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# You and Your Personal Injury Claim

A Client's Guide to the Language and Procedure



**BAKKE ♦ NORMAN**  
LAW OFFICES

## ❖ Welcome

*Thank you for choosing Bakke Norman, S.C. to represent your interests.*

*Your satisfaction is very important to us and forms the basis for our formal quality pledge:*

- ❖ To provide the highest quality legal service to the clients we serve,*
- ❖ To develop and maintain the highest personal and professional standards and reputation, and*
- ❖ To provide a quality professional work opportunity for attorneys and staff.*

*We welcome your feedback at all times.*

*This booklet has been written to acquaint you, in general, with how we handle cases like yours. We hope it will be helpful to you.*

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# You and Your Personal Injury Claim

Your case is being handled by a team primarily consisting of a lead attorney and a legal assistant, but other attorneys and assistants may work on your file from time to time. The important thing for you to know is that Bakke Norman, S.C. is working hard on your case.

## ❖ Initial Information

When you are first interviewed, general information is obtained regarding the incident. A questionnaire which collects and organizes necessary information is provided for you to complete and return to the office as soon as possible. We ask you to sign authorization forms. Those forms allow us to gather additional necessary information. For example, we use authorizations to obtain school, work, financial and medical information.

You will receive a Fee Agreement regarding the terms and conditions of payment of attorneys' fees and costs advanced by Bakke Norman, S.C. The Fee Agreement is to be signed by you and the representative attorney from Bakke Norman, S.C. You will also receive information regarding our billing and collection policies. There will be costs incurred and advances paid during our representation. These include such things as the cost for obtaining medical records, doctors' reports and accident

and police reports; investigation, expert witness, filing and process service fees; deposition transcript and court reporter fees; and any other costs incurred during the investigation of the claim and possible lawsuit. We will usually advance these fees and costs, and recover them at the conclusion of the case. We will discuss the costs and potential benefits of investigators and experts with you.

You will receive copies of all correspondence received or mailed by Bakke Norman, S.C. relating to your case. Please review these materials. If you have any questions or concerns, please contact the attorney or legal assistant handling your case. The telephone is an important tool for the ongoing communication between attorney and client. We welcome your calls and e-mail messages with questions about your case or with new information that we need. When your attorney is in court or meeting with another client, your call will be referred to the legal assistant handling your case. Please be prepared to discuss the matter completely with the legal assistant. If it is essential that you talk personally to your attorney, leave a detailed message and your attorney will return the call as soon as possible.

Please begin a journal or diary (tape recording if you don't like to write!) in which you regularly record how the

incident has affected you. In it you should tell how or where you hurt, the things you used to do that you can't do anymore, the ways in which you used to relax or enjoy yourself that you can't anymore, the names of people and their comments who have talked with you about your injury, the expenses you have to pay because of your injuries, and anything else you feel is important for us to know and/or for you to remember. Be complete and thorough! If you have any questions, call the attorney or legal assistant assigned to your case.

## ❖ Investigation

We will promptly notify the other party's insurance company that you have retained Bakke Norman, S.C. as your law firm. After they receive our letter of retainer they should **never** contact you directly. (If they do, let us know immediately).

We send letters to all the physicians, hospitals and other health care providers in your case, requesting medical information regarding injuries. Police officers who may have been involved will be interviewed, witnesses will be contacted, photographs may be taken. Any necessary information from the director of Internal Revenue, employers, schools or other persons is gathered. It is absolutely essential that we have your cooperation in helping us gather facts about your case.

## ❖ Evaluation

It is important for you to know that your case can't be settled until the damages have

all been determined and all investigation has been completed. Until that basic information is gathered, a realistic evaluation of your claim is impossible. It can take from several weeks to several months to gather all the necessary information. If a trial becomes necessary, it can take a year or more to complete the case. One of the most difficult requests we must make of you is to have patience.

As soon as our investigation is completed and all necessary information obtained, we will make a thorough evaluation of your case, arrive at an appropriate settlement figure and discuss it with you. We will then submit our agreed settlement proposal to the appropriate person.

## ❖ Starting a Lawsuit

If settlement cannot be reached early on, we will consider filing a lawsuit. (Occasionally, it is important to start a lawsuit as soon as possible.) No lawsuit, however, will be started without your permission.

A lawsuit is started by delivering to the other party a document called a Complaint. The Complaint is a writing which informs the person or company who injured you that s/he (or it) is being sued as a result of the accident. That other party is called a **defendant**. (You are called a plaintiff). The defendant takes these papers to his/her insurance company, which delivers them to its lawyers. The lawyers then deliver a paper to us called an Answer and, at that point, the case is at issue.

