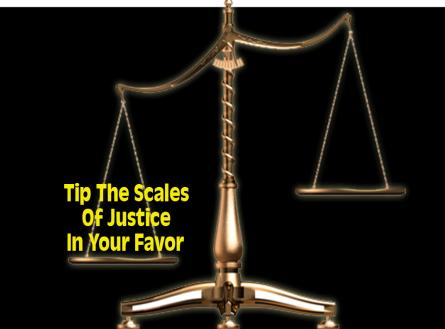
The Smart Consumer's Guide To

Hiring A Great Lawyer

Getting The Right Attorney For Your Accident Case

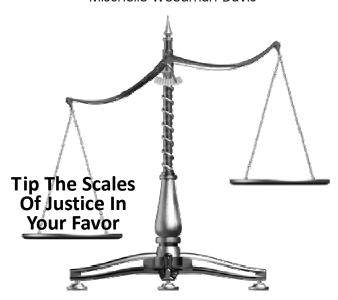


THE SMART CONSUMER'S GUIDE TO

Hiring A Great Lawyer

Getting The Right Attorney For Your Accident Case

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Part One Introduction

Why I Wrote The Book

My reasons for writing this book are pretty plain and simple. First, in my role as client relations manager for a Seattle law firm I encounter people on a daily basis who need the help of a good lawyer but don't have any idea how or where to look for one. Most people are not the least bit litigious and have no real desire to file a lawsuit or hire an attorney. So it isn't until they REALLY need a lawyer that they give the idea much thought. By the time they figure out that they do need an attorney they are often desperate and in a hurry. Many don't take the time to think things through and make a careful decision. After a while it became clear to me that people need some sort of framework in which to think about evaluating attorneys.

The second reason for writing the book is to call out some of the unethical marketing and advertising practices that I see being used by attorneys and law firms all across the country. Prior to getting involved with my husband's law firm I spent almost 15 years working in marketing and advertising. I spent some of that time working for a large advertising agency in Atlanta and the majority of the time working in high-technology and software marketing for companies such as Microsoft. Debunking misconceptions or myths created by advertising is a little hobby of mine. And there is no industry, other than perhaps the pharmaceutical industry, that has more deceptive headlines and catchphrases than the legal industry.

So for those two reasons I felt compelled to create and offer this little booklet as a public service to those who are in need of legal services. Although the booklet is geared to those looking for a personal injury or accident lawyer, I think that the majority of the concepts apply to all areas of the law and all types of attorneys.

Background

I am not an attorney—which many will feel is a point in my favor. But I am married to an attorney—which may cause some to question my intelligence. However I am uniquely qualified to help the layperson understand how to choose a lawyer for a personal injury, car accident, or wrongful death case. Especially if that case involves trying to get fair compensation from an insurance company.

My background is in marketing, advertising, and communications. And I have always enjoyed helping people understand complex or difficult issues. I am writing this brief guide to help the average person who is looking for a great lawyer. That person is probably trying to wade through a sea of lawyer yellow page ads or surfing through the hundreds of pages of lawyer website links that a Google search will produce. I want to give you a few simple tools to help you find the right lawyer for your case. You probably don't have time to read an over fluffed, self-important tome. And I don't really have the time or interest in writing one. So I have boiled it down and made it as simple as possible.

Why am I qualified to give advice? For starters, I grew up around the insurance industry. In fact, my very first job was working as a filing clerk in my father's insurance agency. I have seen up close how having the right kind of coverage from the right insurance company can be a real blessing in your hour of need. And I have seen how a lack of coverage or wrong kind of coverage can be a

^{*}The cost of legal services are always a major concern for people who have been injured in an accident and may be unable to work. Most personal injury lawyers offer legal services on a **contingent fee basis**. A contingent fee is simply a percentage of the recovery, paid at the conclusion of the case.

devastating blow.

In addition, I have had run-ins with the insurance companies while dealing with my own personal injury. In the mid-90s I was involved in a car accident which caused injuries to my back and neck. It took months of chiropractic treatment and massage to get back to normal. The insurance company fought with me every step of the way regarding the "necessity" of the treatment that I was receiving and the "appropriateness" of the cost.

But the most important of my qualifications to write this guide, I have been married to a personal injury attorney (sues insurance companies on behalf of injured people) for almost ten years. And I now work as the client relations manager in his office.

