

# How Long Will My Injury Claim Take?

Visual guide to the stages of a personal injury lawsuit

Reaching an injury settlement can take months or years.

There is no typical personal injury case. Every fact pattern, issue, party and injury differs, even if slightly. It will be impossible to predict how long your case might take until you receive a settlement or award of damages. That said, most accident and injury claims seem to be settled within one to two years. Here’s a look at the major steps and generalizations on timing. As always, talk to an attorney for insights on your own case.

## ENGAGE AN ATTORNEY

When: Right Away

Year 1



If you are out of work for more than a couple of days, if you break a bone, or if your medical bills total more than a couple of thousand dollars, you might want to hire a lawyer.

## STARTING THE CASE



- Beginning the initial paperwork and process with your lawyer.
- Letting the other party know you intend to file a claim.
- The statute of limitations determines how long you have to file a claim. The time limit varies by state.



### Court Motions

- The case may be dismissed or have a judgement entered due to factors such as jurisdiction, venue, improper process, default, etc.
- This can happen even before the discovery process

## DISCOVERY PROCESS

How long: 6 months - 1 year



- Digging up facts, gathering and producing documents (police reports, medical records, etc.), taking depositions and witness statements.
- Investigating any disputes about the event.
- May include accident reconstruction or other research.
- Exchanging docs: submitting a demand letter after sufficient information has been gathered. The insurance carrier or other party will respond. And so on.
- Waiting for Maximum Medical Improvement (MMI) or a firm prognosis from a medical expert.



### Attempt Settlement

- Settlement by negotiation, mediation, or arbitration. **Most cases will be settled.**
- If settlement is not reached, a lawsuit may be filed.



## GO TO TRIAL

- Motions and other arguments will occur separately from the jury hearing the case.
- Settlement might also occur during the trial process.

## VERDICT

How long: 1 - 2 years from filing suit



- The defense may appeal, which could force settlement for a lower dollar amount than the jury set.
- If the plaintiff wins, the defendant owes him or her the amount determined by the jury.

### Appeal

- If the appeal is successful, there may be a new trial or a settlement.

## COLLECTION



- If the plaintiff is successful, collection of the judgement begins (or efforts to collect).
- The judgement may be a lump sum or it may be broken up into payments.

Year 3