We want to point out that although a lawsuit may be started, settlement is always possible and is very often made just before, and sometimes even during, the actual trial.

## ❖ Discovery

Once the lawsuit has been started, both sides have the right to obtain information about the case by several methods.

### **Interrogatories**

Interrogatories are written questions directed to the other party regarding facts about the case or other relevant information. They are used to obtain information in preparation for trial and must be answered under oath by the party to whom they are directed.

### **Depositions**

Depositions are opportunities for an attorney to ask opposing parties and witnesses oral questions and get oral answers. The witness being deposed is under oath and the questions and answers are recorded by a court reporter. A printed transcript of the questions and answers is prepared which can be used by the attorneys at the trial. If your deposition is being taken, it is important that you confer with your attorney prior to the deposition. Your attorney will want you to view a videotape about depositions and, in addition, will want to discuss with you the facts of your case so that you are prepared to answer questions completely and honestly at deposition.

### **Request for Documents**

A request to produce documents is a legal request requiring a party to a lawsuit to produce documents in his/her possession. Such documents may include income tax returns, wage statements, insurance policies, auto damage estimates, etc.

### **Request to Admit**

A request for an admission as to the truth of a matter relevant to your case may be used to narrow the issues at the time of trial. For example, you may be asked to admit that the market value of an asset is a certain amount, thus eliminating the need to have an expert witness testify at the trial.

We generally use all of these methods to help us investigate the facts and refine the issues. Remember, the defendant's attorneys also have the right to take testimony and submit interrogatories and demands, so it is likely that you will also be asked to answer questions or produce documents for the other side.

Under the laws of the state of Wisconsin, there are few secrets in lawsuits of this kind. At any time throughout this period, the possibility of settlement may come up again. We will try to discuss settlement as we move along. If anything concrete occurs in any of these discussions, we will advise you promptly. All parties to civil cases in Wisconsin are required to take part in Alternative Dispute Resolution. This generally means a process called mediation. We will discuss all options related to alternative dispute resolution with you.

## ❖ Trial

The great majority of cases never are tried, even though lawsuits are started. Often, however, they are settled just a few days before the trial date. If your case cannot be settled for a fair amount of money, we will, with your permission, proceed to trial. The weeks just before the trial date are spent in detailed and intense preparation of your case. What is expected of you at trial will be explained to you in detail well in advance of your going to the courthouse.

Most often an injury case like yours will result in a trial with a jury of 12 people from the county where the accident occurred. If neither side requests a jury, the judge assigned to the case will make the decision. As the **plaintiff**, you will have the burden of proof in this case. Our job, as your law firm, is to prove to a reasonable certainty, by the greater weight of the evidence, that the defendant's conduct (or lack of it) caused you to be injured. We must also prove what your "damages" are.

The usual categories of damages in an injury case are pain, suffering and disability from the date of the accident to the date of settlement or trial, (sometimes called past pain and suffering); past medical expenses; and wages or income lost in that same time period (past wage loss). Future damages — e.g. future pain, suffering and disability; future medical expenses; and future loss of earnings — can be recovered if we have medical evidence that the injury is permanent and will cause problems as time goes on. There are other specific categories of damages that can be claimed in certain cases.

If you have any questions at all about which damage categories apply to your case, please contact our office. It is our goal that you be totally informed of all important aspects of your case.

## ❖ Appeal

A word about appeals is in order. In Wisconsin, the losing side in any lawsuit has the right to appeal a trial decision to the Court of Appeals. An appeal is not another trial. It is a written argument to a 3-Judge Court, supported by documents and transcripts. Occasionally the Court of Appeals decides that the written arguments need to be supplemented by oral arguments from the lawyers involved. Appeals can be costly and time consuming. An appeal can add up to a full year (sometimes more) to the final resolution of a case. We will undertake an appeal **only** after apprising you fully of the benefits and drawbacks of such actions.

## ❖ Conclusion

We hope you find this information helpful. Remember that the entire staff of Bakke Norman, S.C. is now beginning to work diligently on your case. You will be kept informed of the progress on your case by copies of correspondence and by direct contact by the legal assistants and attorney handling your claim. If you ever have a question about your case do not hesitate to call.

Also, please inform this office immediately of any change of your address and/or

telephone number, any change of address and/or telephone number of any of the people who know about your accident and/or injuries, or anything you think has a bearing on the case.

We have provided you information in general on how we handle cases like yours and on some of our expectations of how you may assist our team in working on your case. Please let us know how we are doing regarding the services we are providing to you.

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❖ Notes

### **SPECIAL PRECAUTION**

**Do not, under any circumstances, discuss your case with anyone, except members of this office.**

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