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### What Kinds of Damages May I Claim for Car Accident Injuries?

There are several types of damages you may claim in a personal injury lawsuit if you have sustained car accident injuries. Claims for medical expenses are chief among these, but you may also claim damages for lost wages or diminished employment opportunities; pain and suffering; or loss of affection (also called "loss of consortium"). This article focuses on the basic types of damages that someone injured in a car accident may want to consider, but you may also want to speak with a [car accident lawyer](#) before filing a claim.

See [Car Accident Liability](#) and [Economic Recovery for Accidents and Injuries](#) for more information, or download and print FindLaw's helpful pamphlet [Motor Vehicle Accidents: First Steps](#) (PDF).

#### **Medical Expenses**

If you are in a car accident, injuries may be as minor as a few cuts and bruises, or as serious as paralysis or some other permanent disability. Further, since some injuries may not produce symptoms at first or may need additional medical care down the road, it is important to undergo a thorough medical examination immediately following a car accident if you believe you may have been injured.

Medical expenses arising from a car accident may include (but are not limited to) any of the following:

- Physical and/or cognitive therapy (if a brain injury);
- Ambulance fees;
- Consultations with health care professionals;
- Accessories such as crutches or heat pads;
- Disfigurement (see Pain and Suffering, below);
- Permanent disability;
- In-home services (even if non-medical).

If your doctor believes you will need additional medical treatments or therapy at the time your claim is settled, your attorney may calculate the likely costs. Doctors and health care professionals can help with these estimates. If a motorist is liable for the death of another motorist, the surviving family could file a claim for [wrongful death](#), in addition to any medical costs incurred between the accident and time of death.

#### **Pain and Suffering**

Pain and suffering is legally defined as mental or physical distress for which one may seek damages in a lawsuit. These damages are based on the type of injury, the seriousness of the pain suffered, and the prognosis for future pain associated with the injury. Pain and suffering may also include mental and/or emotional damage stemming from the incident, such as anxiety or stress. Some states allow plaintiffs to include pain and suffering damages for a general loss of enjoyment of life.

Not all states award damages for pain and suffering in the same way. While some allow a jury to assume that there must always be some pain and suffering associated with a bodily injury, others require a certain period of consciousness during the injury to make that claim.

#### **Lost Wages**

After a car accident, injuries may cause you to lose earning capacity. This may also include an inability to work due to physical therapy sessions, time spent in a hospital, problems with mobility, or other factors that prevent you from earning your usual wages. You must be able to prove that the injuries have impaired or diminished your ability to earn money in the future, based largely on past earnings. A jury will consider factors such as age, occupation, skill, experience, and life expectancy.

### **Loss of Affection or Companionship**

If you are married, an injury could deprive you and your spouse of the ability to show affection, including sexual activity, which is referred to in legal terms as a "loss of consortium." Unlike other types of damages, loss of affection, companionship, and/or consortium are claimed by the uninjured spouse. But these types of damages cannot be recovered if you do not recover damages for your injuries.

If a motorist dies as a result of his injuries, surviving family members may claim loss of society and companionship damages. For this type of claim, the jury considers whether:

- the deceased motorist had a loving and harmonious relationship with the plaintiff(s);
- their living arrangements; and
- the general impact of the motorist's death on the surviving family members.

You may be entitled to some or all of these types of damages in a personal injury lawsuit if car accident injuries have impacted your life or the lives of those closest to you. Many [car accident attorneys](#) will not charge fees until you win your case and may be able to help you.

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