Like it or not, when you are married to a lawyer and work in his office you spend a lot of time with lawyers. I have met a lot of attorneys at association meetings and conventions. And I often meet the attorneys who are opposing council in Chris' cases. When you hang out with attorneys, you also end up listening to how lawyers talk about and evaluate one another. It isn't the most interesting of conversations. But with any luck the cocktails are complimentary.

Now that I work in Chris' office I often speak to injured people who are looking for a lawyer but have no idea how to find and choose a good one. And, sadly, I often hear from people who have already hired a lawyer, are unsatisfied with their work, and are calling our office hoping that Chris will take their case so they can change lawyers.

But let me back up for a moment. You need to know more about my husband,

Chris. Chris is a personal injury attorney in Seattle, WA. His practice focuses on car accidents, motorcycle accidents, wrongful death cases, and other types of injury cases. Before I met my husband I'd had very little exposure to personal injury lawyers. I, like many people, subscribed to the typical, ambulance chasing stereotype of lawyers. Thanks in part to the cheesy TV ads of some shady lawyers (most are as bad as used car ads), personal injury attorneys have developed a bad reputation because it seems that many of them care more about making money than about helping people. That is the way I used to feel about lawyers too.

When I agreed to go out on a first date with Chris I knew he was a lawyer. But I didn't know he was a personal injury lawyer. On that date I teased him about being an "ambulance chaser." He became a little annoyed and didn't hesitate to set me straight.

He told me about how most people can not afford quality legal representation when they are in an accident and end up having to fight an insurance company on their own in order to receive fair compensation for their injuries*. Wealthy and powerful insurance companies have what would seem like endless resources with which to fight an insurance claim...even their own customer's claims. He told me about his personal crusade to fight for the underdog and level the paying field between accident victims and insurance companies. I could tell that his passion for his work was based in a real sense of right and wrong. I was impressed.

Obviously I was very impressed. A year later we were married. And six years after that I decided to leave my high technology career (which included a stint at Microsoft) to join his battle and help manage his law office.

So through all of these diverse experiences I have developed a good idea, from both the inside out and the outside in, of what people are looking for when they seek legal representation in an injury case and the difference between a merely good lawyer and a great, exceptional attorney.

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Part Two

Legal Matchmaking: The Truth About Attorney Finder Websites & Online Directories

Using the internet to find a lawyer? Beware of websites that say they will help you locate, evaluate, and choose a lawyer. These sites are not always what they appear to be. They are not a public service. More often than not these sites are simply paid advertising spots.

There are two basic categories of lawyer finder websites. They are "directory sites" and "referral sites".

Directory Sites

The directory sites are basically an online version of the yellow pages where attorneys have paid for a listing in the directory. Typically, the more money that is paid by the attorney the bigger the ad. More money also means a higher rank in the directory, the more times the ad will be presented, etc. The directory offers listings and search criteria and you pick the lawyer to contact.

Referral Sites

Referral sites gather your information (name, number, case specifics, etc.) and then send it to an attorney who will contact you. The attorney has also paid for this service. The difference is that the attorney is paying to get a case lead. When you fill out the online form by giving information about your case, the

information is given to the next lawyer on the list. With referral sites, the lawyer is often paying to get a certain number of leads per month. Rather than being routed to the attorney that can best meet your needs you are simply put in touch with the next attorney in line.

Whether the attorney is listed in a directory or referral site, in both cases the attorney is paying for advertising. This is important to understand because the attorney may not have much, if any, experience in the area of law that pertains to your case. Many times the attorney who pays for this type of advertising may not have even taken your type of case all the way to trial. Sometimes out-of-state attorneys will use a directory or referral site to gather leads and then refer them to an in-state attorney in exchange for a referral fee or broker fee.

Also, beware of those websites that claim that the attorney has been "prescreened" or that the attorney "belongs in their network". This just means that the lawyer was able to pay the advertising fee. The term "prescreened attorney" usually means that the company that operates the website has verified that the attorney is licensed to practice law, but not necessarily that the attorney is experienced to handle your type of case.

Referral Firms

There is actually a subcategory of the referral site. I call them "referral firms". These are sites that appear to promote a lawyer or a law firm. But behind the scenes these sites are just another type of referral site where the attorney has paid a hefty fee to be promoted. You might have seen some television spots for these lawyers or firms. Again, they take your call or your incoming email and then route it to someone or some firm that is next on the list to get leads. Many times the attorney is not even licensed to practice law in your

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state. In some cases they associate with a local firm—but it still is not the firm that you thought you were contacting or hiring.

