

# The Hochfelder Report

## THE CONSUMER'S GUIDE TO INJURY LAWSUITS IN NEW YORK

LOWER LEG FRACTURES: TIBIA & FIBULA

ISSUE 8

In this issue of The Hochfelder Report, you'll discover...

- How much money New York juries awarded for lower leg injuries
- How much money New York lawyers accepted to settle cases
- What makes a lower leg injury's value in New York go up or down
- Types of injuries in the low-range, mid-range and high-range of values
- Details from actual New York lower leg injury cases
- Different types of lower leg injuries
- Accurate meanings of related medical terms
- Fine points of the lower leg's anatomy
- More!

This week The Hochfelder Report focuses on fractures of the lower leg: tibia and fibula fractures. Before we analyze the potential New York pain and suffering recoveries for this type of injury, let's define certain terms:

### Definitions

**Tibia:** The longer bone of the lower leg (below the knee), commonly called the shin bone.

**Fibula:** The long thin bone of the lower leg

(below the knee). It is smaller than the tibia.

**Tibial Plateau:** The flattened part of the top of the tibia that articulates with the femur (the thigh bone).

**Fracture:** A break or disruption in the continuity of a bone.

**Comminuted Fracture:** A bone splintered into multiple fragments.

**Open Fracture:** When the wound extends through the skin

**Closed Fracture:** When the wound does not extend through the skin

**Displaced Fracture:** A fracture in which two ends of a fractured bone are separated from each other.

**Fracture Dislocation:** A joint dislocation that is accompanied by a fracture of one or more of the bones that form the joint.

**Open Reduction and Internal Fixation:** A fracture treatment in which surgery is used to reduce or set the fracture fragments and then hardware (such as a rod, plate and/or nails) is then



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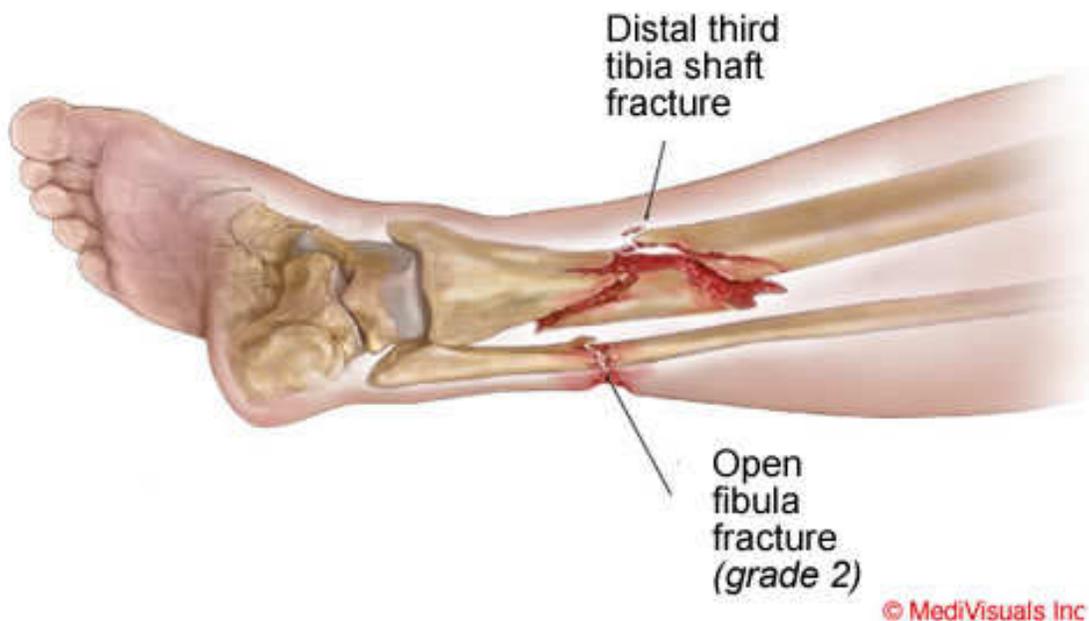
Now, let's look at the tibia and fibula:

The Hochfelder Report provides facts and estimated ranges of value for New York pain and suffering for specific traumatic injuries. Often in trauma cases, many body parts are injured. As a result, the verdicts, settlements and case histories that you often hear discussed on the evening news or in the newspaper do not help you determine the value of your injury when you have injured only body part.

Therefore, please understand that if you have suffered a traumatic injury to more than one part of your body, you should use the information in The Hochfelder Report only as a starting point. The value of your case could be much less or much more than the amounts discussed here.

Often, in cases involving fractures of the tibia and/or fibula — resulting from slip/trip and fall trauma, car accident trauma or construction injuries — the victim has other injuries as well. These frequently include foot fractures and knee injuries. For information about a specific claim regarding those injuries, see The Hochfelder Report that deals with that specific injury.

## Open Comminuted Distal Tibia and Fibula Fractures



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Please understand that the values set forth here are for pain and suffering only. The dollar amounts can be much higher when an injured person also incurs significant lost wages, significant medical expense payments and other so-called special or out of pocket damages.

Note: The verdicts and settlements described in this issue of The Hochfelder Report were current on the date of publication. If you'd like to verify that these case results are current, please call John Hochfelder at 914-686-0900. Or, if you're outside the local area, call John toll free at 1-800-530-4660.

