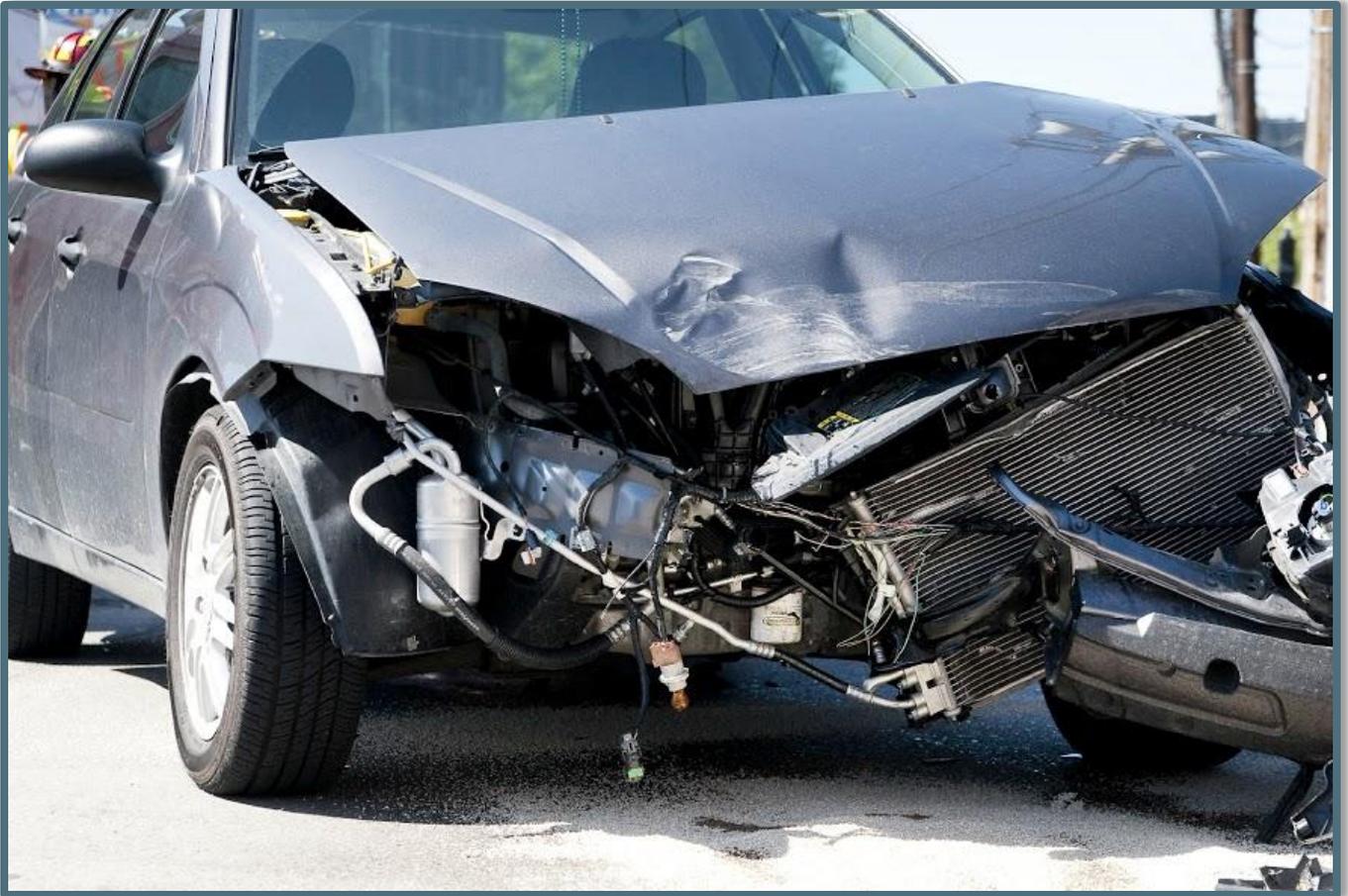


# HOW MUCH COMPENSATION AM I LIKELY TO RECEIVE?

*The Law in California Recognizes the Tremendous Cost of Injuries and Untimely Deaths; Hence If the Injury Or Fatality Is Caused by a Person Or a Company, That Individual Or Entity May be Held Responsible for Compensating the Victim Or Surviving Family Members*



BROWN &  
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An injury resulting from a motor vehicle collision or other accident can be extremely costly. Suffering an injury may necessitate a lengthy hospital stay and ongoing medical treatment. Your ability to earn wages may be interrupted or you may be rendered permanently unable to work.

The death of a family member can also be devastating, both emotionally and financially. Relatives may be dependant upon the income that had been provided by the deceased and surviving family members can face significant financial hardship. This is especially true if the family incurred medical bills treating the injured victim prior to his death.