Some of the key phrases that indicate that you are looking at a directory or referral site are as follows:

- free lawver finder services
- helps you easily find a lawyer in your area based on location and specialty
- find a lawyer near you
- law firm directories
- access to information, news, articles and attorney profiles -find, research, screen and contact a lawyer
- review lawyer profiles and information about individual law firms to identify the best lawyer to fit your needs

The sites include: Lawyers.com, Attorneys.com, FindLaw.com, LawInfo.com, LegalMatch.com, AttorneyLocate.com, WhoCanlSue.com, InjuryHelpline-Lawyer.com, and many, many others.

You are the only person who should be choosing a lawyer to represent you.

Legal matters, especially personal injury cases, can sometimes (not always) take years to resolve. When you pick a lawyer you are choosing to build a long-term attorney-client relationship with someone who will speak on your behalf. Do not make a hasty decision while visiting a website late one night.

Do your homework, visit websites, read articles, review resumes, watch videos, talk to friends, talk other family members and, most importantly, meet with several lawyers in their offices. Ask them questions about their experience, track record, etc. Listen to what they have to say and judge for yourself.

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Part Three

Lawyer Advertising: Yellow Page & Television Ads

Yellow Pages Advertising

Looking for a lawyer in the yellow pages? Why? Yellow page advertising tells you virtually nothing about a lawyer or his/her qualifications to handle your case. And almost all of the ads look just alike and/or say the same things. The yellow pages may be the worst place to look for a lawyer.

If you flip through the attorney section of the yellow pages you will see all the cliché advertising headlines hard at work. Do any of these headlines look familiar?

"100 Years' Combined Experience"

"Millions Recovered For Our Clients"

"No Office Appointment – No Court"

"Settlements In 30 Days!"

Headline: "Combined Experience"

Allow me to decipher these headlines for you. 'Combined experience' is referring to the total amount of experience in the whole law firm if you combined each of the attorney's number of years practicing law. So, a firm could be run by one older, semi-retired lawyer who has been practicing law for 50 years and an army of younger lawyers who each have 5 years of experience or less. Or 20 lawyers who each have 5 years of experience. Or any number of combina-

tions. And once you sign on the dotted line your case will probably be handled by a junior member of the team. Can you trust a law firm that would use this kind of sly, deceptive messaging?

Headline: "Millions Recovered"

The same sort of marketing math is applied to the 'millions recovered' headline. This is referring to the combined total of all of their settlements or jury awards. Believe it or not, it isn't that hard for a law firm to recover millions by handling lots and lots of smaller cases. I say, "show me the money!" That is to say, show me a list of actual big awards or settlements.

Headline: "Settlement In 30 Days"

The other two headlines mentioned above are a sly way of saying that the attorneys will settle as quickly as possible...which isn't necessarily in your best interest. In personal injury cases it is particularly important to make sure that you are fully recovered or your condition is fixed and stable before you determine the potential value of the case and begin negotiations with the insurance company or responsible party. This is because past and future medical costs are a big portion of the 'damages'. But there are plenty of lawyers out there who will settle your case quickly just to earn a fee and aren't really interested in doing everything possible to make sure that you get a settlement that is fair...especially if it means waiting, putting a lot of effort into the case, or going to court. Do you really want to work with a lawyer who is interested in closing your case as quickly as possible? Or are you interested in working with an attorney who is willing to go the distance for you?

Television Advertising

We have all see those late night TV ads that start with the words "if you have

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been injured." Did you know that here are companies that offer prewritten and pre-shot TV commercials for personal injury attorneys? You've probably seen one of these canned ads. Sometimes a famous actor is used (such as William Shatner or Eric Estrada or someone who plays a lawyer on TV). Other times an attractive man or woman is shown speaking in front of a shelf full of law books or standing in a courtroom. Attorneys can buy these ads and then have their name, phone number, and web address inserted into the ad.

The ads usually go something like—"If you've been in an accident, get the money you deserve. Speak to an attorney for free. Call 1-800-XXXXXXX."

The ads are running all over the US in large cities and small towns. They often target specific types of cases such as car accidents, asbestos, medical malpractice, trucking accidents, divorce, family law, etc.

