

The Hochfelder Report

THE CONSUMER'S GUIDE TO INJURY LAWSUITS IN NEW YORK

LOWER LEG INJURIES

ISSUE 3

How New York Juries Decide the Value of Pain and Suffering in Lower Leg Fracture Cases

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.

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 Tibia and/or Fibula Lower Leg Fracture: \$0 to \$100,000

Your case is often valued in the \$0 to \$100,000 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



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.

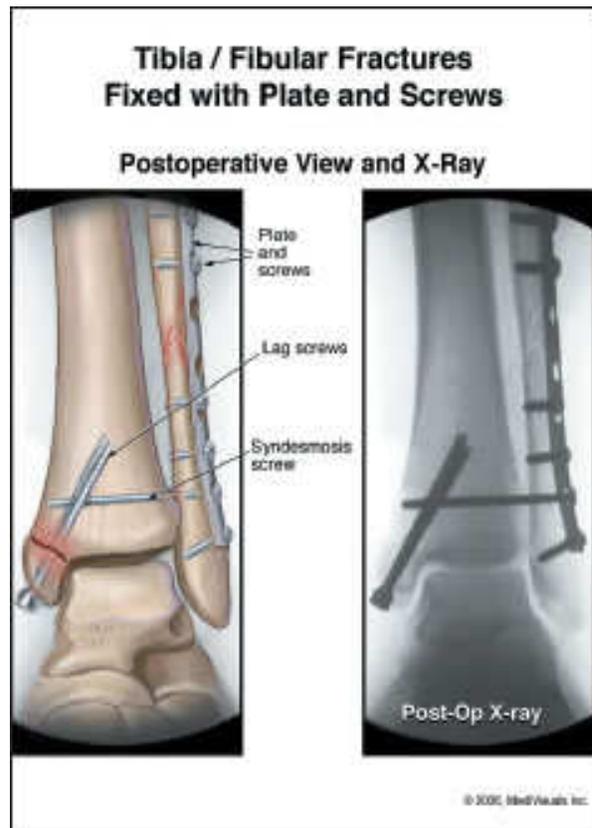
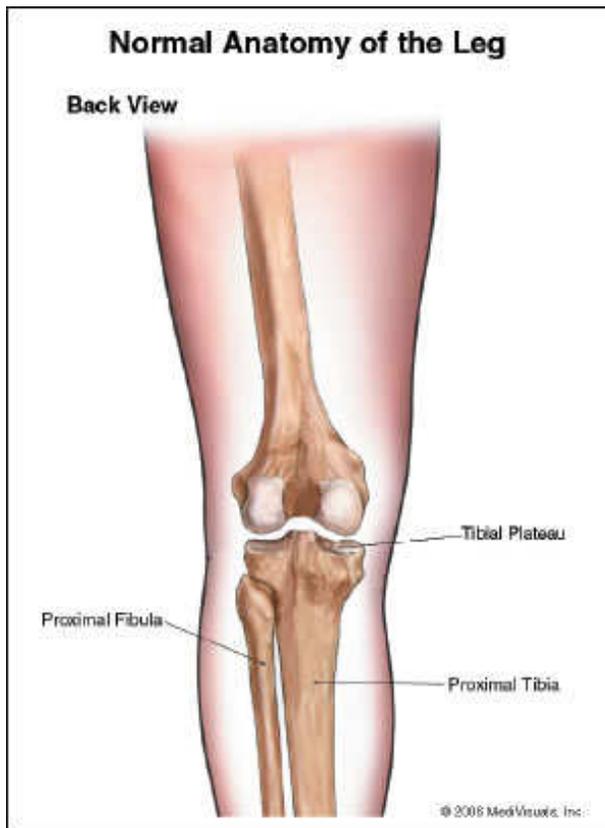
disability. And when your case would be tried in an area where juries are conservative in their awards.

Actual Case: \$4,000 pain and suffering Rockland County jury award for a 37-yearold 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: \$4,000 pain and suffering Rockland County jury award for a 37-yearold 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.

Actual Case: \$50,000 pain and suffering New York County jury award for a 46-yearold 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.

Mid Range of Value for a Tibia and/or Fibula Lower Leg Fracture: \$125,000 to \$400,000

Your case is often valued in the \$125,000 to \$400,000 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: \$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.

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.

High Range of Value for a Tibia and/or Fibula Lower Leg Fracture: \$450,000 to \$2,000,000

Your case is often valued in the \$450,000 to \$2,000,000 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.

