

# EXPLAINING LEGAL JARGON



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When you walk into a lawyer's office, the last thing you want to hear is legalese. You want to know the facts of your case in plain English. Unfortunately, that won't stop the insurance companies and their lawyers from using them to leverage information or put you in a situation that gives them the upper hand. Your lawyer should always be present when talking to the insurance company, but it is for your benefit that you have an understanding of what these words mean and how they apply to your case.

**These are a few of the legal terms you will hear during a personal injury case:**



## APPEAL

When a court ruling is announced, an attorney can ask a higher court to examine the case and reverse the decision.



## ARBITRATION

This is a legal dispute between you and the opposing party. It takes place out of court, and includes a neutral third-party who will make a final decision; the neutral third-party is normally an off-duty judge or lawyer. You will enter into a contract with the opposing party that agrees to adhere to the third-party's decision.



## BAD-FAITH CLAIM

If your insurance company is unjustifiably denying or delaying your claim, or refusing to pay the full insurance claim, then this is considered acting in bad-faith. If your insurance company acts in bad-faith it is possible to take legal actions against them.



## BURDEN OF PROOF

You are obligated to prove your claim is accurate and true. For example, you must be able to show that a driver is acting with negligence.

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## CLAIM ADJUSTER

This is the person who will be communicating between you and the insurance company. They will be investigating and overseeing your claims for the insurance company. It is important to note, adjusters work for the insurance company; they are not there for your benefit.



## DEMAND LETTER

A letter sent to the opposing party formally requesting some action from them and usually with threat of legal action.



## DEPOSITION

This is an out-of-court question and answer session. You will give your testimony under oath; it will be recorded and usually documented by a court reporter. The questions will be asked by the opposing attorney. This is to have an official account of what happened.



## INTERROGATORIES

These are written questions made by one party's attorney for the opposing party to answer under oath. If you receive these questions, you will fill out the document, your attorney will review it, and then you will sign it in front of a notary.



## LITIGATION

The process of taking legal action and/or filing a lawsuit.

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## MALPRACTICE

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This is when a professional, such as a lawyer, a doctor, a dentist, or an accountant, fails to meet the standard of care in their profession. A situation becomes malpractice when you are injured or incur damages due to error or negligence.



## MEDIATION

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This is a non-binding method of resolving a case. Both parties will agree on a neutral third party that will help reach an agreeable conclusion.



## NEGLIGENCE

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This is when the opposed party fails to use a certain degree of care or acts in a careless manner.



## SETTLEMENT

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This is a conclusion to your claim without taking it to court. The agreement is negotiated between your attorney and the opposing party.



## STATUTE OF LIMITATIONS

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A law that determines the period of time for you to take legal actions.

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## TORT

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A wrongful civil act that leads to you or your property being damaged. It gives cause for you to file a claim or a lawsuit.

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Laws concerning these terms are precise and you should consult an attorney, so they will be able to explain them and how they apply to your case. Here at The Pottenger Law Firm we understand that legal jargon can be confusing, and we strive to do everything we can to put our clients at ease. Call us at 816-531-6006 or send us a message to arrange a free consultation.



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