Now, here are the estimated New York pain and suffering values of injuries based on the circumstances described:

**Low Range of Value for a Tibia and/or Fibula Lower Leg Fracture: \$0 to \$40,000**

Your case is often valued in the \$0 to \$40,000 range when any or all of the following factors are present: When the fracture is questionable, meaning when opposing radiologists disagree on the presence of a fracture. When a minor or hairline fracture exists. When you do not need surgery. When you have an excellent recovery. When you will not likely have future pain or disability. And when your case would be tried in an area where juries are conservative in their awards.

**Actual Case:** \$4,000 pain and suffering Rockland County jury award for a 37-year-old man in a car accident who did not seek immediate treatment for his injuries. After returning home, he went to

the hospital and was diagnosed with a hairline fracture of his fibula. He was treated with a soft cast, was never unable to walk and he healed perfectly.

**Actual Case:** \$20,000 pain and suffering jury award in a Kings County lawsuit for a 38-year-old male bicyclist hit by a car who suffered a fractured tibia, wore a cast for three months and did not need surgery.

**Mid Range of Value for a Tibia and/or Fibula Lower Leg Fracture: \$50,000 to \$200,000**

Your case is often valued in the \$50,000 to \$200,000 range when any or all of the following factors are present: When both the tibia and fibula are fractured. When you require surgery. When you have a fair to good recovery. When you will likely have some future pain or disability. And when your case would be tried in an area where juries are about average in their awards.

**Actual Case:** \$50,000 pain and suffering New York County jury award for a 46-year-old mason who fell at a construction site and suffered severe fractures of his tibia and fibula requiring two surgeries.

**Actual Case:** \$100,000 pain and suffering Kings County jury award for a 70-year-old pedestrian struck by a car. Plaintiff suffered a comminuted fracture of her tibia and a fracture of her fibula. She wore a cast without surgery but her doctor stated she has developing post-traumatic arthritis that will necessitate knee surgery in the future.

**Actual Case:** \$125,000 awarded by Onondaga County judge to a 15-year-old student for pain and suffering for his lower leg fractures requiring open reduction and internal fixation. The jury had awarded only \$18,000 but the judge increased the award to \$125,000.

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### High Range of Value for a Tibia and/or Fibula Lower Leg Fracture: \$250,000 to \$900,000

Your case is often valued in the \$250,000 to \$900,000 range when any or all of the following factors are present: When your fracture is severe. When you have multiple fractures. When you require surgery. When you have a poor to fair recovery. When you will likely have significant future pain and disability. When additional future surgery is credibly recommended. And when your case would be tried in an area where juries are liberal in their awards.

**Actual Case:** \$350,000 for a 16-year-old boy who fell due to a roadway defect and suffered a non-displaced fracture of his fibula. No surgery was required, but the boy was left with a permanent limp. The Kings County jury had awarded \$550,000 but the appellate court reduced the award to \$350,000.

**Actual Case:** \$450,000 pain and suffering Bronx County jury award for a 21-year-old messenger struck by a car while a pedestrian. He suffered an open fracture of his tibia, requiring surgery to insert a metal rod and another surgery to remove it. His doctor recommended a future knee surgery.

**Actual Case:** \$900,000 pain and suffering award by an appellate court to a 40-year-old woman who suffered multiple leg fractures in a fall due to a broken subway stair. She fractured her tibial plateau and her fibula and underwent three surgeries, extensive physical therapy and was unable to work for more than a year. The Kings County jury awarded her \$2,400,000 for her pain and suffering but the appellate court reduced the award to \$900,000.

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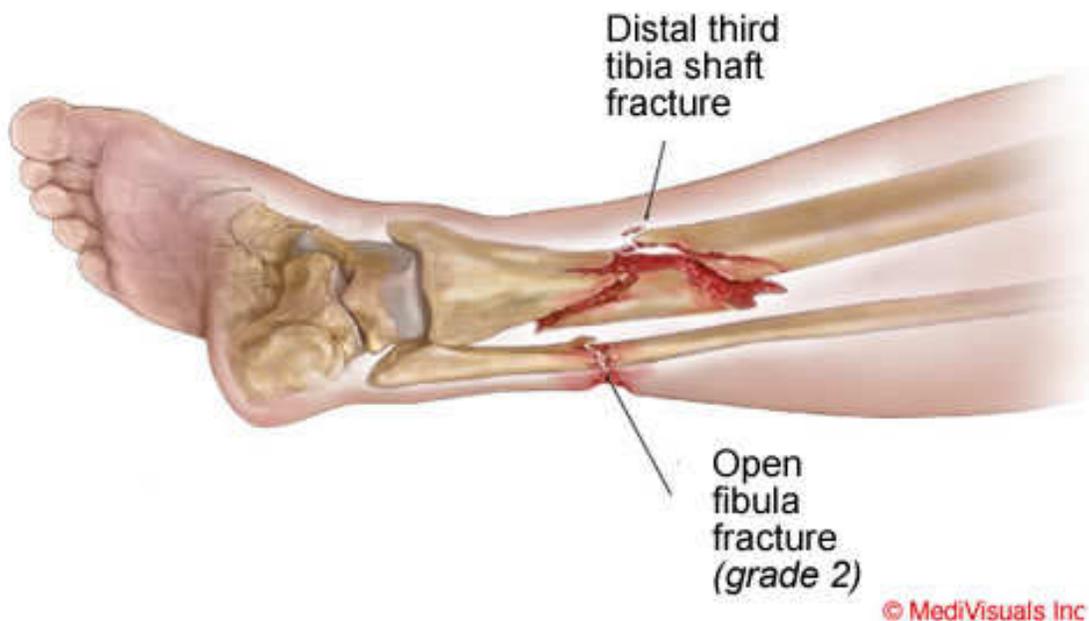
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