

How to File A Personal Injury Lawsuit in New York

An experienced attorney can guide you through the legal process

Accidents happen frequently in New York City, leaving people with serious injuries. Medical expenses can add up quickly. You may not be able to work if you are hurt, resulting in a loss of income. If the negligence of another party caused the accident that left you hurt, you deserve financial compensation.

But the at-fault party may deny doing anything wrong and won't accept responsibility for what happened. You can file a claim with their insurance company, but they may deny liability. Or they will attempt to minimize your compensation by questioning the extent of your damages, or claiming you were partially at fault.

If you were hurt because of the negligence of another party, it may be necessary to file a lawsuit to recover the financial compensation you deserve. Here are the general steps involved in the process.

Talk to an experienced personal injury attorney.

An attorney can review your case and discuss your options. In New York, the statute of limitations for taking legal action is three years from the date of your accident. That may sound like there's no rush to start the process. But the longer you wait, the more difficult it can be to build a strong case for damages. Evidence can be lost or destroyed over time, and witnesses may forget important details.

Before a lawsuit is even filed, an attorney may write a demand letter. This is a formal letter in which you describe why you believe the other party is responsible for your injury. The letter will also ask for a specific amount of compensation to resolve the matter. A deadline will also be included, along with a description of actions you intend to take if this deadline is not met (in this case, filing a lawsuit).

A lawyer will start building your case.

An attorney will have the resources to investigate your accident and the injuries you suffered. This involves gathering evidence such as any video of the accident, photos, police reports, medical records, and documentation of lost income. Legal action may be taken to seek access to evidence controlled by the other party, such as maintenance records. Witnesses will also be identified and interviewed, and experts may be consulted if needed.

There may be settlement discussions.

As your lawyer prepares your case, there may also be discussions with the lawyer for the party you are suing about the possibility of a settlement. The insurance company may agree to a settlement negotiation in an attempt to avoid court. If a settlement offer is made, your attorney can discuss it with you and offer advice.

Your lawyer will file the lawsuit.

If no settlement has been reached by the parties involved, your lawyer will begin your lawsuit. This involves drafting formal documents and filing them in the appropriate jurisdiction and venue.

One of these legal documents is a complaint. This document lists the parties involved, describes how you as the plaintiff were harmed by the defendant, and asks the court for relief, typically financial compensation for the damages suffered.

Another legal document in a lawsuit filing is a summons. This notifies the defendant that a lawsuit has been filed. It provides information about the court that will hear the case, and the names of the parties as well as your attorney.

The defendant will receive a copy of the complaint and the summons and will be given an opportunity to respond by filing an "answer." The time allowed to respond is generally twenty or thirty days.

The discovery process begins.

This is the formal exchange of evidence between the parties involved in a lawsuit. Questions and answers will be provided by each party. Witnesses are called to give depositions about the accident and the other party's attorney can ask questions. This process can last several months. But it lets both sides see the evidence that will likely be presented in court and gives them an idea of what to expect at trial.

Settlement negotiations continue.

As the trial date draws near, one or both parties may express an interest in discussions to try to reach a settlement. Your lawyer will try to negotiate a settlement that meets your needs and will update you if any offers are made. It is your decision whether to accept or decline any settlement offer.

Ultimately, most personal injury lawsuits are resolved by this stage. Only a small percentage make it to trial. However, we are always prepared to go to trial if that's what it takes to get the best outcome for our clients.

The trial begins.

The case will be heard in court if no settlement is reached. If it is a jury trial, there will be a jury selection process. When the trial begins, the lawyer for each side will be allowed to give an opening statement.

As you are the plaintiff, your lawyer will then present your case. Evidence will be presented and witnesses will be called to testify. The other party will then be allowed to present their case. After both sides have been presented, the lawyer for each party will give a closing statement.

The next step is deliberation. In a jury trial, the judge will provide instructions to the jurors. The jury will then consider all of the evidence and come to a decision. This could take hours or up to weeks in more complex cases. A settlement can still be reached at any time before the verdict.

If you win your case, the amount of compensation you receive will depend on many factors. But in general, you can seek compensation for all current and future medical expenses, lost wages if you couldn't work because of your injury, and other damages such as pain and suffering.

Experience counts when filing a lawsuit

Recovering financial compensation through a personal injury lawsuit can be complicated. It's important to have an experienced lawyer who knows the New York courts and can guide you through the process every step of the way.

Giampa Law has earned a reputation as a firm that knows how to get the job done, and we have the [results](#) to prove it. We offer clients personal attention and craft a legal strategy that gives them the best chance at getting results, either through a negotiated settlement or a jury verdict. We are committed to fighting for the best possible outcome in your case.

If you were hurt in a personal injury accident in New York, learn more about how we can help. One of our attorneys can review the details of your case and discuss your legal options. We can also answer any questions you have about the legal process before moving forward. There's no cost and no obligation. [Contact us](#) to schedule a free consultation.