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Settlement vs. Litigation Decision: How Legal Counsel Can Help

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Introduction

Legal counsel can play a crucial role in helping a victim decide a course of action. For example, in the case of a person injured in a car accident, the victim has to decide whether to go for a settlement or pursue litigation. Having to choose between the two can raise several issues, which an experienced legal counsel can advise on.

Deciding the Adequacy of Settlement Offer

When the victim files a lawsuit against the party responsible for the accident, and is offered a settlement, he will have to decide whether the amount is adequate. For this, he will have to take into account the seriousness of his injuries and assess them from a financial perspective. As it can be challenging for the injured to do this objectively, it is best to hire a legal counsel with prior experience in dealing with victims of injury. A key factor to consider is whether the victim will suffer loss of pay as a result of his injuries. If so, counsel will be likely to ask for a high settlement amount to offset the loss.

Immediacy of Compensation and Strength of Claim

The victim will have to decide whether he would need the compensation immediately or not. If the injuries are extensive, the victim may require the money to pay medical bills. In such a situation, a decision will have to be taken as to whether the victim should agree to the settlement offer. A legal counsel will consider the estimated medical expenses that the victim has incurred and is likely to incur in the future as a result of the accident and compare it with the amount offered. As many serious injuries are accompanied by health risks in the future, the counsel can consult with medical professionals before advising the client on whether to opt for the settlement offer or not (PersonalInjuryLawyer.com).

An option that the victim has - if his requirements are not immediate - is to pursue litigation. Prior to recommending that he opt for litigation, the counsel will consider several factors. Two of these

are the strength of the claim and its potential to win a jury award if it goes to trial, and the duration that the case could take until a decision is reached.

Possibility of Future Settlement Offers

The possibility of a future settlement offer is another aspect that legal counsel will consider before suggesting whether the victim should go for a settlement offer or not. Most often, the initial settlement offer will be rebuffed by the victim. In such a situation, it is likely that the negotiations may reach a stand-still. Here, the victim can hold off if there is a possibility that a settlement offer may be made in the future. Legal counsels, with their expertise in having dealt with similar cases will be able to judge whether a future settlement offer in the victim's case is likely or not. Figuring this out without the counsel's help can be quite challenging for the victim.

Dealing with an Insurance Company

In most personal injury cases, the legal counsel interacts with insurance companies, not with those directly responsible for the accident. The process can be extensive and complicated. Legal counsels are experts familiar with all the steps involved in such a process. The counsel will first send a letter outlining the accident and facts, to the other party.

The counsel will have to justify why this is the fault of that party, and request a suitable settlement amount. When counter-offers are made by the other party, the counsel will judge the suitability of that amount. A key benefit of having a well-reputed counsel on board is that his previous successes with other personal injury cases may encourage the insurance company to settle quickly, for an amount apt for the victim.

When to Hire Legal Counsel

The victim should ideally seek legal advice from the counsel immediately after an accident (Insure.com). The decision to retain the counsel should be based on the seriousness of injuries. If the



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victim has come out of the accident with a few minor bruises, it is best not to retain counsel. On the other hand, if the victim has suffered major injuries, it is crucial that he have counsel as soon as possible.

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