

HOW CAN A
**PERSONAL
INJURY
LAWYER**
HELP ME?



Most personal injury cases have four phases: investigation, negotiation, litigation and trial. Often these stages overlap, and many cases are resolved without the need for litigation or a trial at all. You may choose to handle some or all of these phases on your own, but, as a general rule, you are more likely to obtain a favorable outcome to your situation if you have an experienced personal injury lawyer on your side, protecting your interests.

Here is an overview of how a personal injury lawyer can help you through each phase of your case:





Investigation

During this initial phase of the case, your lawyer will:

- Visit the scene of the accident, at or about the same time of day or night as the accident occurred, to take notes and pictures.
- Obtain and review your medical records and bills to date, including reports prepared by first responders, emergency room records, and the records of your treating physician.
- Obtain and review other relevant documents, including, for example, police reports, witness statements and statements made by you, if any.
- Locate and interview witnesses.

Negotiation

Most insurance adjusters are well-trained negotiators. An experienced personal injury attorney will not be intimidated or bullied into settling for less than you deserve.

Your attorney will:

- Contact the insurance company for the person or entity that is responsible for your injuries and discuss the possibility of a settlement.
- Provide the insurer with documentation of your injuries and economic losses.
- Send a settlement demand letter.
- Reject lowball offers and deal with the stonewalling tactics adjusters often use to wear a claimant down.





Litigation

Litigation is the process of resolving your claim through the court system. If negotiations stall and litigation becomes necessary, your personal injury lawyer will:

- File a lawsuit (a “complaint”), naming all potentially responsible parties (“defendants”) and raising all viable legal claims.
- Send and respond to written discovery.

“Discovery” is the formal fact-finding stage of a lawsuit. Your attorney will serve the defendant with interrogatories (written questions), requests for documents, and requests for admissions.

- Take depositions of defense witnesses. A deposition is an interview, during which your personal injury lawyer will question the defendant (or other defense witnesses). The defendant must answer truthfully, under penalty of perjury, just as if he were testifying in court. The testimony is recorded and transcribed by a court reporter.
- Defend your deposition. The defendant will take your deposition. Your personal injury lawyer will attend the deposition with you to protect your rights.





- File motions (formal written requests) with the court to try to resolve some issues before trial.
- Discuss settlement. Settlement negotiations may continue during the litigation process and likely will take on greater urgency as the trial date approaches. These discussions may be informal, between the attorneys, or more formal in nature, with a mediator present.

Trial

If your case **does not settle**, the **litigation will culminate with a trial**. Your lawyer will handle all phases of your representation, including:

- **Selecting the jury.**
- **Making an opening statement.**
- **Presenting your case-in-chief, through your testimony and the testimony of your supporting witnesses.**
- **Cross-examining defense witnesses.**
- **Presenting a closing argument.**