

Everything You
MUST Know
Before Hiring a
Personal Injury
Lawyer!

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Introduction

In a perfect world if someone was responsible for causing you personal injury they would take all necessary steps to compensate you for your pain. It would be nice if the person's insurance company decided to do the right thing and help you out in your time of need as well. Unfortunately this rarely occurs. It is very common for people to avoid taking responsibility for their actions and insurance companies make their money by denying people their due compensation. Insurance companies also spend a good deal of time, money and effort to control the law to protect their own interests. The majority of regular, non-law people do not fully understand their legal rights and what options they can take to protect themselves.

This is why you might consider hiring a personal injury lawyer. An experienced personal injury lawyer knows about the law. They know how to build a case and how to win in court. They know what your legal rights are and what steps need to be taken in order to fully protect your rights. They understand the complexities of the legal system and can stand up for you in court against the insurance companies. Insurance companies typically have a team of lawyers defending their interests, so it only makes sense that you should also have a lawyer to defend your interests.

While a personal injury lawyer can be extremely helpful in protecting your rights and getting you the compensation you deserve, it is important that you choose the right person for the job. Not all personal injury lawyers are the same. Some are more interested in taking your money than they are in protecting your rights. This means that you should carefully consider who you will have representing you in a court of law. Here is everything you must know before you hire a personal injury lawyer.

Do You Need a Personal Injury Lawyer?

An injury can severely affect a person's life. These injuries can be both physical and mental and can affect the victim's ability to live their life in the way that they are used to. An injury can prevent a person from working, from living at home, from performing the activities that they enjoy and in some cases, even walking, talking and thinking normally. A personal injury can affect both the victim and their families. Sometimes these effects can be so bad that they are devastating. Treating injuries can be both time consuming and expensive as well. Many victims of personal injury have difficulties paying for their treatments.

Sometimes a personal injury occurs due to the negligence or reckless actions of other people. This means that another person is directly responsible for the hurt and financial woes suffered by the victim and their family. This usually means the person responsible for the injury should help compensate the victim for their troubles. This compensation can be provided by either the person responsible for the injury or by the responsible party's insurance company. Too often these responsible parties will attempt to avoid their financial responsibilities to the victim. Other times the responsible parties will do the right thing, but the court system and the legal system can be very confusing and tricky to people who are not well-educated in it.

For all of these reasons a victim of a personal injury may consider hiring a personal injury lawyer. If you have been injured as the result of the negligence or reckless actions of another person, you may be entitled to financial compensation. A personal injury lawyer can help you get this financial compensation. You may be able to negotiate with the responsible party or the insurance company yourself, but the complexities of the law may make it extremely difficult for you to do so. A personal injury lawyer will be familiar with the expected compensation for different types of injuries. They will also be familiar with the legalities of filing a personal injury claim in a court of law. They will also understand what limitations you may have to file a suit and the local laws regarding your ability to file a claim. This makes a personal injury lawyer a very valuable asset to someone who has suffered from a personal injury due to the actions of another person.

Types of Personal Injury Lawyers

There are different types of personal injury lawyers. Each type is dedicated to a specific aspect of personal injury law. It is important that you understand the different kinds of personal injury lawyers so that you can choose one that will best fit your specific situation and representation requirements. Personal injury lawyers can specialize in medical malpractice claims or worker's compensation claims. In general, a lawyer who specializes in medical malpractice will not take on worker's compensation cases and vice versa. Medical malpractice lawyers may also be specialized in specific areas of medical malpractice law.

There are also personal injury lawyers who specialize in cause of action and injury cases. This means that there are lawyers who specialize in brain injuries, spinal cord injuries or car accident injuries. Others may concentrate on burn injuries, construction accidents or sports-related accidents. Sometimes a personal injury lawyer will focus solely on injuries occurring from defective products. There are both personal injury lawyers and insurance law lawyers.

Because there are so many specific avenues that an individual personal injury lawyer can specialize in, it is important to understand which your case falls under. This will allow you to find a personal injury lawyer who will have the knowledge and expertise to help you win your case. It is not recommended that you attempt to file a personal injury claim in a court of law by yourself. A personal injury lawyer will represent your interests and fight for your rights.

