



**BOOTH LAW**

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# How to find a personal injury lawyer

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## **Table of Contents:**

*Introduction - Page 1*

*The nature of personal injury cases - Page 2*

*How do you tell a good lawyer from a not so good one? - Page 3*

*Where to look and how to interview - Page 4*

*The most common red flags - Page 5*

*What if I hired the wrong lawyer? - Page 6*

## HOW TO FIND A PERSONAL INJURY LAWYER

If you have a serious illness and need to find a doctor to treat you, it is usually a fairly straightforward process. You go to your primary care doctor and get a referral to a specialist. Finding a good lawyer for a serious personal injury case, however, is more of a challenge.

We don't have "primary care lawyers" whom we can go to for a referral, and there are endless numbers of personal injury lawyers out there aggressively vying for our cases, with ads on TV, radio, online and even on the backs of buses. How does one figure out who the hucksters are and who the competent lawyers are who can really help us get justice? The purpose of this guide is to help people through that process.

The focus here is on cases involving catastrophic, lifelong injuries or the death of a loved one, but the principles can be applied to any type of personal injury case.



## THE NATURE OF PERSONAL INJURY CASES

It is important to understand, at the outset, that the basic purpose of your personal injury case is to get you money. Money for your medical care, money to replace your lost earnings and money to compensate you for the ways in which your quality of life has suffered as a result of your injuries. In simple terms, you want to find a lawyer who is able to get you the most money for your case. You also want to find someone with whom you can feel comfortable and develop a positive working relationship.

It is also important to understand that insurance companies are not in the business of paying out money to whomever asks for it. They will in fact do everything they can to avoid paying you a dime for your case, no matter how serious your injuries are or how compelling your case is. If they have to pay you something, they will try to pay you as little as they possibly can.

They don't care about your medical needs, about your lost earnings, about all the many ways in which this accident has changed your life or even about how bad the defendant's conduct was that caused your injuries. They care about saving money.

The only way that you can get a fair amount of money for your case is to hire a good lawyer who can force the insurance company to pay it, either by taking the case all the way to trial or by demonstrating to the insurance company that they are better

off paying a fair settlement than risking a trial.

There are basically two factors that determine how much money you will recover: (i) the facts of the case and (ii) how good of a lawyer you have. Even a great lawyer cannot do much with a lousy case, but, at the same time, a lousy lawyer can easily destroy a good case. The lousy lawyer may not even be able to tell the difference between a good case and a bad one.

*“The only way that you can get a fair amount of money for your case is to hire a good lawyer...”*

So don't fall into the trap of thinking that all that matters is how good of a case you have. The insurance company on the other side of the case won't see it that way. They'll want to know whether you have a lawyer who can see the case through to the end and force them to pay a fair amount of money. If you have a lousy lawyer, they will throw up as many roadblocks as they can until the lousy lawyer gives up and forces you into accepting a paltry sum. There are thousands of horror stories out there of lawyers who took on cases that they had absolutely no idea how to handle or who completely abandoned their clients' cases on the eve of trial. Fortunately, you have the ability to make sure you do not hire such a lawyer.



## HOW DO YOU TELL A GOOD LAWYER FROM A NOT-SO-GOOD ONE?

### **Expertise with your type of case**

Not all personal injury cases are the same. There is a vast difference between a medical malpractice case, for example, and a products liability case involving a defective machine. Although there are successful personal injury lawyers who handle a variety of different types of personal injury cases, you should not assume that the lawyer whom you are interviewing has the expertise to handle your type of case unless he can show you that he has done it before.

### **Someone with whom you can feel comfortable**

A personal injury case is oftentimes a difficult, emotionally-draining process. Your entire life and medical history are on display and subject to scrutiny and criticism by the other side's lawyer. You may be relying upon your lawyer to provide for your financial future and that of your family.

You want to hire a lawyer who will not only be your warrior in the courtroom, but with whom you can feel comfortable discussing private details of your life and who will listen and understand how this accident has affected you. The best lawyers understand that their client is often the best source for information about their accident, and that, when it comes to understanding the client's injury and how it has affected her, there is no substitute for spending time listening to the client tell her story.

You also want to know that your lawyer is committed and focused on your case and not overburdened with other cases that he may think are more important. The best personal injury lawyers focus on a select number of cases to which they can fully devote themselves. Avoid law firms that are "mills," churning out hundreds of settlements a year and never taking the time to maximize the value of each case or understand the unique challenges that each plaintiff faces.

### **Proven track record**

There is no substitute for experience. You do not want your lawyer to be using your case as a learning tool. You want to know that he or she has done this type of case before and has a track record of success. This is not about the lawyer having gone to a good law school or looking the part of a successful lawyer or "talking a good game." This is about a proven, documented record of success.

It is also about the lawyer having the ability to see the case from beginning to end. The end being a trial in front of a jury. A surprising number of personal injury lawyers have little or no experience trying cases. They settle everything. While your case may end up settling as well, you want to know that your lawyer has the ability and experience to see the case all the way through trial if that's what it takes to get the defendant to pay you fair compensation.

### **Financial resources to get the best result**

Litigation is very expensive. It is not unusual, in complex cases involving catastrophic injuries, for the plaintiff's lawyer to spend hundreds of thousands of dollars of his own money preparing the case. This money goes towards hiring the best experts, taking all of the necessary depositions and many other steps in the process. It is this kind of thorough preparation that leads to good results. No matter how skilled your lawyer might be, if he cannot afford to spend the money that is necessary to fully prepare your case, your case will suffer.

