
HOW TO DETERMINE THE VALUE OF A PERSONAL INJURY CASE

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HOW TO DETERMINE THE VALUE OF A PERSONAL INJURY CASE - WHAT IS YOUR ACCIDENT CASE REALLY WORTH?

“Three primary factors that influence the value of an injury case include: the extent and severity of the person’s injuries, the prevailing attitudes of the judge or jury toward personal injury claimants and the available and admissible evidence.”

Determining the value of a personal injury case is a complex, inexact, and subjective process fraught with uncertainty. No magic formula or rule of thumb exists to determine the value of your injury case. In fact, many trials occur not solely for the purposes of determining liability, but rather simply to have a judge or jury decide the disagreement between the parties and their lawyers as to the value of each element of damages. It is this complexity that necessitates hiring an experienced personal injury lawyer to assist you in determining an appropriate value for your case.

While personal injury cases may appear to be identical, in truth, each case is unique. A broken leg arising from a automobile accident does not have the same value in every case. The difference in value arises from the many different factors that influence an injury case. Three primary factors that influence the value of an injury case include: the extent and severity of the person’s injuries, the prevailing attitudes of the judge or jury toward personal injury claimants and the available and admissible evidence.

For these reasons a simple broken leg may give rise to many different elements of damages. These elements of damages can be relatively objective and easy to determine or subjective and difficult to determine. Examples of largely objective elements of damages that might be easy to determine include past and future medical charges, lost earning capacity and property loss. On the other hand, the law allows the right to compensation for other harms that are largely subjective and difficult to determine. Examples of these elements of damages include: pain and suffering, mental anguish, disability and impairment, disfigurement, and damage to the marital relationship.

Thus, the fair value for the broken leg sustained in the car accident will vary depending upon how it affects each aspect of your life.

EXTENT & SEVERITY OF INJURY

Ascertaining a fair value for your case will primarily depend upon the extent and severity of your injuries. If your broken leg heals quickly and you are able to return to your normal activities quickly then the value of your case

PREVAILING ATTITUDES

Ultimately, the value of a personal injury case and all elements of damages will be determined by the judge or jury that hears the evidence in your case. Each judge and each member of a jury panel have varying attitudes

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towards personal injury law and personal injury claimants. Some may believe that the law is unfair. They may believe that if you are in any way responsible for the car accident that you should not recover anything.. Others may believe that subjective injuries such as pain and suffering, mental anguish, and loss to the marital relationship are unworthy of any compensation or that if they follow the law and award damages of this nature that there insurance rates will rise. The extent and depth of these attitudes vary between different people based on their past personal experiences, prejudices and communities in which they live.

example, if the person that caused your injury offers to pay for your medical, hospital or similar expenses, that offer is not admissible to prove liability. This rule is referred to as the “good Samaritan rule”. It is designed to protect the person who helps out of sense of either legal or moral responsibility. Knowing the applicable evidentiary rules and being able to accurately determine what evidence will be admissible at trial affects the value of your case.

MISCELLANEOUS FACTORS

When I review a case to determine its value I also evaluate other miscellaneous information including, but not limited to, liability, the credibility of the witnesses, the client’s potential to be an effective witness, the identity of the insurance companies involved and its attorneys, the county in which the case will be filed, and past verdicts or settlements that appear similar to the injury sustained and the venue involved.

ADMISSIBLE EVIDENCE

Apart from the extent and severity of your injuries and the prevailing attitude of the judge or jury, the value of your case also depends upon the available and admissible evidence. The admissibility of evidence depends upon compliance with the rules of evidence.

For example, evidentiary rules prohibit the admission of out of court statements to prove the truth of the matter asserted. This is known as the “hearsay rule”. However, the hearsay rule is known more for its exceptions rather than its prohibitions. If the person that hits you tells you or others at the time of the accident that accident was his fault and he is sorry, his statement may be admitted into evidence as an exception to the hearsay rule.

The successful determination of the value of a case requires skill, judgment and informed intuition. Without these traits, you are at a distinct disadvantage in determining the true value of a case and in negotiating with an insurance company to settle a case. For these reasons, you should look to an experienced attorney to assist you in obtaining the true value of your personal injury case.

Conversely, evidence may exist that is persuasive, but is not admissible. For

ABOUT THE AUTHOR

J. BRANTLEY DURRETT, III

J. Brantley Durrett, III is an attorney that has been representing personal injury victims in accident cases against insurance companies and other wrongdoers since 1989.

His experience is concentrated in complex civil litigation matters with a particular emphasis in personal injury and insurance litigation. He has represented car accident victims in cases as serious as wrongful death and as minor as soft-tissue injuries. He also has significant appellate experience including appeals before the Texas Courts of Appeal and the United States Court of Appeal for the Fifth Circuit. In an appellate capacity, Mr. Durrett has handled cases of first impression in Texas and won significant reversals of lower court mistakes.

Mr. Durrett has been licensed in Texas since 1989. He has obtained millions of dollars in settlements for his clients. He is a member of numerous professional organizations, including the State Bar of Texas (Sections: Litigation, Insurance and Commercial and Consumer Law) and the American Association for Justice (Sections: Motor Vehicle Liability, Insurance, Medical Malpractice, Commercial Litigation and Expert Witnesses).

Recently, Mr. Durrett restructured his practice to accept only a limited number of serious accident cases each year. As a result, he can provide a greater level of personal service for his clients without the distraction of maintaining a heavy case load.

If you think you have wronged by the careless act of another, contact Mr. Durrett for a FREE, no obligation consultation.

Durrett Law Firm

The **Durrett Law Firm** is dedicated to protecting your interests and handling your case with personal attention, aggressive advocacy, professionalism, and compassion.

We have been successfully representing injured people, car accident victims, and wrongful death cases in Texas for almost 20 years. We understand that sustaining traumatic and life changing injuries is emotionally devastating. We strive to balance this concern with the unique and rigorous demands of the legal system. We understand that the selection of your personal injury attorney is an important decision, and which may have far reaching consequences.



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