

Do's and Don'ts: Being Involved in a Lawsuit



**Most People Don't
Go to Court More
Than Once in Their
Lifetime**

THE DO's

DO take any lawsuit seriously. Even if the claims are 100% frivolous, you have to address all the issues raised in the lawsuit as if they were real claims.

DO find an attorney you feel comfortable with. You and your attorney are going to spend a LOT of time together during the course of the lawsuit, and you need to find someone you can work with. You may work with several attorneys in the firm. Most litigation is handled in a team approach. You won't feel the same about each one, but make sure you ask for the one you feel most comfortable with your questions. Sometimes cases are referred to an attorney from outside the area. If this happens, ask your attorney why this is occurring. Normally it is for your benefit.

DO consider, if you are sued, whether you might have insurance coverage under some insurance policy. Many policies require that you report incidents to the insurer, so it is important to look at policies as soon as you can.

DO make sure that you have signed a written retainer agreement with your attorney, detailing what you will be charged and for what, and what your attorney will do for you. It's for both of our protection. Hourly rates are normally changed at the end of each year without notice.

DO be honest and forthcoming with your attorney. Even if it is embarrassing, even if it makes you look like an idiot or a crook, it is better if your attorney knows. Giving your attorney insufficient information is like hiring a chauffeur and not telling him or her that the brakes don't work.

DO give your attorney everything in your relevant files, again even if it is embarrassing or incriminating. If you have the document, the odds are someone else does too.

DO realize that most lawsuits settle, and that the court system is designed to put pressure on you to settle the lawsuit. This is not a place to settle personal grudges.

DO continually reassess whether the lawsuit makes economic sense. If you are spending a large portion of the amount at issue in the lawsuit on legal fees, the lawsuit is not a good business move. Remember that your time, and the time of your employees, is worth something. So is your peace of mind and your stomach lining.

DO remember, especially if your business is a small one, that the lawsuit involves the business and not you personally.

DO make yourself available to your attorney for discussions regarding the case, including working on discovery and preparation for depositions and trial. It is not a waste of your time if it helps you to win the lawsuit.

DO follow your attorney's advice about courtroom decorum and behavior, and don't be afraid to ask him or her if something is appropriate. It's one of the things that you are paying your lawyer for. Generally dress like you would go to church. No cutoffs or shorts are allowed.

THE DON'Ts

DON'T take a lawsuit personally. If you are being sued, it is probably for business reasons, not because you are a bad person. If you are forced to sue someone, it is probably for business reasons, not because a customer doesn't value your services or your business.



**The Case as You Do.
Follow Your Attorney's
Advice and Guidance.**

DON'T pursue a lawsuit for revenge. Lawsuits are expensive, which means that revenge is expensive.

DON'T be intimidated by the amount that your opponent is requesting as

damages. Often, this figure is dictated by a civil procedure rule or statute, and bears no relation to the opponent's actual damages. Also, remember that no one asks for the reasonable damages that they feel they are owed; in a lawsuit, they are asking for their best case scenario.

DON'T by the same token, become tied to the amount you have asked for in damages. It's your best case scenario, too, and the odds are, if you go to trial or settle the lawsuit, you will receive less than you have asked for.

DON'T make the decision to bring a lawsuit based on the possibility that you might be awarded your attorney's fees. Even if there is a statute saying you can be awarded fees, judges are very reluctant to award them unless the positions your

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**Important Factor
in Resolving Your Case.**