The lawyers who have the financial resources to handle serious personal injury cases are generally the same lawyers who have a proven track record of success. They have built up a "war chest" that they can use to your benefit.



## WHERE TO LOOK AND HOW TO INTERVIEW

### **Create a list of lawyers to interview**

If you know any lawyers, ask them who the best personal injury lawyers are in your area. If you don't know any lawyers, then ask friends and acquaintances who may have dealings with lawyers if they can recommend someone.

The Internet has become a useful tool for finding lawyers, but be careful not to get too caught up in the bold claims that many lawyers make on their websites. Look for specific facts which demonstrate the lawyer's track record of success. Also, beware of websites that "rate" lawyers from around the country. Typically, these ratings are based on how much material the lawyer contributes to the web-site, not on any assessment of the lawyer's actual competence.

Use all of these sources to put together a list of a few lawyers, and then call the lawyers' offices to set up interviews.

### **Look for a proven track record**

The most important question to ask a lawyer whom you are considering hiring is whether he can show you his track record of handling cases that are similar to yours and getting good results. In most areas, jury verdicts and settlements are published in newsletters (called "jury sheets") that are distributed to lawyers. If a lawyer has a significant track record, it will be no problem for him to show that to you while you're sitting in his office. If he doesn't have such a record, it will become obvious, and you should move on.

### **Be clear about your goals and expectations**

It is important that the lawyer and client be on the same page from the beginning. Be clear about what you would like to achieve with your lawsuit and what your expectations are. If you want to be frequently updated on the progress of your case, then

say so. If you prefer only to be informed when significant events occur in the case, then make that clear as well. Pay attention to how receptive the lawyer is to your individual needs and desires. Remember that this is your case, and you have every right to play an important role in how the case is handled.

That doesn't mean that you are micro-managing the lawyer and second-guessing every little decision that is made along the way. But it does mean that you should be involved in the big decisions and in setting the agenda from the beginning.

### **Before you sign your agreement with the lawyer**

Before signing an agreement with a lawyer, make sure that you understand the terms of the agreement. Personal injury lawyers typically work on a contingent fee basis, meaning that their fees are based on a percentage of the amount of money that they collect for you. Most lawyers will also pay litigation costs on your behalf and will then have a right to get reimbursed for those cases out of any recovery. Make sure that you understand how the fees and costs are handled so that there are no surprises at the end of the case.

*"Before signing an agreement with a lawyer, make sure that you understand the terms of the agreement."*



## THE MOST COMMON RED FLAGS

### “Moonlighters”

Lawyers who specialize in other areas of law sometimes take on personal injury cases on the side, to try to earn some extra money. Beware! Just as you wouldn't let a chiropractor perform brain surgery on you, don't let a corporate lawyer handle your catastrophic injury case. In medicine, a doctor proves his expertise in a particular area by becoming board certified. In law, there is no such thing. A wills and trusts lawyer can handle a criminal case if he can find a client who will hire him. So, unfortunately, it is up to the client to make sure that the lawyer is truly qualified to handle his case.

Successful personal injury lawyers become accustomed to investing hundreds of thousands of dollars of their own money into their cases and living with that financial risk every day. They may have a few sleepless nights along the way, but they won't let it affect how they handle your case. A “moonlighter,” on the other hand, will be much more likely to let the financial pressures of handling a large personal injury case get to him and will be much more likely to try to coerce you to take an inadequate amount of money to settle your case, so that he can get quickly reimbursed for the costs that he has expended and rid himself of this unaccustomed financial pressure.

Don't settle for less than a specialist who has devoted his career to representing people with serious injuries such as yourself and who has a proven track record of success in these cases. And the great thing is that a specialist like that will cost you no more in attorney's fees than a lawyer with far less expertise.

### Asking you for money

Lawyers who handle complex, catastrophic injury cases customarily pay for all of the costs involved in pursuing these cases. There are exceptions, but they are few. Sometimes, if the client has the financial means to do so, he will agree to finance all or a portion of the costs, particularly if the case is extremely difficult. But beware of the lawyer who wants you to kick in your own money. It often means that either the lawyer doesn't have the financial wherewithal to finance the case himself or he just doesn't believe very strongly in the case and wants you to take on all the risk.

*“Just as you wouldn't let a chiropractor perform brain surgery on you, don't let a corporate lawyer handle your catastrophic injury case.”*



## WHAT IF I HIRED THE WRONG LAWYER?

It is important to understand that if you have made a mistake and chosen a lawyer to handle your case who does not have the ability to get you the result you deserve, or with whom you don't have a good rapport, that mistake is not irreversible. You can fire the first lawyer and hire someone else, and you will not have to pay more in fees. The first lawyer may have a lien for the value of the services that he has provided to you, but he will get paid from out of the fee that the new lawyer receives. Think of it like refinancing your house. There may be some inconvenience in the short run, but in the long run, you will come out ahead.

## A NOTE FROM ROGER BOOTH

We sincerely hope that this free online resource has been helpful.

Over the years we have seen that it can be difficult for many people to know what criteria are important in selecting an attorney. This guide was written to help people with that decision.

We would love to hear your success story if you have used this guide to find a good lawyer. If you are continuing to have difficulty finding a lawyer whom you are comfortable with, we would be happy to assist you in any way that we can. Although we primarily practice in California, we are in close contact with a network of top personal injury lawyers throughout the U.S. If necessary, we will carefully review the facts of your case in order to help you with the process of finding an attorney who is best qualified to handle it.

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