

The Hochfelder Report

THE CONSUMER'S GUIDE TO INJURY LAWSUITS IN NEW YORK

SHOULDER INJURIES

ISSUE 5

In this issue of the Hochfelder Report, you'll discover...

- How much money New York juries awarded for shoulder injuries
- How much money New York lawyers accepted to settle cases
- What makes a shoulder injury's value in New York go up or down
- Types of injuries in the low-range, mid-range and high-range of values
- Details from actual New York shoulder injury cases
- Different types of shoulder injuries
- Accurate meanings of related medical terms
- Fine points of the shoulder's anatomy
- More!

This week The Hochfelder Report focuses on injuries of the shoulder. Before we analyze the potential New York pain and suffering recoveries for this type of injury, let's define certain terms:

Definitions

Shoulder: The ball and socket joint of the upper arm, where the head of the humerus meets the scapula.

Acromioplasty: A surgical procedure in which part of the acromion (a bony part of the shoulder – see diagram below) is resected to decompress impingement of the rotator cuff.

Arthroscopy: Examination or surgical repair of the interior of a joint with an arthroscope (a thin rod with a lens inserted into the joint through a small incision).

Avulsion Fracture: The separation of a small piece of bone that has been pulled away from the shaft.

Bankart Lesion: A traumatic detachment of the labrum.

Brachial Plexus: A large nerve network in the neck.

Dislocation: A complete loss of contact between the articular surfaces of a joint.

Glenoid: The depression or cavity in the scapula that articulates with the head of the humerus to form the shoulder joint (see diagram).

Hill-Sachs Lesion: A radiographic sign of a recurrent dislocation of the shoulder.



John Hochfelder is a New York traumatic injury trial attorney who handles all types of personal injury claims and lawsuits. He is a member of the New York State Bar Association and New York State Trial Lawyers Association, and served as a Judge for five years in Westchester County. Actively involved in his community, Mr. Hochfelder has been a certified Emergency Medical Technician and is regularly called upon to lecture area Ambulance Corps on EMS liability issues and lawsuits. Visit John's website at www.newyorkinjurycases.com and his blog at www.newyorkinjurycasesblog.com.

Humerus: The long bone of the upper arm.

Labrum: A fibrocartilaginous rim in the shoulder joint.

Rotator Cuff: A group of tendons and muscles surrounding the shoulder joint locking the humeral head into the glenoid.

Subluxation: A misalignment of opposing joint surfaces; a partial dislocation.

Scapula: The flat, triangular bone of the shoulder commonly referred to as the shoulder blade.

Tuberosity: A large bony projection or protuberance usually serving as an attachment for tendons.

Now, let's look at the shoulder:

The Hochfelder Report provides facts and estimated ranges of value for New York pain and suffering for specific traumatic injuries. Often in trauma cases, many body parts are injured. As a result, the verdicts, settlements and case histories that you often hear discussed on the evening news or in the newspaper do not help you determine the value of your injury when you have injured only body part.

Therefore, please understand that if you have suffered a traumatic injury to more than one part of your body, you should use the information in The Hochfelder Report only as a starting point. The value of your case could be much less or much more than the amounts discussed here.

Often, in cases involving injuries of the shoulder — resulting from slip/trip and fall trauma, car accident trauma or construction injuries — the victim has other injuries as well. These frequently

include humerus (arm) fractures and neck injuries. For information about a specific claim regarding those injuries, see The Hochfelder Report that deals with that specific injury.

If we haven't discussed your injury, you're invited to call John Hochfelder, who will gladly discuss your injuries with you at no cost or obligation. You're invited to call John toll free at 1-800-530-4660, or locally, 914-686-0900.

Please understand that the values set forth here are for pain and suffering only. The dollar amounts can be much higher when an injured person also incurs significant lost wages, significant medical expense payments and other so-called special or out of pocket damages.

Note: The verdicts and settlements described in this issue of The Hochfelder Report were current on the date of publication. If you'd like to verify that these case results are current, please call John Hochfelder at 914-686-0900. Or, if you're outside the local area, call John toll free at 1-800-530-4660.

Now, here are the estimated New York pain and suffering values of injuries based on the circumstances described:

**Low Range of Value for a Shoulder Injury:
\$0 to \$65,000**

Your case is often valued in the \$0 to \$65,000 range when any or all of the following factors are present: When you have no or minor fractures. When physicians dispute whether the rotator cuff is torn. When you need only minor surgery or no surgery at all. When you have an excellent recovery. When you will not likely have future pain or disability. And when your case would be tried in an area where juries are conservative in their awards.

Actual Case: \$30,000 in a case where an

appellate court upheld a Court of Claims judge's past pain and suffering award of \$30,000 to a prison inmate who tripped and fell and suffered a fracture through the humeral neck and an avulsion fracture of the greater tuberosity. There was no award for future pain and suffering. Claimant was treated with a sling and 10 physical therapy visits. No surgery was required.

Actual Case: \$50,000 pain and suffering verdict in a Queens County lawsuit for a 49-year-old woman in a car accident who suffered a torn rotator cuff requiring arthroscopic surgery. The jury had awarded just \$9,000 for past pain and suffering and nothing for future pain and suffering. After the trial, the judge increased the past pain and suffering award to \$50,000 and let stand the award of nothing for future pain and suffering.

Actual Case: \$65,000 past and future pain and suffering award for a 74-year-old woman who fell at a store suffering a comminuted fracture involving the head and neck of the humerus as well as a fracture of the greater tuberosity. The Nassau County jury had awarded just \$20,000 for past and future pain and suffering. An appellate court increased the award to \$65,000. Plaintiff underwent 60 physical therapy sessions and nearly three years later she was still in great pain. It was uncontradicted that she would suffer future pain and residual damages. No surgery was required.