Some lawyers are there to fight for your rights and others are more interested in helping themselves. It is important that you choose a personal injury lawyer who is not only willing to help you fight for your rights, but who also have the required knowledge and expertise to do so successfully. A specific lawyer may really want to help you, but if they are not an expert in your area of personal injury, then they may be more harmful than they are helpful. This is another reason why you have to choose a personal injury lawyer that is specialized in your area of personal injury. Personal injury lawyers who represent injured people do not defend against injury lawsuits, so make sure you choose the a lawyer who represents injured people.

Where to Find a Personal Injury Lawyer

There are many ways to locate personal injury lawyers who operate in your state and local region. Because not all personal injury lawyers are created equal, it is recommended that you perform some research on and interview several candidates **before** you choose one to represent you. Therefore, it is a good idea to look up several lawyers and firms and create a list of potential choices. This list should contain no less than 3 choices and preferably more. Here are some good places to look for potential personal injury lawyers for your list:

- **Get referrals or advice from trusted sources.**

This probably the best place to find a good personal injury lawyer. You can ask your friends, family, neighbors and co-workers if they have ever used a personal injury lawyer before. You can ask them if they would recommend the services of a specific lawyer or law firm to you. Be careful when taking the advice of these people however, as the lawyer they used in the past may not specialize in your personal injury type. Another good trusted source is your regular lawyer. Odds are you have a lawyer for handling your money, your insurance or business needs. This lawyer is probably not specialized in personal injury, but they may know a good lawyer who is. A recommendation from a lawyer you already trust is a good way to find a personal injury lawyer. Be aware that a lawyer may charge a “referral fee” for referring you to another lawyer. This usually causes the lawyer to recommend a good lawyer, but this fee may be substantial. If you do not wish to pay a “referral fee” then you don’t have to. There are other ways to find a good personal injury lawyer.

- **Get referrals from a referral services company or a membership organization.**

There are many state bar organizations and membership organizations that offer referral services for personal injury lawyers. A good example of a specialty organization is the American Association for Justice (AAJ), which features online directories for members. Many personal injury lawyers are members of the AAJ. There are many other online attorney referral services to consider as well. While these organizations claim to screen their lawyers and offer only the highest quality lawyers, it is still a good idea for you to perform your own research before hiring one. However, these online directories can be very useful for locating specialized personal injury lawyers that operate in your region. These online lawyer directories can be easily found by performing an internet search using a standard search engine such as Bing or Google. Be aware that many referral websites are actually owned by law firms; so again, it is advised that you do your research. You can also find local personal injury lawyers by checking with your local Chamber of Commerce or Better Business Bureau. Consumer review websites like Angie's List are a good place to find out information regarding a specific lawyer's reputation and customer satisfaction rating.

- **Look through traditional advertising.**

Traditional advertising includes TV and print ads, ads in the Yellow Pages and radio advertisements. In general, traditional advertising is not a great way to locate a good attorney. However, if it is your only option you can locate lawyers for your list through traditional advertisements. If you do locate potential lawyers through traditional advertising techniques, be sure to really do your research before you choose to hire one. Advertising for lawyers is expensive and many firms will share the costs with other lawyers. This means that your case may be referred to a lesser qualified lawyer or firm, especially if your compensation is not expected to be very large. Most good personal injury lawyers do not advertise.

Costs

Personal injury lawyers typically work on a contingency fee basis. This means that the lawyer will receive their payment once you have been awarded compensation for your injuries by the court. Typically, the percentage of contingency a lawyer will earn will be anywhere from 25% to 40% of what you have been awarded. These fees and amounts may differ from lawyer to lawyer and from state to state. The amount of the contingency fee charged may also be proportional to the strength of your case. It may be decided on the specific type of case you are filing as well. For example, worker's compensation injury cases tend to be more closely regulated than other forms of injury cases and the fees are usually lower. A personal injury lawyer will not negotiate their contingency fee amount in most cases. The better and more skilled the lawyer is, the more likely they will be able to get you a higher reward for your injury.

Since personal injury lawyers charge contingency fees, if they fail to win you compensation they will not receive any payment. Be advised however, the lawyer will still have to charge you the costs associated with your case. These costs can include filing the paperwork and daily costs associated with managing your case. You will also most likely be charged the court costs associated with filing your claim. Hopefully you will win your case and be granted enough compensation to cover these costs plus what you need to pay your lawyer and treat your injury.

Always make sure you fully understand a lawyer's costs and contingency fees **before** you choose to hire them. This will prevent you from being surprised with hidden costs or fees down the road.

