

## in this issue

- [SERIES: Part 2: Filing a Personal Injury Lawsuit](#)
- Hate Crime Complaint Reveals Security Guard Abused Woman Based on Sexual Orientation
- New Study Finds that Malpractice Claims Help Patient Safety Efforts
- We Love Referrals!



### SERIES: Part 2: Filing a Personal Injury Lawsuit



#### **Part 2 of a 3-part series.**

*In the first part of our three part series entitled, "What to Expect With Your Personal Injury Claim," we explained the meeting process, initial investigation, medical treatment, and preparing and submitting the demand package for settlement. Now, we will explain the process of filing a lawsuit. If you have any questions about any part of this series, please don't hesitate to get into contact with us at 312-384-1920.*

In our last article, we discussed putting together a demand package and submitting that package for settlement to the defendant's insurance company. If our client and the insurance company can't come to a reasonable agreement or if settlement isn't forthcoming, a lawsuit can be filed. If we decide to file a lawsuit, we would first file a complaint, which lays out the facts of the incident, including the details of the injuries. The complaint would generally be filed in court where the injury occurred. After filing, the complaint is served to the defendant and the defendant must answer the

Call us at **800-693-1529!**



### Quick Links...

[Newsletter Archive](#)

[More About Us](#)

[Practice Areas](#)

[Dinizulu Law Group, Ltd.](#)

[Yao O. Dinizulu, Esq.](#)

[Attorneys of Dinizulu Law Group, Ltd.](#)

[Contact Us](#)



complaint within 30 days. The answer to the complaint is a document in which the defendant admits or denies the allegations of the complaint. The case is assigned to a judge, and after the complaint is answered, the discovery stage gets underway.

## Discovery Phase

In the discovery process, we will attempt to obtain answers that will help prove the case. There are two types of discovery: oral and written. The discovery comes in the form of interrogatories, production of documents, and depositions.

Interrogatories are written questions tendered to the opposing parties which seek clarification on issues surrounding the plaintiff's allegations and the defendant's defenses. In the production of documents, both parties will ask for all documents related to the events in the case. We will review the questions and produce only the documents that the defendant has a right to see. The parties will ask for but will not be allowed to examine some documents because they are considered "privileged," or do not have anything to do with the issues of the case.

A deposition is an opportunity for the defendant's attorney to ask questions that are relevant to the case or likely to lead to the discovery of admissible evidence, and vice versa. Depositions often take place within six months of filing a lawsuit. If you have to participate in a deposition, we will prepare you fully for it. At the beginning of the deposition, the witness must swear or affirm an oath to tell the truth. Deposition testimony is taken orally, and will be recorded by a court reporter.

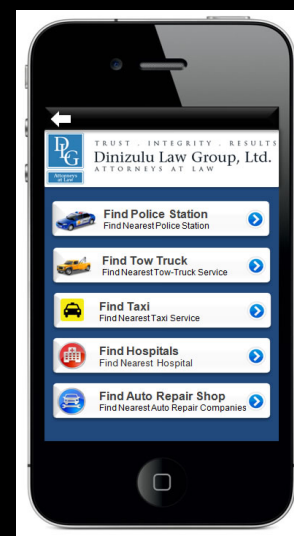
After the deposition is completed, a transcript will be prepared so that we will be able to discuss the admissibility of each question and answer with the judge at trial. However, the testimony is intended to support the cause of action of the plaintiff and the defendant's defenses. This transcript can also be used at a trial to question the credibility of the witness if their testimony changes between the deposition and the trial.

## Expert Witnesses

Expert witnesses are often times used throughout the process. Expert witnesses are generally professionals who practice, teach, or somehow are very knowledgeable about a particular area of interest in the lawsuit. The courts ultimately determine whether purported experts can offer an



**Click here to  
download our mobile  
accident app!**



opinion at trial. The expert witness may be qualified to serve through his or her academic training or practical work experience, among other types of credentials.

Expert witnesses are responsible for providing information that substantiates a portion of a litigant's case and, in so doing, helps that litigant to prove his or her case. These witnesses give testimony based upon their knowledge base, education, training, work experience, etc. Expert witnesses often times prepare written reports and offer their testimony in depositions in preparation for trial.

We will begin determining what expert witnesses you need once we take on your case. We have developed strategies over the years for finding and investigating potential expert witnesses. We will make sure that they have the necessary training, background, and experience in the desired area of expertise.

## **Mediation**

Mediation may be requested during your court case. Mediation is a form of alternative dispute resolution, which involves attorneys from each side, and a neutral mediator who acts like a referee between the parties. Some mediators are court-appointed. Some are licensed attorneys. All experienced mediators have a history of facilitating resolutions between conflicting parties.

During mediation, both sides present their case and engage in settlement negotiations that are facilitated by the mediator. Mediations are rarely binding. Either side can accept or reject an offer. If the mediation is successful and the clients are satisfied with the offer, the mediator will write up terms of the mediation and have everyone sign it. If a mediation is not successful, meaning that the clients are not satisfied, the case may go to trial, which will be discussed in the next article in the series.

