

APRIL 2025

How to prove damages in a personal-injury lawsuit

Damages must be substantiated with clear, compelling evidence that establishes the full extent of losses

By Shana M. Nazarian

When a client is injured due to another party's negligence, proving damages is one of the most critical aspects of a personal-injury lawsuit. Simply stating that a plaintiff was injured is insufficient. Damages must be substantiated with clear, compelling evidence that establishes the full extent of losses. Whether seeking compensation for medical expenses, lost earnings, diminished quality of life, or future care costs, proper documentation and expert testimony ensure a strong claim and maximize the client's recovery.

The role of key evidence in proving damages

Recovering damages requires persuasive, admissible evidence that clearly establishes the extent of the plaintiff's injuries and the impact on their life. Well-documented evidence strengthens the claim, making it more difficult for insurers or defense attorneys to dispute liability or damages. The California Civil Jury Instructions outline essential elements for proving damages and serve as a critical guide in structuring a strong case.

Plaintiff attorneys should ensure that every category of damages is thoroughly supported with documentation, expert analysis, and corroborating testimony, reinforcing the strength and credibility of the claim.

Medical records and treatment history

Medical records form the foundation of a damages claim. They establish the nature and severity of injuries, the necessity of treatment, and the projected long-term impact.

Timely medical care supports causation

If a plaintiff delays treatment, insurers frequently argue that their injuries were minor or unrelated to the incident. CACI No. 3903A provides that plaintiffs may recover the reasonable cost of medical care that is necessary due to the injury and reasonably certain to be required in the future.

Consistency in treatment strengthens claims

Gaps in care can be misconstrued as a sign that injuries were not severe. However, there are legitimate reasons for treatment delays, such as financial hardship, doctor-recommended home care, or pandemic-related provider shortages. Attorneys should ensure these reasons are well-documented.

Specialist evaluations add credibility

Orthopedic surgeons, neurologists, and pain management doctors provide objective assessments of a plaintiff's injuries, reinforcing claims of long-term impact.

Expert testimony in proving damages

Expert witnesses play a key role in quantifying damages and countering defense arguments. Properly prepared expert testimony provides objective validation of medical needs, lost earning capacity, and ongoing disability.

Treating physicians and independent specialists confirm diagnoses, necessary treatments, and the impact on daily living. When a plaintiff requires long-term care, life care planners provide a detailed breakdown of future medical needs, home modifications, and associated costs.

If an injury affects the plaintiff's ability to work, vocational specialists assess whether the plaintiff can return to their prior job, transition into a different field, or is permanently disabled. Financial professionals calculate lost earnings, reduced earning potential, and increased medical costs over time.

Economic damages and financial documentation

Economic damages refer to objective, quantifiable financial losses that a plaintiff has suffered due to an injury. These damages must be clearly substantiated through documentation such as pay records, tax returns, invoices, and expert testimony. Properly establishing these losses ensures that a plaintiff is fully compensated for the financial impact of their injuries and prevents defense attorneys from minimizing or disputing the claims.

Lost earnings

Plaintiffs are entitled to recover wages lost due to injury-related disability. CACI No. 3903C provides that plaintiffs may recover the amount of income lost due to the injury, as well as any future earnings they would have reasonably earned if not for the injury. This may be established through pay stubs, employment verification letters, prior tax returns, and testimony from a vocational expert or economist.

Lost earning capacity

If an injury has long-term or permanent consequences on a plaintiff's ability to work, CACI No. 3903D allows for compensation based on pre-injury earnings, industry wage trends, work-life expectancy, and the plaintiff's education and career trajectory. Vocational experts, financial analysts, and economic models are often necessary to present a well-supported projection of future losses.

Medical expenses

CACI No. 3903A allows recovery for both past and future medical costs,

Copyright © 2025 by the author.
For reprint permission, contact the publisher: www.plaintiffmagazine.com



including hospitalizations, surgeries, physical therapy, prescription medications, assistive devices, and home health care services. Medical billing statements, insurance explanations of benefits, physician estimates of future care, and life care planning reports serve as crucial evidence.

