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OUTLINE OF A PERSONAL INJURY CASE

The following paragraphs are a brief outline of the legal proceedings which will occur in pursuing a personal injury case. This outline is to help you better understand the timetable of a personal injury case.

Initially, your attorney will be contacting the opposing party to inform him/her of your retention of me in this matter. Your attorney will then contact the insurance carrier for the opposing party and inform them of the basis of your claim, the legal theory of liability, and provide them with any relevant information. Your attorney will also be obtaining any medical records or documents to substantiate your case. Each case is unique and a possible settlement cannot be discussed until you and your attorney have determined the exact nature of your injury, the medical treatment required, and the approximate time for recovery.

If we are unable to resolve your claim directly with the insurance company, the first step will be the filing a complaint with the court. Within 21-28 days following the service of this complaint and jury demand upon the defendants, the defendants are required to answer or otherwise plead. The answer is usually very formalistic and usually denies all of the allegations contained in the complaint and is considered by the court to put the case "at issue," meaning ready for processing by the court.

It is not unusual in a personal injury case for the attorneys for the defendants to ask for an extension of time to file the necessary papers. This means that the answer or other responses by the defendants may not be filed exactly within 21 days, but where an extension is requested, it would be filed within 60 days.

The first 12 month period, called discovery, is utilized for the gathering of facts in your case, which includes, among numerous other things, investigation and verification of insurance information on the parties involved, identifying and obtaining statements from all witnesses, obtaining medical records and reports from physicians and deposing persons. During this period, the defendants will usually send you some written questions called "Interrogatories," which your attorney will ask you to answer and return right away. You have only 28 days from the date the court receives these questions to complete the answers, so time is very important.

At some time during the discovery period, the defendants will want to obtain your testimony in a question-and-answer session with the attorneys and a court reporter present. The testimony you give at this time has the same weight and effect as if you gave the same testimony in a courtroom in front of a judge. This is called a "deposition" and it can be a critical turning point in the case. Your attorney notify you when, and if, that is arranged, and of course, spend some time with you beforehand helping you understand what to expect.

The court will schedule case evaluation or mediation and trial dates, which will be assigned after the one-year discovery period has elapsed. Case evaluation or mediation is a process in which three disinterested attorneys are assigned by the court to evaluate each side of the lawsuit and make a recommendation. If both you and the defendant accept the dollar amount of the recommendation the case can be settled. If all parties do not accept it, we will discuss your case and proceed to trial. If the case cannot be settled, it will be tried on the date ordered and selected by the court at the pretrial. Of course, trial preparation is an intensive stage of your case that exceeds the scope of this letter.

Briefly stated, this is the procedure you can expect in your case over the one to three years it may take to come to trial. During that time, you can see that we will be doing a number of things, including legal motions, technical consultation, investigation, and, perhaps, settlement discussions. This means that even though you may not hear from your attorney over a period of time, you know that your attorney is working on your case.

Please keep in mind that this timetable is an approximation of the length of time it will take to bring your lawsuit to a conclusion. In many cases more time is required for a number of reasons, such as scheduling conflicts with attorneys and the court's docket. It is possible to bring your lawsuit to an end at an earlier date. Offers of settlement can be made and accepted at any time during your suit.

Our firm expects that you will have questions regarding your case as it progresses. Please feel free to call your attorney directly.