

## **HOW TO SURVIVE A LAWSUIT ~ *DO'S AND DON'TS***

### **Advice To Follow If You Get Sued**

Finding yourself the object of a lawsuit can be one of the most upsetting experiences of your career. Fortunately, however, a few basic tips on how to handle a claim can help you prevent the situation from becoming worse.

**DO note the manner and date of service, should you be served with a summons and/or complaint.**

A summons must be answered within 30 days or less, depending upon where it is received and by whom. If the document is not delivered to you, or it is left unattended (under a door or in a mailbox), defense counsel has a bit more time in which to respond on your behalf.

**DON'T alter your records.**

You will want to pull the record to see what happened, but do not, under any circumstances, make any changes, additions or deletions. It won't take a handwriting expert to convince a jury of alterations when the results are shown by an overhead projector in a courtroom. Changing records looks like a cover-up. Just leave the record as you find it.

**DO notify your insurance agent or company immediately.**

Ignoring the notice won't make it go away but could jeopardize your insurance coverage, and even make you lose the case by default. It's imperative that the response be handled properly. We are the professionals who are qualified to do the job.

**DON'T talk about the case.**

Except with your insurance company's claim examiner or defense counsel employed by the company on your behalf. Your first thought may be to try to clear up the matter with a quick call to the plaintiff. Don't try. The plaintiff is now your legal opponent, and you should avoid playing into your opponent's hand. Don't talk about the case with the plaintiff's attorney, with other clients, employees, or with anyone who is not part of your defense team.

**DO release copies of your own records.**

The plaintiff is entitled to receive copies of your records if asked by authorized parties and accompanied by an authorization signed by the plaintiff. Your defense team will ask for copies of office records. Send them exactly as they are. Be sure to keep the originals. Send copies only. Do not send transcriptions.

**DON'T overstate or understate the facts as you see them.**

Be truthful and objective when you discuss the case with your insurance company's claims representative, or with the attorney assigned to you by the insurance company. You will hear from a defense attorney appointed by the company and will also be contacted by a claims representative who will require an in depth statement relative to the situation. This discussion will take about one hour of your time. These individuals are dedicated to helping you, and your defense will be built upon the facts and statements you supply.

**DON'T resist your insurance company's attempt to settle your case.**

If the insurance company can get the case dismissed, they will. They will also make their own assessment of the case within the current legal liability environment and act accordingly. Our experience has shown that settlement is usually the best way to resolve a case. Whatever is decided, you are a partner in the process and are always informed of what is going on. Our claims staff is always here for you.

**DO report unseemly events as soon as they happen, even if no one is suing.**

If you have any unforeseen situation, or if you are aware of someone's extreme dissatisfaction, call us. We can put you in touch with an attorney if necessary who can advise you on how to document and how to proceed. We're the insurance experts. Very often we can help you deal with the situation before it becomes a claim.

**DON'T overreact.**

We realize that a claim can be a blow to your ego, but don't give in to the emotions it raises. The more dispassionately you deal with the claim, the better we can help you.



P.O. Box 63 ~ Weatogue, CT 06089-0063

(860) 844-8288

Toll Free (888) 845-8288

Fax (860) 844-8274

[www.neisinc.com](http://www.neisinc.com)