

\$600K awarded for fractured wrist

By: Maura Mazurowski December 4, 2019



A Chesterfield jury has awarded \$500,000 plus interest of approximately \$104,000 to a 17-year-old driver in a personal injury case resulting from a motor vehicle crash.

The crash occurred on May 25, 2016, two weeks before plaintiff's high school graduation. Plaintiff Katie Robbins was heading eastbound on a two-lane road when the defendant, Kristen Shankle, who was in her mid-30s, crossed the double yellow line and crashed into Robbins' car head-on. The defense admitted liability before trial, said Richmond attorney Jason W.

Konvicka, counsel for the plaintiff.

"[Shankle] had no recollection of the crash and did not testify at trial," said Scott D. Fitzgerald, plaintiff's other lawyer.

Robbins underwent multiple surgeries and had "hardware" placed in her wrist to repair two broken bones. She began classes at the University of Virginia in the fall of 2016 where she started having difficulty performing daily tasks, including driving, lifting heavy objects and typing or writing for long periods of time.

"She's continuing to deal with this injury as she will for the rest of her life," Fitzgerald said. "[Her wrist] hurts her about every other day with activities we all take for granted."

Konvicka said that the longevity of Robbins' injury resonated with the jury. He added it was an influential factor to the jury when determining the verdict, which was returned just 34 minutes after Konvicka's closing statement.

Fitzgerald said the verdict was likely made so quickly because this case was a "little simpler" in the sense that the liabilities were uncontested; the only issues to discuss were damages.

He noted that this was a difficult case to defend and that Shankle's counsel did the best they could with what they had to work with."

"The main point I tried to make... Was that this is a lifetime injury, and [Robbins] is only 21," Konvicka said. "Folks on the jury know what it will be like for [Robbins] to have a piece of hardware in her wrist for the rest of her life."

Still, even the plaintiff's counsel admitted that this verdict was "substantial" – especially given the fact that the trial was held in Chesterfield Circuit Court, which is traditionally known to be more conservative, Konvicka said.

"[The verdict] wasn't surprising in the sense that [Robbins] made a very good impression... She came across as very credible, very sincere," Konvicka said.

Plaintiff's counsel originally demanded \$250,000 from the insurance company, an amount that Fitzgerald said his client would have settled with. However, the insurance company never raised their offer past \$225,000.

The low offer is ultimately what led Robbins' to try the case, Konvicka said.

"Which is how we got a verdict for \$600,000 plus. But there's only \$300,000 in coverage, so my client understands that she will only receive \$300,000," Konvicka said.


Henry "Hank" Carter of Richmond, counsel for the defense, was unavailable for comment.

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