Save Time, Money, and Stress: Why You Should Hire an Attorney

Please note that although I am a licensed attorney, I do not represent clients in legal matters, provide legal advice, or draft attorney work product. This article is for informational purposes only and does not constitute legal advice. The people and situations discussed in this article are purely fictional.

Introduction: No Case is Simple

Even common, everyday incidents can quickly become expensive and complicated, and often, consulting an attorney early can reduce expense, and simplify the process. This article will explore why no case is simple, how to know if you should sue, how to sue, the litigation process, and why you should meet with an attorney early, before any lawsuit.

The Dog Bite Incident

One afternoon, you are taking a walk near your home. As you pass a row of homes facing the street, you hear a loud bark, and suddenly, a large Rottweiler is running straight towards you. You start running as fast as you can to try to get away, but within seconds, the dog jumps at you, crashing you to the ground, and biting your left calf.

Finally, a man runs up, grabs the dog off you, leashes it, and starts to help you. Your leg is bleeding, you're covered in road rash, and your right arm is throbbing with pain. While you wait for your boyfriend to pick you up and take you to the hospital, the man apologizes and explains that Rocco is up on all his shots. You save his name, James (Jim) Schmit, and his cell number.



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With a broken arm in a cast, bandaged, sore, and with prescriptions in hand, you finally get home and text to request the dog's vaccination records, which he sends within the hour. Rocco is up to date.

About three months later, you're out of your cast, and the last of the medical bills has rolled in, totaling $8,500. You missed two months of work due to your broken arm. You send Jim the bills and ask him to pay the $8,500. Jim responds, "That is a lot of money. Let me talk to my wife, and we will get back to you."

After a week, you send an email and a text to follow up with Jim. No response. You call. No answer. After another week, you text, email, and call again. Nothing.

You drive by Jim's house to confirm the street address. You write a letter and send it by regular and certified mail. You wait two weeks. No response. Should you knock on the door? No way—you're not risking another encounter with Rocco. You are getting late notices for the medical bills, and you're starting to panic. What now?

A friend suggests you file a lawsuit against Jim. Overwhelm immediately washes over you as you think about finding an attorney. "You don't need an attorney," your friend explains. "This is a super simple case, and it's not that much money—the attorney's going to take half. Anyway, everything is online. Just ask AI." It's true. Jim's dog attacked you out of nowhere, and he should pay your medical bills. Pretty simple. Plus, you're a savvy internet user and good researcher. You can probably figure this out.

Before you jump feet first into internet rabbit holes on dog bites and how to file a lawsuit, pause to consider: Should you file a lawsuit?

Should You Sue?



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- **Can you recover money?**
- **Do you want your life to be public?**
- **What about the time and stress?**

Can you recover money?

Your goal is to recover money from Jim to pay for your pile of medical bills. But what if Jim doesn't have any money? You remember seeing two nice cars in the driveway. The house he lives in looks nice and is in a good neighborhood. Since you know his name, you could do some sleuthing on social media and maybe learn what he does for a living and where he hangs out. Still, none of this will confirm whether Jim has $8,500 in his bank account. You can purchase services that perform asset checks, but these are often limited to licensed private investigators and attorneys.

Do you want your life to become public?

Once a lawsuit is filed with the court, it is public information. Anyone can search the court's online records for your name and find the lawsuit and any documents filed with the

court. In this case, since you were injured, Jim would be entitled to your medical records—and not just the medical records from your dog bite injuries, but all medical records for the past several years, so he can see if you had any pre-existing conditions that contributed to the injuries you are claiming happened due to the dog bite. Jim could then reference these records and even attach them to court filings.

Do you want to invest the time and deal with the stress?

It could take a year or more for your case to go to trial. Also, trying to figure out all the processes, drafting documents to file with the court, responding to written discovery, sitting for a deposition, appearing in court, and generally fighting with Jim is going to be stressful.

What is the Law?

- **Criminal or Civil?**
- **Substantive Law – Dog bites**
- **Procedural Law – How to navigate the courts**



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Is your case criminal or civil?

