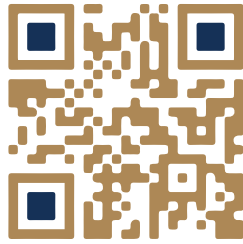


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I would highly recommend hiring Brandon Yosha as your attorney. After my accident he worked incredibly diligently to help me with my case. Brandon was there to talk me through the details whenever I needed.

He obtained a settlement quickly, I'm happy with the outcome of my case. Brandon and the Yosha team did a fantastic job.

- Ashley Brown

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FEAUTURED ARTICLE

## Emotional Trauma: An Often Overlooked Aspect of Personal Injury



## The Legal Scoop

An Exclusive Publication From Yosha Law

- **IN THIS ISSUE:**
- Emotional Trauma: An Often Overlooked Aspect of Personal Injury
- What Role Do Medical Experts Play in a Personal Injury Case?

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AVERAGE WE BEAT THE  
INSURER'S FINAL OFFER

## What is a medical expert in a personal injury case?

A medical expert is a qualified professional, typically a healthcare professional, who has specialized knowledge and experience in a specific medical field. Their area of expertise is relevant to the injuries caused by the incident.

- Here are some examples:
- An orthopedic specialist or neurologist may testify about injuries to the brain or spinal cord
- A general practitioner may testify about short- and long-term injuries
- An ER physician may testify about the treatment they provided when the plaintiff was brought to the hospital
- A mental health provider may testify about the psychological impact of the incident

## Why is medical expert testimony important in a personal injury case?

Testimony from medical experts is crucial because the judge and/or jury must hear objective, specialized insights into the nature, cause, extent, and impact of the plaintiff's injuries. This testimony helps the court to understand complex medical issues.

Medical testimony assists the court in determining liability and the appropriate compensation for the plaintiff.

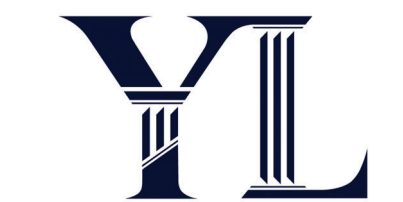
## What is the difference between an expert witness and an eyewitness?

Eyewitnesses are individuals who were present during the events of a personal injury and can testify to what they saw, heard, and experienced on the scene.

A passerby who stopped to provide assistance to someone who was injured is an eyewitness, and he can only answer questions about what happened while he was treating the patient.

The doctor who treated the patient at the hospital may be an eyewitness and an expert witness, because she can both tell the jury what she observed and explain how the injuries will affect the plaintiff's life.

A doctor who has been hired to review all of the documentation from the case and provide a clear explanation of how the individual was injured? That is an expert witness.



YOSHA LAW

## EMOTIONAL TRAUMA: AN OFTEN OVERLOOKED ASPECT OF PERSONAL INJURY

In Indiana, after you've suffered personal injury in an accident, you're likely to seek medical attention and treatment. However, you may feel that it's quicker to either dismiss the emotional trauma you've endured or just deal with it on your own.

Nevertheless, any accident can create significant damage to your psyche, and you may need support while navigating through the aftermath of your initial injuries.

Car accidents, slip and falls, and workplace accidents — regardless of how severe or minor — are scary, shocking events. Two tons of metal screeching toward you, a dramatic fall, or equipment failure can all leave an indelible emotional mark.

Emotional trauma can be an overlooked aspect of personal injury. However, when it is suffered at the fault of another, like all types of personal injury it deserves compensation.

Let's take a look at the following questions and how they can impact the compensation you might receive for your emotional trauma:

- Legally, what is considered emotional trauma?
- How can emotional trauma impact your overall health?
- How can you file an insurance claim for the psychological impact of your accident?
- How can a personal injury lawyer help?

## The legal definition of emotional trauma

In legal terms, emotional trauma (better known as emotional distress) refers to the emotional or mental suffering experienced as a result of personal injury. Although emotional distress is often linked to life-changing physical injuries, it can be experienced on its own as well.

Emotional trauma can lead to many symptoms including:

- **Anxiety** — Memories of your accident may cause you to feel panic and experience physical symptoms such as dizziness, nausea, and sweaty palms.
- **Depression** — Your accident may zap your enjoyment of life, cause numbness or overwhelming sadness, and may greatly impair your ability to perform daily activities.
- **Memory Loss** — The trauma you've endured may cause short- or long-term memory loss. Although memory loss is often a symptom of a physical traumatic brain injury (TBI), it can occur as a result of emotional distress too.
- **Post Traumatic Stress Disorder (PTSD)** — You may feel like you're reliving the suffering you endured in your accident and find that subtle triggers put you into a physical and emotional tailspin. PTSD can prevent you from fully healing and the ability to live your life.
- **Physical Illness** — Emotional trauma can even lead to stress and persistent physical ailments such as heart disease, high blood pressure, and obesity. The **National Institutes of Health (NIH)** explains that stress can cause a variety of life-threatening illnesses, and the physical impact of emotional trauma can vary from person to person.

