

# Pain And Suffering Damages Explained in Texas

## What Texas Law Allows Injured People To Recover Beyond Medical Bills

When a violent crash or devastating fall rips through your life, it rarely feels like a [personal injury](#) case at first. It feels like pain that won't let up, nights you can't sleep, bills you can't pay, and a future that suddenly looks nothing like the one you'd worked for. The [Herrera Law Firm](#) understands that what hurts most after a serious [car wreck](#), [truck collision](#), or [work injury](#) in San Antonio is usually not just the medical bills.

Texas law recognizes that harm you can't see on a medical invoice can still change everything. That is why the law allows injured people to seek financial compensation for pain and suffering and other non-economic damages when someone's careless choices cause serious injury. When we build a case, we're not simply adding numbers on a spreadsheet. We're telling the full human story of what was taken from you so the recovery reflects your real life, not just your receipts.

## What Non-Economic Damages Mean Under Texas Law

Non-economic damages are the law's way of recognizing the real human cost of an injury. Instead of focusing on what you paid, they focus on what you lost.

In Texas, non-economic damages generally cover:

- **Physical pain and suffering** from the moment of impact through recovery and into the future
- **Emotional or mental anguish** such as anxiety, depression, fear of driving, or post-traumatic stress
- **Loss of enjoyment of life** when you cannot return to the activities, hobbies, or routines that once brought joy
- **Disfigurement and physical impairment**, including scars, amputations, and loss of normal body function
- **Loss of consortium and companionship** when injuries strain marriages and family relationships
- **Inconvenience and other non-financial harms** that flow from an unexpected, serious injury

By contrast, economic damages are the financial losses you can usually prove with documents, such as:

- **Medical expenses** for emergency care, hospital stays, surgery, physical therapy, medications, and follow-up visits

- **Lost wages and loss of future earning capacity** when you cannot work or must accept lower paying work
- **Out of pocket costs** like travel to medical appointments or paying for help with household tasks you used to handle yourself

## Common Ways Pain and Suffering Shows Up After an Injury

Pain and suffering is a broad phrase, but the consequences are very specific when you are living through them. In Texas cases, we often see several overlapping types of non-economic harm.

- **Physical pain and daily discomfort** that can jolt you awake at night, make sitting, standing, or driving difficult, and turn simple tasks like carrying groceries or lifting a child into carefully planned challenges.
- **Emotional and mental anguish** that shows up as nightmares, flashbacks, panic at certain intersections, irritability or withdrawal around loved ones, and losing interest in activities that once mattered.
- **Loss of enjoyment of life** when a grandparent can't kneel to play with grandkids, a runner can't handle the River Walk anymore, or a devoted volunteer now avoids crowds because of anxiety.
- **Disfigurement and physical impairment** from scars, amputations, or serious orthopedic injuries that permanently change how far you can walk, how long you can stand, how much you can lift, and how you present yourself in public.
- **Loss of consortium and companionship** when a spouse becomes a caregiver, children take on extra responsibilities, and the relationship shifts, including lost patience, canceled trips or events, and a diminished sense of partnership and intimacy.

## How Texas Law Looks at Pain and Suffering

Texas doesn't use a rigid formula to decide what pain and suffering is worth. Instead, the law gives juries the responsibility to listen to the evidence, consider the severity and duration of the injuries, and decide on an amount that reasonably reflects the harm.

There are some key realities to understand:

- The statutes don't require any specific calculation method for non-economic damages
- Insurance companies often fall back on internal software or guidelines that undervalue pain and suffering
- Appellate courts look for a clear connection between the injuries proven at trial and the dollar amount awarded for non-economic harm

In practice, this means non-economic damages are heavily evidence driven. Strong medical records, consistent treatment, truthful testimony, and credible supporting witnesses give juries

something real to hold on to when deciding what is fair. Thin or inconsistent evidence, on the other hand, gives insurance companies room to argue that pain and suffering awards should be minimal.

## **The Reality of Negotiating Pain and Suffering**

On paper, these methods look straightforward. In the real world, insurance companies often try to plug a few numbers into a program and treat the result as the “answer.” When that happens, non-economic damages get treated like an afterthought.

