

The Hochfelder Report

THE CONSUMER'S GUIDE TO INJURY LAWSUITS IN NEW YORK

KNEE INJURIES

ISSUE 6

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

- How much money New York juries awarded for knee injuries
- How much money New York lawyers accepted to settle cases
- What makes a knee 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 knee injury cases
- Different types of knee injuries
- Accurate meanings of related medical terms
- Fine points of the knee's anatomy
- More!

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

Definitions

Knee: The articulation between the femur, the patella and the tibia.

Femur: The thigh bone.

Tibia: The medial and larger bone of the lower leg.

Patella: The kneecap.

Meniscus: A crescent shaped fibro-cartilaginous wedge that sits on top of the tibia.

Ligament: A cord, band or sheet of fibrous connective tissue, linking two or more bones, cartilages or other structures together. It imparts stability to a joint, preventing excessive motion in certain directions.

Anterior Cruciate Ligament (ACL): A ligament in the knee that acts as a primary restraint to certain movement of the tibia.

Medial: Of or pertaining to the side toward the midline.

Lateral: On the side; opposite of medial.

Posterior: Rear or back surface of the body.

Arthroscopy: Examination or surgical repair of the interior of a joint with an arthroscope (a thin rod with a lens inserted into the joint through a small incision).



John Hochfelder is a New York traumatic injury trial attorney who handles all types of personal injury claims and lawsuits. He is a member of the New York State Bar Association and New York State Trial Lawyers Association, and served as a Judge for five years in Westchester County. Actively involved in his community, Mr. Hochfelder has been a certified Emergency Medical Technician and is regularly called upon to lecture area Ambulance Corps on EMS liability issues and lawsuits. Visit John's website at www.newyorkinjurycases.com and his blog at www.newyorkinjurycasesblog.com.

Knee Replacement: A complicated surgical resurfacing of the knee joint usually with sawing of parts of the femur and tibia and the insertion of prosthetic rods and a kneecap.

Meniscectomy: Surgical removal of meniscal cartilage.

Sprain: A soft tissue injury limited to the ligaments.

Chondromalacia: A softening and erosion of articular cartilage.

Cartilage: Specialized connective tissue, often self-lubricating to allow joint movement.

Now, let's look at the knee:

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 injuries of the knee — resulting from slip/trip and fall trauma, car accident trauma or construction injuries — the victim has other injuries as well. These frequently include femur (thigh) or lower leg (tibia and fibula) fractures. For information about a specific

claim regarding those injuries, see The Hochfelder Report that deals with that specific injury.

If we haven't discussed your injury, you're invited to call John Hochfelder, who will gladly discuss your injuries with you at no cost or obligation. You're invited to call John toll free at 1-800-530-4660, or locally, 914-686-0900.

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 Knee Injury: \$0 to \$60,000

Your case is often valued in the \$0 to \$60,000 range when any or all of the following factors are present: When you have no fractures. When physicians dispute whether a ligament or meniscus is torn. When you need only minor surgery or no surgery at all. 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: \$0 in a case where a Kings County

jury determined that a man who was struck by a very slow-moving car did not sustain the torn meniscus and ligament he claimed. The jury believed the defense radiologist who stated that his review of the records and x-rays indicated only a knee sprain and no tears. Under New York's Insurance Law (Section 5102), in a car accident case, there can be no pain and suffering award unless the plaintiff can prove he or she meets the so-called threshold of a serious injury as defined in the statute. For non-fracture cases, in general, to prove a serious injury one needs to show some objective permanence and not mere sprains and non-permanent soft tissue injuries. Usually, surgery will get one past the threshold, but not if a jury believes the surgery was not due to the accident but was due instead to a pre-existing need.

Actual Case: \$36,000 pain and suffering recovery in Westchester County for a 43-year-old teacher in a car accident who suffered a torn meniscus requiring arthroscopic surgery. She had an excellent recovery.

Actual Case: \$55,000 pain and suffering recovery in Westchester County lawsuit for a 40-year-old man who slipped and fell on a sidewalk and suffered a torn anterior cruciate ligament. He did not require surgery.

Mid Range of Value for a Knee Injury: \$70,000 to \$200,000

Your case is often valued in the \$70,000 to \$200,000 range when any or all of the following factors are present: When you have a fracture, usually of the patella. When you have clearly torn ligaments or menisci surrounding the knee. When you need open or complicated arthroscopic 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: \$90,000 pain and suffering New York County jury award for a 46-year-old man who fell down a stairway and sustained a tear of the posterior horn of his right medial meniscus, for which he underwent arthroscopic surgery — and a complex tear of his left medial meniscus, which was also arthroscopically repaired (but might not have been caused by the fall).

