

Law Office of RIACH GESE

A Professional Limited Liability Company

What are the main steps in my personal injury case?

Although every case is different, the following is an overview of how a case like yours proceeds:

Accident and Injury

You have suffered an injury, which like you, is unique. If you have pain, disfigurement or loss of mobility it is important to immediately seek medical care from a medical professional and follow up with any recommended treatment plan. Ignoring medical care or treatment can hurt your case and prevent you from receiving a full recovery of your damages.

As it may take many months to recover from your injuries and settle your case, it is important to document the injuries or damage. As soon as possible and at regular intervals during the healing process take *photographs or digitally record* your injury or damage to any property.

We also recommend you keep a pain *journal* describing the effects the injury has had on your ability to perform your activities of daily living. This journal should be updated regularly and describe in detail the pain you are suffering and how the injury is impacting your life.

Free Consultation

We will meet with you and provide you with a free consultation. Prior to meeting with us, you should assemble all paperwork and photos related to your accident. This will facilitate our first meeting and more importantly provide us with the right information to assess liability and your injuries. After reviewing the materials and meeting with you, we should be able to provide you with a preliminary analysis of the strengths of your case and potential resolutions.

Representation

When you decide to engage our services you will not have to pay us an hourly fee. We will review with you and sign a standard contingency fee agreement. The contingency agreement typically assigns just a third of any judgment to us for our legal services and representation of you. Immediately upon engaging our services, we notify all interested parties that you are represented by counsel and that all communication should go through our office. As a result, you will not be harassed by the insurance company or their attorneys.

Obtain Information and Treatment

Initially we will obtain records and information related to the accident, such as the police report, photographs, and possible witness statements. We generally do not negotiate a settlement of a case until you have completely healed or your medical needs have plateaued, to ensure your full entitlement. You should never attempt to settle your claim until your doctor has released you or can give a meaningful opinion about your future condition. If you settle before you have completed treatment, you will likely be prevented from reopening the claim if the treatment is unsuccessful. Once we obtain all relevant records, we send a demand letter outlining your accident, your injuries, and the impact the accident and injuries have made on your life. The demand letter will include a dollar figure that the defendant insurance company may agree to pay to settle your claim.

Demand and Negotiation

The insurance adjuster reviews the demand letter and makes an offer to settle your case prior to litigation. Their offer may be substantially less than our demand. With you making the ultimate decisions, we negotiate aggressively to obtain the maximum possible amount to make you whole again. The vast majority of the personal injury claims handled by Riach Gese are resolved during settlement negotiations prior to litigation.

Litigation

Sometimes, for any number of reasons, a claim cannot be settled through negotiation. At this time, our attorneys will sit down with you to discuss your options. We will never settle a claim or file a lawsuit without your complete understanding or consent. If litigation is necessary, the following is an overview of the process:

- We will prepare, file with the court, and serve on the defendant a Summons and Complaint. A complaint is a legal document that lays out your claims.
- The Defendant will have to file an Answer that says what portions of the Complaint, if any, the defendant admits, what the Defendant contests, what defenses the Defendant may have, and whether the Defendant has claims against you or any other party.
- The Parties will then exchange documents and other information about the issues relevant to the lawsuit, in a process called Discovery. Discovery can take three forms: written questions that must be answered under oath; document production; and depositions, which are formally transcribed and sworn statements taken in front of a court reporter or other court officer.
- Sometimes the case can be resolved during or after discovery in a pre-trial settlement. If that happens, the settlement agreement resolves all issues and the court is either not involved or is involved only informally. If the Parties do not reach an agreement, the case will go to trial or arbitration.

At trial or arbitration, the attorneys for each side present evidence and arguments and the judge, arbitrator, or jury decides the unresolved issues. Once a decision has been reached, a Judgment will be entered in favor of the side who wins.

No matter which side wins, either side can appeal the decision to a higher court. If appealed, the matter will progress through the various levels of review and appellate court. The appeal process may take years to conclude. It is important to remember that settlements usually cannot be appealed if both sides agree to the terms.

Arbitration

Arbitration is a form of binding dispute resolution equivalent to trial in the state courts. It is an alternative to costly and time-consuming trials where a third party or arbitrator hears the evidence, reviews the documents, and renders a decision that is legally binding for both sides. It is faster and less expensive than going to trial; but is limited to cases with a value less than \$50,000.00.

We hope the forgoing information and instructions will answer many of your questions and increase your understanding of what to expect in your personal injury case. Riach Gese Law Firm has been serving the community since 1959 and we look forward to meeting your legal needs.

Sincerely,

The Staff at Riach Gese