

## How much is all this litigation going to cost me?

This is the one question that all litigants ask and the one question that the lawyers cannot answer. The reason (and the answer) is simple - it depends. If litigation were conducted in a vacuum, it would be easy to answer. Unfortunately, litigation is a dynamic process and most of what happens after the action is commenced is dependent upon what the other side does.

If they say “OK you got me, how much do you want?” or if they do not dispute the claim, then the costs are going to be minimal. If, on the other hand, they decide to dispute the claim in a reasonable fashion the costs will be “about average”. If they decide to fight tooth and nail on every little point the costs will be exorbitant. To repeat, the answer is “It depends”.

The problem, of course, is that knowing how much it is going to cost is one of the most crucial pieces of information to have when deciding whether or not to proceed with the litigation. It is a Catch-22. Unfortunately, until they invent a workable crystal ball, deciding whether or not to proceed is usually best done on a step-by-step basis.

Chances are that your guess on this point may be better than your lawyer’s if you know the defendant at all. That is not usually true in most motor vehicle accidents but is often the case with commercial and other types of disputes. If you know the other party, you will have a much better idea how they are likely to react when served with the statement of claim. If neither of you know the defendant, it is guesswork at best.

The best (and most accurate) answer that the lawyer can give to the question of how much it will cost is likely – “I don’t know but it will probably be very expensive.” That is why it is so important to get all relevant information as soon as possible and also why it is vital to look at all of the circumstances of the case from a dispassionate point of view.

It makes no sense, for example, to spend \$10,000.00 litigating a question or a claim that is only worth \$5,000.00. Although the cry “It’s the principle of the thing” is often heard by lawyers at the beginning of a lawsuit, it is rarely heard at the end (which can be, and often is, not until years later). At the end, lawyers are usually asked something along the lines of “Why (IN #@&\*^>) did we just spend \$10,000.00 litigating a claim that is only worth \$5,000.00?”

In many respects, starting a lawsuit is a lot like jumping into a murky pool. You never know what you are going to find at the bottom. It may be a diamond ring or it may be a broken neck. Before you make the leap, give it a lot of thought.