## How a personal injury lawyer can help

Emotional trauma is hard to prove, yet it can be a valid and significant result of any type of accident. You don't need the added stress of navigating through the legal system or dealing with reluctant insurance companies on your own. A personal injury lawyer can explore the merits of your case and support you in your claim.

A personal injury lawyer can help you:

- **File Legal Paperwork** — Take charge of any necessary paperwork and ensure it's filed by mandated deadlines.
- **Gather Evidence** — Collect evidence that proves your emotional distress, including documentation from medical professionals and any work time you've lost as a result of your mental anguish.
- **Obtain Witness Testimony** — A personal injury lawyer can contact expert witnesses and call on your loved ones or co-workers who can testify to the emotional transformation and struggles you've endured since your accident.
- **Negotiate on Your Behalf** — If an insurance company is willing to enter into negotiations with you, a personal injury lawyer can represent you in meetings and calculate the amount of the settlement you seek.
- **Fight for You in Court** — If you can't come to a settlement agreement with the at-fault party and your case goes to court, the right personal injury lawyer will fight for the justice you deserve.

## When to file an emotional distress claim

Emotional trauma falls under the larger personal injury umbrella of pain and suffering. Thus, it's considered a non-economic damage: This means that emotional distress settlements aren't based on quantifiable, flat economic costs, but are up to the discretion of the insurance company or the courts.

**When should you file a lawsuit? Find out at: <https://yoshalawfirm.com/blog/>**

## Our Success Stories

### \$20.3 Million Verdict

\$20,325,000 verdict against a Fortune 500 energy company following a near-fatal electric shock injury that occurred at the company's power plant in Petersburg, Indiana

### \$5 Million Verdict

Motor Vehicle Accident. A passenger in a vehicle driven by a friend who wanted to demonstrate the speed of his new car. The driver hit a curb and the passenger suffered a traumatic brain injury.

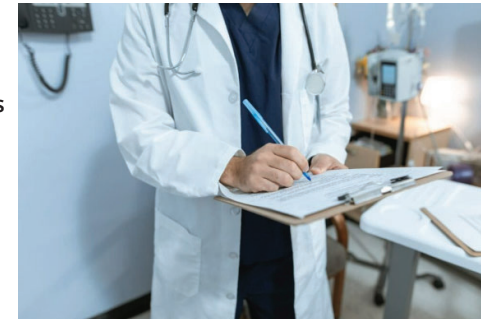
### \$7.5 Million Verdict

Slip and Fall case against National Car Rental Company. Verdict Amount \$7.5 Million Dollars, includes \$2.5 Million in loss of services for the plaintiff's spouse. Plaintiff required a total hip replacement.

## WHAT ROLE DO MEDICAL EXPERTS PLAY IN A PERSONAL INJURY CASE?

When you hire a personal injury attorney, they will very likely have your case evaluated by an expert medical witness. This is such an important part of the personal injury lawsuit process, and this article covers all the reasons why that is the case.

A medical expert's job is to explain to the jury or judge how the injury has impacted you, as the plaintiff. They will also describe the long-term effects of your injuries and what kinds of therapies, treatments, and rehabilitation you will continue to need.



What do medical experts do?

### Provide Medical Assessments

A medical expert witness will thoroughly review your medical records, including details about your injuries, treatments you received, and any pre-existing conditions you have. By analyzing these records, they gain a comprehensive understanding of your medical history and the specific injuries caused by the incident.

Sometimes, the expert medical witness will need to conduct a medical exam, rather than just going over your records. This assessment helps them to get a more accurate understanding of your injuries.

By conducting this comprehensive medical assessment, the expert can provide a thorough and detailed report to the court about your injuries, the treatment you have received so far, your ongoing symptoms, and the treatment you will need to continue to receive in the future.

### Example of a medical assessment

In a personal injury case involving a car accident, an orthopedic specialist was able to examine the plaintiff's medical records and diagnostic imaging reports. Then, she performed a physical examination to confirm what she saw in the records and make additional notes.

**Read more at: <https://yoshalawfirm.com/blog/>**