the deceased or needed his or her income for financial support
the type of auto accident (if the crash was caused by a drunk or intentionally reckless driver, for example, surviving family members may be able to file for punitive damages, which are intended to punish the wrongdoer).

Negligence Claims in Fatal Accidents

In Georgia, a wrongful death lawsuit can be filed by a personal representative of the surviving family members, meaning that a selected person may file a claim on behalf of the fatal accident victim's estate. If you are considering filing a wrongful death claim in the state of Georgia, James Murphy will kindly, professionally, and compassionately stand as an advocate for your family and recover for the negligent actions of the at-fault driver or party.

In order to recover compensation, the estate or the lawyer representing the estate of the fatal accident victim must prove that the accident resulted from another's negligence and that the death resulted in financial or emotional pain for the surviving family members. In legal terms, the party filing the claim must prove liability and damages. Once a compensation amount is determined, a probate judge will work to distribute the compensation to the family members he or she believes are legally entitled to recover damages.

Limitations in Wrongful Death Claims

As mentioned earlier, a statute of limitations for filing a wrongful death lawsuit exists in the state of Georgia, typically two years from the accident victim's date of death. However, there is no limit to compensation amounts that can be awarded to family members of Georgia wrongful death victims.

One of the key factors in a wrongful death case, however, is how soon the case begins. Since settlement negotiations or trials may call for witnesses, the testimonies of medical experts, or extensive investigations of the fatal auto accident, contacting a wrongful death lawyer as soon as possible will allow for better preparation of your case.

What Our Firm Offers: How We Handle a Client, a Claim, and Cost

If you have lost a loved one due to another's negligence, I will gladly consult with you for free regarding your case. My staff and I are experienced and dedicated to seeking fair and just compensation for every client.

Will My Case Settle, or Will It Have to Go to Trial?

As a wrongful death attorney committed to making the legal process as smooth as possible for surviving family members of accident victims, I will do everything I can to settle your case out of court. Based upon the experience, success, and reputation of our

firm, most of our cases are settled before ever going to trial. As an advocate for families who have lost loved ones, however, I believe it is essential to prepare diligently to take a case to trial if the need arises

What Will It Cost Me to Hire an Attorney?

I do not charge any client unless I win your case, and any fee charged by my firm comes after your settlement amount has been awarded and is based on a reasonable percentage of the compensation I obtain for you. I will not settle your wrongful death case unless you approve the amount and agree to settle.

If you have other questions or would like to sit down with me to discuss your concerns or specific situation, feel free to contact me at Murphy & Associates. I will be glad to offer advice and connect you with other helpful groups as you go through this extremely difficult time, and I will do my best to make things easier on you as you sort out the changes in your life brought about by the accident.

CHAPTER V: FIRM & ATTORNEY INFORMATION

I established Murphy & Associates eight years ago with the understanding that while proper case preparation often yields a pretrial settlement, some cases need to be tried in court. As a trial lawyer, I am prepared and capable in all instances to do so. At our firm, we focus on our client's needs, and we have never lost sight of whom we represent and why. My primary goal and the goal of my staff is the achievement of the best possible result for each client, obtained by truly knowing our clients and understanding their injuries. Our commitment to the client starts from the very first meeting, which is a meeting between me and the client. At every stage, my firm tracks the progress of our client's recovery, with personal involvement to protect the client's well-being.

About James Murphy

Below is a list of information about me as an attorney. I've been in practice for nearly twenty years. When I'm not at work, I enjoy volunteering with my children's Catholic school, going to baseball games, reminiscing with old friends, and spending time with my family. My beautiful wife, Charlotte, and I are blessed with three amazing children, Patrick, Ryan and Juliet.

The following list briefly describes some of my education, legal affiliations, and professional experience:

- I am a Martindale Hubbell "BV" rated attorney[11]
- I was admitted to the Georgia Bar in 1991; the U.S. District North District of Georgia.
- I graduated with honors from the State University of New York at Geneseo, where I received my B.A.
- I received my J.D. from the University of New York at Buffalo
- I worked as a supervising attorney for seven years with the Georgia Legal Services Program, then entered private practice where I have focused on injury and wrongful death cases.
- I am a member of the Association of Trial Lawyers of America and Georgia Trial Lawyers.

Other Books

If this book has helped you and you would like to read other books I have written, feel free to contact me online or by phone, and I will gladly send you a copy for free. Currently, I have authored two other books in addition to this one. The first, *Mistakes to Avoid if You Want To Win Your Car Wreck Case*, discusses just that: what not to do after an auto accident if you want to have a successful case (and what's important to juries and judges). The second, *How to Buy Car Insurance in Georgia*, highlights the importance of uninsured motorist coverage and other options to consider when purchasing automobile insurance in the state of Georgia.

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[11] "BV" is an indication of an exemplary reputation and well established practice with ethics rating noting adherance to professional standards of conduct and ethics, reliability, diligence, and other criteria relevant to the discharge of professional responsibilities.

Firm Contact Information

For more information about me, my firm, or the cases we handle, contact us via several different options:

visit our website, www.murphylawyer.com
fill out our online contact form on the homepage of www.murphylawyer.com
call me at the office at (770) 577-3020
order a free copy of any of my books by clicking the links online.

This book is not legal advice! Georgia Law requires that I inform you that what is in this book is not legal advice. I'm not your lawyer until you and I enter a written agreement for me to be your lawyer. I know the arguments the insurance company will make - and so should you - even before you file your claim. I can offer suggestions and identify traps, but please do not construe anything in this book to be legal advice about your case, as each case is different and an attorney can only give you quality legal advice when he or she understands the facts involved in your case.

CHAPTER VI: CONCLUSION

When my father died from injuries he suffered from an automobile accident over thirty years ago, my mother was so overwhelmed by grief she did not even think to contact an attorney. She was experiencing many of the symptoms of grief discussed in this book. It was only after several relatives encouraged her to contact an attorney that she finally did so.

Trying to understand the legal process in our wrongful death claim-- whether it was the at-fault driver who caused the injuries that my father sustained or the lack of proper medical care provided by his treating doctors-- I learned that the process involved in a wrongful death claim can be long and tedious. It was in part because of this experience that I chose to become a lawyer and represent individuals who have suffered injuries and/or families of wrongful death victims. Not only are we aggressive advocates for our clients, but we offer the necessary referral sources to serve our clients well as they go through this trying time. If you have lost a loved one, we are well qualified to help you during this painful period of your life. Please feel free to call us for a free, no-obligation consultation at (770) 577-3020.