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Let's Win This!

A Monthly Newsletter - What You Need to Know
About Personal Injury Law

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Hello!

John Cummings here. It's my privilege to share a little time and information with you in this month's edition of *Let's Win This!*

Last month, *Let's Win This!* dealt with the question of what constitutes a tort. (If you missed that issue, you can find it [here](#).)

This month, we're talking about damages - what the law allows you to recover when you or a loved one has been the victim of a tort.

We'll probably take two or three or even more posts to cover the subject of damages; there are lots of moving parts to talk about. What kinds of things can be considered as damages? Do recoverable damages vary with different kinds of injury? Are there any limits? How do you measure harm? What about the future?

We'll touch on these things and more. And, if you have questions, remember - we're as close as a phone call, an email, or a chat through the website.

Thanks for reading -

John

Damages - What's an Injury Worth?

Last month, we saw that not every kind of injury can be the basis of a claim. If someone is injured as a result of a tort, however, the law allows them to recover money damages.

Money damages are the only remedy available for someone injured as a result of a tort.



The law can't restore your health; it can't re-grow lost limbs; it can't resurrect a lost loved one. All it can do is require the wrongdoers to pay money as compensation for the injuries they cause.

But how much? And to whom? Just the person who suffered the injury or their family members, too? And for what elements of injury?

Those questions have been the basis for lots and lots of litigation through the years. As you might expect, this is a very complicated area of the law.

This article and the ones in future issues of *Let's Win This!* will only be able to hit the high points - an exhaustive treatment literally would require books. But you'll be able to come away with a feel for what is - and isn't - included in recoverable damages.

The first thing to note here is that we're talking about what the law allows you to recover for *physical injuries*. (If property is damaged due to a tort - for example, when a car is damaged in an accident - you're entitled to be compensated for that, too, but there is a completely different set of rules for that kind of recovery. We may have an article in the future devoted just to property damages.)

The next thing - but a very important thing - to note is that here we're only talking about damages for **injuries that do not result in death**. Wrongful death damages are a subject all to themselves and we'll deal with them in a later issue.

Elements of Damages - What's "Compensable"?

When you or a loved one is hurt, physically, because someone commits a tort, the questions of what you can collect for and how much you can recover are often the primary sticking points in the claim. The law dictates that there are only certain things an injured party can collect money for, and the trial judge will give the jury specific instructions about what they can consider.

Assessing damages - deciding how much money is "adequate compensation" for an element of damage - is very difficult. A big part of a lawyer's job is presenting the evidence to the jury to give them a basis for coming up with a figure.

In future issues of *Let's Win This!* we'll talk about evidence - what can be considered and

how it should be presented. For now, we'll limit our discussion to what things money can be awarded for.

Damages Recoverable by the Person Injured

The things that an injured person can be awarded money for are called "elements of damages." The list may vary, depending upon the facts of a particular case. Typically, though, the jury is allowed to consider and will be asked about the following:

- Physical pain and mental anguish
- Loss of earning capacity
- Disfigurement
- Physical impairment
- Reasonable expenses of necessary medical care

Money can be awarded for these elements that have been suffered in the past and that "in reasonable probability" will be experienced in the future.

Exactly how the jury will be asked the questions about damages varies from case to case and depends a great deal on the evidence that comes out in the trial. The judge controls all of that, but in almost every case, the question will ask something like: "What some of money, if paid now, in cash, would fairly and reasonably compensate" the injured person for these elements?

But when someone is injured, typically the injury affects the entire family in some way. What about them? Are they entitled to any damages?

The answer - like so many answers in the law - is "maybe."

And that's where we'll start with the next installment of Damages in a future edition of

Let's Win This!

[Learn More](#)



Stephens Anderson & Cummings Spotlight on the Firm

SAC & Big Brothers and Big Sisters Clay Shoot!



SAC is pleased to again support the **Big Brothers and Big Sisters of Tarrant County** Sporting Clay Shoot on August 25th at Alpine Shooting Range.

This annual event benefits the organization's *Big Outdoors Mentoring Program*, a program championed by fellow Fort Worth attorney and good friend Bruce Moon.

By introducing "Bigs" and "Littles" to the outdoors through firearm safety classes, nature days, fishing events and hunts, the program highlights the importance of experiencing the outdoors and conserving wildlife for future generations. The clay shoot is an important facet of the program.

Helping young people develop into responsible adults with an attitude of stewardship for the environment benefits us all. It's another way that SAC gives back to the community.

For more information about this event, please go to www.fortworthclayshoot.com or email clayshoot@bbbstx.org.

And, speaking of supporting young people:

SAC Supports Education - The SAC Higher Education Scholarships



Education has been called "the greatest adventure."

Here at Stephens Anderson & Cummings, we're committed

to helping young people enhance educational opportunities and form a firm foundation for the future.

That's why we've instituted two annual "Higher Education" scholarships, awarded by the SAC selection committee each year.

The application deadline is May 31st.

So, if you are or know a high school senior in Tarrant County who is planning on continuing their education after graduation, apply today! You can find the application form and all requirements [HERE](#).

Or, click the button below and navigate to the scholarship page as you get to know us better!

[Visit and Explore Our Website](#)

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Aggressive. Experienced. Trusted.

Righting wrongs for seriously injured people isn't just a job for us - it's our calling.

Fighting for seriously injured folks is what we do. And it's all we do.

If you want to make a will or form a corporation or conduct a business transaction, we can give you the names of some other lawyers to call.

But if you or a loved one have been seriously injured - or suffered a wrongful death in the family - we're your team. We're AV rated (that's the highest) and we have the drive, experience, and tenacity to stand toe-to-toe with anyone on behalf of our clients.

We're not "TV advertisers." We're real trial lawyers with a long track record of success.

We're not a "mill." We don't take every case that comes along. We understand that your circumstances are as individual as you are.

At [Stephens Anderson & Cummings](#), every single client is unique; every single client is important. We pay personal attention to every single one.

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At Stephens Anderson & Cummings, we appreciate that different lawyers have different areas of expertise. If your clients find themselves in a situation that falls within ours, we would be honored to work with you, helping them obtain justice - fighting for the best possible result.

We work hard, spare no expense, and pay referral fees promptly.

We know that your clients are important to you. We know that you represent them zealously in your area of practice. If we can't help them, we'll send them back to you.

Righting wrongs for those injured or killed due to the negligence or wrongful conduct of others is what we do. Trust us with your client's case and

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