What you need to know is that if you respond to one of these ads more often than not your call will be routed to a call center where operators answer the calls. Or to an out-of-state law office that then hands off your case to one of its in-state associates. The person in the ad is not going to be your lawyer. In either scenario the attorney that you actually end up speaking with may or may not have the skills and experience that you need. Your call is being routed to the next attorney in line, so to speak. It is very similar to some of the online services that I mentioned in the previous section.

The next in line is an attorney who has paid a fee to be a part of the network. Any attorney can pay to be on the list, including attorneys who have never tried a case in court. Many times the attorney who has paid the fee is not necessarily the best lawyer for your case.

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I'm not saying that all attorneys who use TV advertising are inexperienced or that all attorney ads are routed in this way. Do your home work to figure out the difference and find the right attorney for your case. Search the web, read articles, visit websites, watch videos, talk to friends, and visit more than one attorney's office before you make your final decision. You should not rely on TV advertising alone when choosing a lawyer.

Part Four

Attorney Evaluation Criteria:Characteristics of a Great Lawyer

I believe that there are eleven key criteria that should be used when evaluating a lawyer. All of these criteria are important. I know that researching all of these issues can be time consuming. But don't you think that you deserve a great lawyer? If the answer is 'yes' then it will be worth the investment of your time to do a little bit of homework. Personally, I would not compromise in any of these areas if I needed an attorney.

#1 Number Of Years Practicing Law – When it comes to attorneys experience definitely counts. Would you let a first year medical student perform your heart surgery? That same logic applies to lawyers. It usually takes years of handling personal injury cases and negotiating with insurance companies before an attorney starts to learn and fully understand the industry's strategies and tactics.

Hire someone with at least 10 years of experience handling personal injury cases. After many years the attorney has usually handled a lot of cases and has exposure to many types of injuries, legal issues, and strategies employed by the other side. I would probably not want a younger attorney, even if that attorney is at a larger firm. This is because many large firms utilize a hands-off approach to allow the younger associates to gain experience and handle things themselves. Also, you want the attorney who will be primarily

working on your case to have the experience, not some older partner who may only review your file a few times, if that.

#2 Specializes In Personal Injury – There are many attorneys who represent personal jury clients in addition to other practice areas, like divorce, criminal defense, commercial litigation, or real estate. You should work with an attorney whose practice is devoted 100% to personal injury. The field of personal injury law is to complex for a "generalist" or "part-time" lawyer to master. A specialist in personal injury will usually keep current on changes in that area of the law. The specialist will typically subscribe to various legal publications in his field of practice that address issues germane to personal injury. The specialist will also likely devote time to perfecting and mastering his or her courtroom skills with respect to trying personal injury cases in court. It is usually not sufficient that the attorney has tried other types of cases in court because presenting and arguing evidence in a personal injury case is different. I have watched my husband in trial (he's great by the way) and there are definitely subtleties and nuances that can be utilized in the personal injury trial that will probably not work for other types of cases. Again, would you hire a "general" surgeon to perform your heart surgery? Most people would choose a heart specialist. The same is true when hiring an attorney. Get a specialist.

#3 Trial Experience – If getting a fair settlement is important to you then hire an attorney that isn't afraid to go to trial. Most people would prefer to settle their case without actually going to trial. But insurance companies are in the business of assessing "risk." And if the carrier knows that your attorney does not go to trial frequently, or that your attorney settles every case, then there is little risk that the insurance company will have to pay more money if

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your case does go to trial. So if the carrier knows your attorney doesn't like to go to court, then why would it offer more money to avoid the risk that a jury might award more? If your attorney doesn't try cases, there is no risk for the insurance company. However, if you work with an attorney that frequently goes to trial then the insurance company has that much more incentive to negotiate with him/her in good faith. It's paradoxical I know, but an attorney who has a reputation for going to trial often is your best chance that your case may settle.

#4 Wins At Trial – Trial experience doesn't matter if your attorney doesn't win at trial. You should pick an attorney who has some good verdicts under his/her belt. A "win" can be difficult to define because often times the only issue in dispute is the amount of damages that may be owed. So a "win" may occur if the attorney goes to trial and gets a verdict that substantially beats the insurance company's last settlement offer. What is substantial? Well it depends on the facts of the case. If there are issues regarding liability (i.e., it's disputed that the other person is at fault or there are claims you may be partially at fault), then going to trial is more risky then if liability were already established. The risk of liability has to be factored in when determining a win. But let's say liability is undisputed, leaving the amount of damages in question. If an attorney has some verdicts under his belt where he has beat the insurance company's last offer by a factor of 3 to 5, then I would call this a big win. For example, if the last offer from the carrier was \$50,000, and your attorney took the case to trial and won \$150,000, this would be a big win.

