

How to Find the Right Lawyer for Your Florida Injury Case

A Paralegal's Guide

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INTRODUCTION

It used to be that when someone wanted to find a lawyer for their case they went out and talked to one! That all changed more than 30 years ago when the Supreme Court decided lawyers could advertise. The Court's ruling revolutionized how lawyers are hired. Thumb through the yellow pages and you can see lawyer advertising is out of control! I recently counted 124 pages of lawyer promises. Some firms even had multiple "double truck ads," each trying to out shout the other: "We will fight for your rights," "Aggressive & Prompt," "Answers, Advice, Action!"

Lawyer ads on television run all day long and they all say the same thing. The truth is, what do you actually know about the lawyer or law firm you are hiring or about how they will help you? Is any of the information they are giving in the 30 second sound bite or on the yellow page ad reassuring you about who you are entrusting your future to?

There is virtually no way to tell anyone how to find the best attorney ... but there is a way you can find the right lawyer for your injury case. I know because I've seen it all!

Judi Ware



WHY LISTEN TO ME?

As a legal assistant, I have worked with lawyers for the past 25 years. I started my career working for a large personal injury firm which was one of the first big television advertisers. I quickly learned such firms are geared toward *quantity* and not quality. Clients met with a young associate attorney for the initial intake; however, the clients then had virtually no contact with a lawyer again unless a lawsuit was filed. Since a majority of personal injury claims are settled without filing a lawsuit, most clients ended up *dealing with non-lawyers* throughout their representation.

During the handling of the case, the file was transferred from one staff member to the next, depending on what stage the case was in. There was no one staff member who had a complete picture of the client's case and the client never knew who they were going to end up speaking with when they called. Since no one was responsible for the entire case, there was *no accountability*. It also became evident to me these large firms were accustomed to a high staff turnover rate, again leaving the client with *no consistency* and no assurance a particular member of the staff was watching over their case.

In 1987, I started working for Jim Dodson in a Clearwater firm that handled cases in several areas of the law. During my 14 years with the firm, it grew from four lawyers to more than 12 lawyers with numerous satellite offices, and all of the issues that go along with staffing such a large office. I handled personal injury claims from start

to finish, and was responsible for training new staff and for implementing technology.

I joined Jim shortly after he left that firm to establish his own practice. I shared with him the vision of limiting the cases the firm took on, of focusing on client service, in creating a practice *not* based on traditional lawyer advertising (yellow pages, billboards, buses), but on referrals from our clients and other lawyers, and in creating useful consumer information to help people make informed, intelligent decisions about their injury claim.

Over the past eight years, Jim has built his practice on referrals from other lawyers and from former clients, and has seen the practice grow as a result. Lawyers are very careful about who they will refer work to because they don't want to risk their own reputation, and they don't want to have a family member, friend or client unhappy with their referral.

No lawyer wants to get a call from someone they referred to another lawyer saying the lawyer has not called them back or has lost their case. Jim has consistently received referrals from other lawyers and from former clients because of his personal and effective handling of cases.

I have spent years working with lawyers and legal assistants, talking to other lawyers and their assistants, and receiving and reviewing files received from other lawyers. I have also dealt with judges and judicial assistants, and defense lawyers and their staff. I have seen and heard what makes clients happy and what frustrates them, and I've seen the kind of legal work which produces great results for clients.

I can tell you without hesitation that most advertising tells you nothing about how your case will be handled, who will work on it and what you can expect from a lawyer. Frankly, I have learned that some advertising is downright deceptive. I can't tell you how many times I've received a call from someone who hired a lawyer from a television ad, only to become frustrated, discouraged and angry when the lawyer and his staff ignored their calls or failed to keep them informed about what was happening with their case. Many of these callers reported having spoken with their lawyer maybe once or twice over a period of many months, and having no idea what was going on with their case. I believe a client should be able to speak with the lawyer or his legal assistant *every time* they call the office, and the

client should always be informed about what is going on with their case. At the Dodson Law Firm, the clients know they will always be able to speak with Jim or myself whenever they contact the office, and they will always know what is going on with their case. *Every client* deserves such personal and qualified attention.

Most people think they cannot afford quality legal representation when they are in an accident. They even think they have 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 insurance claims....even the claims made by their own customers!

My years of working one-on-one with clients have taught me that clients want more than a lawyer who is knowledgeable, experienced and aggressive; they want *a lawyer who will give them personal attention*. They want a lawyer who will be available to answer a question at any time, and who will make them feel comfortable discussing any aspect of their case. I understand and appreciate the anxiety clients experience after an accident and how overwhelming it is to deal with an insurance company. I also know how important it is for every client to have the right lawyer in their corner.



