

STEPS IN CIVIL LITIGATION

Every lawsuit is unique, and the timing of a lawsuit is difficult to predict. It depends on many things, including actions the various parties take, court schedules, and decisions you make. A lawsuit can take up to two years or longer to settle or go to trial.

However, most lawsuits go through the same basic steps, although not always in the same order. Some lawsuits skip some steps, and some steps are repeated many times over. The steps listed here are the main steps that occur in a lawsuit. They will give you a general idea of what to expect and the general cost associated with each step. All matters are charged hourly at our lawyers' regular rates with an initial retainer of **\$8,000**.

1. *Gathering the Facts*

With our client's help, we gather all the available facts concerning the claim, including interviewing and taking statements from witnesses. We sometimes hire investigators or experts to help us, so this step can involve third-party expenses.

2. *Starting or Responding to the Lawsuit*

We begin the lawsuit by preparing the necessary court documents and filing them in court. This means the court date-stamps all copies of the documents, keeping one copy for their official record. We then deliver filed copies to the opposing party or their lawyers. This step also involves expenses such as court filing fees. The cost to attend to this step is between approximately \$1,500 to \$2,000.

3. *Preparing Lists of Documents*

We review the documents that you have provided to us and documents that we have gathered. We select the documents that are relevant to your case and list them in a court document called the List of Documents. We will provide your List of Documents and copies of the documents listed to the opposing party. The opposing party must also provide us with their List of Documents and copies of documents listed. The cost of this step is highly variable and depend on the complexity of your lawsuit.

4. *Interim Applications*

After we start a lawsuit, but before trial, we or the opposing party's lawyer sometimes need to ask the court to decide certain things. Going to court to ask for an order before the trial is called an *interim application*. These interim applications are usually about how the lawsuit should be handled. For example, we might ask the court to order that the opposing party must show us a particular letter or document that the opposing party would rather not let us see. The costs for these interim applications are highly variable. We will provide a more precise estimate when one occurs, but these typically range from approximately \$5,000 to \$15,000, depending on its complexity.

We have experience in obtaining a variety of interim orders such as:

- Asset Freezing Orders
- Removing / Defending Certificate of Pending Litigations
- Document Disclosure Orders

5. Examination for Discovery

After gathering the facts, either we or the opposing party's lawyer will arrange an examination for discovery. At the examination for discovery, we will question the opposing party under oath about the case. We will also ask the opposing party about relevant documents they now have and about relevant documents they previously had access to. In return, the opposing party's lawyer will question you about the case. We will give the opposing party copies of relevant documents and will also identify any relevant documents you previously had access to. The cost to attend to this step is approximately \$3,000 to \$6,500.

6. Review of the Law

Once we have a good idea of all the facts, we review the law. We will then give you our legal opinion about what the likely outcome of a trial would be. The cost of reviewing the law is highly variable and depend on the complexity of your lawsuit.

7. Negotiation and Settlement

When it is appropriate, we talk with the opposing party's lawyer to see if they will settle the claim. A settlement is an agreement between the parties to a lawsuit which sets out how they will resolve the claim. If the claim is settled, it does not go to trial. The vast majority (i.e., more than 98%) of our cases settle without the need for trial. The cost of negotiating a settlement and preparing settlement documents is highly variable and depend on the complexity of your lawsuit.

8. Preparation for Trial

We prepare the case for trial, including getting all the necessary documents together, arranging for witnesses to attend, and preparing any legal opinions. The cost to prepare for trial is highly variable.

9. Trial

We act for you at the trial. After the judge makes a decision, we will prepare the court order for the judge to sign or approve how the other lawyer has prepared the court order to make sure it is correct. The cost for us to attend trial is approximately \$6,000 to \$10,000 per day, depending on the complexity of your case.

*Approximate costs are for reference only.

*Updated: October 26, 2021