

How Is Pain and Suffering Determined in a Car Accident Case?

An experienced Massachusetts lawyer explains how injury compensation works

When [car accidents](#) happen, injury victims often receive compensation for all their crash-related expenses, including medical bills, vehicle repairs, and lost income. What people might not realize is they may also be eligible for compensation for pain and suffering.

But what exactly is pain and suffering? How is it calculated? What if you believe you deserve more than you are offered? Or what if your request for pain and suffering damages is denied? The Massachusetts car accident attorneys at the [Law Offices of Mark E. Salomone](#) explain how pain and suffering work in such cases.

What is pain and suffering?

Pain and suffering is the legal term for how a crash affects your life beyond the medical bills and other direct financial costs. It's the physical pain you feel every day and the emotional fallout that comes with being injured when someone else causes your collision.

After a crash, pain and suffering can touch almost every part of your life. It can include a constant ache in your back, headaches that won't go away, fear of driving through the same intersection or the frustration of not being able to pick up your kids or return to work the way you did before. These losses are real, even if they don't show up on a receipt or invoice.

When you pursue a claim, pain and suffering is often a significant part of your compensation. It's meant to recognize what you've been through, how long you've been dealing with it, and how much your injuries have changed your day-to-day life and your future.

What qualifies as pain and suffering?

Pain and suffering can include many different ways a car crash has impacted your life. Generally, it covers the physical discomfort from your injuries and the emotional, mental, and lifestyle changes that follow a serious crash. Specific examples include:

- Ongoing physical pain from neck, back, shoulder or other injuries
- Headaches, migraines or nerve pain that interferes with work, sleep or other activities
- Anxiety, fear, or panic when riding in or driving a car
- Depression after losing your independence or being unable to do your favorite activities
- Sleep problems, nightmares or flashbacks related to the crash
- Embarrassment or self-consciousness from scarring or disfigurement
- Loss of enjoyment of hobbies, sports or family activities you can't do anymore

If your injuries have made it harder to live the life you had before the crash, that's pain and suffering. You don't need a broken bone for it to count. Soft tissue injuries, concussions, and

chronic pain can all support a pain and suffering claim when they are clearly documented and linked to your collision.

What are non-economic damages?

Non-economic damages are losses that don't have a clear price tag but still matter. In contrast, financial compensation for medical bills and vehicle repairs are referred to as "economic damages."

Pain and suffering is the most common example of non-economic damages, but it's not the only one. Non-economic damages focus on how your injuries affect your body, your emotions, and your daily life, not just your bank account.

Non-economic damages can include:

- Physical pain and discomfort now and in the future
- Emotional distress, including anxiety, depression, and PTSD
- Loss of enjoyment of life when you can't do what you used to do
- Loss of companionship or strain on key relationships
- In some cases, permanent disfigurement or disability

If you're not sure if something qualifies for non-economic damages, don't guess on your own. Talk to an attorney who can evaluate your case and calculate all of your losses, including pain and suffering.

How is pain and suffering measured?

There is no simple chart or fixed formula that tells you exactly what your pain and suffering is "worth." Instead, insurance companies and juries look at a combination of factors to gauge how serious your situation is and how long it's likely to last.

Key factors that can affect pain and suffering include:

- The type and severity of your injuries
- How long your pain has lasted and whether it's likely to be permanent
- The amount and type of medical treatment you need, including emergency medical care, surgery, injections, physical therapy, and counseling
- Whether you can return to your old job or need to change jobs, work reduced hours or take a lower-paying job
- How much your injuries interfere with basic tasks and favorite activities
- Visible scarring, disfigurement or permanent physical limits
- Credibility of your medical records and your own description of what you're going through

The better you document your injuries and how they have affected your normal life, the stronger your pain and suffering claim in most cases. That's why seeing doctors, following treatment plans and being honest about your symptoms are so important.

How is compensation for pain and suffering calculated?

In Massachusetts, pain and suffering compensation is usually negotiated between your lawyer and the insurance company, or it's decided by a judge or jury if your lawsuit goes to trial. There is no official "multiplier" or mandatory method in the law. Instead, people look at the evidence and make a judgment about what is fair based on your specific situation.

In practice, insurance companies may use internal formulas that take into account:

- The total amount of your medical bills and projected future medical care
- Type of injury
- How long you were in or expect to remain in active medical care
- Whether your doctors support that your pain and restrictions are ongoing
- Strength of evidence that illustrates the other driver was at fault

Juries and judges often use similar criteria to determine compensation for pain and suffering. But again, there's no specific formula and how much you receive can vary depending on a wide range of factors.

What if I disagree with my pain and suffering award?

If an insurance company's offer for pain and suffering feels too low, you don't have to accept it. You have the right to question the offer, ask how they arrived at that number and make a counter-demand that better reflects your experience.

Common options if you disagree with a pain and suffering award include:

- Having your lawyer negotiate further and back up your demand with stronger documentation
- Presenting additional medical opinions or specialist reports to insurance companies
- Providing more detail about how your injuries affect your work, home life and mental health
- Refusing to accept a lowball settlement offer and filing a lawsuit in a Massachusetts court seeking damages, including non-economic damages for pain and suffering

Once you sign a settlement release, you usually cannot go back and ask for more money later, even if your pain gets worse as time goes by. That's why it's critical you make sure your pain and suffering compensation takes into account your current condition and likely future problems before you agree to a final number.

What if my pain and suffering request is denied?

Sometimes, an insurance company will say it will only pay for medical bills and lost wages, but nothing for pain and suffering. They may claim your injuries are “minor,” that you had pre-existing problems, or that you did not cross the legal threshold for this type of compensation under Massachusetts law.

If that happens, you still have options:

- Your lawyer can challenge the denial with stronger medical evidence and legal arguments.
- You can show that your reasonable medical expenses exceed the no-fault threshold or that you suffered a qualifying serious injury, such as broken bones, permanent disfigurement or loss of sight or hearing.
- You can file a lawsuit against the at-fault driver in a civil court and ask a judge or jury to decide whether pain and suffering should be awarded in your case.

An insurance company denial is not the final word. It’s simply the insurance company’s opinion. With the right evidence and legal representation, many injured people are able to secure compensation for pain and suffering even after an initial “no.”

How much is my pain and suffering worth?

There is no one-size-fits-all answer to this question. Two people with the same type of crash and similar injuries can have very different pain and suffering claims, depending on their injuries, medical history, work responsibilities and daily activities.

To get a realistic sense of how much money you could receive for pain and suffering, a lawyer will look at:

- The nature and severity of your injuries
- Whether your injury results in a permanent disability
- How long you’ve been in pain
- How long your pain is expected to last
- The impact on your job, household responsibilities, and favorite activities
- The strength of medical and non-medical evidence supporting your claim
- How clear it is that the other driver was at fault

Online “pain and suffering calculators” gloss over these details and often produce numbers that don’t match what actually happens in Massachusetts cases. The best way to understand what your pain and suffering may be worth is to talk directly with an experienced lawyer who can review your case, explain how the law applies and fight for a result that reflects what you’ve really lost.

How can a Massachusetts car accident lawyer help?

Your pain and suffering is real. That's why you deserve to be compensated for all the ways your crash has changed your life.

Our Massachusetts car accident lawyers at the [Law Offices of Mark E. Salomone](#) know what to do in such situations. That's because we've been there for numerous people dealing with pain and suffering after a serious car crash. Our law firm has recovered more than \$1 billion in settlements, verdicts and benefits.

Learn more about your legal options. [Contact](#) our law firm and schedule a [free case evaluation](#) with an attorney today. We have offices in 10 locations conveniently located throughout Massachusetts.