

What Counts as Pain and Suffering After a Car Accident?

Trusted legal advocates helping Maryland crash victims maximize their compensation

Imagine you're driving home in Maryland after a long day. Then suddenly, someone rear-ends you at a stoplight. The medical bills and car repairs are one thing, but what about the months of back pain that keeps you from playing with your kids, or the nightmares that make you dread merging onto I-95? These are examples of pain and suffering.

In Maryland, these non-economic damages compensate for the intangible toll a [car accident](#) takes on your body and mind. They include chronic aches, anxiety, and a shattered sense of normalcy. But under the state's tough pure contributory negligence rule, even 1% fault on your part can wipe out your claim entirely.

What exactly is pain and suffering in Maryland?

Let's start with the basics. Pain and suffering isn't about dollar amounts for doctor visits or missed paychecks; those are economic damages. Instead, it's the human side of your injuries: the physical hurt, emotional scars, and life disruptions that have no specific dollar value. Maryland courts call these "general damages," and they're available in negligence cases where another driver's negligence caused your crash.

What are common types of pain and suffering?

Think of "pain and suffering" as a catch-all for how the accident changes your life:

- **Physical pain:** This includes whiplash that makes it hurt every time you turn your head, fractured ribs that make laughing painful, or lingering neuropathy from a nerve pinch. It includes future pain too, such as arthritis flaring up years later because of your injury.
- **Mental anguish:** Serious crashes can cause lasting psychological trauma. We're talking PTSD from swerving to avoid a head-on, panic attacks at yellow lights, or depression that steals your spark. Maryland generally requires a physical injury before emotional distress damages are recoverable.
- **Impairment and loss of enjoyment:** Can't golf anymore because of a shoulder tear? Do scars from flying glass make you skip beach days? This covers humiliation, isolation, and saying goodbye to hobbies. Spouses can even claim "loss of consortium" for lost intimacy.

Maryland's "eggshell plaintiff" rule is key here. If you had a bad back pre-crash, the at-fault driver still pays for how it worsens; you're compensated for the full extent of the aggravation. No fixed definition exists; juries decide based on your story and evidence.

Who qualifies for these damages in a Maryland crash?

Not everyone walks away with a pain and suffering check. Maryland's pure contributory negligence doctrine is strict. If you're even slightly at fault (say, you hesitated half a second at a yield sign), you get nothing. It's one of only four states, along with the District of Columbia, that still use this all-or-nothing approach, so dashcam footage and witness testimony are important.

Anyone hurt in an accident can file a claim: drivers, passengers in Ubers, pedestrians in crosswalks, even cyclists dodging potholes on Route 50. Minors qualify through parents. Claims for soft-tissue injuries such as strains can be difficult without MRIs or other documentation. Family members may be eligible for consortium losses.

You generally have three years from the crash date to file a lawsuit. And in serious crashes, claims can quickly approach or exceed available policy limits. Uninsured motorist coverage may cover losses if the at-fault driver doesn't have insurance. But in any claim, it's important to establish clear liability.

What are the hurdles and caps you need to know?

Maryland law places annual caps on non-economic damages, which are adjusted for inflation. As you pursue a claim for compensation, you should be aware of:

Insurance Company Tactics

Insurance companies are experienced at minimizing pain and suffering claims. They often use several tactics to reduce or deny your compensation:

- **Lowball settlement offers:** Adjusters often make quick, sympathetic-sounding calls with offers that severely undervalue pain and suffering.
- **Surveillance and social media monitoring:** Insurance companies may hire investigators to record you performing normal activities (such as carrying groceries or walking your dog) and use that footage to argue your injuries are exaggerated or fabricated.
- **Fault shifting under contributory negligence:** In jurisdictions with pure contributory negligence laws, insurance adjusters highlight even the smallest mistake (such as braking a split second late) to claim you're partly at fault, potentially voiding your entire recovery.
- **Scrutinizing medical treatment gaps:** Missing or delaying physical therapy or follow-up appointments allows them to argue your injuries were minor, unrelated, or preexisting.
- **Twisting recorded statements:** Adjusters often push for recorded statements early on. Anything you say can later be misinterpreted or taken out of context to weaken your claim.

- **Disputing medical necessity:** They may challenge whether certain treatments, surgeries, or specialist visits were necessary, often relying on paid in-house doctors to downplay your condition.
- **Dragging out the process:** By delaying responses or requesting excessive documentation, insurance companies attempt to pressure victims into accepting smaller settlements out of frustration or financial strain.

Dealing with Burden of Proof

Building a strong case for compensation requires evidence. For example:

- Keep daily pain journals to document your experience. Example entry: Feb 12 — 8/10 neck pain, skipped kids' soccer, took two Vicodin.
- Add visual and medical evidence, such as photos of fading bruises, MRI or treatment timelines, and psychological evaluations diagnosing crash-related anxiety.
- Include vocational expert reports, which calculate lost income or career opportunities. For example: "Nurse sidelined from shifts, an annual loss estimated at \$20K."
- Gather family affidavits to show personal impact. For example: "Dad can't fish anymore."
- Preserve all evidence. Send spoliation letters to warn insurance companies not to delete dashcam footage or other critical proof.

Trial vs. Settlement

Most car accident cases are resolved through pre-trial settlements. In many instances, compensation for pain and suffering represents a significant portion of the total recovery. Settlement is typically faster and avoids the uncertainty of trial.

Hire a Maryland lawyer early who will fight for maximum compensation

You're sidelined by whiplash pain, bills are stacking up, and insurance adjusters are dodging your calls. [Goldberg Finnegan](#) can step in and gather the facts to strengthen your claim. Our Silver Spring car accident lawyers fight across Montgomery, Prince George's, Howard, Frederick, and Charles Counties to secure the compensation you deserve, including pain and suffering awards for chronic pain, emotional scars, and lost enjoyment of life. We've recovered more than \$150 million for injured victims.

There's no financial risk when working with us. We work on a contingency fee basis. That means you pay nothing upfront and we only get paid if we win. That frees you to focus on healing while we move your case forward.

[Contact us online](#) or call today to book a free consultation and map out the next steps in your claim. Don't delay. Let us fight for you before the evidence disappears and the insurance companies get the upper hand.