Actual Case: \$100,000 pain and suffering Kings County jury award for a man in his 20s who suffered a torn medial meniscus that required arthroscopic surgery. Plaintiff made an excellent recovery.

Actual Case: \$200,000 awarded by Appellate Court ruling on a New York County jury verdict for a 29-year-old mover who tripped and fell, suffering a torn medial meniscus requiring two arthroscopic surgeries. He also had developed arthritis at the knee joint due to the accident injuries.

High Range of Value for a Knee Injury: \$300,000 to \$2,500,000

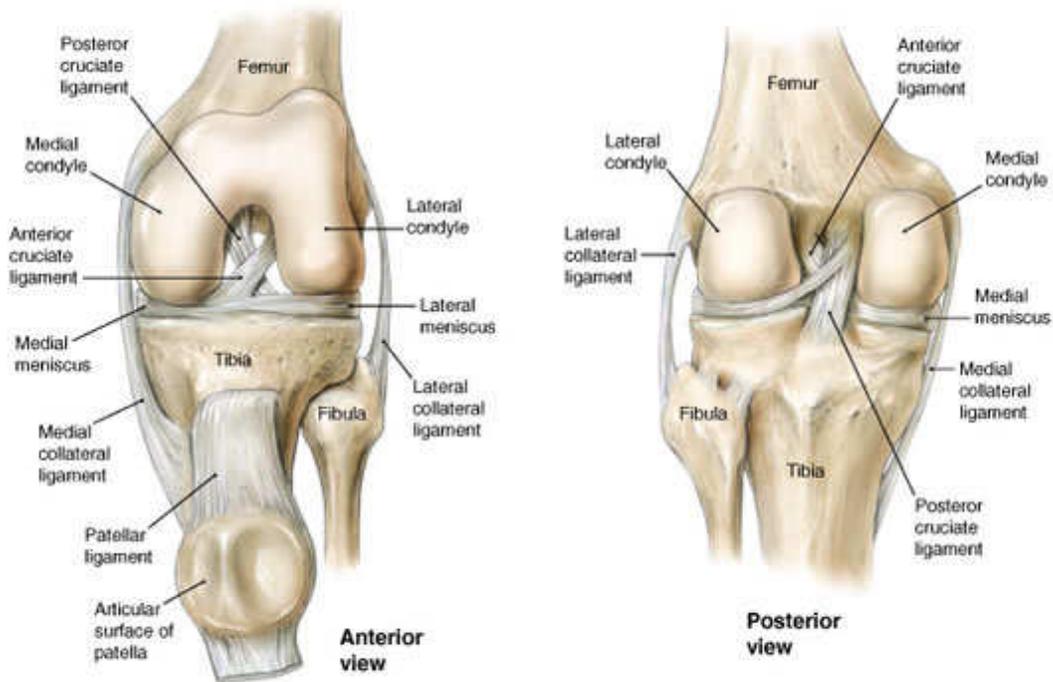
Your case is often valued in the \$300,000 to \$2,500,000 range when any or all of the following factors are present: When you have a significant patella fracture. When you require multiple surgeries. When you have a poor to fair recovery. When you will likely have significant future pain and disability. When additional future surgery is credibly recommended, such as a knee replacement. And when your case would be tried in an area where juries are liberal in their awards.

Actual Case: \$365,000 pain and suffering award by Appellate Court ruling on a Kings County case for a 44-year-old bus driver in a car accident who sustained an aggravation of his pre-existing chondromalacia resulting in three surgeries including a tibial tubercle osteotomy. He uses a cane to walk.

Actual Case: \$800,000 pain and suffering award by Appellate Court ruling on a Bronx County case for a 25-year-old who fell over a misleveled sidewalk and sustained a torn anterior cruciate ligament requiring reconstructive surgery with a hamstring graft and also a torn meniscus. It was clear that the plaintiff would develop arthritis and therefore need total knee replacement surgery.

Actual Case: \$2,500,000 pain and suffering award by an appellate court ruling on a Bronx County case for a teacher who fell and suffered extensive knee injuries requiring three surgeries to date with life threatening complications, permanent daily pain and at least one knee replacement surgery required in the future.

Normal Anatomy of the Left Knee



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You're Invited to Call or E-mail!

"If you have suffered a knee injury, you're invited to call me. I will ask questions about your injury and help you determine the value of your claim.

Call me toll free at 1-800-530-4660 or e-mail jhochfelder@newyorkinjurycases.com. I promise I'll do everything I can to help you."

—John Hochfelder