Potential Problems with a Personal Injury Lawyer

There are many potential problems that can arise when you hire a personal injury lawyer. Knowing in advance what some of these potential problems are can help you avoid them when you make your choice. Here some of the problems that could arise if you choose the wrong personal injury lawyer:

- **Lack of knowledge and experience.**

Again, it is important that the personal injury lawyer you hire understands the specifics of your individual case. If the lawyer you choose is not experienced in your type of case, whether it is a worker's compensation case or a spinal cord injury lawsuit, then you stand a very large chance of losing your case.

- **More interest in money than your needs.**

Some personal injury lawyers see your case as a way to make money and nothing else. Lawyers that are interested in making a profit may not put your best interests first. They may also lie to you or hide the truth in order to make you stay with their firm.

- **Costs not commiserate with your compensation.**

A lawyer will be paid a percentage of the compensation they help you win in court. If a lawyer is of poor quality, they may try to earn more of a percentage than they should, which will result in less money going to treat your injury problems. Bad lawyers may also mock up their costs for handling the case, which will cost you money.

- **Bad advice**

If a personal injury lawyer doesn't have the required experience or knowledge to handle your specific type of personal injury case, then they may be offering you bad advice. Bad advice could end up costing you your case and any compensation that you may be entitled to.

- **Being dumped onto another firm**

A low quality lawyer may talk you into hiring them for your case, but then may dump you off on another firm or lawyer in their practice because your case will not make them enough money. If this occurs you could end up with a personal injury lawyer who lacks the experience, knowledge and skills to successfully handle your case. The lawyer you wanted to hire may not even operate in your state and instead will send you to a local law office.

- **A dispute between you and your lawyer can arise**

It is possible for you and your personal injury lawyer to have a dispute about how he or she has handled your case. If this occurs you will not only have to fire the lawyer, but you will also have to locate and hire a new lawyer to handle your injury case. If the lawyer has acted in an unethical manner you can file a grievance, but that will take up more of your money and your time. It is far easier and less expensive to hire a high quality lawyer right from the start than it is to fix a dispute with a bad one.

- **Poor service**

Filing a personal injury claim can be a very daunting process. Dealing with a serious injury can leave you feeling bad both emotionally and physically. A good personal injury lawyer is objective yet sensitive to your needs and concerns. If you hire a low quality lawyer, then odds are you are not going to get the service and the attention that you deserve.

- **Losing your case**

Probably the worst thing that can happen to you if you choose the wrong personal injury lawyer is that you will lose your case. If you lose your personal injury case you will not receive any compensation for your injury. This could leave you to have to pay your medical bills and deal with other financial problems on your own. You will also be charged the court fees and attorney costs, meaning you may end up losing even more money. Even if you win your case, if the lawyer is not knowledgeable or skilled you could end up receiving far less compensation than you deserve.

Questions to Ask a Potential Personal Injury Lawyer

Once you have a list of potential personal injury lawyers who operate in your area and have the required knowledge and skill to handle your individual case, the next step is to interview each one. Be aware that some lawyers will meet with you and answer your questions free of charge and others will charge a consultation fee. When you call a lawyer to set up an appointment for an interview, your very first question should be whether or not the lawyer charges a consultation fee. If they do you will have to pay this fee regardless of whether or not you choose to hire the lawyer. Once you have your interview set up here are some of the questions you will want to ask:

1. **What is your area of specialization? Have you handled cases similar to mine in the past? If so, what were the outcomes of those cases?**

Before you choose to hire any lawyer you want to make sure they have the necessary knowledge, training and experience to win your specific case. The lawyer's past cases and their success rate with these cases will also tell you a lot about how qualified and successful the lawyer is.

2. **What is your current case load? Do you have time to work on my case?**

This is important because if the lawyer has a very packed case load you may not get their full attention. If the lawyer works alone then you may need to locate one who currently has a very low case load. If the lawyer has a practice they may have more manpower to handle your case along with their other cases.

3. **What are the potential strategies you would use to win my case?**

The answer to this question will show how informed the lawyer is when it comes to your individual situation. Look for a prepared and in-depth answer. If the lawyer doesn't have a good strategy or is unprepared to answer this question then you may wish to look elsewhere.

4. **Are you legally allowed to practice law in this state?**

The answer should be yes and the proof should be on the wall.

5. Will you be the only lawyer who will be working on my case? If not, who else will be working on it and what are their qualifications?

It is important to know who will be handling your case. You also want to ensure that everyone who will be dealing with your case is properly qualified to do so.

