BROADHURST LLC
ATTORNEYS-AT-LAW

Personal Injury Damages You Are Entitled to in a Claim

When you have been injured because of someone else's negligence, you may be entitled to claim compensation for damages.

There are two types of damages which are claimed: **general** damages and **special** damages.

1. General Damages:

The first aspect of a compensation claim is the calculation of general damages. This award of compensation relates directly to the injury and covers pain and suffering as well as loss of amenity - meaning any effect that your injury has had on your quality of life.

The amount that can be claimed as general damages will depend on the extent of your pain, suffering and loss of amenity.

In the Cayman Islands, the value of the claim for general damages is calculated in three ways:

i. Assessment by the Court;
ii. Consideration of the Judicial Guidelines from the U.K.; and
iii. Comparison against previously decided cases relating to similar injuries.

2. Special Damages:

Special damages are designed to help put you back in the financial position that you would have been in, had you not sustained your injury.

They are commonly referred to as 'out of pocket expenses' and cover not only expenses that you have already incurred as a result of your injury, but also any expense you may have in the future.

These can include:

- **Loss of Earnings** - this includes any lost earnings you have already incurred as well as potential future loss of earnings if you are unable to return to work because of your injuries or if you face potentially losing your employment or have difficulty finding employment in the future.

- **Treatment, Rehabilitation, and Care Costs** - This covers any treatment, rehabilitation and care costs you have already incurred and also those you may need in the future.

- **Gratuitous Care –** Gratuitous care means care and attention above and beyond what might usually be expected. It is the time provided by a relative or friend to help you with everyday tasks that would not have been necessary but for your injuries. The claimant is entitled to recover compensation on the caregiver's behalf. In this way, it is possible to recover significant compensation payments for care providers who have provided assistance and services to their loved one.

- **Aids, Equipment and Adaptations** - This includes any aids and equipment which may be required as a result of your injury, now and in the future. It also covers any modifications to your home that may be required (for example, widening doors for wheelchair use) .

- **Loss of Property** - This includes any loss of your property which has incurred as a result of an accident (for example, vehicle damage, damaged clothing or broken eyeglasses).

- **Travel Expenses** - this covers any additional travelling expenses which have been incurred as a direct result of the incident. For example, if you have had to take taxis to various medical appointments or the cost of any treatment received overseas.

When will you receive your compensation?

Once your general damages and special damages have been agreed between the parties involved, or determined by the Court, you will receive your final settlement payment.

In some cases when claiming for damages where the other side has accepted responsibility for your injuries, but your recovery is ongoing, you may be entitled to **interim payments**. These are payments which are paid to you before the final settlement.

Interim payments are designed to help people who have been seriously injured as a result of personal injury and who need financial assistance to pay for medical care, lost earnings, and other out of pocket expenses. These payments are considered when calculating your final settlement.

How much is my serious injury claim worth?

Every injury claim is different. The final amount of compensation depends on the severity of the injury and loss, as well as the possible extent of recovery. These factors affect the amounts for general and special damages.

Our expertise is not just in getting compensation for our clients, it is understanding the need for rehabilitation and the support that you and your family need. That is why we take most injury cases on a '**NO WIN - NO FEE' BASIS**, and why obtaining interim payments to help avoid hardship is often a key part of our approach.

Contact Recover today for a free consultation.

Recover Personal Injury Attorneys
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or
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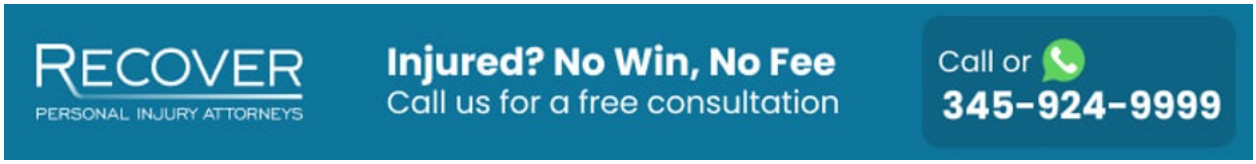

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