

Pain and Suffering Settlement Calculator

How to Determine How Much Your Personal Injury Claim Is Worth



By Anthony Castelli, nationally recognized and highly rated and listed as an Ohio Super Lawyer by Super Lawyers Magazine.

INTRODUCTION

If you have been wrongfully injured and are seeking compensation for your injury from an insurance company or big business or other entity you need to know what your injury is worth. You need to have some method of calculating your damages and converting that to a dollar figure. You need a settlement calculator to determine a range of what your case is worth.

What follows is a free calculator directed to persons injured in Ohio. As each state is different, it is important to know how to calculate damages in Ohio. I will show you the method how the ultimate damage calculator, the civil jury, calculates damages. In order to know what your case is worth, you need to have some idea what a jury would do in your case. In fact, this method has been used by me in many jury trials and I venture to say by many good personal trial lawyers through out the state of Ohio.

These are the very questions I ask the Judge to give to the jury to answer. Only some juries are more generous than others and there are extraneous variables that can cause verdicts to vary in amount either higher or lower than expected. So your goal should be putting the most money in your pocket to make up for your injuries and losses. Even if you come up with a fair figure in your calculation do not expect the insurance company to write you a check for that amount. After all, their goal is to take in premiums and pay out as little as possible.

WHAT ITEMS OF DAMAGES ARE RECOVERABLE IN A PERSONAL INJURY?

In order to calculate your damages you must know what damages under Ohio law you are entitled to recover. Your case may not have all of these damages. But you must know them, so you know what to calculate and ask for. These are called **compensatory damages** and are meant to make up for your injury. We will not deal with punitive damages as they are meant to punish and are rarely given. Plus they are not payable by insurance.

ECONOMIC DAMAGES

- 1. Medical Expenses** You are entitled to recover the reasonable and necessary value of the medical expenses that were incurred for the treatment of your injury in the past and what is reasonably certain to be incurred in the future as a result of your injury. The amount accepted as full payment may be admitted as the amount you are entitled to recover
- 2. Loss of Income/Earnings** You are entitled to recover the reasonable value of the earnings that were lost as a direct result of your injury. Thus wages, vacation time, overtime, and fringe benefits are recoverable. If you used sick time or vacation time you should be paid for that as well. You are also entitled to recover loss of future earnings that you can prove that were likely to occur
- 3. Impairment of earning capacity** Impaired earning capacity is an alternative way to compensate you if you can do some work but your injury prevents you from doing the work you used to be able to do or were working towards. It's the destruction of your earning power. This often requires vocational and economic experts.

NON-ECONOMIC DAMAGES

- 4. Pain and Suffering** A valuable element of your bodily injury claim is the right to compensation for pain and suffering you were caused and will be caused in the future. This includes physical pain and mental suffering. I like to use a per day approach comparing the pain you endure to a job you have been given, but did not ask for.
- 5. Loss of Enjoyment of Life** You are entitled compensation if your injury affects your ability to perform your usual activities of life or if it affects special activities such as hobbies, sports, or just lifting your child in your arms.
- 6. Disfigurement** If your injury disfigured you or left a scar you deserve compensation.
- 7. Damage to the Marital Relationship** If your spouse is affected by your injuries such that your marriage is damaged your spouse can recover. This is only awarded in the most serious of cases.

IS THE WRONGDOER 100% AT FAULT?

If there is a dispute about who was at fault or how much they were at fault then your damages can be reduced. If you are more than 50% at fault you recover nothing. So if you think you can prove 100% fault on the wrongdoer and the insurance company agrees, then your damages should not be reduced. But if there is an argument that you could have prevented your injury then you may have to reduce your damages by that percentage of fault. If there is any question of fault you should consult an experienced personal injury lawyer right away.

HOW STRONG IS MY PROOF CONNECTING MY INJURIES TO THE WRONGFUL EVENT OR CONDUCT?

It is critical to prove that your injuries were caused by the wrongful event. It could be a motor vehicle accident, or fall in a store, or product related injury that was the cause of your harm. But your proof must be strong in connecting your injury to the event. If it is not your injury may not even be considered as a cause of harm. Thus an item of damage may be entirely excluded from consideration. There are many ways big insurance will attempt to discredit you and your injury as being connected to the wrongdoers conduct.

ADDING UP YOUR DAMAGES – YOUR PERSONAL INJURY CALCULATOR

Here is the way you put together your damage calculator to add up you injury. The same way a jury does it.

Past Medical Expense \$ _____
Future Medical Expense \$ _____
Past Loss of earnings \$ _____
Future Loss of earnings \$ _____
Past Pain and Suffering \$ _____
Future Pain and Suffering \$ _____
Past Loss of Enjoyment \$ _____
Future Loss of Enjoyment \$ _____
Past Disfigurement \$ _____
Future Disfigurement \$ _____

TOTAL DAMAGES \$ _____

If your injury is permanent and will last the rest of your life you should calculate your life expectancy and run your future damages to that point. For future loss of earnings use your work life expectancy reduced to present value.

WHY THE INSURANCE COMPANY WILL NOT PAY and WHAT YOU YOU CAN DO ABOUT IT.

Don't be surprised if big insurance does not pay you what you ask. If they do, you probably made a critical mistake and asked too little, especially if you have a serious injury. Allstate insurance company has a document that states ...We end up paying represented claimants up to 3 times as much as unrepresented claimants with similar injuries. Although this may not always hold true, the point is that insurance companies are in the business to make money. They do this by taking in premiums and paying out as little as possible.

What threat are you to them to get them to pay top dollar if you are unrepresented. Are you going to take your case to court if necessary? Are you going to preserve, gather and present the evidence in a compelling form that will support a fair settlement. The insurance company is counting on you to make critical mistakes and keep you from an attorney until its too late. Some will come right out and tell you not to go to a lawyer because they will take 1/3 of your settlement and they won't pay you anymore with or without a lawyer.

If you are like some who come here you are trying to settle your case on your own. Some compare this to a patient operating on themselves instead of getting a competent surgeon to get them the best treatment.

If you are looking for a lawyer I would be happy to talk with you at **no cost and no obligation**. Not every case needs a lawyer. Small cases can be handled without the risk of being seriously taken.

Maybe you are worried about finding the right lawyer. Yes some lawyers out there you would be better off without. I invite you to go to my web site www.castellilaw.com and download **Attorney Advertising Revealed** or read the Chapter I contributed in the best seller **Wolf in Sheep's Clothing - What Your Insurance Company Doesn't Want You to Know and Won't Tell You before it's too Late**.

Anthony Castelli Accident and injury Lawyer www.castellilaw.com

8170 Corporate Park drive, Cincinnati, Ohio 45242

513-621-2345, 1-800-447-6549, Satellite office West Chester, Ohio

Disclaimer

Please know that this is general information provided as educational information. It is not to be relied upon other than that. Reading this does not constitute an attorney client relationship. I encourage anyone that has or thinks they have a case to consult with an experienced personal injury trial lawyer. For it's the lawyer that has gone to trial, preferably quite a few, that has the guts to push your case as far as necessary and should know how to prepare your case for the best settlement possible. Each case is as different as a snowflake and your particular case in all its aspects should have at least an attorney consultation.