6. How long do you expect it to take for my case to be resolved?

The answer to this question will help you determine the lawyer's strategy. It will also give you an idea of what to expect.

7. What can I do to improve our chances of winning?

Again, this answer will provide you with more information regarding the lawyer's strategy and knowledge. It is also good to know what steps you can take to help.

8. How do you intend to keep me informed about my case's progress?

The lawyer should have a detailed answer for this question. You will want a lawyer who takes the time to keep you up to date on your case's progress. The more they can explain to you how they will keep you informed the more likely they will do so once you have hired them. It is also a good idea to know in advance how long it will take the lawyer to return your inquiries or calls.

9. Is there anyone else I will be able to speak to about my case if you are unavailable or away?

If your case is projected to take a long time, then you will want to know what to do and how to get answers if your attorney is on vacation or cannot be reached.

10. How often do you go to trial? How often do you win when you do go to trial?

The answer to this question will help determine the lawyer's success rate and practices.

11. How will you advise me if our wishes conflict? For example: If I want to go to court and you want to settle- which one will we do?

You are hiring a lawyer because you want to benefit from their knowledge, skill and expertise in the field of personal injury law. However, it is still important that the lawyer respect your wishes. The answer to this question will give you some insight into the lawyer's practices.

12. Have you ever had an ethics complaint lodged against you? Have you ever been disciplined by an ethics committee? Has your ability to practice law ever been suspended? If so, why?

It is important to know if your lawyer has ever had their ability to practice suspended or if they have ever had a formal ethics complaint lodged against them. If the answer is yes then you probably want to go with a different lawyer.

13. Where did you receive your law degree? How long have you been practicing law? What continuing education courses or programs have you taken?

This provides you with insight into the lawyer's level of education. This is good to know before you choose a lawyer.

14. What is your contingency fee and how much do you expect your costs to be?

It is important that you agreed on fees and costs upfront. If you are not sure about any part of a lawyer's pricing structure, ask. You can also ask about payment plans or other payment options.

15. Can you provide me with any references or positive referrals?

References and referrals are great, but be aware that attorney-client confidentiality may prevent a lawyer from giving you references from other clients.

16. Will you provide a written retainer agreement?

The answer to this question should be yes.

17. What are your firm's or practice's dispute resolution practices?

Just in case a dispute arises in the future it is helpful to know in advance how the lawyer or law firm will handle it. Look for dispute resolution guarantees in writing.

More Things to Be Aware Of Before You Choose

Here are a few more things you will want to consider **before** you make your final choice on a personal injury lawyer.

- **Be wary of and avoid ‘ambulance chasers’**

An ‘ambulance chaser’ a personal injury lawyer who seeks out potential clients by soliciting them at hospitals or by finding out they have been injured in other ways. These lawyers are typically of low quality, because they have to search out clients constantly. This usually means that their skills, experience and knowledge are lacking. ‘Ambulance chasers’ are also the type of lawyers who are more interested in earning their commission than they are in your personal well-being. ‘Ambulance chasing’ is illegal in most states. You can tell if a personal injury lawyer is an ‘ambulance chaser’ if they contact you either in person, via mail or over the phone immediately after you have been injured. Remember that high quality lawyers don’t solicit clients.

- **Personal injury cases take time**

This is important to know when you are interviewing a potential personal injury lawyer. Be aware that your lawyer will probably not be able to settle your case too quickly and if they claim to be able to do so, then they are probably not being entirely honest with you. A good lawyer will give you a realist time estimate. Be aware of promises that include super fast settlements or quick cash, as these promises will usually not come true.

- **There are no real guarantees in personal injury law**

Even with a superb lawyer, your personal injury case is not guaranteed to be awarded in your favor. Personal injury law is very complex and odds are the plaintiff’s insurance company also has a dedicated team of lawyers working against you. A good personal injury lawyer will vastly increase your chances of getting the settlement you deserve, but they cannot guarantee it. Be extremely wary of any personal injury lawyer who guarantees that you will win your case. Any such guarantee should cause you to dismiss the idea of hiring the lawyer.

- **Pay attention to expenses**

Your personal injury lawyer will charge you for the expenses required to handle your case. These expenses are often billed to you at the end of the case. If you are not fully informed about the expected costs that will be associated with your case's expenses up front, then you could end up with a nasty surprise at the end of your case. The best way to avoid such surprises is to make sure you completely understand how your lawyer will be charging you expenses and what they expect these expenses to be **before** you sign any kind of contract.

