

# NEW MEXICO INJURY ATTORNEY BLOG

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## **Valuation of Personal Injury Claims in an Auto Accident: You are Not Just a Number!**

The valuation of a personal injury claim for injuries suffered in an auto accident can be quite challenging under the best of circumstances. Assuming liability and fault for the accident on the other driver, a person injured in an auto accident is entitled to recovery for a wide range of injuries and damages.

The damages that an injured person may recover in a car accident include recovery for medical expenses, non-medical expenses, lost income, pain and suffering, disfigurement and permanent injuries, aggravation of preexisting injuries, loss of consortium, loss of household services, and in exceptional cases, punitive damages.

In order to recover for these injuries and damages, the person must first prove that the injuries actually exist. They must then prove they were caused by the accident. These first two requirements alone can often be a challenge, particularly in cases where the person has soft tissue injuries or significant preexisting injuries or medical conditions. However, even once past these two seemingly straightforward requirements, the real challenge is in placing a value on each and every injury.

This task is made more difficult when dealing with one of the many insurance companies that use the Colossus program. This software program was designed and licensed for the valuation of claims. Purportedly, it considers a large number of factors in the valuation. Unfortunately, it does not consider circumstances on an individualized basis.

Instead, it treats all injured parties as a homogenized commodity. Every accident and every injured person is treated the same. This is done for the convenience and efficiency of the insurance company. Rest assured, it is not for the benefit of the injured person or, his or her family. The result is that the opening offers are often very low in dealing with companies that use Colossus.

However, having said all that, the opening offers are typically very low in dealing with most insurance companies. This includes those that do not use Colossus. The only real difference is that some adjusters take the Colossus value as gospel and are reluctant for many reasons, including job security, to move off the Colossus figure.

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This is why having an car accident attorney experienced in insurance issues such as Colossus is so valuable. The challenge is clearly illustrating to the insurance company the injuries and damages suffered which must include consideration of individual circumstances.

You are not a number. More often than not, the insurance company must be reminded of this whether they use Colossus or not.

**DISCLAIMER**

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