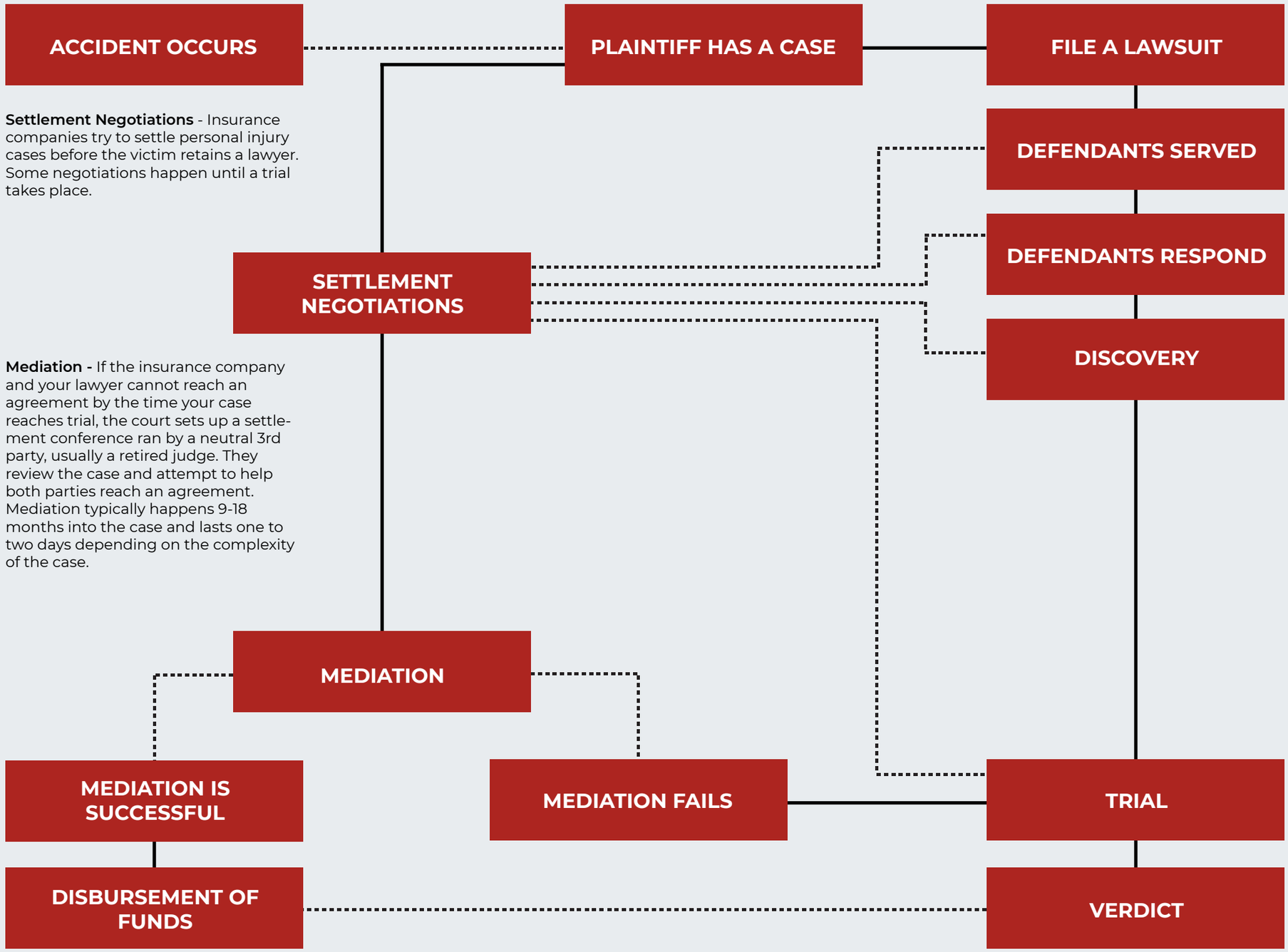
Flowchart of a Typical Personal Injury Lawsuit



Settlement Negotiations - Insurance companies try to settle personal injury cases before the victim retains a lawyer. Some negotiations happen until a trial takes place.

Mediation - If the insurance company and your lawyer cannot reach an agreement by the time your case reaches trial, the court sets up a settlement conference ran by a neutral 3rd party, usually a retired judge. They review the case and attempt to help both parties reach an agreement. Mediation typically happens 9-18 months into the case and lasts one to two days depending on the complexity of the case.

Disbursement of Funds - The victim receives financial recoveries within 30 days of a successful mediation or verdict.

Lawsuit Filed; Serving the Defendant(s) - Most courts require the victim to serve the defendant(s) 30-60 days after they file the lawsuit.

Defendant Response - Every defendant has 30 days after the date they receive papers to file a response. Most defendants ask for a 15-day grace period to find legal representation.

Discovery - This stage of a personal injury lawsuit involves:
Medical Examinations - The defense usually requires the victim to have an examination by one of their doctors. The victim should have their lawyer present during these examinations.
Questions - Both parties send out written questions within 60 days of the lawsuit being filed. Each party works with their lawyer to respond to those questions over 35 days.
Depositions - Both sides ask key persons questions about the case. The defense attorney interviews witnesses and victims, while the plaintiff's attorney question the defendant. Deposition is less formal than court, but there is usually a court reporter present. This means that any statements made in depositions can be used at trial.

Trial - Depending on the complexity of the lawsuit, trials may take anywhere between four days and two months. Jury deliberations alone take anywhere from a couple of hours to a few days.

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For The Injured