
AI WORKSHOP

Wilhemina Brown v. Jarrold Green

Case summary

This mediation concerns a personal injury claim arising from a motor vehicle collision at an intersection. The plaintiff, **Wilhemina Brown**, was a passenger in a vehicle that was struck by a vehicle driven by the defendant, **Jarrold Green**. Green was intoxicated at the time of the collision and entered the intersection against a red light.

Brown claims that the collision caused severe and permanent facial injuries, including trauma to her face, nose, and cheekbones, resulting in scarring, disfigurement, and continuing limitations in breathing and smell. She seeks damages for economic loss and pain and suffering.

Green does not meaningfully dispute responsibility for causing the collision. The defense position is that the principal dispute is not over who caused the crash, but over the extent to which Brown's injuries and ongoing complaints were caused by the collision itself, as opposed to two other factors:

1. Brown was not wearing a seatbelt at the time of the collision.
2. Brown had a pre-existing deviated septum that, according to the defense, significantly affects her current breathing and smell complaints.

The matter is in mediation. The central challenge for the neutral is to help the parties move from fault-based argument to a realistic analysis of causation, apportionment, proof risk, and damages.

Background facts

- Wilhemina Brown was the front-seat passenger in a vehicle involved in an intersection collision.
- Jarrold Green was driving the other vehicle.

- Green was under the influence of alcohol at the time of the accident.
- Green entered the intersection against a red light.
- A police report states that the light was red when Green entered the intersection.
- Green was convicted of DUI.
- Brown alleges that the force of the collision caused her to be violently thrown around inside the vehicle and through the windshield.
- Brown suffered serious injuries to her face, nose, and cheekbones.
- She claims permanent scarring, disfigurement, and continuing problems with breathing and smell.
- Brown underwent three surgeries relating to the nasal injuries.
- Brown was not wearing a seatbelt at the time of the collision.

Plaintiff's position

Brown's case is straightforward on primary liability. She contends that Green drove while intoxicated, ran a red light, and caused a collision that left her with serious and lasting injuries. She says the case should be driven by Green's negligence and his admitted fault for causing the crash.

Brown's position includes the following:

- The liability case is strong because of Green's intoxication, the police report, and the red light evidence.
- She was a passenger and bears no responsibility for causing the collision.
- Although she was not wearing a seatbelt, the defense overstates the significance of that fact.
- Any reduction in damages based on the seatbelt issue should be limited.
- Her breathing and smell problems were caused, or at least materially worsened, by the collision.
- Her treating physicians and surgeons support the conclusion that the crash caused major nasal and facial injury.
- An annual physical conducted one month before the accident contains no mention of breathing complaints.

Brown acknowledges some litigation risk on damages. Her position is that a combined reduction of approximately **10% to 15%** is a realistic possibility based on:

- non-use of a seatbelt; and
- some possible contribution from a pre-existing nasal condition.

Defendant's position

Green acknowledges that he was intoxicated and caused the accident. The defense position is that liability for the crash is no longer the real issue. Instead, Green argues that the plaintiff's damages are materially overstated.

The defense contends:

- Brown's most serious injuries were significantly worsened because she was not wearing a seatbelt.
- The actual vehicle-to-vehicle impact was not severe enough, by itself, to explain the full extent of the facial injuries claimed.
- Brown's lack of restraint caused her to be thrown through the windshield, which the defense says produced most of the serious facial trauma.
- If Brown had been wearing a seatbelt, she likely would have remained in her seat and avoided much of the injury.
- Brown's current breathing and smell complaints are also significantly affected by a pre-existing deviated septum.
- The plaintiff's claim for permanent impairment is therefore overstated.

Green's position is that Brown should bear **50% responsibility for her injuries** because of the seatbelt issue. He further argues that the pre-existing deviated septum accounts for a significant part of the claimed long-term breathing and smell problems.

Expert and medical issues

A major feature of the mediation is the conflict in the expert and medical evidence.

