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Personal Injury Law; Pain and Suffering Damage by [Judy Marrow](#)

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Under the current auto insurance laws compensation for pain and suffering is something that has been available for a number of years. However, defining pain and suffering and assigning value to it has not been easy or uniform. There were so many questions regarding what is and isn't a measure of pain and suffering is that the highest court, the Court of Appeals, decided the case of Brak vs. Welsh on April 8, 2008. The case was the convoluted set of facts regarding drunk driving, duty of care and other legal issues, but at the heart of the case was Ms. Brak. Ms. Brak was known to have many pre-existing conditions. She was injured in the accident with a ruptured spleen and cracked ribs. She underwent treatment and over the course of time healed and went back to work. She then got pregnant and had another child, stayed home for a while and then returned to work. She missed only a few days of work but began complaining about back pain. No back pain was ever noted in the original accident. However, she was examined by 3 three doctors and was found to have soft tissue damage, commonly referred to a whiplash. Her pain was so severe that she had to sleep in a hospital bed and was unable to work.

The lower court found that she did not meet the current requirements of being permanently impaired or permanently disfigured. However, the court of appeals held that she was permanently injured. The court said that to determine if there was pain and suffering there are several things that need to be looked at. First, the severity of the injury must be considered. This has determined by the injury, and potential impact to the future quality of life. Another item is how the injury impacts your ability to work. Then the impact of the injury has on your ability to interact with your family and friends must be considered. Finally, the degree of pain associated with your injury and associated medical treatments must be considered.

The court, much to the amazement of many lawyers in Toronto, didn't take into consideration any previous conditions or the time in between the accident and the onset of the back pain. This was good news for car accident lawyers and their clients. This means the long term disability claims may be possible if the pain and suffering is so great that it impairs your ability to work. If you have questions about how this may affect you, contact one of the experienced car accident lawyers Toronto has.

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[Judy Marrow](#) - About Author:

If you are looking for more information on a [car accident laws](#) or any other specialty, we recommend contacting a personal injury lawyer in your area. A [Toronto accident benefit lawyer](#) or a local lawyer will be able to provide you with local information.

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