



What is your PI Claim Worth?

What is your PI Claim Worth?

The value of your PI claim depends on several different factors, the most important of which are:

- The extent of damage inflicted upon your person and your property
- The care with which you present a comprehensive snapshot of the physical and mental distress you have suffered and the expenses you have borne. This includes appending relevant bills and receipts.

What is the reason behind awarding a claim amount?

Before filing suit, as a victim of personal injury you must understand the intent behind the legal concept of compensation. Our system seeks to ensure that justice is done to a victim by making him or her 'whole' again. That is returning the victim to a life that at least resembles the one led prior to the accident. Thus anything and everything preventing this reinstatement of normalcy may be fair game for a claim.

Special Damages:

All damages that can be directly traced back to the accident or the mishap are termed as 'Special Damages' or 'Specials'. They can be easily documented with the help of bills and proof letters or written statements and stand for the bulk of the award amount.

- **Medical Costs** – This should cover the medical expenses incurred by you in an attempt to treat your injuries and return to health. Emergency room charges, bills related to surgical procedures and recuperative therapy costs all need to be included in the claim and may be paid by the insurance company of the party at fault.
- **Lost Income** – This refers to the compensation that you as a Personal Injury victim have lost because of your inability to work in the aftermath of the mishap. An employer's letter comes in handy here and can provide the judge and jury with an accurate estimate of the contributing factor.
- **Out of Pocket Expenses** – These expenses cover all the miscellaneous expenses you have had to bear since the accident in an effort to receive medical care and facilitate recovery. So this can include parking and gas bills, the invoice for a rented car if your vehicle has been damaged and so on.

- **Personal Property Damages** – This includes the items of personal use that have been damaged or destroyed as a result of the accident. It is wise to keep at hand the receipts for the possessions and if they are not available a ballpark value for them based on current market prices and depreciation.

General Damages:

It is usually easy to show specials but general damages are a lot more subjective and open to interpretation. This is where the presence of a sympathetic jury may become a game changer. Graphic evidence of the accident including eloquent accounts of the pain and suffering experienced by the victim hold the power to sway jury members and secure extraordinarily generous compensation.

- **Pain and Suffering** – The more actual pain and distress you go through, the larger the projected value of this contributing factor. Surgeries and difficult rehabilitation processes tend to tilt the awards in favor of the victim.
- **Emotional Distress** – Emotional Distress compensation adds to the final amount if you can prove that anxiety, depression, acute insomnia and other negative developments have marked the recuperation period and are directly linked to the accident.
- **Loss of Enjoyment** – This factor acquires significance if the victim is barred from enjoying daily activities and life in general because of the adverse impact of the injuries sustained during the accident. In case of truly debilitating, long term injuries, monetary compensation covering ‘Loss of Enjoyment’ may be considerable.
- **Loss of Consortium** – A less popular claim ground, loss of consortium is valid if the claimant can no longer engage in intimacy with a spouse or significant other.

Other Influencing Factors:

Additional considerations to keep in mind are:

- **Punitive Damages** – If it can be proven that the defendant has flagrantly flouted the law and has harbored willful ill-intentions against the claimant, punitive damages may be also awarded by the court to set precedents and to make an example out of

the party at fault. *The state of Georgia does allow a victim to claim Punitive Damages.*

- **The Setting of the Mishap** – This influences the final award size as well. If all Personal Injury cases in your region have a history of low claim values, it is likely that the judge and the jury will issue a verdict in keeping with past examples. Jury members in rural areas tend to be more conservative in awarding claims than their urban counterparts.
- **Shared Negligence** – If the claimant is found to be guilty in part for the mishap, the value of the claim may be reduced proportionately.
- **Reasonable Medical Costs** – In all cases, the jury and the court try to be fair. Thus they do not view exaggeration of medical costs kindly. If your therapist has run up a bill that is not considered reasonable given the extent of your injuries, you may very well have to pay a portion of the due amount out of your own pocket.

Cliff Carlson Law, PC advocates provide *competent support to Personal Injury victims and help them structure a very strong case with compelling evidence* to secure favorable outcomes both in out of court settlements and trials.



CLIFF CARLSON LAW, P.C.
— PERSONAL INJURY ATTORNEY —

Call us at 1-866-262-2834 for a FREE consultation!