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Why Non-Economic Damages Matter in a Personal Injury Case

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When a person suffers an injury due to an accident or negligence, they often face a multitude of costs as a result. Whether those costs are medical bills, lost wages, property damage, or other similar items, these are all tangible. Financial losses such as these are extremely easy to calculate. However, there's another category of compensation that's equally as important though harder to measure: non-economic damages.

Unlike economic damages such as those described above, the purpose of non-economic damages is to compensate a person for the intangible. Their inclusion in personal injury cases is crucial because they recognize the full scope of harm that you experience. If you are proving negligence in a car accident claim, which is a common example, your lawyer may speak with you about non-economic damages and their importance which is why having foundational knowledge is so important.

Understanding Non-Economic Damages

Non-economic damages are distinct from economic damages in that they cannot be easily quantified with receipts, invoices, or on a bill. Economic damages cover actual financial losses but non-economic damages account for the effect that an injury may have on a person's life. Some common examples of non-economic damages in personal injury cases include:

- **Pain and Suffering:** The first and arguably most common type of non-economic damage is pain and suffering which covers the physical pain resulting from an injury but also the suffering that comes with it. This suffering can extend beyond the immediate aftermath of the accident which is what makes it a non-economic damage.
- **Emotional Distress:** Injuries can often lead to anxiety, depression, or other emotional or mental hardships. This can lead victims of accidents to have mental health issues arising due to their trauma which causes more expenses to be incurred.
- **Loss of Enjoyment:** Following an injury, a person may no longer be able to engage in the activities they once enjoyed and this can diminish their overall quality of life, thus resulting in compensation.
- **Loss of Companionship:** Finally, injuries can also affect relationships between family and loved ones, especially when it limits a person's ability to maintain intimate or familial connections, so those close to the injured party may have grounds to file suit as well.

All of the above types of non-economic damages exist in personal injury law for the purpose of ensuring that a victim's emotional, psychological, and relational suffering is recognized and compensated for. If this consideration were not taken into account, compensation from personal injury would only reflect tangible costs which wouldn't be fair when there are long-term consequences to injury as well.

How Non-Economic Damages Impact Victims' Lives

As alluded to, the effects of an injury can often extend far beyond the physical. Emotional and psychological tolls stemming from injury can be just as damaging, if not more so. If a person suffers a back injury, for instance, that causes chronic pain over time then they will be forced to deal with an ongoing expense due to ongoing treatments and time off work. They may also develop emotional strains such as depression and anxiety which require further treatment due to the discomfort as well.

Injuries such as scarring, disfigurement, or the loss of mobility are all other examples that can have a profound impact on someone's daily life. A person who once enjoyed jogging or outdoor activities, for instance, may now find themselves unable to participate in these due to their injuries. The loss of these simple pleasures can leave a person feeling isolated or hopeless, thereby diminishing their sense of self-worth.

It's also possible for injuries to strain relationships as someone suffering from long-term pain may naturally become irritable or withdrawn as a result. This can make it difficult for them to maintain healthy connections to family members, friends, or loved ones, thereby affecting those people's mental and physical well-being as well.

How Courts and Insurance Companies Calculate Non-Economic Damages

The calculation behind non-economic damages is naturally a more challenging process than that which is used for economic damages. This is due to the fact that there is no direct financial value attached to emotional pain or distress. However, courts and insurance companies have developed various methods to estimate these damages effectively. The two most common methods used include:

1. **The Multiplier Method:** This first option involves applying a simple multiplier to a person's economic damages depending on the severity of their injury, with a more severe injury warranting a higher multiplier.
2. **The Per Diem Method:** This second method assigns a daily rate to the pain and suffering a person feels as a result of their injuries and a court will then dictate a grand total amount owed dependent on the number of days that pain was dealt with.

The severity of the injury, length of recovery time, impact on quality of life, and medical evidence as well as expert testimony will all play a role in the total calculation of non-economic damages though.

Challenges in proving Non-Economic Damages

Proving non-economic damages can be a difficult process due to the fact that they are inherently subjective. Unlike medical bills which come with a clean dollar figure at the bottom, emotional

distress and pain can’t be so easily quantified. This is why medical records and expert opinions may be gathered in cases with chronic pain or psychological disorders, as they will play a key role in “quantifying” the non-economic damages.

Ensure fair compensation for your losses

Non-economic damages are essential in ensuring that personal injury victims are fairly compensated for the full impact of their injuries. These damages go beyond financial costs, though, as they address the emotional psychological, and relational aspects of suffering. If you have been injured, it’s important that you document your experiences including how your injury has affected your life beyond just medical expenses. With the help of an experienced personal injury attorney, you can receive full compensation that recognizes both the emotional and physical toll of your injury, rather than just the financial costs.

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