Loss of ability to provide household services

CACI No. 3903E provides for damages when an injury prevents a plaintiff from performing household tasks that they previously handled, such as childcare, cooking, cleaning, home maintenance, or caring for a disabled family member. Attorneys should present evidence of replacement service costs, testimony from family members, and an analysis of the reasonable value of these services.

By comprehensively documenting economic damages, plaintiff attorneys ensure that no financial losses go unaccounted for, strengthening the overall damages claim and increasing the likelihood of a fair and full recovery.

Quantifying non-economic damages

Beyond financial losses, plaintiffs are entitled to general damages for pain and suffering, emotional distress, and loss of enjoyment of life. These damages recognize the long-term physical, emotional, and lifestyle impact of an injury and should be presented with strong supporting evidence, including plaintiff testimony, medical expert opinions, and documentation of life disruptions.

CACI No. 3905A instructs jurors that they may consider past and future pain, mental suffering, emotional distress, anxiety, disfigurement, and inconvenience when determining compensation.

CACI No. 3920 provides that a spouse may recover damages for the loss of companionship, affection, intimacy, and emotional support resulting from the plaintiff's injuries.

CACI No. 3921 allows family members to recover damages for the loss of love, companionship, and emotional support of the deceased in cases involving fatal injuries.

When presenting non-economic damages, attorneys should use compelling storytelling, visual evidence, and detailed plaintiff testimony to illustrate the depth of suffering and lifestyle disruptions. Photographs, home videos, and family member statements can further humanize the case and provide a clear picture of the plaintiff's losses.

Why strong documentation is critical to maximizing compensation

A well-documented case serves as the backbone of a successful damages claim. The stronger and more organized the evidence, the less room insurers or defense attorneys have to dispute the extent of the plaintiff's losses. Thorough documentation not only streamlines settlement negotiations but also ensures a clear, persuasive presentation of damages at trial.

Clear, consistent records reduce disputes

Medical records must clearly outline the severity of injuries, necessary treatments, and long-term care needs. Insurers frequently attempt to argue that injuries are minor or unrelated to the incident, but comprehensive medical documentation eliminates these arguments by establishing a clear connection between the injury and the defendant's negligence.

Detailed financial records strengthen economic loss claims

CACI No. 3903C provides that plaintiffs are entitled to recover all lost income and future earning potential. Supporting documentation such as tax returns, pay stubs, employer verification letters, and economic expert reports provides concrete proof of these financial losses, making it more difficult for the opposing side to contest them.

Thorough documentation maximizes non-economic damages

CACI No. 3905A states that plaintiffs may recover damages for pain and suffering, emotional distress, and loss of enjoyment of life. These damages are best supported through pain journals, psychiatric evaluations, and testimony from loved ones who can speak to the plaintiff's struggles post-injury.

Future medical costs must be clearly established

CACI No. 3903A allows recovery for future medical expenses, but these must be supported by physician testimony, treatment plans, and life care planning reports detailing anticipated surgeries, therapies, assistive devices, and ongoing medical care. Without clear evidence of future needs, insurers will attempt to downplay long-term damages.

By maintaining documentation across all categories of damages, attorneys ensure that the plaintiff's full financial, physical, and emotional losses are accounted for, minimizing disputes and maximizing the likelihood of securing full compensation.

Strengthening your client's case through strategic litigation

In addition to gathering thorough documentation, effectively presenting damages in depositions and at trial is essential to ensuring a full and fair recovery for plaintiffs.

In depositions, the opposing side may question the severity of injuries by highlighting treatment gaps or pre-existing conditions. It is common for plaintiffs to experience delays in treatment for various reasons, including financial barriers, limited access to specialists, or recommendations for home-based care. These factors should be clearly explained to ensure the jury understands the realities of medical treatment access.

