

the PROCESS of a LAWSUIT



Litigation can be a very long process. A case is started when a complaint is filed, served, and responded to – and then the actual litigation begins. Information is gathered from documents, questionnaires, and sometimes depositions (sworn testimony). After most of the evidence is in, the case goes to mediation. If mediation doesn't result in a resolution, your legal team will begin the intense and often lengthy process of preparing for a trial. The trial itself may take from a few days to several weeks.

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1^{step}

CASE IS FILED

We have to get service of process on the defendants

Defendants often get an extension of time to file an answer

2^{step}

DEFENDANTS MAY FILE A MOTION TO DISMISS

1. If so we file a response.
2. A hearing is held.
3. The judge rules.
4. If case is dismissed, maybe you refile it or you can appeal or you are done.
5. If case not dismissed, defendants has to file an answer.

3^{step}

DEFENDANTS FILE AN ANSWER

Maybe we file a reply for you, the plaintiff.

4^{step}

A PERIOD OF DISCOVERY (not all these things happen, but they could)

- Depositions: of the plaintiff, defendants, and some witnesses
- Interrogatories
- Requests for production of documents
- Requests for admission
- Request for statement of monetary relief
- Maybe an inspection upon land
- Physical or mental examination of the plaintiff by defendants doctor
- Maybe a motion or two having to do with discovery/protective orders

5^{step}

MEDIATION

A meeting where the parties sit down to discuss the case and see if it can be settled.

6^{step}

DEFENDANTS MAY MAKE A MOTION FOR SUMMARY JUDGMENT (SJ)

(they don't always do it)

A request that the judge throw the case out because the evidence is not strong enough.

7^{step}

PLAINTIFF ANSWERS WITH ALL THE CRUCIAL EVIDENCE IN THE CASE

(affidavits, exhibits, and deposition transcripts)

Court holds a hearing

If SJ granted, no trial. Plaintiff appeals

If SJ denied, go to trial

8^{step}

GET A TRIAL DATE

Maybe get several trial dates if your case isn't reached the first or second time

9^{step}

AT TRIAL:

1. Pretrial motions to set out the outline for
2. what the jury will hear
3. Pick the jury
4. Opening statements
Testimony
5. Each side may move that the case be decided in their favor before the jury gets to decide. The judge rules on these motions
6. Closing arguments
7. Judge gives jury instructions

10^{step}

JURY DELIBERATES

If they can't reach a unanimous decision, there is a mistrial.

If they reach a verdict it is for the plaintiff or defendant or partially both

Each side can ask the judge to set aside the verdict.

11^{step}

THE JUDGE RULES ON POST-TRIAL MOTIONS

12^{step}

THE JUDGE ENTERS JUDGMENT ON THE VERDICT

13^{step}

THE LOSING SIDE CAN APPEAL

If a party (defendant or plaintiff) was ordered to pay money, and they don't appeal they have to pay the money.

If they appeal and don't want to pay the judgment, they have to pay the court costs of an appeal, plus they have to pay a bond on the judgment.

Interest collects on a judgment calculated to start from the day the case was filed.

presented by



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