

MESSA LAW

INJURY LAWYERS

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HOW DOES SIGNING A RELEASE OF LIABILITY AFFECT MY PERSONAL INJURY CLAIM?



Have you been injured in a traffic crash or another incident that was not your fault? Immediately after you've been examined and treated by a medical professional, schedule a meeting to discuss your case with a Philadelphia personal injury attorney. When an insurance company offers you a check to cover your medical expenses, there's a catch. You have to sign a document called a "release of liability." Before you sign this document, you should know how it affects your rights. In Pennsylvania, a release of liability is a legally binding contract.

When you sign it, you are generally waiving your right to pursue any further legal action against the party that caused your injury. This remains true even if your medical condition worsens or you later discover other injuries.

What is a Release of Liability?

A release of liability (often called an exculpatory clause or settlement agreement) is a legal agreement in which one party agrees not to sue another for damages. When you sign one after a crash, you are telling the other party that the dispute is over. You are accepting whatever they have offered in exchange for your pledge not to file a lawsuit or seek more money for the injury.

Under Pennsylvania law, the purpose of a release of liability is to provide a final resolution to a personal injury claim. It is meant to protect the liable party (the “defendant”) from being sued twice for the same event.

This protection for the defendant may come at a high cost to the injured person. Many individuals sign a release too early, only to realize later that their injuries require surgery or long-term care that the initial settlement did not cover. What should you know about a release of liability document?

Pre-Injury Waivers vs. Post-Injury Releases

There are two different types of releases. The first is a pre-injury waiver. You may encounter this when you join a gym in Philadelphia or take your children to a trampoline park. A pre-injury waiver prevents you from suing if you get hurt while participating in a risky activity.

The second type is the post-injury release. This is the document an insurance company sends you after an injury has already happened. While both are binding legal documents, the post-injury release is often what stands between victims and the full compensation they need to recover.

Insurance companies try to resolve claims as quickly and cheaply as possible. If they can get your signature on a release, they can close the case and move on, regardless of your future needs. A Philadelphia personal injury lawyer can discuss whether you should sign a post-injury release.

What Makes a Release of Liability Enforceable?

Pennsylvania law does not automatically uphold every release. The Pennsylvania Supreme Court has established specific standards for when an exculpatory clause is valid. Generally, a release is enforceable if it was executed by a competent adult and meets three main criteria:

- The clause must comply with Pennsylvania law.
- The contract must be between private parties regarding their own private affairs.
- The parties must be free agents, not forced into the agreement.

If a release is vague or tries to waive liability for reckless or intentional behavior, a court may find it invalid. Pennsylvania courts strictly construe these documents against the party seeking protection under them. This means the language must be clear and specific.

If the document is confusing or hides the waiver in tiny print, your Philadelphia personal injury attorney may be able to argue that it should not be enforced.

Why Signing Too Soon is a Risk

The biggest danger of signing a release is the unknown. When you are injured in a traffic crash or a slip-and-fall incident, the full extent of your injury may not be obvious right away. Adrenaline can mask pain; some internal injuries or spinal issues do not show symptoms for days or even weeks.

If you sign a release 48 hours after a crash, you are closing the door on your case. If you later find out that you need a spinal fusion or that you cannot return to your job, you cannot go back and ask for more. In most cases, you cannot undo a signed release.

We work to determine the full extent of your injuries before even discussing a resolution. You should have a lawyer who prepares every case as if it is going to trial and who seeks an outcome that genuinely reflects the suffering you have endured.

The Role of Comparative Negligence in Your Claim

Sometimes, insurance companies pressure injury victims into signing a release by claiming the victim was partially at fault for the injury. They may tell you that you will get nothing if you sue, but in Pennsylvania, this isn't necessarily true. Pennsylvania law adheres to a "modified comparative negligence" rule.

This law states that if you are not more than 50 percent at fault for your injury, you qualify to recover damages. Your recovery would simply be reduced by your percentage of fault. If an insurance company is using an approach based on fault, they may be pressuring you to sign a release for far less than your claim is worth.

Aggressive attorneys do not let insurance companies dictate the terms of their clients' futures based on intimidation. The right Philadelphia personal injury attorney can prove the negligence of responsible parties and hold them accountable.

Statute of Limitations: The Clock is Ticking

The threat of a jury trial is often the only way to make a large corporation or insurance company take your injury seriously. While you should be careful about signing a release too quickly, you also cannot wait forever to take action. Pennsylvania has a strict timeline for filing personal injury lawsuits.