Medical experts play a critical role in substantiating damages and future medical needs. Defense counsel may attempt to challenge their credibility, so

Copyright © 2025 by the author.
For reprint permission, contact the publisher: **www.plaintiffmagazine.com**



expert witnesses should be well-prepared to articulate their findings concisely, rely on objective medical evidence, and effectively explain why their conclusions support the plaintiff's damages claim.

By anticipating potential defense strategies and reinforcing the legitimacy of the plaintiff's damages with well-prepared testimony, attorneys can present a strong and persuasive case.

Avoiding common pitfalls that weaken damage claims

Even strong cases can be weakened by avoidable missteps. Plaintiff attorneys must stay proactive to anticipate and neutralize potential challenges before they arise. By addressing these issues early in litigation, attorneys can ensure that claims remain strong and that plaintiffs receive full and fair compensation.

Delays in medical care should be addressed and explained

Gaps in treatment are often unavoidable due to financial constraints, insurance delays, difficulty accessing specialists, or doctor-recommended home treatment. When such delays exist, CACI No. 3903A still allows for the recovery of medical expenses, provided there is clear documentation linking the injury to necessary care. Physician notes explaining treatment gaps or delayed procedures should be incorporated into the case file.

Thorough financial documentation prevents disputes over economic losses

CACI Nos. 3903C and 3903D provide for the recovery of past and future lost earnings. However, if documentation such as wage loss statements, employment records, self-employment tax returns, or expert economic projections is incomplete or missing, the defense will argue for a reduced award. Attorneys should compile financial records early in litigation to avoid last-minute evidentiary issues.

Social media and surveillance can be used against plaintiffs

Insurers actively monitor plaintiffs' social media accounts, looking for posts that can be taken out of context to suggest that an injury is not as severe as claimed. Even seemingly harmless activities can be misconstrued. Attorneys should advise plaintiffs to avoid posting about physical activities, vacations, or any statements about their case. Additionally, plaintiffs should be mindful of private investigators hired by insurance companies who may attempt to capture misleading surveillance footage.

Settling too early can lead to undervalued compensation

CACI Nos. 3903A, 3903C, and 3903D allow for the full recovery of future medical costs, lost wages, and diminished earning capacity. However, plaintiffs must reach Maximum Medical Improvement (MMI) before settling to fully understand the long-term impact of their injuries. Settling before MMI often results in compensation that fails to cover future treatment, therapies, or permanent disabilities.

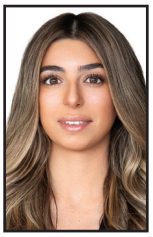
By proactively addressing these common pitfalls, plaintiff attorneys protect their clients from defense tactics designed to minimize damages. A well-documented case, combined with strategic litigation planning, ensures that no aspect of the plaintiff's losses is undervalued or overlooked.

Conclusion

A personal-injury case is won or lost on the strength of damages evidence. Plaintiff attorneys must proactively collect medical records, engage the right experts, and prepare a compelling narrative that maximizes the value of a claim. By anticipating defense challenges and using jury instructions as a legal foundation, attorneys ensure a stronger case and full compensation for their clients.

Key jury instructions for reference:

- CACI No. 3903A – Medical Expenses
- CACI No. 3903C – Past and Future Lost Earnings
- CACI No. 3905A – Pain and Suffering
- CACI No. 3920 – Loss of Consortium
- CACI No. 3921 – Wrongful Death


Nazarian

Shana M. Nazarian is an associate in the Rains Lucia Stern St. Phalle & Silver, PC *("RLS") Personal Injury Group. Shana handles a range of matters, including premises liability cases, slip and fall cases, automobile accident cases, ladder fall cases, and intentional tort cases. Shana strives to cultivate meaningful relationships with all of her clients and prides herself on assisting them navigate the legal system.*

Copyright © 2025 by the author.
For reprint permission, contact the publisher: **www.plaintiffmagazine.com**