Plaintiff's accident reconstruction evidence

Brown relies on an accident reconstruction expert who supports the position that the lack of a seatbelt was a negligible or limited factor in the injuries. That expert is relatively new and uses AI-based programming in forming the reconstruction opinion. Brown's side

contends that this methodology is more accurate than older methods and points to a study authored by the expert and recently published in a leading journal.

Defense accident reconstruction evidence

Green relies on a more established accident reconstruction expert described as a leading expert in the field. The defense expert concludes that, if Brown had been wearing a seatbelt, she likely would have remained in her seat and would not have suffered the same facial impact injuries.

Plaintiff's medical causation evidence

Brown relies on her own testimony and on the testimony and reports of her treating doctors and surgeons. Her position is that the collision caused extensive crushing injuries to the nasal passageways, required three surgeries, and still left her with significant ongoing impairment in breathing, smell, and sleep.

Defense medical causation evidence

Green relies on a medical expert who says Brown's pre-existing deviated septum is a substantial contributor to her current breathing impairment. The defense points to Brown's deposition testimony that her husband had previously told her she snores, suggesting some pre-existing issue. Brown responds that snoring is not definitive proof of a deviated septum or meaningful breathing impairment.

Key mediation issues

For purposes of the role play, the main issues are not whether Green caused the crash, but how a court might assess the extent and cause of Brown's injuries.

The principal settlement issues are:

1. Seatbelt apportionment

- How much, if at all, should Brown's damages be reduced because she was not wearing a seatbelt?
- Is the likely reduction modest, or is it significant?

2. Pre-existing condition

- To what extent are Brown's current breathing and smell complaints attributable to the collision?
- To what extent are they attributable to a pre-existing deviated septum?

3. Expert proof risk

- How would a court likely assess the competing accident reconstruction evidence?
- Does the plaintiff face any risk because her expert is newer and uses AI-assisted methodology?
- How persuasive is the defense expert's more conventional analysis?

4. Medical causation and future damages

- Are Brown's long-term symptoms more likely to be found collision-related, pre-existing, or a combination of both?
- How does that affect the value of future damages and pain and suffering?

Damages claimed

Brown seeks recovery for:

- past economic damages;
- future economic damages;
- past pain and suffering;
- present pain and suffering; and
- future pain and suffering.

The defendant disputes the amount recoverable and argues that the claim should be substantially reduced.

Exercise assumptions for valuation

For purposes of this role play:

- the figures below are **approximate 2026 dollar valuations** used for mediation analysis;
- **punitive damages are not part of this exercise;**
- the plaintiff claims some economic loss, but the principal valuation dispute concerns pain and suffering, permanent facial injury, scarring, disfigurement, and the extent to which ongoing breathing and smell impairment is attributable to the collision.

Current risk assessments expressed in mediation

The parties have expressed the following approximate outcome ranges:

Plaintiff's assessment

- **Best case:** \$850,000
- **Likely case:** \$550,000
- **Worst case:** \$250,000

Defendant's assessment

- **Best case:** \$150,000
- **Likely case:** \$325,000
- **Worst case:** \$800,000

These valuations reflect the parties' sharply different views on:

- the extent to which the plaintiff's injuries were worsened by not wearing a seatbelt;
- the significance of the plaintiff's pre-existing deviated septum;
- the likely weight a court would give to the competing accident reconstruction and medical expert evidence; and
- the value of permanent scarring, disfigurement, and continuing breathing and smell impairment.

Short neutral summary

Wilhemina Brown was seriously injured when Jarrold Green, who was intoxicated, ran a red light and struck the vehicle in which she was a passenger. Green largely admits responsibility for causing the accident. The primary dispute is over damages. Brown claims permanent facial injury, scarring, and ongoing breathing and smell limitations caused by the crash. Green argues that Brown's injuries were significantly worsened because she was not wearing a seatbelt and that her claimed permanent breathing impairment is substantially affected by a pre-existing deviated septum. The mediation centers on apportionment, expert risk, and the realistic value of the claim.