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Valuation of Your Personal Injury Claims

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The valuation of your personal injury claim is generally the primary basis of argument between you and the insurance company on the other side. Of course, [liability or fault](#) must be proven before the value of your claims becomes relevant.

Once you have proven liability pursuant to New Mexico Uniform Jury Instruction UJI 13-1801, you can recover for damages, Medical Expenses, Non-Medical Expenses, Lost Earnings (Past & Future), Pain & Suffering (Past & Future), Permanent Injuries or Disfigurement, Aggravation of Preexisting Conditions/Injuries, Loss of Consortium, and Loss of Household Services.

Pain and Suffering is often the most hotly contested issue. [Pain and suffering](#) includes both physical and emotional pain. Physical pain is difficult to document in itself, but will often be set forth in the medical records. Emotional and psychological pain is significantly more difficult to calculate, making it easier for the insurance company to dispute.

Once your damages have been determined and persuasively presented to the insurance company, the insurance company will then perform its own calculations for the valuation of your claims. Typically, the insurance company will use a multiplier of your total proven damages for its valuation.

When there are relatively minor injuries, the insurance company should offer 1.5 to 2 times medical expense. Where there are serious injuries involving significant pain, rehabilitation, and long-lasting injuries, the insurance company may offer 3 to 5 times medical expenses. In cases with severe injuries with permanent harm or disfigurement, the damages can go much higher. Often severe and permanent injuries will include significant recovery for lost earnings. In fact, these damages will typically be the great majority of the damages recovered.

Damages are dependent on the facts and circumstances of each individual case. Your case may include some or all of the damages recoverable under New Mexico law. It is important to keep in mind all of the damages recoverable under the Law so that you assist your attorney in documenting your injuries. If you have suffered any of the injuries allowable under the New Mexico Uniform Jury Instructions, be sure you pass the information on to your attorney so that nothing is overlooked.

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