

HOW TO CHOOSE THE RIGHT PERSONAL INJURY ATTORNEY

By Andrew Traub, Attorney at Law

7719 Wood Hollow Drive

Suite 200

Austin, Texas 78731

(512) 343-2572

<http://www.AustinAccidentLawyer.com>

How to Choose the Right Personal Injury Attorney

If you have been injured, you get only one chance to get the compensation you deserve. One of the most important decisions you make in your lifetime will be the lawyer you choose to take on this task.

You must choose the right lawyer the first time

If you hire the wrong lawyer to represent you, you will soon come to regret it. If the lawyer is not experienced in your type of claim, if the lawyer is not tough enough to take on the large insurance companies, if the lawyer is not experienced at negotiating with the insurance companies, if the lawyer is not experienced in arguing before a jury, you could end up having your case returned to you by the very lawyer who promised to help you. This usually happens when the insurance company refuses to settle the case. Usually, the lawyer drops the case back on your shoulders with only a few months left on the statute of limitations – meaning you have to file suit right away or forever lose your claim. I have had plenty of people come through my door in just that situation.

Now, in addition to the short time to act, there's another problem. Namely, a lawyer has already worked the file and then rejected it. That's obviously a big, red flag to the next attorney. The next attorney could be walking into the prior attorney's mess. Most attorneys will not take on the risk and you are left scrambling to file the suit on your own.

There are lots of lawyers out there who practice in transactional law (wills, trusts, contracts) but have no experience litigating. Make sure they have jury trial experience.

How many cases does the law firm handle at one time?

There are some personal injury lawyers out there who run a volume practice, measuring their results in numbers of cases and not in the quality of the cases. A lot of them have a “throw it at the wall and see what sticks mentality.” They hardly perform any investigation before taking on a case. They probably won't ever file suit. They desperately attempt to settle, often

for less than the case's worth.

This type of practice is picked up on by the insurance companies who track everything. They know the lawyer's can't afford to file suit because that would bog down their practice, so the insurance company has a negotiating advantage from the start. I know of a "PI Mill" in Austin where one attorney with five staff members handles over three hundred cases at once. That same attorney has never tried a case in front of a jury. Obviously, they settle all the cases or drop them. What are the chances that all or even most of those cases settled for what they should have?

How many cases are handled by each staff member?

Remember the PI mill I just mentioned? If you were their client and each employee was handling sixty or more cases, what kind of attention to your case do you think you would receive? When too many cases are worked on by each staff member, things fall through the cracks and clients are ignored.

Anything more than 15 cases per staff member is a warning sign. I limit my litigation docket to no more than 12 cases. Yes, I have turned down cases because my litigation docket was full. When I take on a case, it is with the expectation of going to trial and not of settling – if it settles, then that's a bonus.

Does the lawyer get personally involved in your case?

Some lawyers have so many cases, they hardly ever look at the file and they hardly talk to their clients! Just try to get one of these busy lawyers to return your phone call.

The bottom line is no matter how big or small your case, it's important to you! You need to have a lawyer on your side that is 100% committed to providing quality personal service and detailed attention to all of his clients. You need to know that your lawyer is personally involved in the preparation, evaluation, and resolution of your case. A lawyer who will treat your case with the utmost importance it truly deserves.

Does the lawyer carry malpractice insurance?

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While it might seem obvious, I know of at least two attorneys who do not carry malpractice insurance. Well, that's about the same thing as being struck by a driver who doesn't carry car insurance! In a car accident, you can obtain uninsured motorist coverage, but what about your lawsuit? If your lawyer screws up and he doesn't carry malpractice insurance, you're screwed. I carry a \$100,000/\$300,000 policy for my clients' peace of mind, not my own.

Does the lawyer have jury trial experience?

I already mentioned the lawyer who has a high volume practice but no jury trial experience. Arguing in front of a jury is not the same as arguing a bench trial in front of a judge. You have to convince more people and have better persuasive skills. Be careful. Just because they say they are a trial attorney, doesn't mean that they take cases in front of a "live" jury.

How did you hear about the lawyer?

Remember, just because you see a lawyer on TV doesn't mean he is qualified to handle personal injury cases. Some lawyers work hard at becoming TV stars. Amazingly, some lawyers who advertise on TV *have never tried a personal injury case!* Please don't be fooled by those slick commercials.

Some lawyers are referred by chiropractors (who are the only medical practitioners who can legally chase accident victims). Again, just because they are referred by a chiropractor doesn't mean they are tough and experienced, it just means they have a good relationship with that chiropractor.

I hate to admit it, but incompetent and inexperienced lawyers hurt their clients all the time. They don't file the correct paper work. They miss critical deadlines. They don't know how to research their client's case. Even worse, many lawyers have never taken a case to trial and so they don't know what their client's case is worth.

It's a jungle out there, and if you are going to successfully travel through it, you need the right guide. A guide who has been there before, who is not afraid of the lions, and who has the proper weapons to protect you.

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