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Economic Recovery for Accidents and Injuries

If you have suffered harm as a result of an accident or injury, you may be entitled to receive economic recovery from those who are at fault. What you can recover will depend upon the kind of damages you experienced because of the accident or injury -- both during and after the incident. In some cases, your family members may also be entitled to recover, to the extent that your injury affected their relationship with you.

To get an idea of the types of damages for which legal recovery is possible, browse the following glossary, which defines almost every type of legal compensation available to a plaintiff in a personal injury case. Remember that an experienced attorney will explain your options, and will work to ensure that you receive all compensation to which you are entitled under the law in your state.

Disfigurement. When an accident or injury has left a person deformed or disfigured, e.g., by scars or other permanent effects on personal appearance, the injured person (the "plaintiff") may be able to collect damages for any mental suffering that arises due to awareness of the disfigurement. These damages are sometimes included as an element of other types of damages, such as mental anguish.

Future medical expenses. This type of recovery is permitted if the plaintiff proves that he or she will need continued medical care as a result of the accident or injury. The proof must be sufficient for the jury to make an approximate estimate of the cost, i.e. through the medical opinion of a treating doctor.

General damages. Compensation for harm that ordinarily results from wrongful conduct, such as physical and mental pain, and loss of enjoyment of life after an accident or injury. These damages cannot be proved with any clear specificity, but are awarded based on the fact that they normally follow from an accident or injury.

Household services. The cost of hiring somebody to do things around the house while the plaintiff is recuperating from an accident or injury, provided that the expense would not have been incurred had the plaintiff not been injured. These kinds of damages are sometimes included as part of medical expenses.

Loss of consortium. Deprivation of the benefits of married life after an accident or injury -- affection, solace, comfort, companionship, society, help and assistance, and sexual relations between spouses. Usually the uninjured spouse makes the claim and his or her financial recovery will depend on whether the injured spouse recovers any damages. In some cases, the injured person will make the claim as well. A value is placed on this loss by considering the couple's individual life expectancies, whether the marriage was stable, how much care and companionship was bestowed upon the uninjured spouse (or vice versa), and the extent to which the benefits of married life have been lost.

Loss of consortium of a child. Parents may be able to recover damages when their child is injured, and the injuries are severe enough that they interfere with the normal relationship between parents and their children.

Loss of enjoyment of life. A diminished ability to enjoy the day-to-day pleasures of life, "loss of enjoyment" is usually an item of general damages, meaning there is no precise way to place a monetary value on it. Some states treat it as a form of pain and suffering, others treat it as a distinct kind of damage in an accident or injury case.

Loss of society and companionship. In [wrongful death](#) cases, loss of society and companionship damages represent the positive benefits flowing from the love, comfort, companionship, and closeness that the plaintiff(s) (immediate family members) would have enjoyed had the decedent lived. A jury considers evidence that a harmonious relationship existed between the plaintiff and the decedent, their living arrangements, common interests and activities, and whether the decedent and plaintiff were separated for extended periods. See "loss of consortium" and "loss of consortium of a child."

Lost earning capacity. After an accident or injury, these damages may be recovered if the plaintiff proves that his or her ability to earn money in the future has been impaired or diminished by the injuries. Factors that help determine whether an award should be made include the plaintiff's age, health, life expectancy, occupation, talents, skill, experience, and training. Past earnings are a factor in determining the appropriate amount of compensation for lost earning capacity, but the claim really focuses on what might have been earned were it not for the accident or injury.

Lost wages. These damages represent the amount of money a plaintiff would have earned -- from the time of the injury to the date of settlement or judgment. An unemployed person may be permitted to recover lost wages if he or she can prove what could have been earned during the same period.

Medical expenses. Bills and expenses for medical services such as doctors, hospital stays, emergency room treatment, ambulance fees, and nursing services. A plaintiff must show that the expenses are related to medical conditions resulting from his or her injury. The total amount of medical expenses is sometimes used as a rough guide to

decide whether the overall award of damages is reasonable. Note that the cost of a medical examination for purposes of litigation is not ordinarily recoverable as a medical expense. **Medical surveillance.** The cost of monitoring plaintiff's medical condition after the plaintiff was exposed to a hazardous substance, so that any illness or injury might be detected early. **Mental anguish.** Any mental suffering or emotional distress associated with an accident or injury, including fright, terror, apprehension, nervousness, anxiety, worry, humiliation, mortification, feeling of lost dignity, embarrassment, grief, and shock. **Pain and suffering.** An award for past and future physical pain in connection with an accident or injury. To place a monetary value on pain and suffering, the jury considers the nature of the injury, the certainty of future pain, its severity, and how long the plaintiff is likely to be in pain. Some states allow the jury to assume that if a bodily injury has occurred there has been some pain and suffering, and some require that the plaintiff be conscious for some time period during the injury. **Permanent disability.** These damages are best proved by medical testimony, and ordinarily a doctor must examine a plaintiff claiming permanent disability. Some courts have held that permanent disability damages can include not only disabilities that are objectively determined, but also disabilities that the plaintiff subjectively perceives. **Present cash value.** The current value of projected future earnings; the amount that, if invested wisely, will over time produce the amount the plaintiff would have earned had he or she not been injured. **Special damages.** This is a general category of damages that covers all monetary losses, including medical expenses after an accident or injury. Recovery requires detailed proof that the losses were sustained, and a showing of how much money was involved.

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