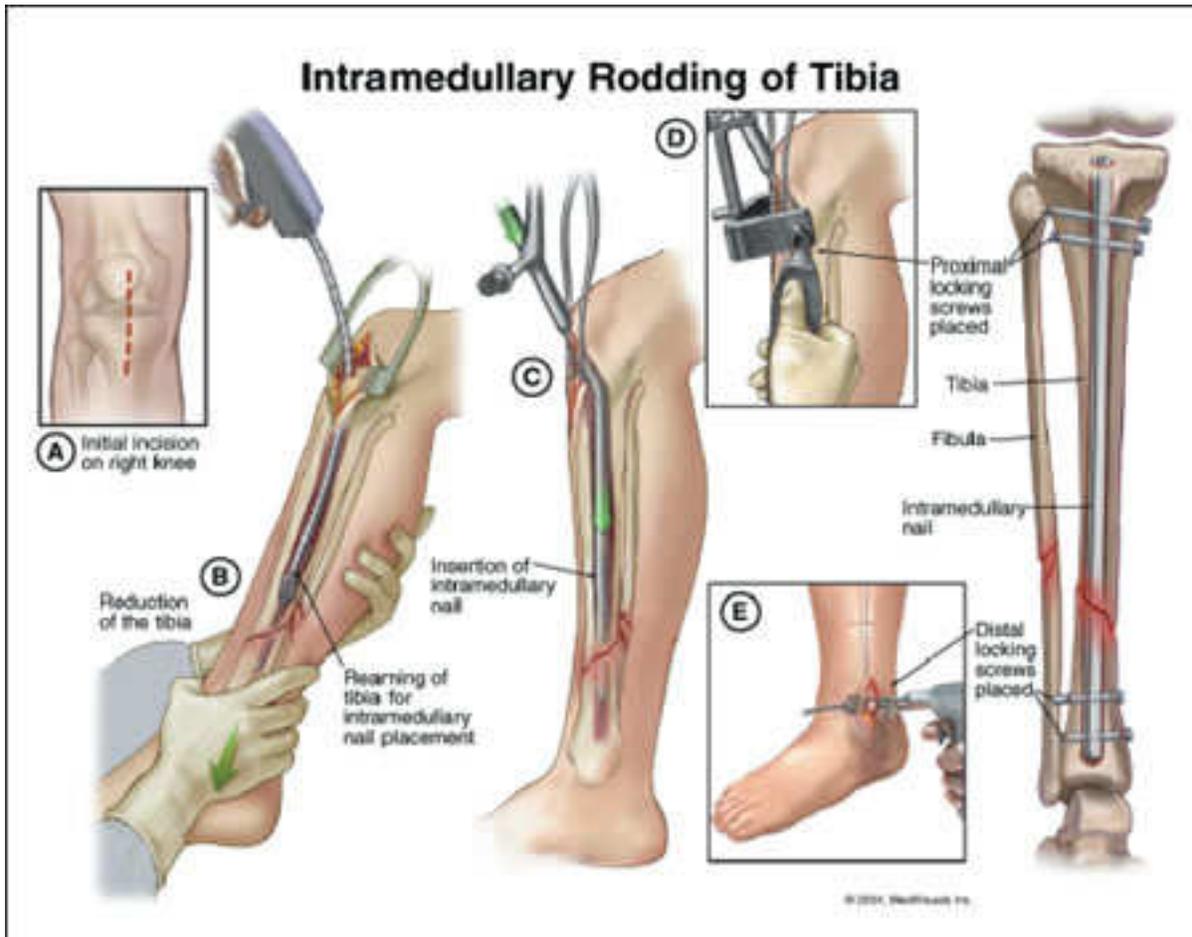
Actual Case: \$450,000 pain and suffering Bronx County jury award for a 21-year-old messenger struck by a car while a pedestrian. He suffered an open fracture of his tibia, requiring surgery to insert a metal rod and another surgery to remove it. His doctor recommended a future knee surgery.

Actual Case: \$750,000 pain and suffering award by appellate court, reducing Bronx County jury's \$2,500,000 award to a 47 year old man who fell from a ladder and suffered comminuted fractures of his tibia and fibula. The plaintiff underwent several surgical procedures during a two month hospital stay and extensive physical therapy thereafter. He was left with a partial permanent disability.

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.

Actual Case: \$2,000,000 pain and suffering award by a Bronx County jury for a 49 year old woman passenger in a car crash. After her car became disabled, she got out of the car, then uninjured, and was struck by a passing vehicle. She suffered massive degloving and crush fracture injuries to her left tibia and fibula and a

massive avulsion and shearing injury to her right tibia and fibula. She underwent several surgeries, including the insertion of tissue expanders and she needed several skin grafts. She was left with permanent restrictions and disabilities.



You're Invited to Call or E-mail!

"If you have suffered a lower leg 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

Definitions

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.

Closed Reduction - Manipulation or setting of the fracture without open surgical correction.

Comminuted Fracture: A bone splintered into multiple fragments.

Degloving Injury - An injury that results in avulsion of the skin areas which are stripped from their proximal attachment and subjected to pressure abrasion. This injury frequently results in irreparable soft tissue damage.

Distal - Situated away from the center of the body.

Fibula - The long thin bone of the lower leg (below the knee). It is smaller than the tibia.

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

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

Malleolus - An expanded projection or process at the distal (far end) extremity of each bone of the leg.

Medulla - The inner or deep part of a structure (i.e., bone).

Open Fracture: When the wound extends through the skin.

Open Reduction and Internal Fixation (“ORIF”) - 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 implanted to hold the reduction in place.

Proximal - Situated toward the center of the body.

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

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