USING THE INTERNET TO FIND A LAWYER: THE TRUTH ABOUT LAWYER- FINDER WEBSITES AND ONLINE DIRECTORIES

If you are using the internet to find a lawyer, beware of websites that say they will help you locate and choose a lawyer. Most of these sites are not created as a public service; they are simply paid advertising spots.

There are two types of lawyer-finder websites:

Directory Sites

Directory sites can be thought of as electronic yellow pages where a lawyer pays to have his name listed. Just like the yellow pages delivered to your door, the bigger the ad, the more money the lawyer has paid for the listing. These directories simply give you a list of the lawyers that match your search criteria and you pick a lawyer from the list.

Referral Sites

When you visit a referral site, you enter your name, contact information and details about your case, and that information is sent to a lawyer who will contact you. The lawyer pays to be a part of the referral network. You are not given a list of lawyers and their qualifications to review, and you are not directed to the lawyer who best meets your needs. Your information is simply sent to the next lawyer on the referral site's list.

It is important to understand a lawyer on a referral site is on the list because he has paid to be. The fact he/she is on the list does not necessarily mean he/she has much, if any, experience in the area of law pertaining to your case. Many of these lawyers may have never handled a case like yours all the way to trial. There are instances when an attorney outside of Florida will use a referral site to gather leads and then refer those leads to a Florida lawyer in exchange for a referral or broker fee.

What does it mean when these sites claim the lawyer has been “pre-screened” or that the lawyer “is a member of the network?” Pre-screening for many of these sites just means the company operating the website has verified the lawyer is licensed to practice law, but does not always mean the lawyer is qualified or experienced to handle your particular case. And being a member of the network simply means the lawyer has paid a fee to be a member.

How do you know you are looking at a directory or referral site?

If you notice any of the following key phrases, you are probably looking at a directory or referral site:

- free lawyer referral service
- free lawyer finder service
- find a lawyer
- find a lawyer in your area based on location and specialty
- lawyer directory
- access to information, news, articles and attorney profiles
- find, research, screen and contact a lawyer
- review lawyer profiles and information about individual law firms
- identify the best lawyer to fit your needs

Some of the most popular directory and referral sites are:

- lawyer.com

- attorneys.com
- FindLaw.com
- LawInfo.com
- LegalMatch.com
- AttorneyLocate.com
- WhoCanISue.com
- InjuryHelplineLawyer.com

Remember, the only person who should be choosing a lawyer to handle your case is YOU. Since many legal matters may take months or years to resolve, you should understand you are entering into a long term attorney-client relationship when you retain a lawyer. Do not enter into such a relationship based only on a quick visit to a directory or referral website.

Take the time to make an informed decision: visit *attorney* websites, read articles, read attorney resumes, watch videos, talk to friends and family, and most importantly, meet in person with several lawyers in their offices. Ask them questions about their experience and how they handle a case such as yours. Get to know the lawyer, not just his name on a list.



YELLOW PAGES, TELEVISION ADVERTISING AND 1-800-ASK-ME ADVERTISING

Yellow Pages

Your local Yellow Pages directory contains page upon page of lawyer ads. The fight for space in the Yellow Pages has become so great that lawyers now advertise on the cover or on magnets glued to the cover. But why would you look for a lawyer in the Yellow Pages where the ads tell you virtually nothing about a lawyer, his qualifications, or how he would handle your case? Almost all of the ads for personal injury lawyers look alike with the picture of the lawyer or lawyers, the name of the firm, and the usual catch-words such as “aggressive,” “caring” and “personal attention.” You will notice many of the large ads say the same thing:

“No Fees Unless You Win” - This headline doesn’t distinguish one lawyer from another. In Florida, lawyers represent accident victims using a contingency fee. That simply means the lawyer’s fee depends on his success in resolving your case. If you win your case or get a settlement, the lawyer earns a fee. If you lose at trial or the insurance company won’t settle your claim, you don’t get anything, but you won’t owe your lawyer any fee under a contingent fee contract. Since all injury lawyers in Florida use the contingency fee, advertising “No Fees Unless You Win” doesn’t make one lawyer different from any other.

“75 Years of Combined Experience” – Sounds impressive, doesn’t it? Not necessarily...”combined experience” means the total years of experience in the whole firm if you add together each of the lawyer’s years of practicing law. For example, you could have a semi-retired lawyer who has been practicing for 30 years operate his firm with nine associates each with five years of experience, or with fifteen young lawyers each with only three years of experience. Chances are, if you were to retain one of these firms, your case would be handled by one of the junior lawyers, not the lawyer with all the experience. Do you really want to trust your case to a law firm that would use this kind of sly, deceptive messaging?

“Aggressive” - This has become a well-worn term in many lawyer ads. What does it mean to you...or to them? Anyone can throw words on a page. The question is whether these advertisers actually run the practice the way they market it.

