**How Much Do Insurance Companies Pay for Pain and Suffering?**

If you've experienced an injury or have been medically harmed, and believe that you have a personal injury claim, it's essential to know some basic information about how the process works. For example, it's a good idea to understand how long a case can take, who can be held accountable, and how pain and suffering damages are calculated. You're also probably wondering how much do insurance companies pay for pain and suffering. This is dependent on upon the extent of your injuries and whether the case goes to trial, or settles through negotiations before a trial occurs. Because the costs associated with going to court can be astronomically expensive, these types of lawsuits are often settled through negotiation which can be much more cost effective for the defendant.

The first thing you should do is contact an experienced personal injury attorney. They will be able to discuss your case with you and determine if you have a viable legal claim or not. Make sure you choose an attorney who offers a free consultation. You should never have to pay a lawyer or a firm just to meet with them for the first time while deciding who to hire. At Morgan & Morgan, we know money can't solve everything, but if you're entitled to damages for an injury you've suffered, we will do everything in our power to make sure you get the compensation and justice you deserve. Contact us today for that free consultation.

**How Are Personal Injury Settlements Paid Out?**

Almost all personal injury cases are settled before they get to trial through negotiation. It’s quite rare to go through a full trial. So how are personal injury settlements paid out? Fortunately, your attorney will take care of most of the details. Once your lawyer is able to come to an agreement with the defendant about how much the case will be settled for, your attorney will receive the settlement money. They will then distribute to their firm a check for that amount of funds. Since you don't pay your attorney anything until you win or settle the case, they receive the settlement and take the agreed-upon amount out of those funds.

Once they take their share, they will make sure your medical bills are paid, and any other outstanding debts and bills are taken care of. After that, you should receive the remaining amount. This is what is called hiring an attorney on a contingency fee basis. It’s the most common way that a personal injury or medical malpractice case is handled by most reputable law firms.

It's important to note that once you settle a claim, that's truly the end of it. You generally will not be permitted to reopen a claim if your injuries flare up or get worse, so it's important to make sure you're satisfied with the settlement amount.

**How Is Pain And Suffering Calculated?**

If you've filed a personal injury lawsuit, you might be wondering how to calculate pain and suffering and also, how much do insurance companies pay for pain and suffering? These questions are complicated, but if you hire the best attorney who has the experience necessary in handling these types of cases, they will make sure you get the results you deserve.

Calculating pain and suffering, and determining how much compensation you're entitled to is tricky because it's such a subjective experience. However, it needs to be quantified in such a way that the court will be able to come up with a proper and correct monetary amount that you are entitled to. The best way for you to do this is to come up with objective ways to quantify your experience.

To objectively quantify your subjective experience, you and your attorney will:

* Study your medical records
* Review X-rays and other imaging
* Take and review photos of your injuries
* Obtain and study all notes from doctors, physical therapists, and other medical personnel that treated you and possibly contributed to your injury. In fact, an experienced attorney will collect *all* medical records
* You and your lawyer should speak with doctors and/or physical therapists and any additional professionals who will be responsible for treating you in the future because of the injuries you've suffered due to the manner in which the hospital treated you.
* Create a list of activities that you were able to do before the injury occurred that you're no longer able to do
* Interview friends, family, co-workers, and employers about how your life and work productivity has changed
* Consult with expert witnesses regarding your levels of pain

Once all of these things have been accomplished, your attorney will share it with the court so the damages can be determined.

**Can You File A Lawsuit Against A Hospital Or Just A Specific Doctor?**

If you've suffered an injury due to medical malpractice, you might be wondering how to file a lawsuit against a hospital. Is that even possible? If you've been harmed or suffered an injury due to a case of negligence, can you can sue the actual hospital or only the doctor or medical professional involved? In short, you can file a lawsuit against just the hospital or the doctor. While it's true that there's probably a specific person who is liable for your injury, it is possible to file a lawsuit against a specific institution.

