

The Cost of Personal Injury

A thinkLaw Math Lab

A **personal injury** is a type of harm that can happen to your body. The injury can be caused by something like a fall, car accident, or dog bite. Personal injuries can be small, like a bruise or a scrap, or they can be more serious, like a broken bone or head injury.



If you experience a personal injury because of someone else, you can sue. If you win your case, the **defendant**, or person being sued, will need to pay you money. How much money should they pay you? That depends on the seriousness of your injury.

There is a math equation that is commonly used to decide how much a defendant should pay for causing a personal injury.

The payout is the total cost of the injury (bills, time off work, etc.) times 1.5-5, depending on the scale of the injuries.

$$\text{Cost} \times \text{Scale of Injury} = \text{Total Payout}$$

Doorknob Dilemma (Makara v. Newmark Reality and 40 Worth Associates, New York, 1999)

Cedrick Makara went to use the bathroom in the building where he worked. The bathroom door did not have a doorknob. Cedrick put his hand through the hole where the knob should be. At the same time, someone tried to enter the bathroom. The door smashed into Cedrick's thumb. Cedrick's thumb was injured. Cedrick had to miss 6 months of work, have surgery, have physical therapy, and experienced stress.

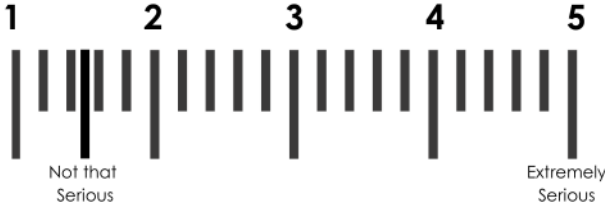


Assume Cedrick wins his case. How much should he be paid?

Cedrick:

- Missed 6 months of work.
- Needed surgery.
- Needed physical therapy.
- Pain and suffering.
- Experienced stress.

How much do you think this injury cost?

Quantify the Seriousness of the Injury	Cost x Scale of Injury = Total Payout
	

What is the total payout?

Do you believe that amount is fair? Why or why not?

Discussion Questions

- Is it fair to use a math formula to decide how much someone should be paid for a personal injury? What are better ways to determine a fair payment?
- Should emotional and psychological impact be given the same importance as physical harm? Why or why not?
- If a defendant is held responsible for the injury, should there be other consequences besides paying money? If yes, what could those consequences be?
- What responsibilities do we, as individuals, have in preventing personal injuries, both for ourselves and for others?
- Should there be a difference between intentional and unintentional personal injuries when it comes to compensation? Why or why not?