The law is public, it applies to everyone, and it's on the internet. It shouldn't be hard to figure out what the law is, right? It's more complicated than you might think.

For starters, there is civil and criminal law. In civil cases, the goal is generally to recover money or to force someone to do or stop doing something (for example, to turn over control of a business or to stop making defamatory statements). Criminal cases, on the other hand, seek to punish someone with a criminal conviction, jail time, or fines. In this case, you are seeking money from Jim for your medical bills, so it is a civil case.

Substantive dog bite law

Substantive law requires people to do or not do things. The law comes in many forms and layers, and multiple laws can apply simultaneously to a single situation. Dog bite law often includes laws passed by the city or county (ordinances), the state legislature (statutes), and the courts (case law).

Ordinances and statutes. There is likely a local ordinance requiring dog owners to keep their dogs on a leash or controlled on their property. There is also likely a state statute that holds dog owners entirely responsible for any harm their dog causes to another person.

Ordinances and statutes are relatively easy to find online. The catch is that they can change whenever the local government or state legislature meets. It takes some digging to confirm that the version you are reading is the latest and greatest.

Case law. Case law is a bit trickier. Once a court publishes a decision, it never goes away and remains part of the case law forever. There may be 200 cases on dog bites in your state, but if one of those cases changed dog bite law or if the dog bite ordinances or statutes the cases are discussing changed 2 years ago, all the cases before the new changed laws are likely no longer good law. How do you sort this out?

Cases are published in specialized legal publications (books and software) that are expensive to purchase. These can also be accessed in a law library, which is typically a separate library from the public library in your neighborhood. Finding, reading, and determining which cases remain good law and apply to your situation is a technical and complicated process that can take many hours or days, even for lawyers, depending on the topic. If you have access to the specialized software, it has artificial intelligence and other helpful functions, but it is not perfect, and the results still need to be verified.

Procedural law – How to navigate the courts

Procedural law is the collection of rules created by the courts that tell you how to navigate the court system. The supreme court of your state may produce the rules of civil procedure for your state courts. Each level of court will also produce its own rules, as will individual courts and judges. Together, all these rules number in the hundreds and may tell you things like which court will handle your case, how to serve a complaint, how to file a motion, and the format required for your documents.

With an idea of the law that applies to your case, now let's explore how to start a lawsuit.

Starting a Lawsuit



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- **Which court?**
- **Who to sue?**
- **Drafting the complaint**
- **Filing the complaint**
- **Serving the complaint**

Which court will handle your case?

The first step to identifying the correct court is to determine if your case should be in federal or state court. Your case is likely properly filed in state court. Remember those procedural rules we touched on above? They will tell you which state court will handle your

lawsuit. There are many levels of state court, usually including small claims, justice or magistrate courts, trial courts, and appellate courts. To learn more about federal and state courts, see my article *Federal and State Courts – Where Should Your Case Be?*

Small claims courts are for cases involving smaller dollar amounts, for example, under $5,000. The cases are often handled by the parties themselves, without attorneys. Justice or magistrate courts usually handle certain types of cases, like evictions and matters involving more than small claims. Trial courts handle all cases involving amounts over those handled by other courts, for example, claims of $10,000 or more.

Your medical bills are $8,500, and you missed eight weeks of work, which would have paid you $8,000, for a total of $16,500. Looks like trial court is the place for you.

Who do you sue?

It is obvious that you need to sue Jim, right? Yes, but there's more. At this point, you're assuming that Jim owns Rocco because he acted like the owner when he retrieved Rocco and communicated with you. Is there another owner? What about Jim's wife? Are there other adults in the home, like roommates, who may be the actual owners? What if Jim was just dog-sitting for his buddy? It could get even more complicated. What if Jim is renting the house from someone else? Do you need to name the landlord? How would you even find this out?

For now, you have Jim's name and address. It's a start.