The law in California recognizes the tremendous cost of injuries and untimely deaths. As a result, if the injury or fatality is caused by a person or a company, that individual or entity may be held responsible for compensating the victim or surviving family members. Compensation is appropriate in circumstances where the victim was injured as a direct result of negligence or a breach of legal duty. Compensation for injuries may be obtained through a negotiated settlement or by filing a personal injury or wrongful death lawsuit. An Irvine, California attorney can represent clients who have been hurt or whose family members were killed. Your attorney will evaluate your case, help determine the worth of your claim, and assist in obtaining compensation in court or through coming to an agreement with the negligent party or his/her insurance company.

## How Much Compensation Am I Likely to Receive

Victims of injuries should be compensated for both economic and non-financial losses and damages. You must be able to prove the extent of the damage that you experienced as a result of the accident or incident leading to the injury.



The types of damages for which you can receive compensation include:

- **The cost of medical treatment.** You should be paid back for 100 percent of medical expenditures that arose as a direct result of your injuries. If you are permanently injured or suffer ongoing disability, you should be compensated for any and all future medical expenses that are likely to be necessary over your life.
- **The cost of wage losses.** If you must temporarily or permanently stop working, you should receive compensation for money that was unearned due to your injuries. Even individuals who call in sick or take vacation time should be compensated. When your injuries are permanent and you can never work, or your earning potential is permanently reduced, you should receive money for the loss of income you would have earned had the injury never happened.
- **Pain and suffering.** If you experience physical pain due to your injuries, you deserve to be compensated. This is considered a form of "non-compensatory damages."
- **Emotional distress.** It is very common for depression, anxiety or post-traumatic stress disorder (PTSD) to result from an accident or serious injuries. You deserve compensation. This is also considered a form of "non-compensatory damages."



While you should be repaid 100 percent for losses, there are certain limits on non-compensatory damages. For medical malpractice claims, for example, there is a \$250,000 cap on non-compensatory damages (known as MICRA). This artificial limit has been in place since 1976 and has never been increased, even for inflation or cost of living. Currently, however, there is a bill in the State Legislature that seeks to increase this number to \$1,000,000.

## Wrongful Death Compensation



When a family member is killed, your financial losses differ than those of someone who has been injured. Compensation available to surviving family members in a wrongful death claim should include:

- **Payment of loss of financial support.** The deceased will miss a lifetime of earnings that could have been used to support dependents. Compensation for the losses should be provided.
- **Loss of companionship.** Surviving family members should be compensated because they are deprived of the relationship with their deceased loved one.
- **Medical bills.** If the deceased received treatment prior to death, the bills should be covered.
- **Funeral expenses.**

A wrongful death attorney can assist surviving family members in finding experts to testify about the appropriate amount of compensation for the loss of the deceased's lifetime earnings.

## Other Key Factors

The severity of your injury and the extent of your damages are the key factors in



determining how much you are likely to receive if you make an injury claim. However, there are some other considerations as well.

If you were partly responsible for your injury, your recovery may be reduced based on the percentage of fault that is

attributed to you. For example, a person who suffered \$100,000 in damages but who

was 20 percent responsible for causing the accident would recover only \$80,000 in compensation from the other party.

Brown & Charbonneau, LLP can help you to determine the value of your claim and can assist in negotiating a reasonable settlement or convincing a jury to provide fair compensation. Call today to learn more about how an attorney can help you.

## About Brown & Charbonneau, LLP



At Brown & Charbonneau, LLP, we offer our clients the experience and resources of a large firm, combined with the personal, attentive client service of a smaller “boutique” law firm. Whether you need help with a business dispute, divorce or family law problems, or are dealing with employment law issues or any other complex legal problem, we will give you the time and attention you need to fully explore your legal options. We will work with you to find a solution that works for you.

Our firm’s founding partners and associates have over 75 years combined experience working in their respective practice areas. We offer clients:

- Attorneys with extensive trial experience
- The services of a certified trial specialist
- Award-winning lawyers with real-world business experience
- Competitive rates and a focus on cost-effective legal solutions
- Spanish language services
- Evening & weekend hours by appointment
- Free initial consultations for personal injury cases

In every case we handle, our focus is on finding solutions that work for our clients. Our versatile practice is equipped to meet this objective, whether through transactional law, negotiation, or trial advocacy.

Brown & Charbonneau, LLP attorneys are known for communicating regularly with clients and always being there to meet our clients’ needs. Our attorneys speak both Spanish and English. We will keep you informed throughout your case and treat your legal issue with the importance it deserves. Call today at 866-237-8129 or 714-505-3000, or contact us online to schedule a consultation on your case to learn about how our Irvine, CA law firm can help with your legal needs.