



Anatomy of a Lawsuit

What happens in a lawsuit? How does it begin and end, and what happens in between? Today two experienced lawyers will take you behind the scenes for an insider's look, one a trial attorney with years of experience in the trenches, and the other a former General Counsel who hired him.

The Beginning

Someone complains—maybe you, maybe your adversary. What do you do? Listen, show empathy and diffuse the conflict.

Lawsuits are a nasty business. They are expensive, time consuming and emotionally draining. *The best lawsuit is no lawsuit.*

If a lawsuit is filed, what do you do next? Hire your lawyer based on their expertise and experience. Don't hire your friend who happens to be a lawyer. And remember, they're not "your" lawyer.

The Middle

First, agree with your lawyer on a budget for the case. Realize, however, that you can't control the other side and will have to respond to what they do—and they may try to drive up your legal fees.

There's a lot of "hurry up and wait" between the filing of a lawsuit and the trial. Here's where discovery takes place. There are no

"Perry Mason" moments. Before the trial you have to show the other side your evidence, and they have to show you their's.

The most expensive part of discovery is the depositions. The other side's lawyer cross-examines you under oath. This is where the tough guy CEO who wanted to sue the #@\$! out of them becomes a Nervous Nelly and wants to settle before his turn (but maybe not before your's).

Settlement Talks

To avoid further expense and the risks of going to trial, you or your adversary may propose to settle. Settlement talks can occur at any time, but usually occur after a fair amount of discovery. Until then, neither side may know enough about the case to quantify their bottom line.

In many cases, the judge will order mediation before going to trial. A mediator is skilled at orchestrating compromises between warring parties. You and your adversary will go to the mediator's office and the mediator will try to find some middle ground on which you both would rather settle than go to trial.

The Trial

The trial can be a "bench" trial—where the judge decides both the facts and the law—or a jury trial—where the jury decides the facts and the judge decides the law. If a jury trial, the lawyers question the prospective jurors and then strike those they don't like—what's left is the jury—and they're the wild card.

If you have to testify—Good Luck! Your lawyer will ask you non-leading questions (not meant to be answered with a yes or no that "lead" you to the desired answer). And then the other lawyer cross-examines you. Be calm, be brief and beware!



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Scott Roloff is the President of **IntegerHealth Technologies**, which combines advanced analytics with medical expertise to quantify healthcare outcomes—*Driving down the costs while improving the care for health plans and workers' compensation programs.*

Scott is both a CPA and a lawyer, uniquely blending financial, legal and operational experience; and he is also a Certified Management Accountant (CMA), Certified Internal Auditor (CIA), and Chartered Global Management Accountant (CGMA).

Before joining IntegerHealth as one of its co-founders, he was the CFO or the General Counsel for companies in the healthcare, software and telecom industries, and he also led a wireless technology start-up in the Caribbean for tourists unable to use their cell phones. Prior to going into industry, Scott was a Corporate Partner at an international law firm where he focused on M&A, SEC and general corporate matters.

Scott holds a BBA in Accounting from the University of Wisconsin–Whitewater, an MBA from the University of Texas at Arlington, and a J.D. from Southern Methodist University (SMU), where he was the valedictorian of his law school class.



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Kirte M. Kinser has been a trial attorney for 35 years, focusing on the avoidance, management and resolution of commercial disputes. Kirte spent more than 18 years as a partner in national and regional law firms. He currently leads his own law firm. Kirte also founded a multifaceted mediation practice called *Resolution Solutions*.

Kirte has for more than 25 years been a faculty member of the National Institute for Trial Advocacy, having taught generations of new lawyers the art and science of trial advocacy.

Kirte served for more than six years as Chairman of the Board of Governors of a Dallas-area hospital and also as president and board member of a local private school. He currently serves on the boards of several non-profit and for-profit companies. Kirte also served on the staff of a former U.S. Senator.

Kirte graduated *cum laude* in 1984 from Southern Methodist University School of Law, where he attended as a recipient of the prestigious Hatton W. Sumners Scholarship. Kirte served as Managing Editor of the Annual Survey of Texas Law for the Southwestern Law Journal.