

## What to know about the Plaintiff Fund from a trial lawyer's perspective

The Plaintiff Fund can be incredibly valuable to both current and former plaintiffs because it provides a way to raise money to pay medical bills for those who have been injured. What you post online to raise money is important to consider because the defense may try to use it to reduce your recovery.

For former plaintiffs whose cases are already over, you should confirm what case information cannot be shared. Often, settlement agreements have confidentiality clauses preventing disclosure of certain facts. Former plaintiffs must be mindful of these limitations when posting.

For current plaintiffs whose cases are still pending, you should confirm with your lawyer what information should and should not be shared. Your lawyer will want to consider what information can be published without harming your case. You should assume that defense counsel will review the information on your fundraising page and attempt to use it against you. This doesn't mean that you should avoid using the Plaintiff Fund. But it does mean that you should be thoughtful in what you share.

Defendants might suggest that they owe you less money based on donations for your medical expenses. In most jurisdictions, this argument is defeated by the "collateral source rule." See, e.g., [25 C.J.S. Damages § 179](#); [22 Am. Jur. 2d Damages § 400](#) ("a payment made to an injured party as compensation for injuries from a source wholly independent of the tortfeasor should not be deducted from the damages that the plaintiff would otherwise collect from the tortfeasor").

It's unfair that people who get injured because of others' negligence are stuck with huge medical bills. The Plaintiff Fund can help alleviate some of that financial pressure, and increases access to medical care. We hope you are able to get the medical care you need.



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Note: This guidance is provided for general informational purposes only. You should seek legal advice specific to your own facts and jurisdiction.