Drafting the complaint

The first step in starting your lawsuit is filing a document called the complaint with the court. The complaint lays out all of the facts and the law that apply to your case. It will include basic information, such as the court's name, your name, and Jim's name. It will also contain a statement of facts, describing what happened when Rocco bit you. The more complicated part is the claims for relief or causes of action. These are the sections of the complaint that state what the law is and how Jim violated it. You might include any state statute or local ordinance requiring dogs to be leashed or contained. You may also include a concept from the caselaw, such as that Jim was negligent or failed to act reasonably by allowing his dog to run off his property, which led to your injuries. Finally, you would add how you were damaged, including your injuries, medical bills, and missed work.

Filing your complaint with the court

Some courts require that you e-file your complaint, while others may accept filings in person or by mail. To e-file, you will need to sign up for the court's e-filing system and upload a pdf of your complaint. If filing in person, you will need to go to the courthouse and file the complaint in the clerk's office. The court will charge a filing fee. However you file the

complaint with the court, a copy will be returned to you with the court's stamp, indicating that it was filed.

Serving your complaint on Jim

Once you have your file-stamped complaint, you will need to file a summons with the court. The summons is a document that you will include with the complaint when you have it served on Jim. It usually states how long Jim has to respond to the complaint. Once you have the filed copy of the summons, it's time to serve the documents on Jim.

The complaint and summons must be personally served on Jim, meaning that they must be actually handed to Jim or another adult at his home. Importantly, you cannot serve it. It must be served by an adult who is not involved in the lawsuit. Nothing else can happen in your lawsuit until Jim is served.

Your friend who encouraged you to file the lawsuit offers to serve Jim for you. He goes to Jim's house three different times, at different times during the day. Every time, there are cars in the driveway, and he can hear people inside, but no one answers the door.

Now what? After some more online research, you learn that there are people who serve lawsuits for a living, process servers. You call one, and she agrees to make up to five service attempts for $200. You pay, email her the complaint and summons, and wait. Three days later, she emails you to confirm that the complaint was served and attaches a proof of service document detailing when and how she served Jim. You must file that proof of service with the court so that the court knows your complaint and summons were properly served.

Jim Gets a Lawyer

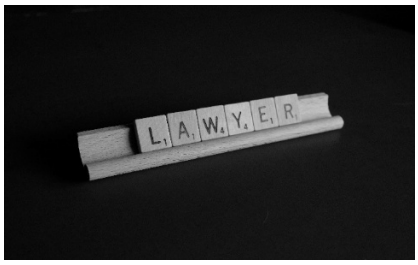


Photo by Melinda Gimpel on Unsplash

A few weeks after you file your complaint, you receive a voicemail message from Jim's lawyer, asking you to call him back. Is Jim having a lawyer a good thing or a bad thing? Maybe a little bit of both. Someone is paying the lawyer, so maybe Jim has some money after all, or maybe Jim has insurance, like homeowner's insurance, that is paying for the attorney. On the downside, the attorney's job is to defend Jim and make sure he, or his insurance company, pays you as little as possible.

You call the attorney back, and he says he would like to resolve this case quickly and easily and offers you $2,500 to resolve the entire case. You explain that $2,500 doesn't even cover half your medical bills, let alone all the time you missed from work. He asks what you think would be a fair amount, to which you respond $16,500. He says he can offer $5,000 today, but nothing more. You explain it's just not enough. He says he understands and that he'll have to get an answer on file, and the call ends.

A few days later, you receive a copy of Jim's filed answer. The answer addresses each statement in your complaint, denying almost all of them except for the fact that Jim owns Rocco.

A few weeks later, the court issues a scheduling order setting your trial in 15 months. Many courts are so busy and backlogged that trials are not set for over a year.

The Discovery Process

- **Requests for documents**
- **Requests for admissions**
- **Interrogatories**
- **Deposition**

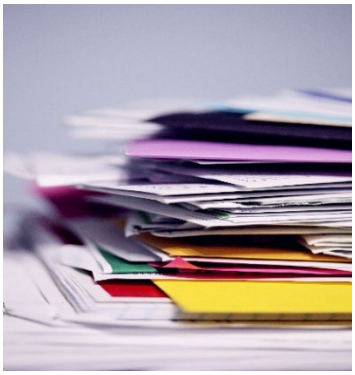


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About a month later, you receive several documents from Jim's lawyer. There are dozens of pages asking for tons of information. These are written discovery requests. You are required to respond to them within a certain time frame, usually around 30 days. Failure to respond in a timely manner or to fully respond can result in punishment from the court (sanctions).

