

## **SHOULD YOU FILE SUIT? TIME AND COST CONSIDERATIONS.**

**By Paul R. Kirst, Esq.**

Most cases settle without us having to file a lawsuit, but one of the many benefits of having Craig P. Kenny & Associates represent you is our expertise should a lawsuit be required. However, the decision to engage in litigation involves many factors. Two of those factors are time and money.

In Nevada counties with a population in excess of 100,000, a case with an anticipated value of \$50,000.00 or less must go through arbitration. Those who feel their case has a value of more than \$50,000.00 can petition to have their case removed from the arbitration program. For those cases that enter the program, the time frames - and costs - go something like this:

1. The complaint is filed. The cost for one plaintiff (you) is \$270.00 and then \$30.00 for each additional plaintiff - such as your spouse, children, etc.
2. Once the complaint is filed, it must go out for "service." The time and cost requirements can vary drastically, but one should assume this process will take 3-4 weeks and cost in the range of \$60-\$85 (or more).
3. A responsive pleading (usually an answer) must be filed within 21 days after the complaint is served.
4. Once the answer is filed, a plaintiff has 20 days to file documentation requesting that the matter be removed from the arbitration program. If that does not happen, the case remains in arbitration. An arbitrator is then selected within about a month of that 20-day period closing.
5. Numerous things then happen over the next several months as the attorneys gather information in preparation for the arbitration, but ultimately the matter will proceed to arbitration sometime in the 6-12 months after the arbitrator is appointed. The cost for arbitration? The arbitrator will bill at \$150 per hour with a cap of \$2,000.00 - which the parties split (and which comes out of any award you receive).
6. Once the arbitration has concluded, the arbitrator then has 7 days to file the award. HOWEVER, if either side does not like the award, they have 30 days to request a "trial de novo." That means that the arbitration award is thrown out and the parties then move on to a trial. For the most part, the trial at this point will be a jury trial known as a "Short Trial" and is heard by a Pro-Tem Judge who will bill for her/his service at \$200 per hour, with a maximum of \$2,400.00 per case which is split by the parties. This fee is deducted from any verdict the jury enters, so the parties ultimately bear that cost.
7. The Short Trial judge is, generally, supposed to be picked within 21 days of the matter entering the short trial program. The trial is then supposed to happen at or about 120 days after the Short Trial Judge is selected.

The estimated/potential bottom line of the above costs and time? \$4,485.00 and 450-650 days, or

15 ½ - 21 ½ months.

As to additional costs, the above does not even contemplate the cost of hiring experts, trial exhibits, and other costs - which can easily exceed all the above costs combined. Nor does it contemplate that the attorney fees also increase once the trial de novo is filed. Again, these fees and costs are deducted from the money you receive.

All the above is just for an arbitration/short trial case. There are completely different (and far lengthier) time lines and far greater costs if the case is thought to be worth more than \$50,000.00 and is removed from the arbitration program. Costs - and time - have to be factored into the decision to accept or reject a pre-litigation offer from an insurance company. While litigation is sometimes worth the extra time and cost, that is not always the case. While you ultimately make that decision, your attorney at Craig P. Kenny & Associates has the experience and knowledge to help you make that decision.