

Accident Victim Assistance

Educational Content

Civil Personal Injury and Wrongful Death Litigation

Comparative Negligence

Comparative negligence is a legal rule that allows an injured person to recover money even if they were partly at fault for the accident. Under this doctrine, a judge or jury assigns a percentage of fault to each party and reduces the injured person's compensation by their share of responsibility. For example, if a plaintiff is found 20% at fault and has \$100,000 in proven damages, their recoverable amount would typically be reduced to \$80,000. Some states follow "pure" comparative negligence, where a plaintiff can recover even if they are mostly at fault, while others use "modified" systems that bar recovery once the plaintiff's fault reaches a certain threshold (commonly 50% or 51%).

Non-Economic Cap

A non-economic damages cap is a law that limits how much money an injured person can receive for intangible harms such as pain, suffering, emotional distress, and loss of enjoyment of life. These damages compensate for real but non-financial losses that do not come with bills or receipts. When a cap applies, the court must reduce any jury award for non-economic damages to the maximum amount allowed by statute, even if the jury believed a higher sum was appropriate. Caps are often used in medical malpractice or other personal injury cases and can significantly impact the total value of a claim, especially in cases involving severe, life-changing injuries or the loss of a loved one.

Punitive Damages Cap

A punitive damages cap is a statutory limit on the amount of punitive (also called "exemplary") damages that a court can award in a civil case. Punitive damages are not meant to compensate the victim, but to punish especially reckless, malicious, or fraudulent conduct and to discourage similar behavior in the future. Many jurisdictions only allow punitive damages when the evidence shows a very high level of wrongdoing and then limit the amount to a formula or dollar ceiling (for example, a multiple of the compensatory damages or a fixed maximum amount). These caps are designed to provide predictability and to ensure that punitive awards are not grossly disproportionate to the actual harm suffered.

Recoverable Damages

Recoverable damages are the categories of losses that an injured person is legally allowed to claim and receive money for in a lawsuit. They typically include economic damages, such as past and future medical bills, lost wages, loss of earning capacity, and other out-of-pocket expenses, as well as non-economic damages for pain, suffering, mental anguish, and loss of enjoyment of life. In some cases, recoverable damages may also include property damage, the cost of household services, and other reasonably necessary expenses caused by the injury. What is "recoverable" in a particular case depends on the facts and on the specific statutes and case law in the state where the claim is filed.

Wrongful Death Damages

Wrongful death damages are the monetary remedies available to certain surviving family members when a person's death is caused by another party's negligence, recklessness, or intentional act. These damages often include economic losses, such as the decedent's expected future earnings, loss of financial support, and funeral and burial expenses. They may also cover non-economic harms, such as the survivors' loss of the decedent's companionship, guidance, love, and emotional support. Many states also allow a separate claim on behalf of the decedent's estate for the pain and suffering the person experienced before death, as well as medical expenses incurred between the injury and the time of death. The specific beneficiaries, types of damages, and limits on recovery are controlled by each state's wrongful death statutes.

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