As the name suggests, this phase of the lawsuit is about discovering all the facts about the case. Both you and Jim have the right to discover the facts so you can pursue your claims and Jim can defend against them. To enable the discovery of all the relevant information, the scope of what Jim can ask you and what you can ask Jim is very broad. With few exceptions, anything reasonably related to the case is fair game. That would include your medical history, whether you have been involved in other lawsuits, and any criminal convictions you may have. There are some limitations, but they are few. The limitations are usually found in case law and court rules and depend on how individual judges handle discovery issues.

Requests for documents

Requests for documents are exactly what they sound like. You must gather and deliver the requested documents to Jim's attorney. The requests may ask you to complete medical release forms authorizing the release of your medical records to Jim's attorney. You will likely need to complete these so that Jim's attorney can confirm the amounts of your medical bills. Also, Jim's attorney is entitled to request other medical records from the past several years to see if you had any conditions before the dog bite that contributed to the injuries you were treated for after the dog bite. Since you are claiming lost wages, you will likely need to provide tax and payroll records, as well as evidence of missed time from work.

Requests for admissions

Requests for admissions are a list of statements that you must respond to by admitting or denying them. Anything that is admitted is an established fact in your case. Anything denied remains in dispute in your case. If you fail to respond in a timely manner, the court may assume that you are admitting to all the statements. Some of the statements will likely be confirming basic information in the case, such as your name and the date and location of the dog bite. Others will likely be drafted to attempt to have you admit things that would hurt your case and help Jim's. For example, they may try to establish that you walked that route often and were aware of Jim's dog being in the area. If you admit this, Jim's attorney will likely try to use it to establish that you were partially at fault.

Interrogatories

Interrogatories are written questions that you must answer in writing and under oath. Your answers serve as your sworn testimony in the case, meaning that they are established for the rest of the case. If you try to change an answer later, it may hurt your credibility by making it look like you are being dishonest.

Deposition

About a month and a half after you send your documents and responses to Jim's attorney, you receive a notice stating that you must appear at Jim's attorney's office for a deposition. A deposition is when Jim's attorney asks you questions, and you answer them under oath, with a court reporter present, who will take down every word you and Jim's attorney say. Afterwards, the court reporter will prepare a written document called a transcript. This deposition transcript will serve as your sworn testimony for the rest of the case.

Depositions are stressful, even for many seasoned attorneys. You do not know what Jim's attorney will ask, and he does not know how you will answer. Everything you say is written

down, even if you make a mistake or express frustration. Many depositions are also video recorded, documenting your every facial expression, body movement, and tone of voice.

After the deposition, you will receive a copy of the transcript. You will have the opportunity to review it and make changes. Changes to spellings or missed words are typical. However, Jim's lawyer can use any changes to the substance of your answers to make it look like you were being dishonest.

Settlement



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- **Agree to the amount**
- **Document and dismiss the lawsuit**

The vast majority of civil cases resolve between the parties (settle) and never go to trial. Why? Trials are very expensive because it takes attorneys weeks to prepare, and the trial itself can take days (weeks in larger, more complex cases), making the attorney fees substantial. In this case, Jim's attorney fees would likely be more than the amount you are seeking. Also, trials, especially those decided by a jury, are very unpredictable, making them risky for both parties. Finally, it can take well over a year before the trial happens. In sum, most cases settle to save time, money, and stress.

In this case, Jim, or his insurance company, does not want to spend more on preparing for trial than what they may owe you in the end. At this point in the case, after a fair amount of discovery, Jim's attorney likely has the information he needs to evaluate a settlement.

Agree to the amount

Jim's attorney calls you and offers the $16,500 that you had previously said was the amount you thought was fair. You agree. He says that he will draft a settlement agreement and release for your review.

