
LOOKING FOR A LAWYER

How To Choose The Right Attorney For Your Accident
Case

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HOW TO CHOOSE THE RIGHT ATTORNEY FOR YOUR CAR ACCIDENT CASE

Don't take chances with your personal injury claim by hiring a "generalist."

If you've ever browsed through the "yellow pages" of your local phone book, you'll often find numerous advertisements (some times dozens of pages) for personal injury attorneys.

These ads usually say the same things:

"Free Consultation" "No Recovery, No Fee" "We'll Protect Your Rights!,"

"Aggressive Representation!" or "Need a Lawyer?" How on earth does some-

one who has never had to hire an attorney wade through all of these ads and find a qualified personal injury attorney, let alone someone that is good?? Finding a good personal injury attorney can be challenging, but not impossible. Here are some guidelines, which if followed, should make your search easier and also relieve some anxiety.

Choose an attorney who specializes in personal injury. There are many attorneys who represent personal injury clients in addition to other practice areas, such as divorce, criminal defense or real estate. You should pick an attorney whose practice is devoted

100% to personal injury law. The field of personal injury is too complicated for a "generalist" or "part-time" lawyer to master. If you needed surgery on your shoulder, would you rather see a "general" surgeon who performs surgery on many different areas of the body, or a surgeon who only does "shoulder surgery?" Most people would choose the specialist. Don't take chances with your personal injury claim by hiring a "generalist."

Choose an attorney who demonstrates expertise in the field of personal injury law. There are too many different types of the law for any one attorney to claim specialty in multiple areas. No one can do everything well. Most people want to see a specialist. The same is true for lawyers. The field of personal injury law is complex with subtle nuances that could mean the difference between recovering a few hundred dollars versus several thousands of dollars. The attorney you choose should limit his or her practice exclusively to personal injury law. Does the attorney write

about personal injury? Has the lawyer lectured or taught other lawyers about personal injury law? If yes, these are good signs that the lawyer is a personal injury specialist.

Choose an attorney who understands the medicine involved in your case.

This is a no-brainer, right? But you would be very surprised at how many attorneys who claim specialty in personal injury have little understanding of the medicine and treatment involved with the client's injury. For example, take a case involving neck and back injuries. These types of injuries can be difficult to prove in court because spine medicine is extremely complex and the diagnostic imaging may show very little or nothing at all. Yet, this area of medicine has also undergone enormous strides and advances just in the last ten years. There are now new diagnoses in the area of spine medicine that literally did not exist a few years ago, not to mention new treatments and minimally invasive procedures that have been created due to advancements in technology. If you have a neck or back injury claim,

you obviously want an attorney who understands spine medicine so proper treatment and diagnoses can easily be pursued or presented to the insurance company in negotiations, or made part of a persuasive presentation to a jury on your behalf. You would be surprised at how few personal injury attorneys really understand this area of medicine yet neck and back injury claims make up the bulk of accident cases that exist in Washington.

Choose an attorney who actually goes to trial. I know, I know. If you're like most people who have a claim for injuries, you'd rather not have to go to trial. So why pick an attorney who actually does regularly try injury cases? To understand why this is such an extremely important factor when choosing an attorney you have to understand the business of insurance and why claims are settled. Essentially, the insurance company is in the business of "risk." That is, it accepts your money with the promise that it will pay you money if you encounter certain risks of harm or damage. The risks are usually low, which is why the insurance com-

pany can earn enormous profits. When it comes to paying a claim, the company only pays a “settlement” if there is a “risk” that the company may have to pay more if the person files a lawsuit and goes to trial. Attorneys who regularly go to trial increase the insurance company’s “risk” that it might have to pay much more money if the jury awards more than the last settlement offer. Insurance companies regularly keep lists of the personal injury attorneys who do go to trial. These are the attorneys who can command premium settlement offers compared to attorneys who do not go to trial. Simply put, the insurance company will pay more money to settle a case if there’s a greater chance that the attorney will try the case in court. That is why having an attorney who has a reputation of going to trial can actually increase your chances of avoiding trial.

Choose an attorney who wins at trial.

This goes without saying. An attorney who gets results at trial is the insurance company’s worst nightmare. The carrier will pay much more money to settle a case if the injured person’s

attorney has a track record of winning at trial than if the attorney does not.

Choose an attorney that knows how to win.

Beware of attorneys who actively solicit

you. You should be cautious of attorneys who contact you in writing just after you or a loved one has been injured, maimed or killed in an accident. Most state bar associations have rules against attorney solicitation, or at least have very stringent limitations on this sort of activity. I have no respect for attorneys who feel the need to cross the line by actively soliciting clients right after the accident. If an attorney engages in this sort of unethical behavior it may give some indication how that attorney might perform in your case.

