



OFFICE LOCATION

Ankin Law Office
162 W Grand Ave
Chicago, IL 60654

Tel: 312-346-8780 or 800-442-6546

Fax: 312-346-8781

PRACTICE AREAS

Workers Compensation

Personal Injury

Motor Vehicle Accidents

Wrongful Death

Calculating Damages in Personal Injury Cases

6/30/2010

By Howard Ankin

The law provides for monetary compensation if someone causes you personal injuries away from the job. Workers' compensation, on the other hand, provides monetary relief for injuries suffered on the job, irrespective of fault.

Legal compensation for personal injuries away from the job is comprised of "special" damages and "general" damages. Special damages include repayment of medical bills and lost wages, which can be readily calculated based on the total amount of bills, and proof of time away from the job and the amount wages you were earning.

General damages include past and future pain and suffering, past and future physical injuries, permanent disabilities, and scarring. Pain and suffering encompasses physical pain, as well as mental suffering and emotional anguish. It relates to how your physical injuries restrict your day-to-day activities and hobbies.

Calculating damages for pain and suffering, and any permanent disabilities and scarring, is left to a jury's discretion on what it thinks is fair and just. The law does not impose a set formula. A jury's determination is rarely overturned on appeal, although trial judges from time to time will reduce a verdict if they think it is excessive. Some states have laws that cap the total amount of damages awarded to an injured person.

A good rule of thumb is that pain and suffering damages are generally one-to-three times the amount of your medical bills and lost wages. For example, if your medical bills and lost wages total \$50,000, you can expect pain and suffering damages anywhere from \$50,000 to \$150,000. The range of recovery can be higher if your injuries are particularly severe, such as if you are disfigured or permanently disabled as a result of the accident. A settlement is based on projections of what a jury is likely to award.

At trial, the jury is typically asked to:

Find in favor of the plaintiff (the person injured) over the defendant (the individual or company at fault) for X amount of money (or find in favor of the



OFFICE LOCATION

Ankin Law Office
162 W Grand Ave
Chicago, IL 60654

Tel: 312-346-8780 or 800-442-6546

Fax: 312-346-8781

PRACTICE AREAS

Workers Compensation

Personal Injury

Motor Vehicle Accidents

Wrongful Death

plaintiff and itemize the specific elements of damages rather than just awarding a single lump sum);

Find in favor of the defendant with no recovery for the plaintiff; or

Find in favor of the plaintiff for X amount of money, and assign a percentage of comparative fault between the parties.

In jury verdict request number three, the jury is asked to determine if the plaintiff is partially at fault for causing the accident, and, if so, the percentage of fault. The damages are reduced by that percentage. For example, if the jury awards damages of \$100,000 and determines that the plaintiff was 20 percent at fault for the accident, the plaintiff will be awarded \$80,000.

Each state has its own rules concerning comparative negligence. For example, in Illinois a plaintiff will recover nothing if he or she is 51 percent or more at fault. Other states bar recovery if a plaintiff is even just one percent at fault.

A monetary recovery for personal injuries is known as "compensatory" damages. It is meant to compensate an injured person for his or her losses. In cases where a defendant's behavior is particularly egregious, a plaintiff can recover what's known as "punitive" damages, although they are rarely awarded. Punitive damages are not meant to compensate for losses, but are instead meant to punish a defendant and deter others from engaging in similar conduct in the future.

If you or loved one has suffered injuries in an accident, it's important to consult with an attorney specializing in personal injury law to ensure you fully recover what you are entitled to receive under the law.

Howard Ankin of Ankin Law Office LLC specializes in workers' compensation and personal injury law. Mr. Ankin can be reached at 312 346.8780 and howard@ankinlaw.com