



Timeline of a Medical Malpractice Lawsuit

By understanding the timeline and key stages of the legal process, you can navigate the situation more effectively and reduce the associated stress.



1 Initial Notice of a Lawsuit pre-filing period of 90-180 days

In many states, a notice of intent to file a lawsuit starts the process, allowing a pre-filing period for investigation and potential resolution. In other states, they do not have this requirement, and your first notice of a legal matter will be a lawsuit naming you as a defendant. This is also referred to as a Complaint. Notify Curi Insurance immediately if you receive anything that you suspect may mean you are being sued. Your claims consultant will assess the situation, and a defense attorney may be assigned. Be ready to provide relevant medical records.

2 Response to the Complaint (Answer) 20-30 days to file

After receiving notification about a lawsuit (also called a Complaint), there is a timeframe for responding to the allegations in the Complaint. An Answer is a formal response that admits or denies the allegations and presents defenses. The court will then typically issue a Scheduling Order, detailing deadlines to complete key aspects of the case.

3 Discovery Phase may take months or even years

The discovery phase is often the longest part of the litigation process. During this time, both sides gather evidence and obtain expert reviews. This is when you will likely be asked to give a deposition (a question/answer session under oath).

4 Pre-Trial Negotiations and Settlement Discussions may occur at any stage

Settlement discussions may involve mediation.

5 Trial 1-12 weeks (average of 1-2 weeks)

If the case does not settle and is not dismissed, it will proceed to trial.

6 Verdict and Potential Appeal may prolong the case by months or years

The verdict may favor either party or assign shared liability. If the jury rules against you, your defense attorney can file post-trial motions to challenge the verdict or reduce damages. Conversely, if the verdict is in your favor, the plaintiff may choose to appeal, which can prolong the case.

For more information, read [“Understanding the Timeline of a Medical Malpractice Lawsuit”](#) on blog.curi.com or consult your Curi Claims Consultant.