FARAH & FARAH

DETERMINING VALUE:

WHAT IS YOUR CAR ACCIDENT CLAIM REALLY WORTH?



By Eddie Farah, Attorney At Law

THE CASE FOR YOUR CASE:

There is no accepted formula or process by which someone can determine with any certainty the amount of money that a personal injury case may be worth. If there were, then society would not have a need for personal injury lawyers or the civil justice system. One could simply apply "the formula" to determine the value of a case. And, if this were the case, there would be no need for a trial. Yet, we know that trials are necessary when the two sides cannot agree on the value of a case and it is left up to a jury of six ordinary citizens to make the decision.



In general terms, a case is worth the amount of damages inflicted on the person who has been injured.

SOME DAMAGES MAY BE **EASY TO CALCULATE:**

- Past & Future Medical Expenses
- Lost Earnings
- Lost Earning Capacity
- Property Loss

In the states of Florida and Georgia, it is the law that a person who has been injured has a right to recover damages compensating for other "intangible" harms. We like to refer to these as "human damages."

IT IS THESE "INTANGIBLE" OR "HUMAN DAMAGES" THAT ARE **MOST DIFFICULT TO CALCULATE:**

- Pain & Suffering
- Mental Anguish
- Disability
- Loss of Enjoyment of Life
- Inconvenience

The human damages are purely subjective, difficult to determine and often vary among the jurors who are deciding the case. Ultimately, the value of the case is determined by the jury who decides the case, if the case is tried in court.

After a case begins, the injured person's attorney and the at-fault person's insurance company are continually trying to evaluate how a jury might perceive the case and how much money a jury might award. Then, each side will assign a value or value range, and try to negotiate a settlement close to or above each side's own range.



Often, it may take many months or several years before the value of a case can be adequately assessed. This may be because of the slow progress of a person's recovery or rehabilitation. Another reason may be due to the complexity of the injury or condition which may cause a significant delay in a final diagnosis by the treating physician. In many instances, a case should not be settled or resolved until the person reaches maximum medical improvement following an accident. By this we mean that the plaintiff has reached a point in their medical care where a long-term diagnosis or a final diagnosis can be made concerning the extent of the injuries.

In many instances, the value of a case is driven primarily by the extent and severity of a person's injuries. Other important factors to consider include the type, extent and frequency of past medical treatment and the need for future treatment.

WHEN WE EVALUATE A CASE, WE RELY ON SEVERAL OTHER FACTORS TO HELP DETERMINE THE CASE VALUE.

THESE FACTORS MAY INCLUDE, BUT ARE NOT LIMITED TO:

- The client's likeability as a witness
- Their credibility
- The client's age
- Prior medical history
- The client's previous activity levels
- The facts of the accident giving rise to the case
- The extent & permanency of the injuries
- The client's age
- Whether the client has missed time from work
- The identity of the at-fault insurance company & the defense attorney
- Specific legal or evidentiary issues involved in the case
- The county where the case has been or will be filed
- The amount of the settlements & verdicts for similar types of cases that we and other lawyers have handled in the past

These factors are constantly being evaluated during the course of your case by the attorneys at Farah & Farah and it is our goal to have as much input as possible to make sure all the facts that influence the value of your claim are investigated and developed so that you have the best chance of receiving the settlement you deserve.

You should know that no two cases are alike even if the accident and/or injuries involved are almost identical. This means that the evaluation of two cases that appear to be similar on the surface may actually produce widely different evaluations due to the factors listed above. Evaluating personal injury cases takes a lot of knowledge, experience and some intuition. Without these traits, you may be at a disadvantage when negotiating with the insurance adjustor. Unless you are in the business of evaluating and settling personal injury cases for a living, you should look to an experienced personal attorney for guidance.

CAR ACCIDENTS NEVER REST, SO NEITHER DO WE.

At Farah & Farah, we work together in groups to give your case the resources and dedication it deserves. Our legal team is comprised of respected and experienced attorneys, case managers, investigators, and legal assistants, all of whom are available to personally meet with you and discuss your case.

Our personal injury attorneys make your one shot at compensation count, representing working people and families in matters involving: auto accident, personal injury, medical malpractice, workers' compensation, social security, slip & fall, trucking accidents, maritime law, boating accidents, nursing home abuse and animal attacks.



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