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CURRENT OPINIONS IN THE PERSONAL INJURY ARENA

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— CURRENT TOPIC —

Helping the patient get justice in minimal car damage PI cases via the Small Claims Court system

At Issue: Few PI attorneys are willing to represent victims of minor car damage collisions. This hesitancy to take on such cases has grown over the last 20 years, mainly as a result of the *dark side's* willingness to litigate these cases to the nth degree. The return on investment for the plaintiff's attorney in such matters is simply too low to warrant the challenge. Plus, the defense can fight these cases with little more than showing an enlarged photo of the minimal car damage and looking at the jurors with a quizzical expression.

The research in the area of low impact collisions is surprisingly clear that human injury is possible beginning at a delta V of around 4.5 mph. For many vehicles, the improved structural designs create a situation where only cosmetic damage may be seen at impacts up to delta Vs of 8-10 mph. Thus, the threshold for human injury can be exceeded by as much as a factor of 2X and yet the physical damage to the occupant's vehicle may appear relatively minimal. This is the summation of the science on the subject, but perception often overrides scientific fact. The victims of such auto accidents are too often placed in the unfortunate position of having to pay for treatment through their own health insurance or paying with their own resources. Of course, other case-related damages go unreimbursed.

The question for this month is this: "***How can those people injured in minimal damage MVAs obtain some type of justice under the current PI system?***"

Response: Directing such victims of minimal vehicle damage impacts to the Small Claims Court system may provide the only source for some justice. The enclosed information is intended as a basic handout for those individuals who are willing to pursue this method of getting a settlement without having to pass through the *dark side*.

How to use the enclosed information: This information is for those people who are well-suited for pursuing justice through the peoples' justice system, the Small Claims Court. There is an overview of the process, a prep sheet, and handouts for demonstrating the science of low impact collisions. Patients employing the services of the Small Claims Court system should find the handout a great primer for exploring this approach. I have personally had many patients use this exact method with a high success rate. The more successes we have in this arena, the greater the likelihood of teaching the *dark side* a lesson. Remember, when using the information presented here, the copyright information must not be removed and the documents must not be altered in any manner. If you have questions or suggestions, please feel free to contact me through the means listed below.

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