Be cautious of attorneys who advertise on T.V. or take out big flashy ads in yellow pages or other publications. Did

you know that many of the T.V. and yellow page ads for lawyers are paid for by attorneys who have never actually tried a personal injury case in court? In fact, some of these advertisements are created by law firms that

have a “policy” of always settling their cases without ever filing a lawsuit! If you were an insurance adjuster who knew that a particular attorney or law firm always settled short of trial, would you ever increase your offer for fear that a jury might award more?

Understand bar association referral

lists. Many local bar associations operate a “referral list” where consumers can get the name of an attorney. Just understand that the lawyer has signed up and paid a fee to be included on the referral list. Some but not all of these referral lists don’t bother to check or verify the attorney’s experience with the type of case that is being referred.

The likeable lawyer is not enough.

There are many people who choose to hire an attorney based solely on whether the attorney is likeable. I know of some very personable and likeable lawyers who claim to do personal injury law, but whom I would never recommend based on their limited experience and expertise. Would you let a likeable surgeon operate on your body if you knew the doctor rarely made it to

the operating room? It is important that you like your attorney, or at least respect him or her, but it should not provide the only basis for your hiring decision.

Choose an attorney who you feel comfortable with. You should feel comfortable with the lawyer and his or her ability to communicate with you. Does the attorney seem credible and trustworthy? Does the attorney explain everything to your satisfaction, or does he explain why an answer to a particular question can’t be given at that time? You should feel comfortable with the lawyer. You should also understand how the two of you will be working together on your case.

Case Study: T.V. Lawyer Nailed for False Advertising

Don’t believe everything you see on T.V. Arizona lawyer Stephen M. Zang and his partner ran numerous T.V. commercials and other massive print advertising to market their young 4 year-old law firm. The campaign was hugely successful – it managed to produce over 1600 personal injury cases in just four years. The ads contained the following statements:

- We are a personal injury law firm with the medical experience to understand complicated injuries.
- We have investigators to find witnesses and hidden evidence.
- We perform detailed preparation in your case, and the better your case is prepared for trial, the more likely your case will settle out of court.
- If you are in an accident, you need more than a lawyer's words.

The ads included dramatic footage or scenes showing accidents, books about accidents and medicine, a judge in a courtroom, and a picture showing the attorney arguing before a jury in the courtroom. Upon investigation, the Supreme Court of Arizona discovered the following:

- No attorney at the firm had ever tried a personal injury case in court or to its conclusion.
- Mr. Zang, who was pictured in ads arguing a case in front of a jury, admitted that he was not competent to try personal injury cases.
- The firm had an express policy of

not taking cases to trial.

- In those cases where trial was necessary, the policy was to refer the case to a competent personal injury attorney who would try the case in court for a cut of the fee.
- Although the firm's policy was to settle all cases, the clients were not told this.
- Clients were never informed about the attorneys' lack of experience or that their case would be referred to another attorney if trial was necessary.

Mr. Zang and his law partner were found to have committed numerous ethics violations. They were disbarred by the Arizona Supreme Court.

ABOUT THE AUTHOR

CHRISTOPHER M. DAVIS

Washington attorney Christopher Michael Davis has been representing individuals in accident cases and against insurance companies since 1994.

In 2006, he was named a Rising Star Attorney by Washington Law & Politics magazine (this recognition is given only to the top 2.5% of lawyers age 40 and under in Washington State). In 2007, Washington Law & Politics named Mr. Davis a Super Lawyer (the top 5% of lawyers in Washington). Mr. Davis speaks at Continuing Legal Education seminars on topics related to personal injury. He teaches and instructs other lawyers in Washington State on topics such as jury selection, proving damages and developing winning trial techniques.

Mr. Davis has been licensed to practice law in Washington State since 1993. He has obtained millions of dollars in verdicts and settlements for his clients. Mr. Davis is a member of numerous professional organizations, including the Washington State Trial Lawyers Association, American Association for Justice, and the North American Brain Injury Society.

If you believe you or a loved one has been wronged, contact Mr. Davis today for a FREE, no obligation consultation at 206-727-4000.

Davis Law Group, P.S.

The personal injury attorneys and trial lawyers at the **Davis Law Group, P.S.** are dedicated to protecting your interests and handling your case with personal attention, aggressive advocacy, professionalism, and compassion.

We have been successfully representing injured people, car accident victims, and wrongful death cases in Washington State for almost 15 years. We understand that sustaining traumatic and life changing injuries is emotionally devastating. We strive to balance this concern with the unique and rigorous demands of the legal system. We understand that the selection of your personal injury attorney is an important decision, and which may have far reaching consequences.

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