- **Get a personal injury lawyer quickly**

If you have been injured, then you should start looking for a good personal injury lawyer right away. If you are not able to start searching because of your injuries you should ask someone you can trust to begin look for you. It is best for you to have hired a personal injury lawyer within a week or two of your accident. This is because the lawyer will have to begin the process of searching for and documenting the necessary evidence to prove your case. The sooner the lawyer can set about doing this the better your case's chances are. Begin your personal injury search process as soon as you can.

- **Always be honest with your personal injury lawyer**

You are hiring a personal injury lawyer to help you win your case. In order for them to do so they need all of the information that you can provide for them. This means that you will want to avoid lying or withholding the truth from them. Don't hold anything back from your personal injury lawyer; even things that you are afraid will hurt your case. It is better for your lawyer to know everything up front, so that they can properly prepare their case. Withholding information from your lawyer could result in nasty surprises coming out in court and possibly, the loss of your case. So always be honest.

- **Never talk to anyone from the plaintiff's side until you have a lawyer**

Anything that you say or represent to the plaintiff's or insurance company's lawyers can be held against you. **Never** give any kind of statement to the plaintiff's without hiring your own personal injury lawyer first. Also, make sure your lawyer is present during any statements or interviews with the other side.

Choosing a Personal Injury Lawyer

Once you have interviewed all of the potential choices on your list of personal injury lawyers you are ready to make your decision. Choose a personal injury lawyer who treats you with respect and understands the importance of your case. Choose a lawyer who specializes in the area of your specific claim and who has a good record of winning such cases. Choose a lawyer who takes the time to prepare a strategy that will increase your chances of winning your case. And finally, choose a personal injury lawyer who you can afford.

Once you have decided to hire a specific personal injury lawyer the next step is to sign a written retainer agreement. A written retainer agreement ensures your rights as the victim are protected. In many states a written retainer agreement is required in order for the contingency fee agreement to become valid. Always take the time to carefully review the agreement **before** you sign it. If you have any questions about the agreement or are unsure on any aspect of it, ask the lawyer before you sign it. **Never** sign a document or contract that you have not read and thoroughly understood.

In general, this written retainer agreement will require your lawyer to represent you only in the matters specified in the agreement. This typically means that the lawyer's responsibility to represent you lasts until the court's final judgment has been entered. The lawyer may not be legally responsible to handle any appeals to your case, unless the appeals process is mentioned in the agreement.

Conclusion

Deciding which personal injury lawyer to hire to represent your interests is a big decision. The very outcome of your case will be in your lawyer's hands. A great personal injury lawyer can help you receive the financial compensation you need to cover the costs and problems associated with your injury. You deserve compensation if your injury is the direct result of the actions of another person. A good personal injury lawyer can make sure that you get what you are owed. Choosing the right lawyer for the job can have huge consequences in your life, so take the time and do the required research to choose good lawyer.

Checklist for Hiring a Personal Injury Lawyer

- ✓ Determine that you require the services of a personal injury lawyer.
- ✓ Determine what type of personal injury lawyer you need.
- ✓ Make a list of potential choices. You can locate these potential choices through referrals from trusted sources, from your regular lawyer, an online referral service, online lawyer directories and organizations, your local Better Business Bureau or Chamber of Commerce. You can also find potential lawyers through traditional advertising.
- ✓ Call the lawyers on your potential list and set up an interview. Don't forget to ask if they charge a consultation fee.
- ✓ Interview your potential lawyers. Ask plenty of questions.
- ✓ Choose a personal injury lawyer who you feel will do a great job. Choose one that you can afford and who has the required skill to handle your individual case.
- ✓ Sign a written retainer agreement with your personal injury lawyer.
- ✓ Get out and win your personal injury case.

Personal Injury Lawyer Resources

Law.com Legal Dictionary

www.law.com

(A good resource for understanding common legal terms)

Lawyers.com

www.lawyers.com

(A good place to locate legal help in your state)

USA.gov

www.firstgov.gov

(An informative resource for all things government)

Personal Injury Lawyer.com

www.personalinjurylawyer.com

(An informative source for filing a personal injury claim)

The American Association for Justice (AAJ)

www.justice.org

The Better Business Bureau (BBB)

www.bbb.org

Angie's List

www.angieslist.com

The State Bar Association

(depends on individual state)