

Dear Client:

Your case appears to have a “damages” question. Damages are how a jury says this is worth something.

In most cases like this, there is very little physical impact. This means that it is very rare that you suffered a bloody nose, a broken arm or bruised ribs. These are injuries that can be seen. But you have been harmed in a way that cannot be seen. You cannot take a picture of an insult, You cannot show a jury the depression you felt. These are called “non-economic” or “emotional distress” damages. You may also call them pain and suffering.

To describe your emotional distress, we have created a checklist of common symptoms. If you have experienced these or any other symptoms, please let us know, and also let us know who else knows about how you were affected. Good examples are friends, relatives, co-workers, doctors, priests, psychologists, psychiatrists, bosses, supervisors, and others. Records, including medical records, doctor’s notes, prescriptions, and employment records are all good documentary evidence.

This is not important only for proving that you have been “hurt” but may also help prove that what you say happened, did happen. Sometimes collectors lie, don’t remember, or simply won’t admit to doing something wrong, abusive, and/or hateful. Sometimes they admit the actions, but say that it didn’t really hurt you. We need to be able to prove your case.

To prove your case, the judge and jury are not permitted to consider just your feelings. They have to take into consideration how someone on the outside would have been able to see that this affected you. Perhaps this is the judge looking to make sure that you are not lying. Perhaps it is because hurt feelings are hard to put a dollar value on, but the things on the list below are things to point to, rather than just say “I felt bad.”

In addition, the pain, suffering, distress and abuse you suffered must be caused by the actions of the “bad guys.” By comparison, just because you have a bloody nose does not mean that Bobby hit you, or that it was Bobby hitting you that made your nose bleed. Maybe Bobby did hit you, but not in the nose, it was Johnny that made your nose bleed. We can’t prove that Bobby hurt you.

The value of these effects varies from case to case, so we cannot tell you that your case has a value of \$X.00. We can only say that we think that we either can or cannot get more money than has been offered. This is a very inexact science.

You also need to know that in most cases, obtaining more than \$100,000.00 in non-economic damages generally requires a showing of death or permanent disfigurement. This is because juries in Central Virginia are made up of people who are from nearby. Sometimes they think that is enough. Therefore, you should plan that in most cases, the value will be LESS than \$25,000.00. Most cases are valued by a jury much less, some as low as \$1.00.

Therefore, it is important to be able to show and tell the jury **how this affected you**. We need to have people come to testify. They need to testify **truthfully** that this had a substantial impact on your life, or the judge will not permit this evidence in at the trial. Without evidence, we cannot recover money for you.

We ask you now, to assist us in explaining to the jury: **How did they hurt you, and how can we prove this “hurt” happened?**

Thanks for helping us win your case.
Krumbein Consumer Legal Services, Inc.

MENTAL/EMOTIONAL/PSYCHOLOGICAL DAMAGES WORKSHEET

<u>SYMPTOM/PROBLEM</u>	<u>Yes</u>	<u>No</u>	<u>Corroborating/Verifying Witnesses or Documentation</u> Provide name, address, phone number
Aggravated illness			
Anxiety			
Appetite/Weight loss			
Bedridden			
Change in self image			
Chest Pain			
Chronic Pain			
Concentration loss			
Confusion/confused			
Consortium/sexual loss			
Crying			
Death Thoughts			
Depression			
Dizziness			
Fear-Answering door			
Fear-Answering phone			
Fear-_____			
Embarrassment with family			
Embarrassment with friends			
Embarrassment with others			
Fatigue			
Headaches			
Hopelessness			
Humiliation			
Hypertension/Blood Pressure			
Hysteria			
Illness			
Insomnia			
Intimidation			
Irritability			
Job affected			
Job lost			
Loss of sexual desire			
Loss of self esteem/guilt			
Mania			
Marital strife			
Medical expenses			
Medications (OTC or prescription)			
Muscle spasms			
Nausea			
Nervousness			
Nightmares			
Overeating			
Panic Attack			
Pessimism			
Privacy loss			

Relationships affected			
Relationships (intimate) affected			
Reputation affected			
Restlessness			
Shortness of breath			
Sleep increase/gain			
Sleep loss			
Stomach pain			
Suicide thoughts/attempts			
Vomiting			
Weight gain			
Weight loss			
<i>Other (be specific)</i>			

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