You should know that most attorneys have very poor skills in court. Many talk down to jurors or have trouble thinking on their feet. Because of the

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intense amount of pressure, many attorneys get flustered in court. Cross examining expert witnesses takes a very high skill and finesse that most attorneys don't have. I also believe there is something "intangible" that the good courtroom attorneys have. Call it charisma, charm, personality, or presence, most of the good trial attorneys have something intangible that helps them communicate and build credibility with the jury. This is extremely important. Take my husband for example. When I first met Chris, I thought he was smart, but I had no idea how he might be in court in front of a jury. But I've seen him try at least a dozen cases, and to say I'm impressed is an understatement. When he's in court he's transformed. He comes across polished yet sincere and genuine. He builds credibility with the jury from the very start, and persuasively talks about his client's case. It's almost like watching a good actor, but I know he doesn't "act" in court. He is himself, relaxed and confident all at the same time. With cross examination, particularly with the experts, you want an attorney who can skillfully elicit the answers he or she wants to help build the case.

For those defense experts who are tough, condescending or less than 100% honest, you want a lawyer who's willing to go for the jugular and expose the expert for the hired gun that he is. You want a lawyer that has all of these type of skills. You may not even be able to see them when you first meet the lawyer, but you can certainly ask the lawyer about his/her "wins" and how they believe they were able to get the win in court. Look at the lawyer's website and read about past cases. If you see verdicts that substantially beat the carrier's last offer, then you know this attorney knows how to win in court.

#5 Similar Cases/Good Case Studies – Although every person's accident circumstance and injury are unique, you will want to make sure that your attorney has handled cases that are similar to yours. This is like doctors who sub-specialize. For example, the plastic² surgeon who sub-specializes in rhino-

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plasty. There are lots of types of personal injury claims: car accidents, truck accidents, pedestrian collisions, medical malpractice, motorcycle accidents, dog bites, slip and fall cases, etc. And many even focus on certain types of injuries such as: wrongful death, brain injury, spine injury, birth injuries, dismemberment, etc.

#6 Awards/Distinctions – I don't know about you, but I would rather hire the attorney who has been recognized by her peer group, governing bodies, or professional organizations for excellence. That is not to say that there aren't great lawyers out there who just, for whatever, reason never get in the spotlight. But to me awards and distinctions are like a "quality seal." For instance, my husband has been recognized as a Rising Star Attorney and a Super Lawyer in consecutive years by a reputable legal journal that solicits comments from other attorneys. This to me is the type of "quality seal" that you should look for.

#7 Quality of Website Content – Now, you might think that a good website does not have anything to do with being a good lawyer. But I personally think that the lawyer who goes the extra mile to convert his website from a mere electronic business card or brochure into a legal consumer education tool is someone who is showing a dedication to public service. And that kind of mindset can tell you a lot about a person. The lawyer who has the goal of educating the public on what he does, or the types of cases he represents, tells me the attorney is not just in it for the money (so to speak). It also tells me this is an attorney who has my best interests in mind, not just the fee he may earn in the case.

#8 Published Author / Frequent Speaker – For decades the finest colleges and universities only hired professors who are knowledgeable enough to publish articles and texts. I think that an attorney who is frequently invited to write articles for highly regarded publications or who is invited to share his/her opinions with the viewers of reputable, trustworthy television news organizations is demonstrating recognized skill and an openness to sharing her knowledge as a public service. Again, it tells me the lawyer is credible and that the lawyer's knowledge and skills are in demand.

#9 Excellent References / Testimonials – Personally I think this one is a no brainer. Of course, you want to hire someone whose past clients were satisfied with the final outcome, felt that their attorney took their case seriously, and treated them with respect. Why would you want to work with someone who can't offer references or testimonials from former satisfied clients? You wouldn't.

#10 Good Listener – Perhaps more than with any other type of law, having an attorney who is a good listener is essential to the success of a personal injury claim. Without good listening skills your lawyer cannot fully understand your injuries and the impact that they have had on your life. Given that non-economic damages, often referred to as pain and suffering, can be the biggest portion of your claim, don't you think it is important for your attorney to have a good understanding of how your life has changed since your accident. Of course!

