

## PUBLICATION

### Revisiting the “Why” of Personal Injury

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A few years ago I published an article titled “[Personal Injury Negligence Claims: It’s Not a Winning Lottery Ticket](#)”. When I first examined the issue of the “personal injury system”, the point I was making is that an injured person pursuing a personal injury claim is not taking advantage of the system. The very goal of the system is to properly identify the person or entity that is legally responsible for causing a loss and ensure that the measure of that loss — the compensation necessary to restore the plaintiff to their pre-accident position — is borne by the at-fault person or entity.

Courts and politicians have sought to shape law that achieves a distributional balance between the responsibility of a defendant and the restoration of a plaintiff. Fundamentally, this balance is informed by the idea of “corrective justice”.

Laws have been crafted over the years that modify how injured people’s losses are adjusted when they are injured in a motor vehicle accident. Compensation for pain and suffering damages are restrained on both the high and low ends because of the social concerns of unlimited personal injury damage awards and their impact on taxation, insurance premiums, and product prices. As a result, someone who suffers terrible, catastrophic injury in a motor vehicle accident will not be awarded millions of dollars for their pain and suffering. On the other end of the spectrum, a person who suffers an injury that heals quickly or otherwise does not impair an important aspect of their life will only be entitled to a minor amount of compensation for pain and suffering. These limits ensure the overall loss adjusting system remains functional and balanced.

If you’ve suffered a significant, life altering injury you are entitled to more compensation than someone whose life was only disturbed for a short period of time. If you are awarded or settle your case for a significant amount of money it is because your life has been seriously and negatively affected, and someone else is responsible for that. All of this is determined within the boundaries set by law; there is no financial windfall or “winning lottery ticket” in personal injury litigation.

If you have been involved in an accident, you can contact any of our Personal Injury lawyers. We offer a free initial consultation and we’ll give you an honest assessment of your claim and talk about the best approach.