

# TOP 10

*Questions to Ask Before Hiring a*

# PERSONAL INJURY ATTORNEY



MAZOW | McCULLOUGH ▶ PC  
ATTORNEYS AT LAW

# Top 10 Questions to Ask Before Hiring Your Personal Injury Attorney

## 1. What is this going to cost me?

An experienced personal injury attorney does not charge you anything out of pocket to help you. Most personal injury fee agreements are based upon a contingency fee agreement. What this means is that there is absolutely no fee that you pay unless the attorney gets you a recovery for your case.

In other words, the attorney's fee is "contingent" upon you getting compensation for your case. If we don't get you compensated, you do not pay us a fee. Ever.

## 2. Will I be responsible for any advanced case costs at all?

Many times in a personal injury case there are expenses that have to be paid. These could include money paid to investigators, experts, photographers, medical providers for copies of records and bills, deposition costs, and filing fees. In addition to the contingency fee, lawyers can also charge the client for any costs advanced.

At Mazow|McCullough, PC, we advance all expenses on behalf of our clients. If we are successful at getting the client compensated, reimbursement of the costs are in addition to the contingency fee.

Make sure you ask your attorney about this as many attorneys will charge the client for expenses up front.

## 3. How many of these types of cases have you tried or handled?

Lawyers are not created equally and personal injury lawyers are no different. Many lawyers will tell you anything just to get you to sign up with them. Do not assume just based upon advertising or a fancy suit that the lawyer has handled or tried your type of case.

Ask for your lawyer's experience and results. Ask to speak to former clients, if possible. Ask the lawyer how many cases they have taken to trial. Do not be intimidated or bullied by the lawyer. You are the one hiring, remember that.

While we can't guarantee you a result, we can tell you that the vast majority of the cases we handle are resolved without having to go to trial. All we do is handle personal injury matters and have been doing so for over two decades.

#### 4. Who will be working on my case?

When deciding who to hire for your case, you should ask who will be working for you. You might meet with a senior lawyer and then never see or speak with him or her again. Most experienced personal injury attorneys will have paralegals and associates working on your case which is fine.

Be careful about the initial consultation, and then never seeing that lawyer again. Find out specifically who will be handling your case. Who will be your contact? Who will you be speaking to on the telephone? Ask to meet the paralegal who will be your liaison with the office. You will be spending a lot of time with the paralegal so you want to make sure you are comfortable with the relationship.

#### 5. When will my lawsuit be filed in court?

Not every case involves a lawsuit and not every personal injury lawyer should file a lawsuit. Have that discussion up front whether the lawyer thinks the case will end up in a lawsuit or not. Remember, you need to make sure you understand that if your case isn't filed in court within a certain period of time, the statute of limitations could prevent you from ever filing. Talk with your attorney about deadlines and make sure that your questions are answered and expectations are set.

#### 6. Will my case actually go to trial? And if so when?

Your lawyer better be expecting every single case to go to trial. If your lawyer tells you that your case is definitely going to settle, be very cautious about what you are settling for. It is hard to be properly compensated if you are not prepared to go trial. Ask for time frames. While it may be difficult to give you exact answers, these are relevant questions. Many personal injury cases can be resolved within 1-3 years, sometimes less.

#### 7. What is my case worth?

Ask this question. Your lawyer will have some idea and could likely provide a range to you. If the lawyer promises you a result, walk out of the room. No lawyer, no matter who it is, can promise you a certain recovery on your case. There are too many unknowns. However, an experienced personal injury attorney should be able to discuss with you, in general, what similar types of cases have resolved for.

#### 8. Has the attorney ever been censured or disciplined by any legal or ethics committee in the past?

The vast majority of attorneys will not have been in any sort of disciplinary trouble, but if they have this can be a big red flag. You will want to know what they did to get in trouble and why, as this might affect things like their ability to effectively represent you, the safety of your money in their trust accounts, etc. Do your research and look at the online Board of Bar Overseers website. You need to be comfortable with the relationship you are going to be entering into.

## 9. What is expected of me during my case?

Expectations need to be set at the outset with the lawyer and the client regarding the client's involvement in the case. The lawyer will require your participation in the case so that the case can be presented in the strongest and best light.

That means you need to attend all medical appointments, keep the lawyer's office updated of any changes in your medical appointments or health, respond to phone calls and emails from the lawyer's office if there are questions or meetings to attend, participate in answering discovery and attending depositions if necessary.

The point is that the lawyer should be in regular communication with you so that the office is aware of your injury status and so that you are aware that work is being done on your case.

## 10. Will you get me more money than other attorneys and why?

If any personal injury attorney you are interviewing tells you that they can get you more money than other attorneys, you need to find another attorney. An experienced and honest attorney will tell you what they think the case might be worth and how they intend on maximizing the recovery for you.

So much depends upon the type of case, liability, damages, insurance coverage, risk tolerance, negotiation skills, trial abilities, and how a jury might perceive the parties. Have an honest discussion with the attorney and insist upon clear, direct answers.

# The Right Lawyer Makes all the Difference<sup>SM</sup>

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