#11 Great Support Staff – Paralegals and legal assistants do a great deal to help attorneys manage complicated injury claims. During certain stages of a claim it is not uncommon for a client to have more contact with the other

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members of the legal team than they do with their lawyer. If the staff is overworked, does not enjoy their work environment, does not like their boss, or does not work well as a team it will have a negative impact on your case. If from day one you don't know the names and contact information for every member of your legal team then there may be a problem.

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Part Five

Getting Started

To make it easier to apply these criteria to your search for the right and perfect lawyer for your unique case, I have created a personal injury attorney evaluation form. Think of it as a scorecard. If you have the time, you should meet with more than one lawyer during your search. Use the form to compare the attorneys that have made your short list. Just make multiple photocopies of the form.

I hope that this little guide has been useful and informative. And I sincerely hope that you find an outstanding attorney who can help you obtain and fair settlement for your accident claim.

Good luck with your case!

Mischelle

Personal Injury Attorney/Firm Evaluation Form **Choosing Your Lawyer**

This form is designed to assist you in evaluating the qualifications of the attorneys or law firms that you are considering to help handle your personal injury case. Make multiple copies of this form and fill it out after meeting with each attorney that you are considering with each attorney that you are considered.

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	(5) = Exceptional	(4) = Exceeds Expectations	(3) = Meets Expectations	(2) = Mar- ginal	(1) = Unsatisfac- tory
Number Of Years Practicing Law	15+ Years	10-15 Years	5-10 Years	3-5 Years	1-2 Years
Specializes In Personal Injury Law	Only Handles PI Cases		General Law Practice		Does Not Typi-

☐ Has Never Gone To Trial.	□ N/A Does Not Got To Trial	Doesn't Usually Handle Cases Like Mine	No Special Recognition	Website Offers Little In The Way Of Useful Information
	□ No Jury Award / Loses Cases At Trial	_		
☐ Occasionally Goes To Trial	Meets Settlement Offers	Has Handled A Few Cases Like Mine		
	Exceeds Settlement Offers			
Goes To Trial Several Times Per Year	Dramatically Exceeds Settlement Offers	Frequently Handles Cases Like Mine	Has Been Recognized By Peers & The News Media	Website Helps Me To Undersand The Legal Process and/or Research My Case
Trial Experience Actually Takes Cases To TRIAL Not Just Going To Court For Hearings.	Wins At Trial	Understanding Of Or Experience With Injury Cases That Are Similar To Mine	Awards/Distinctions	Quality Of Website Content

(2) = Mar- (1) = ginal Unsatisfac- tory	□ Not Published		□ □ No Available References	I Left The Consultation With More Questions Than Answers
(3) = Meets (2) Expectations				
(4) = Exceeds Expectations				
(5) = Exceptional	Published Author, & Frequent Speaker	Attorney Has Been Successful Handling Cases That Are Similar To	Former Clients Have Good Things To Say	During My Consultation All My Questions Were Answered
	Quality Of Books, Articles, Instructional Videos, Etc. Often called to speak to pro- fessional legal organizations and law schools.	Excellent Client Case Studies	Excellent Client References	Knowledgeable And Confident

Understands That My Case Is Unique And Listens To My Needs	Staff (receptionist, legal assistants, paralegals) Is Courteous And Responsive
☐ Great Listener	☐ Warm, Friendly & Helpful Staff
_	
Poor Listener	Staff Does Little To Help Me

Additional Comments:

Notes

The Smart Consumer's Guide To Hiring A Great Lawyer: Getting The Right Attorney For Your Accident Case

Hiring A Great Lawyer is full of thoughtful steps and practical tips that will help you during your search for the right attorney including:

- √The 11 evaluation criteria that you should use when selecting an attorney.
- √ The truth about lawyer finder websites and directories.
- ✓ What you need to know about yellow page and television advertising.
- ✓A lawyer scorecard/evaluation form that you can use when interviewing attorneys.



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"The leading rule for the lawyer, as for the man of every other calling, is diligence. Leave nothing for tomorrow which can be done today."

—Abraham Lincoln

"The good lawyer is not the man who has an eye to every side and angle of contingency, and qualifies all his qualifications, but who throws himself on your part so heartily, that he can get you out of a scrape."

-Ralph Waldo Emerson

"A lawyer without history or literature is a mechanic, a mere working mason; if he possesses some knowledge of these, he may venture to call himself an architect."

—Sir Walter Scott

