

litigation in the real world

Accidents, whether involving automobiles, homes or businesses, are disconcerting. The emotions and uncertainties that accompany accidents become compounded with the prospect of litigation. Basic knowledge of the legal system can reduce some of the anxiety.

The civil legal system is nothing like that portrayed by actors on television or in movies. Involvement in the legal system is often lengthy and almost never involves a “surprise ending.” According to U.S. Supreme Court Justice Felix Frankfurter, “Litigation is the pursuit of practical ends, not a game of chess.”¹

Filing suit

The starting place for any legal action begins with the Summons and Complaint. It is by these documents a party is advised of a plaintiff’s claim. These documents must be formally served on the party being sued. Sometimes, this is the first notice one has the party involved in an accident has suffered loss or damages. Lawsuits are often brought years after the accident. In Wisconsin, parties who suffer personal injuries generally have three years within which to file suit against a responsible party. Absent an exception, claims for property damage may be brought within six years from the event which caused the accident.

Once these papers are received, it is important to contact an attorney immediately. There are serious ramifications if the Complaint is not answered in a timely fashion. An attorney will work with you to gather the facts of what occurred and develop any defenses. An attorney will file an answer responding to the plaintiff’s allegations and asserting defenses to the claims.



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**U.S. Supreme Court Justice
Felix Frankfurter**

Your insurance company may hire an attorney for you. The insurance company’s obligation to do so stems from your insurance policy. You must not delay in contacting your agent should you have insurance and are served with a Complaint. It is best to notify your agent as soon as practical after any accident.

Just the facts

After the Complaint and Answer are on file, the case will proceed through a discovery phase. This process is designed to allow each side to ascertain facts supporting the claim or defense. Each party gathers information

about the accident, witnesses and damages. You will be asked to assist your attorney during this phase. Your participation may involve answering written questions, termed interrogatories, or attending a deposition. A deposition is a question and answer session conducted by attorneys and attended by a court reporter. The party being questioned is placed under oath and sworn to tell the truth.

Seeking resolution

After discovery is complete, the parties often try and work out an agreeable settlement. Many courts, La Crosse County Circuit Courts included, mandate that parties engage in a form of alternate dispute resolution, which can include mediation or arbitration. If negotiations fail, the case will be tried.

Most often, cases which proceed to trial will be heard by a jury. For most disputes, a jury verdict provides the final stop in a long, emotion-filled process. Sometimes a case is appealed to the higher courts and the process continues; but for most disputes, an appeal is unlikely.

The legal process can be arduous and utilizing a lawyer, either to assist you in prosecuting or defending a claim will help ease some of the concerns and anxieties that arise. It is important to select an attorney you can trust—one you can count on to be there for you.

Information provided by: Attorneys from Moen Sheehan Meyer, Ltd. For more information, call (608) 784-8310.

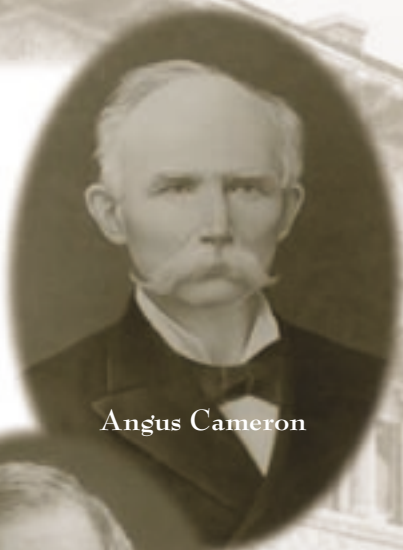
¹Indianapolis v. Chase National Bank, Trustee. 314 U.S. 63, 62 S.Ct. 15, 86 L.Ed. 47



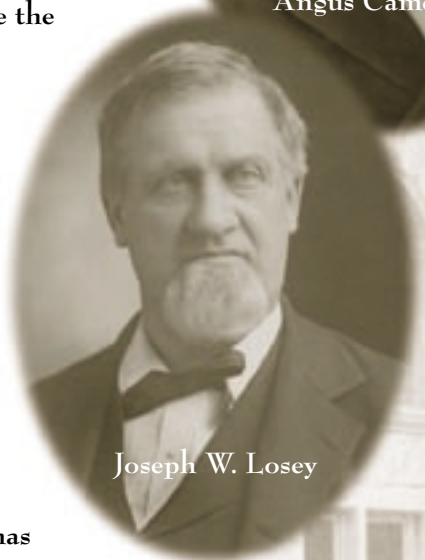
How many times have you heard this expression? "It was an accident." Consider the 1874 case of a local man who made a claim against a small township. The man was injured when his wagon "struck a stump in the road, causing him great bodily injury and mental pain." The court examined issues of blame. Did the man take his eyes off the road to attend to his two boys or was the township negligent in failing to remove the stump from a well-traveled road?

La Crosse attorneys Angus Cameron and Joseph W. Losey, two of the earliest partners in the law firm now known as Moen Sheehan Meyer, Ltd. were involved in this case. Cameron was an influential figure and went on to become a U.S. senator. Losey's family name and legacy can be seen throughout La Crosse today, including on our own well-traveled road—Losey Boulevard.

Moen Sheehan Meyer, Ltd., rich with history, has been serving the La Crosse area for 150 years. *Trust us to be there for you.*



Angus Cameron



Joseph W. Losey

Celebrating our 150th year in practice



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201 Main Street, Suite 700
La Crosse, Wisconsin, 54602

(608) 784-8310 or (800) 346-3457

Ready to assist you with civil litigation,
attorneys Michael E. Ehram, James Naugler,
Kara M. Burgos & James L. Kroner, Jr.