Document and dismiss the lawsuit

You review the settlement agreement and release, which includes the amount of the payment and the date by which you will receive it. It also states that you are releasing any claims against Jim related to this incident, and that you will have to sign a court document confirming that you agree to dismiss your lawsuit. You sign the agreement and return it to

Jim's attorney. Once you receive the check, you sign the court document dismissing the case, which Jim's lawyer files with the court. The case is now over.

The Attorney Advantage



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- **Avoid a lawsuit**
- **Recover more money**
- **Save time, money, and stress**

Lawsuits are complicated. There is no way to predict with certainty how any lawsuit will turn out. There can be twists and turns at every stage of litigation. In this case, Jim may never have hired an attorney or responded, leaving you with a judgment and possibly no way to collect. Or, during discovery, it may have turned out that you and Jim had a history of neighbor disputes, or you had previously had friendly interactions with Rocco, or you had a criminal conviction for theft in your past, hurting your credibility. Jim's attorney could have filed several requests with the court, forcing you to respond and applying stress and pressure. The possibilities are almost endless.

For now, let's assume that things went as we discussed, and nothing negative turned up about you or your case during discovery. What might have been different if you had an attorney?

Avoiding a lawsuit altogether

If you had hired an attorney in the very beginning, shortly after the dog bite, you may not have had to file a lawsuit. Let's say you hired an attorney named Liz. Liz likely would have sent a letter to Jim stating that she represents you, demanding that he pay you, and instructing him to immediately provide the letter to any insurance that may be applicable in this case.

If Jim had insurance, an adjuster from his insurance would have likely contacted Liz. Given the relatively simple facts of the case and the modest amount being requested, Liz may have been able to settle directly with the adjuster without filing a lawsuit.

Alternatively, if Jim had no insurance, he may never have responded to Liz. Or he may have responded to Liz, saying he has no insurance and no money to pay. In this case, Liz may have run an asset check. This would have revealed early on if Jim was likely to be able to

pay anything. If so, it may have been worth pursuing the lawsuit. If not, you would have learned early that litigation would not be worth the time, money, and stress.

Assuming things went as we discussed and Jim hired an attorney, Liz would have communicated with Jim's attorney to learn whether Jim had insurance or the ability to pay. They may have agreed to exchange information informally to confirm the facts and injuries, and to discuss each side's arguments about the strengths and weaknesses of the case, and then negotiated a settlement.

Recovering more money

With Liz's help, you could likely have recovered more money. We discussed your $16,500 in medical bills and lost wages. In addition, Liz would be able to advise you on reasonable amounts to request for pain and suffering. After reviewing jury verdicts in your state or county and settlements she has obtained in similar cases, Liz may have advised you that similar cases typically result in awards of 2 to 3 times the financial losses, which in your cases is a range of $33,000 to $49,500.

Attorney fee. Attorneys who represent injured people typically charge a contingency fee. That means they earn a percentage of any amount they recover for you, and they recover hard costs, like court filing fees, expert fees, court reporter fees, and mailing and copying costs. In these types of fee arrangements, you do not have to pay any money up front.

Let's assume Liz's fee is a typical 33% of any recovery, plus costs. If Liz settled the case before a lawsuit, her costs would have been low, maybe some mailing and copying costs, let's say $200. If the case settled for $33,000, Liz would deduct 33% ($10,890) and $200 in costs, leaving you with $21,910. If she settled the case for $49,500, you would receive $32,965. If Liz had to file a lawsuit and participate in discovery, her costs may have been $2,000. The recovery would be between $20,110 and $31,16, which is still more than you recovered without Liz's help.

It is likely that, with Liz's help, you would have recovered more than you did, possibly without a lawsuit or discovery, and with much less stress.

To learn about how to find an attorney, see my article *How to Find an Attorney: A Guide for Nonlawyers*.

Candice Renka *brings an English degree and over 17 years of legal and corporate experience to writing and editing nonfiction, business, and legal content. Comfortable with technical and complex topics, she writes, edits, and proofreads to reach the target audience saving busy professionals time and helping them scratch nagging to-dos off their list. See more of her work at candicerenka.com.*