

 Rain will end this afternoon:

Thunder in Carolinas:

# What's behind the multimillion-dollar personal-injury awards?

By Michael A. D'Amico

“**J**ury awards \$5 million,” the headline reads. Sure gets your attention — pushes all the buttons. Then, we learn a few facts about the lawsuit and who has to pay. The first impression is often “Wow, what a windfall! This guy sure hit the jackpot! Why couldn't I be so lucky?” The second impression is: “That guy's never going to have to worry about anything except fishing. It's not fair!”

That's what the reader is often left with: “Some guy got \$5 million and it's not fair.” But let's look a little closer. What really happened in the courtroom? Why did a jury of six adults — carefully picked by the lawyers for the guy who got hurt and the guy who hurt him, — and following the explicit directions the judge gave them, say he should get \$5 million? And why did the judge agree with them?

A good example of this “lawsuit-

coverage phenomenon” happened in the March 10 story in the Republican-American on the John Cummings case. “Naugatuck man awarded \$4.1 million by jury in suit over I-95 crash,” read the headline. What did we learn?

Well, the lawsuit “stemmed from a ‘tangle’ with a tractor-trailer.” The article didn't tell us that the tractor-trailer driver, moving from the center to the right lane of Interstate 95 in Bridgeport, turned into and struck Cummings' two-door Honda Civic as Cummings was driving in the right lane. The truck literally picked up the Civic on its front bumper, dragging it a half-mile down the highway at 60 mph. Cummings' car was forced along the truck's bumper to the truck's left side, then became wedged under the truck and continued to be carried down the highway. Nice experience to add to Cummings' memory book.

The Republican-American then tells us that Cummings, now 38, suffered shoulder and spinal injuries. We don't

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learn that even after several surgeries, Cummings has lost significant function of both shoulders, both hands, his back and his neck. He is in constant pain, especially down both legs, and is still facing disc-removal and fusion surgeries on two separate locations on his spine. He'll probably never be able to pick up and hold his grandchildren after they're a year or so old. It's doubtful that he'll ever be able to lift anything heavier than 20 pounds.

Why do injuries give people so much money? Well, in Cummings' case, he was 33 when the crash occurred, with a wife and three children to support. During five days of testimony, the jury learned his ability to perform as a petroleum-supplier's dock worker has been severely affect-

ed. He'll never be better and will probably grow worse; he'll have lifelong medical bills. The jury gave him the equivalent of \$73,000 a year from the time he was injured to the age most insurance companies' actuarial predictions say he'll live — another 37 years. The total: \$3.1 million.

But the Republican-American said that Cummings is collecting another \$1.1 million from the trucking company. Wrong. The judge imposes this additional award under state law as a penalty on the driver and the trucking company. It represents 12 percent of the \$3.1 million award for each of the three years the defendants stonewalled in a matter that was so obviously their fault.

We need to realize that there's always a person's life and a unique set of circumstances behind all those big-verdict headlines. The doctors say that because of that “tangle” with the tractor-trailer, John Cummings probably will take medications for the better part of his life, that it's likely he'll never be without pain when doing the most ordinary things. It took five years to bring his case to a jury, which finally forced those responsible to compensate him for what they did to change his life.

It's a cliché, but John Cummings was taken out of the prime of his life. Put yourself in John's place. Would you give up the money to regain your health? To do all the things he used to take for granted, that we all take for granted? To not be staring down the tunnel of more hospitalizations, more pain? I think John would give up the money in an instant, think we all would.

The Republican-American closed its article by saying that the trucking company and driver's lawyer argued during the trial that John's injuries weren't as serious as he said they were and that they weren't caused by the crash. The report didn't mention that the trucking company's own doctor agreed that John's injuries did result from the crash. Apparently the jury, after listening to five days of testimony, also agreed.

The next time those big-verdict headlines get your attention, stop and think about why the jury made the award. Stop and realize that you weren't in the courtroom and didn't hear all the evidence. Stop and be thankful that it's not you or a loved one whose “hitting the jackpot,” who's getting the “windfall.”

*Waterbury lawyer Michael A. D'Amico represented John Cummings in the personal-injury lawsuit.*