Pennsylvania law typically gives you two years from the injury date to bring a lawsuit. Two years may seem long, but preparing a case for trial takes considerable time and resources. Your lawyer must compile evidence, reconstruct events that led up to the injury, and consult medical experts.

If you let the clock run out, your right to sue is gone forever, even if you haven't signed a release. It's crucial to move quickly to secure evidence so that your story is told accurately in court.

How We Can Help You Evaluate Your Options

At Messa Law, we work to ease the burden of injury in our community. We help families get back on their feet and find stability after a tragedy. When you are asked to sign a release of liability, you are facing a decision that could affect the rest of your life.

You do not have to make that decision alone. Our team of legal and medical professionals has the resources to handle your case properly. A Philadelphia personal injury lawyer at Messa Law gets results.

We value our clients and respond to their legal needs. We negotiate settlements, but we are also trial lawyers who are ready to fight in the courtroom for your future. Before you sign a release of liability, click [Call Now](#) to schedule a free consultation with Messa Law's personal injury team.



Fourth of July Safety

By: Angelo Theodosopoulos, Esq.

Friends, family, food, and fireworks are the hallmarks of Fourth of July celebrations. Whether your celebration involves fireworks, cookouts, sporting events, parades, travel, or simply gathering together, the goal is the same: to enjoy the day and return home safely. Unfortunately, hospitals across the United States experience the single largest boom in average emergency room visits on July 4 and 5.^{[1], [2]}

I have spoken to countless people over the years whose Fourth of July celebration became the subject of an insurance claim, a hospital visit, or a courtroom dispute. The most common theme was that the inciting event or injury these people suffered did not arise because someone intended them harm. Once I've filed their lawsuit, we learn that the story begins with small decisions that seem harmless at the time. A shortcut is taken, a warning is ignored, and someone decides that a safety rule is unnecessary "just this once," and these seemingly small choices unfold into life-changing consequences.

Personal injury law stems from common sense - people, generally, have a responsibility to act reasonably under the circumstances.

- What does this mean? It means people should avoid taking an action that creates an unnecessary risk of harm to others. It means, to the extent you are able, avoid people who create these risks.
- Why does it matter? I tell my family and friends to be alert for people behaving unreasonably and making risky decisions on the holiday to protect their friends and family.

Fourth of July safety begins long before the party starts. Good planning prevents bad outcomes. Consider where guests will park, whether children have adequate supervision, whether emergency phone numbers are readily available, and whether basic first aid supplies are nearby. If alcohol will be served, transportation plans should be made before anyone has their first drink. If fireworks will be used, those responsible should understand how to operate them safely and ensure that children remain at a safe distance.

Holidays naturally involve excitement, conversations, music, and activity. These are distractions, and they can cause the most careful individuals to overlook a danger that would otherwise be obvious.

Try to remember that this holiday, like others, is about people and not activities. Remind others that fireworks, food, decorations, games, and traditions should enhance the celebration but cannot become the focus at the expense of safety. The best holiday celebrations often end uneventfully; everyone returns home safely. Children should remember laughter and closeness rather than fear.

Our law firm becomes involved in a client's life after an injury has already occurred. Lawsuits and insurance claims may determine who bears financial responsibility for an injury or loss, but they cannot erase the past, heal permanent injuries, or restore a loved one's life.

Have fun, but be safe and encourage others to do the same. I wish you and your family a happy, healthy, and safe Fourth of July celebration.

[1]<https://www.pewresearch.org/short-reads/2019/07/03/hospital-emergency-room-visits-fourth-of-july/>

[1] "Forecasting Daily Patient Volumes in the Emergency Department" Jones, Mstat, Thomas, PhD, Welch, MD, et al Academic Emergency Medicine, Vol. 15, Issue No. 2, February 2008.



About the Author:

Angelo Theodosopoulos, Esq. concentrates his practice on catastrophic injury litigation, with emphasis on medical malpractice, motor vehicle collisions, and products liability. Angelo is also fluent in Greek. He is licensed to practice in the Commonwealth of Pennsylvania, the State of New Jersey, and in Federal Court for the Eastern District of PA.

Settlements and Verdicts

- \$2.5 Million Recovery for a man who was hit on a motorcycle by a work truck.
- \$1.5 Million settlement on behalf of our client who sustained several injuries after being struck on the driver's side of his work vehicle by a landscaping dump truck that ran a red light.

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