*Our talented team of attorneys, experts and consultants will guide you through every step of these processes. You can be confident that our staff's extensive knowledge and experience will get the results that you want. For more information about our firm, staff, experience, and more, log onto <http://www.dinizululawgroup.com>.*

## Hate Crime Complaint Reveals Security Guard Abused Woman Relating to Her Sexual Orientation



On May 1st, our attorneys filed a hate crime complaint on behalf of plaintiff, Falon Carter, 30 who alleges that an apartment security guard beat her with a steel flashlight and used derogatory terms to her relating to her sexual orientation.

The complaint states that security guard, Stanton Robinson, had repeatedly harassed Carter in the past because of her sexual orientation. The Illinois Hate Crime Act, 720 ILCS, states that a "person commits a hate crime when he/she commits a crime based on the actual or perceive: race, color, creed, religion, ancestry, national origin, sexual orientation, physical or mental disability, or gender ... ."

According to reports, on May 12, 2011, Carter was visiting her girlfriend at Parkway Garden Apartments in Chicago when she was approached by Robinson. After he attacked her, Robinson, who is 5'8" and weighs between 265-285, told Carter, who is 5'3" and weighs approximately 110 lbs., that she "looked like a boy." Although Robinson already knew that Carter was a frequent visitor at Parkway Garden Apartments, he asked if she lived there and shined a steel flashlight in her face.

According to witnesses, Carter asked Robinson not to shine the flashlight in her eyes. Robinson then proceeded to strike her in her face with his flashlight. As a result, her face became bloody and swollen. Carter suffered a fractured bone in her face at the base of her skull. She had additional

injuries to her right hand, which she used to protect herself. She also reportedly suffered from emotional and psychological distress from the incident.

The National Coalition of Anti-Violence Projects recently reported that the number of crimes against LGBT people is the highest since 1998, the year they began tallying such attacks and also the year Matthew Shepard was murdered. Also, minorities who are LGBT were 2.84 times as likely to require medical attention and 3.13 times as likely to have been injured as a result of hate violence as compared to non-minorities.

Statistical information collected by the FBI consistently shows that lesbian, gay and bisexual people, and those perceived to be LGBT, are attacked more than heterosexuals relative to their estimated population size in the United States. The FBI reported that one in five hate crimes in the United States last year were directed at gays and lesbians. When polled in a study by the Human Rights Campaign, fifty-four percent of LGBT people say they are concerned about being the victim of a hate crime. A study by the LA County Human Rights Commission found that on average, sexual orientation and gender identity motivated hate crimes yielded higher levels of violence than other hate crimes.

The Human Rights Commission reported that when a person survives a particularly severe hate crime, like the one Carter has survived, the incident may go on to impede their well-being. We hope to get Carter justice. For more about this case and updates, [click here](#).

**New Study Finds that Malpractice Claims Help Patient Safety Efforts**



Although medical malpractice litigation has been under attack by politicians and medical providers, a new study from the American Society of Health Care Risk Managers reports that malpractice litigation is playing a positive role in patient safety efforts.

The study, called "A Dose of Reality for Medical Malpractice Reform," found that medical malpractice claims regularly played an important part in patient safety improvement efforts. Over 95 percent of the hospitals in the 2012 study, which included over 400 hospital risk managers, reported that they integrated information from lawsuits into patient safety efforts. Risk managers and patient-safety personnel reported that lawsuit data from the study have proved useful in efforts to identify and address hospital errors.

In fact, participants in the study said that lawsuits can reveal previously unknown incidents of medical errors. The study also concluded that lawsuits can reveal errors that should have been reported but were not. More than 85% of survey respondents in the study reported using notices of claim and legal complaints for performance and safety lessons. More than 73% of survey respondents characterized claims as very useful or somewhat useful in identifying and addressing safety and quality concerns in their facilities.

A risk manager from the report said that he believed that lawyers had a unique ability to unearth valuable details. He explained that the value of legal training is an ability to respectfully peel the onion back and get more information than just somebody reviewing the medical record. One risk manager described incorporating trial exhibits into mandatory education for staff, and structured the session so that it felt like the person had come

to the courtroom and sat there. Another risk manager said that lawsuits served as a good way to know whether they had any big blind spots in their patient safety program.

The study also reported that malpractice lawsuits can motivate providers to identify and correct shortcomings in health care delivery systems. 97% of the survey respondents who use lawsuits in improving patient safety also review the reports to risk management, adverse incident reports, and patient complaints for the same purpose.

Overall, most participants in the study believed that malpractice lawsuits generated unique and valuable information relevant to patient safety and quality. This is good news. Tens of thousands of people die in hospitals each year from preventable medical errors and over a million more are injured. Preventable adverse malpractice events cost between \$17 and \$29 billion annually in lost income, lost household production, disability, and health care expenses.

To read the full study, [click here](#). What do you think about the study's findings? Tell us on our [Facebook fanpage](#).

### We Love Referrals!



If you know a relative or a friend who has been injured, tell them about us.

We are here to advocate for fair and equitable

compensation for victims. We appreciate the trust you have placed in us.