

# The Road to Compensation: Your Car Crash Legal Guide



Car Crash Occurs

Treat

Reach MMI

Record Pull

Issue a Demand

Synthesis

Settle

OR

Lawsuit

**Discovery Phase**

- Depositions
- RFP
- RFA
- Subpoena
- Subpoena Duces Tecum
- Public Records Request

File a Complaint

Await Answer

**Adjudicated Resolution**

OR

**Agreed Resolution**

Arbitration

Trial by Judge

Trial by Jury

Negotiation

Mediation



# Definitions

## Treat

The processes during which a person seeks medical advice and follows recommended courses of treatment for their accident-related medical issues.

## MMI - Maximum Medical Improvement

A state in which you are fully healed, or have recovered as much as possible and are not expected to improve further.

## Record Pull

We seek to identify all people and entities who may have records related to the accident (government agencies (Police, DMV, 911 recordings, etc.), medical providers, insurance companies and the client) and then gather those records for use in the case.

## Synthesis

The process by which we take all gathered information and organize it strategically such that it is clear, comprehensive, and concise.

## Issue a Demand

Actually informing the at-fault party and their representatives via letter of the facts of the case, the legal theory upon which our request for a damages amount is based, along with all supporting documents tending to show that they should agree to our demand amount.

## Personal Injury Complaint

A legal document that initiates a lawsuit against the at fault party.

## Answer

The formal legal response to a complaint.

## Discovery Phase

Both parties collect and exchange information.

**Deposition** - Taking oral statements from witnesses under oath and on-record.

## Discovery Phase cont'd

**RFP - Request for Production** - This is a request for documents from the opposing party in litigation.

**RFA - Request for Admission** - A written request for information from one party to the other in a lawsuit. This can include asking the other party to admit or deny the truth of facts, the authenticity of documents, or answers to legal questions.

## Discovery Phase cont'd

**Subpoena** - Using the authority of the court to compel a person or entity to show up and testify in court.

**Subpoena Duces Tecum** - Using the authority of the court to compel a person or entity to show up and testify in court, and to bring with them a set of documents.



# Definitions

## Discovery Phase cont'd

**Public Records Request** - A request to a government entity that they disclose records they maintain.

## Agreed Resolution - Negotiation

The process by which two or more people get together and over the course of communication reach an agreement to a dispute.

## Agreed Resolution - Mediation

The process by which a neutral third party helps two or more people get together and over the course of communication reach an agreement to a dispute.

## Adjudicated Resolution - Arbitration

The process by which parties (typically in an informal setting with informal rules) present their case to the arbitrator or arbitration panel and ask that they tell the parties what the resolution is. For example, if a brother and sister argue about who gets the last piece of cake and they give their best pitch to mom as to why it should be them and mom decides who gets the last piece of cake.

## Adjudicated Resolution - Trial by Judge

The process by which parties formally present their case to the judge who makes determinations of fact (what happened) and applies the law to those facts (judging) and tells the parties what the resolution is.

## Adjudicated Resolution - Trial by Jury

The process by which parties formally present their case in court to both the judge and jury where the jury makes determinations of fact (what happened) and applies the law as given to them by the judge to the facts and tells the parties what the resolution is.

## Bonus step: Appeals

The legal process where the losing party in a case asks a different court to rehear the case and reconsider the original decision. The new court can only look for legal mistakes and whether this changes the court's final decision.