



HOW LONG DOES IT TAKE FOR A CASE TO SETTLE?

It is very difficult to give a definitive answer to how long a case will take to settle. Generally speaking, one can expect that a settlement may be reached a few weeks to a few months after the initial letter of demand is sent to the insurance company, but it may take much longer. Factors that weigh upon settlements include the workload of the adjuster assigned to the claim; how well-documented your claim is; the philosophy of the insurance company regarding settlement; the time of year; the economy; and whether any comparative negligence exists.

Your case is much more likely to settle quickly if you have a reasonable expectation for the value of your claim. Provided your lawyer makes a reasonable demand and the insurance company is not philosophically opposed to settling claims without litigation, you should be able to realize a settlement that will ease the financial burden of your injury accident.

WHAT WILL HAPPEN IF MY CASE DOESN'T SETTLE?

If your lawyer and the insurance company are unable to agree upon a settlement of your claim, a lawsuit may be your only option. Before deciding to litigate your case, however, you and your lawyer will need to discuss whether it is likely to succeed. It is also important to weigh the potential settlement amount with the additional costs involved in going to court.

The process leading up to trial involves numerous matters, including the filing of a Summons and Complaint against the defendant. This is answered by the defense with an Answer to the Complaint. This document usually denies responsibility for the accident. Both sides then begin a process called discovery, which is a gathering of information from both sides.

Following discovery certain pretrial motions and procedures will take place. Keep in mind that a settlement is still possible until both sides meet in court. Otherwise a trial date will be marked on the court calendar, and the case will be tried in court at that time.



DESCRIPTION	AMOUNT
Office Visit	125.00
Lab Work	225.00
X-Rays / Abdominal	350.00
Surgery	7,500.00
Anesthesia	1,000.00
Pathology	531.00
Medical/Surgical Supplies	357.00
Post-Op Care	482.00
TOTAL DUE	\$10,570.00

HOW WILL THE VALUE OF MY CLAIM BE DETERMINED?

Both your lawyer and the insurance company have extensive experience in assessing case value. In general the dollar worth of a claim is determined based on the total cost of medical treatment, lost income, future projected medical bills, etc. The value total will be weighed against any shared negligence. In other words, if your actions in some way contributed to the accident, you share in what is called contributory negligence, and your case value will be reduced accordingly.

Your lawyer will then discuss with you a settlement range, and add to this amount in order to arrive at an initial demand figure. He will submit this amount in a Demand; the insurance company will respond with a counter-offer in most cases.

Generally your lawyer responds to the insurer's counter-offer with another somewhat lower figure than what was previously demanded. This process of negotiating usually culminates in a settlement that both sides agree upon. If not, then the case will either not settle or will be litigated.