**Mid Range of Value for a Shoulder Injury:
\$75,000 to \$200,000**

Your case is often valued in the \$75,000 to \$200,000 range when any or all of the following factors are present: When you have a significant fracture, usually of the humeral neck. When you have clearly torn the rotator cuff. When you need open or complicated arthroscopic surgery. When you have a fair to good recovery. When you will

likely have some future pain or disability. And when your case would be tried in an area where juries are about average in their awards.

Actual Case: \$190,000 pain and suffering Bronx County jury award upheld by the appellate court for a 58-year-old woman in a car accident who suffered a rotator cuff tear requiring surgery.

Actual Case: \$200,000 Court of Claims (non-jury) pain and suffering award for 46-year-old man who fell on a state college sidewalk and suffered a torn rotator cuff that required surgical repair, including an acromioplasty.

**High Range of Value for a Shoulder Injury:
\$225,000 to \$750,000**

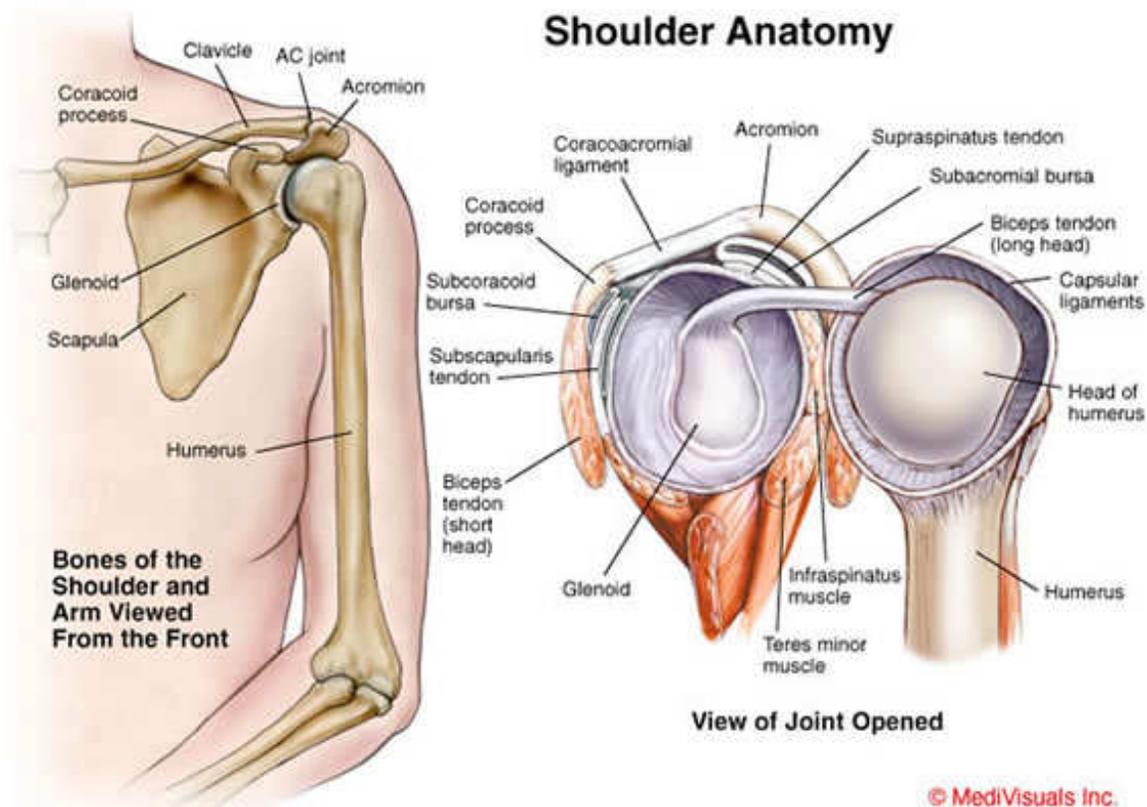
Your case is often valued in the \$225,000 to \$750,000 range when any or all of the following factors are present: When you have a significant humeral neck fracture that requires open surgery. When you require multiple surgeries. When you have a poor to fair recovery. When you will likely have significant future pain and disability. When additional future surgery is credibly recommended. And when your case would be tried in an area where juries are liberal in their awards.

Actual Case: \$300,000 pain and suffering award by an appellate court ruling on a Kings County case for a 54-year-old woman artist in a sidewalk fall who sustained a dislocated shoulder, a Hills Sachs lesion (damage to the humeral head) and a Bankart lesion (damage to the glenohumeral joint). Surgery was recommended.

Actual Case: \$450,000 pain and suffering award by an appellate court ruling on a Bronx County case for a 16-year-old high school student physically thrown off a bus by its driver. Defendants conceded liability. Plaintiff suffered a

hairline fracture of his right dominant humeral head and bilateral brachial plexus dysfunction. Five years later, plaintiff still had shoulder pain and nerve injuries confirmed by tests. His injuries were found to be permanent but no surgery was required.

Actual Case: \$750,000 pain and suffering award by appellate court ruling on a Suffolk County jury award to a 36-year-old construction worker who fell from a ladder and sustained a subluxation in his right shoulder, a dislocation in his left shoulder and a fracture of his left humerus. He underwent two shoulder surgeries and 14 months of occupational therapy. He returned to work in 13 months but suffered a permanent loss of range of motion, shoulder instability and continuing shoulder pain.



You're Invited to Call or E-mail!

"If you have suffered a shoulder injury, you're invited to call me. I will ask questions about your injury and help you determine the value of your claim.

Call me toll free at 1-800-530-4660 or e-mail jhochfelder@newyorkinjurycases.com. I promise I'll do everything I can to help you."

—John Hochfelder