When hospitals hire doctors, nurses, and other medical professionals, they must make sure they are hiring licensed and competent employees. They must check a potential employee's education, training, and credentials. They should also look into their background to see if any other serious negligence claims or valid complaints have been filed against them at their previous places of employment. The hospital has a responsibility to ensure that they have enough doctors and other well trained support staff in place in order to maintain quality care and treatment for all the patients they serve.  All medical institutions and employers have a duty to determine that the people they employ have not been involved in significant numbers of complaints, or serious medical malpractice lawsuits. The doctrine of respondeat superior is what holds hospitals liable for their employees’ negligence.

**FAQ**

**What Is Respondeat Superior?**

According to this doctrine, a hospital is responsible for an employee's negligence so long as they were acting within the scope of their job duties when the negligent act took place. This doctrine makes it permissible in most circumstances for a patient to sue the actual hospital due to the negligence of a doctor or other medical professional that they employed. Some hospitals hire doctors as independent contractors, but this doesn't allow them to avoid legal exposure. Whether the doctor is an actual employee or an independent contractor, you are often permitted to file a lawsuit against the hospital because they allowed that medical professional to work there.

**How Do You File A Lawsuit Against A Hospital?**

To file a lawsuit against a hospital due to an injury you may have suffered due to their negligence, there are several things you need to do. You may not know how to file a lawsuit against a hospital, but an experienced attorney will begin the process quickly and will know exactly what to do. You need to know and understand some of the significant steps that will take place in a medical malpractice case so that you're informed and knowledgeable and able to find the best lawyer to handle your case. The following are the steps that you and your lawyer will take in order to file a lawsuit against a hospital.

* **File On Time**

One of the most important things that must be done when your attorney decides to file a lawsuit against a hospital is to make sure they don't miss the statute of limitations. There are many processes and procedures in a case that must be filed on time and by a very specific deadline or you won't be able to recover any compensation, even if you would otherwise have been entitled to it.

* **Obtain Medical Records**

Once you decide which lawyer to work with, they can help you with this step. Just keep in mind that you will *need* to get your medical records. Anytime you are speaking with a doctor, nurse, or other medical professional, ask questions. Document your experience. Take photos if you have any visible injuries. All of this will be crucial information in your case.

* **Document Your Experience**

It's crucial that you document your experience so that if you decide to file a lawsuit, you can easily recall the important information. You might think you'll remember how you were feeling or what happened, but it's easy to confuse or forget things when dealing with such a traumatic experience. Take notes and photos if applicable.

* **Requesting Damages**

This will depend upon many different factors. For example, how severe is the injury? Will you be able to work again? How much are your medical bills? What’s the approximate cost of future medical treatment? How much income will you be missing out on due to your inability to work, either for a limited period of time or possibly forever? How much money are you entitled to for pain and suffering? When you hire the right lawyer, they will be able to help you with these questions.

**How Long Does It Take To Settle A Lawsuit?**

When you file a claim against a hospital for an injury you suffered while under their care, it can be a very long process. Most claims are settled before they even get to trial, meaning you are able to agree on an amount that the hospital will pay you in order to avoid going to court. Trials are expensive, and hospitals often want to avoid the negative publicity. Therefore, they'll often be willing to settle the case. Sometimes this can be done quickly, and often this doesn't happen until the case is almost ready to go to trial.

For example, if you initiate a case, the hospital might not want to settle at first. Once discovery is collected and reviewed, and depositions are started to be taken, the hospital might realize that they have a weak case and decide to settle before trial. This could be six months after you've filed your lawsuit, or even years.

**Contact Us Today**

Morgan & Morgan has more than 700 attorneys working across the United States. We have recovered more than nine billion dollars for our clients. If you're looking for a personal injury and/or medical malpractice attorney, look no further. At Morgan & Morgan, we have the experience and dedication to take your case and get you the best outcome possible. Our attorneys are not only experienced, but they're also compassionate, knowledgeable and dedicated. They truly understand the pain you're going through. Set up a free consultation today so we can discuss your case with you, and make sure you receive the attention and justice you deserve.