Our job is to push back against that approach. We do that by:

1. Making sure the economic damages are fully supported and accurately calculated
2. Gathering medical and mental health records that describe symptoms and limitations in detail
3. Encouraging clients to document day-to-day struggles in journals, messages, and photos
4. Presenting friends, family, and coworkers who can explain how the injury changed what they see every day

## **Key Factors That Change the Value of Pain and Suffering**

No two people experience pain the same way, and no two cases are identical. Several recurring factors tend to influence how insurance companies, judges, and juries evaluate non-economic damages.

Here are some of the most important ones:

- **Severity Of Injury:** Catastrophic injuries such as traumatic brain injuries, spinal cord damage, amputations, and severe burns tend to support significantly higher pain and suffering awards because they permanently change how someone moves through the world.
- **Duration Of Pain:** A broken bone that heals in a few months presents differently than chronic back pain that lingers for years. The longer pain is expected to last, the more it weighs on non-economic value.
- **Impact On Work And Independence:** Injuries that force career changes, early retirement, or long-term dependence on others often carry larger non-economic implications because they undercut a person’s sense of purpose and independence.
- **Emotional And Psychological Harm:** Diagnosed PTSD, depression, or anxiety, especially when backed by counseling records and medication history, provides powerful evidence that the injury cut deeper than physical pain alone.

- **Disfigurement And Visible Injury:** Juries can easily see scars, hardware, and amputations. Visible injuries often make the human cost more concrete, particularly for younger victims and those in public facing jobs.
- **Credibility And Consistency:** Juries look closely at whether medical treatment, complaints of pain, and witness testimony tell the same story over time. Consistent, honest evidence typically leads to stronger non-economic awards.

## Evidence That Helps Prove Pain and Suffering

Because pain and suffering is subjective, documentation is important. Several kinds of evidence tend to make a real difference:

- **Medical Records:** Detailed notes from doctors, surgeons, and physical therapists that describe pain levels, limitations, and prognosis.
- **Mental Health Records:** Counseling notes and psychiatric evaluations that document anxiety, depression, sleep disturbances, or PTSD symptoms.
- **Pain Journals:** Regular entries describing pain intensity, medications, side effects, missed activities, and emotional ups and downs.
- **Photos And Videos:** Images from the hospital, during recovery, and from before the crash that show what life looked like then and now.
- **Witness Testimony:** Statements from spouses, family members, coworkers, supervisors, and friends about changes in mood, behavior, and capabilities.
- **Expert Testimony:** Opinions from medical experts, vocational specialists, and life care planners explaining how the injuries affect your body, your career, and your future needs.

One question that comes up often is whether Texas caps non-economic damages in personal injury cases. The short answer for most injury victims is no. Texas does impose caps on non-economic damages in medical malpractice cases under the Texas Civil Practice and Remedies Code, but those caps generally don't apply to standard personal injury claims arising from car accidents, truck crashes, slip and falls, or other negligence cases.

For most injured Texans, there is no statutory ceiling on what a jury can award for pain, suffering, emotional distress, or loss of enjoyment of life. What matters is the strength of the evidence and the full human story your attorneys put before that jury.

## Talk With a San Antonio Personal Injury Lawyer About Your Pain and Suffering

No one asks to learn the language of non-economic damages or pain and suffering. You end up here because someone else made a choice that changed your life, and now you're trying to figure out how to keep your family afloat while you heal.

Our San Antonio personal injury attorneys take the time to understand your story, gather the evidence that makes your pain real on paper, and demand full accountability from the people and companies that caused your injuries.

Before [giving a recorded statement](#) to the insurance companies, [contact us](#) online or call to schedule a free consultation. We handle these cases on a contingency fee basis, which means you don't owe us anything unless we win.

There's no obligation and no upfront cost to have us review what happened, explain your rights, and discuss how Texas pain and suffering damages might apply in your case. When you're ready to move from feeling overwhelmed to taking concrete steps toward accountability and recovery, we're ready to stand with you.