

Martin and Jones: Fighting for Fair Compensation for Accident Victims

Accident victims face what can feel like an overwhelming number of decisions such as who to see for medical treatment, what to do about work, and how to pay their bills. It can be difficult to know what to do, especially when you don't know what the future holds. To make the best decision as to how to proceed with your case, it is vital that you understand the damages available and how the settlement process works. A [Raleigh personal injury attorney](#) can explain what your case may be worth and the possibility of obtaining a settlement.

Breaking Down the Damages Available in a North Carolina Personal Injury Claim

When you are injured in an accident, you are entitled to be made whole under the law. This means that you can seek compensation for all your losses, not just your medical expenses. Many non-lawyers overlook several important elements of their claim, winding up with a settlement that pays only a fraction of what they need. A Raleigh personal injury law firm can make sure that all your losses are included in your claim so that you can be fairly compensated for your accident.

Economic (Financial) Damages

When people consider pursuing a personal injury claim, they are generally thinking about the costs they have incurred because of their accident. In legal terminology, these are referred to as your "economic damages." Any loss you have suffered that resulted in a specific cost would be considered part of your claim for economic damages, including the following:

- **Your medical bills**, including doctor's visits, surgery and other procedures, physical therapy, and other rehabilitative care.
- **Your lost income**, including salary, hourly wages, tips, commissions, vacation or other accrued leave, retirement contributions, and other benefits that you have lost because you were unable to work due to the injuries you sustained in your accident.
- **Your lost earning capacity** if your injuries will impact your ability to work in the future.
- **The damage to your vehicle** – either the cost to repair it or replace it.
- **Any other expenses** you have incurred because of the accident such as increased transportation costs because you cannot drive or the cost of hiring someone to help you around the house.

While your claim for economic damages will be relatively straightforward, it is critical that you keep copies of all bills, invoices, receipts, and other documentation of these losses. Without these records, you will be unable to prove your claim. A Raleigh personal injury attorney can make sure that all your losses are captured and help you assemble the documentation you will need to prove your claim.

Non-Economic Damages

You are also entitled to seek compensation for your non-economic damages. These losses do not have a specific dollar amount, such as your medical bills. These losses are more difficult to quantify as they are subjective in nature. That said, they are no less real than your economic losses, even if they are more difficult to articulate.

Raleigh personal injury lawyers can help you seek non-economic damages as compensation for the following:

- **Pain and suffering** – the physical agony or discomfort and mental anguish that you experience because of your injuries.
- **Emotional distress** – this includes the impact the accident has on your mental health, which can include depression, anxiety, or PTSD.
- **Loss of consortium** – if you have [lost a loved one](#) in an accident, you are entitled to compensation for the loss of their companionship.
- **Loss of enjoyment of life** – you may be entitled to compensation if your injuries significantly limit your ability to enjoy your life as you did before your accident.

Your non-economic damages could constitute a major portion of your claim, possibly worth hundreds of thousands of dollars, depending on the nature and severity of your injury. There is no mandatory method of calculating non-economic damages in North Carolina, but courts will consider one of the three following methods:

1. The multiplier method, whereby the economic damages are multiplied by a factor between one and five, depending on the severity of your injuries.
2. The per diem method, where the court is asked to consider a daily amount that the non-economic damages would be worth, and then that amount is multiplied by the number of days you have been suffering.
3. A method where you try to convert non-economic damages into economic damages. For example, if you can no longer care for your yard, the cost of hiring a landscaping service would be considered a part of your non-economic damages.

We should note that non-economic damages are capped in [medical malpractice cases](#). The cap varies according to inflation, but it is slightly more than \$500,000.

Are You Entitled to Punitive Damages in North Carolina?

Many accident victims feel angry or resentful about the fact that they have suffered a serious injury because of someone else's negligence. As a result, people often want to know if they are entitled to punitive damages.

It is important to first understand what punitive damages are and consider them in comparison with the compensatory damages we discussed above. Your compensatory damages are intended to *compensate* you for your economic and non-economic losses. In other words, compensatory damages are very similar to a reimbursement.

Punitive damages, on the other hand, are intended to punish outrageous behavior and dissuade others from behaving similarly. As a result, punitive damages are available only in those cases where there is fraud, malice, or willful and wanton misconduct. Accordingly, punitive damages are awarded only rarely. A Raleigh personal injury attorney can provide you with an opinion as to whether punitive damages are available in your case.

A Raleigh Injury Law Firm Can Help You Get a Fair Settlement

Most personal injury cases settle before they go to court. Unfortunately, this doesn't mean that the settlement process is easy, even if the insurance company is offering you a quick settlement. The settlement process is more complex than many people realize and requires much of the same proof that you would need if you were to go to court.

A Raleigh injury law firm can help you by collecting the documentation you need to prove your claim and then negotiating what you can accept as a fair settlement. The negotiation can be completed in a few days or weeks or drag on for months. Your lawyer can handle the settlement process while you focus on getting your life back

together.

How Do You Know My Case Will Settle?

No one can know for certain whether your case will settle. That said, there are certain factors that a Raleigh injury law firm will consider to predict the likelihood of settlement in your case:

- **The severity of your injuries** – the more severe your injuries, the more likely it is that the insurance company will pay you fair compensation. Injuries that require long-term treatment or recovery, result in a permanent disability, or disrupt your ability to live your daily life tend to result in higher compensation.
- **Clear evidence of negligence or fault** – you are more likely to get a fair settlement if it is obvious from the facts and the evidence that the other party's negligence caused the accident.
- **Your medical expenses** – the higher your medical bills, the more likely the insurance company will be willing to settle your case for an acceptable amount.
- **Damage to your vehicle** – the greater your damage to your vehicle, the more likely the insurance company will accept that your injuries are legitimate and will therefore pay greater compensation.

Again, there are no guarantees that your case will settle – every case is different, and a single fact can make a significant difference. In addition, a settlement requires both sides to agree to settle the case. If the insurance company refuses to settle, your only option may be to go to court.

You Are in Control of Your Case

It's easy to lose sight of the fact that you are in control of how your claim is handled when you are injured and worried about paying your bills. And while both parties need to agree to settle the case, accident victims often feel that they are being pressured into accepting a settlement offer or pushed into dropping their claim. If you are pursuing your claim on your own, it can feel like the whole world is against you.

A Raleigh personal injury attorney can handle the settlement discussions on your behalf so that you can focus on your recovery and your day-to-day life. They can provide guidance as to what would be a reasonable settlement offer and help you understand your options as you proceed. Ultimately, your lawyer acts at your direction – you get to decide whether to settle your claim or move to the next step.

Talk to a Raleigh Injury Law Firm About Your Case Today

At Martin & Jones, we believe in fighting for our clients' futures. If you've been injured in an accident, we can provide the guidance you need, and more importantly, help you get the compensation you deserve. To schedule a free consultation, call us today at 800-662-1234 to discuss your case with an experienced personal injury attorney who knows how to get results.