Television Ads

We have all seen those mid-afternoon and late-night TV ads wanting to know, “Have you been injured in an accident?” The ads usually say something life – “If you’ve been injured in an accident, get the money you deserve. Speak to an attorney for free. Call 1-800...”

These ads are running all over the country, in large cities and in small towns. They often target specific types of case such as car accidents, asbestos, medical malpractice, trucking accidents, etc.

If you respond to one of these ads, your call may very well be routed to a call center. The lawyer in the ad is not going to be the person answering the telephone and, in fact, you may never speak with that lawyer. The lawyer you actually end up speaking with may or may not have the skills and experience needed to handle your case. Certainly not all lawyers who use TV advertising are inexperienced and not all calls to a 1-800 number are routed in this way. However, you need to do your homework to find the right lawyer for your case and not just rely on a slick TV commercial. Again, visit *attorney* websites, read articles, read attorney resumes, watch videos, talk to friends and family, and visit with more than one lawyer before you make your final decision.

1-800-ASK-ME Ads

The past several years have seen a marked increase in the number of radio and television ads for 1-800-ASK-ME services. You've all heard or seen the ads. They promise to answer your questions and get you to someone who will take care of you and your accident case. When you call these 1-800 services, you will not be speaking with a lawyer; you may not even be speaking with someone with any legal experience at all. These services are generally no more than a network of lawyers who pay a fee to have callers directed to them for representation. Think about this a minute. Yellow pages give you absolutely no useful information beyond the name of the firm. The 1-800-ASK-ME services don't even do that. When you dial 1-800-ASK-ME you are doing nothing more than asking: "Will my lawyer be behind door #1, door #9, or door #17?" Do you actually believe this type of "lawyer roulette" is the way to find the right lawyer for your case?

Some of the referral services even say they will find a doctor for you. You might ask yourself why are they doing that? What is in it for them? All too often it is no more than "I'll scratch your back if you scratch mine." Will they send you to a doctor best for you or simply because there is money in it for them?

A recent caller told me he called one of these 1-800 services and was confident the case was going to be handled personally because the "lawyer" sent someone right out to his house to sign him up. However, three months later, he had never spoken with the lawyer and multiple calls to the lawyer's office went unreturned. The personal touch ended once the lawyer signed him up. I hear stories like this constantly.



WHAT TO LOOK FOR IN A LAWYER

There are a number of characteristics I believe distinguish a great lawyer from a good lawyer. It is important to consider each of these characteristics when you are looking for a lawyer to handle your personal injury case. You might think it is too time-consuming to research all of this information before hiring a lawyer, but you deserve to have the best possible choice on your side. Look for these things:

❖ **Number of Years Practicing Law**

As in most fields, experience counts. You would be nervous to get in a race car with someone who just got their drivers license and you certainly wouldn't let a first year medical student perform your heart surgery. So why would you allow an inexperienced lawyer to handle your case? It takes years of handling personal injury cases and of negotiating with insurance companies before a lawyer understands the tactics and strategies.

I recommend hiring a lawyer who has at least ten years of experience handling personal injury cases. During that time, the lawyer would have been exposed to many types of injuries and accidents as well as different legal issues and the different strategies used by the other side. You want a lawyer whose experience enables him to recognize and understand the issues and strategies that might come up in your case.

If you look to a large law firm for representation, be aware that your case will likely be handled by one of the younger associates. These firms allow the young associates to gain experience by handling things themselves. You want the lawyer who is actually working on your case to have the experience. The experience of someone else in the

firm who isn't involved in the day-to-day handling of your case doesn't count!

❖ **Limits Their Practice to Personal Injury**

Many lawyers take on personal injury cases along with a number of other types of cases, such as divorce, criminal defense, real estate or business litigation. You need a lawyer whose practice is devoted to personal injury. Personal injury law is too complex for someone who only dabbles in it. A lawyer who limits his practice to personal injury cases will keep current with changes in the law, he will subscribe to legal publications and attend seminars focusing on personal injury law, and he may be involved in a trial lawyer organization or a network of personal injury lawyers who share information about important topics and issues. How can a lawyer who handles everything from divorce to personal injury adequately keep up with the changes in every area? A lawyer who practices in multiple areas of law is likely unprepared to go to trial on a personal injury case. They may have experience in trying a divorce case before a judge or in defending a drunk driver in court, but you need a lawyer who has experience presenting and arguing evidence in a personal injury case. You need a lawyer who has the knowledge and experience to handle your personal injury case from the initial investigation through trial.

❖ **Trial Experience**

If getting a fair settlement is important to you, you need to hire a lawyer who isn't afraid to go to trial. I realize most clients would prefer to settle their case without going to trial. But insurance companies know which lawyers go to trial and which lawyers settle every case. If they know your lawyer is one of those who avoid trials, why would they offer top dollar to settle your case? If you hire a lawyer who is not afraid to try a case, the insurance company has a greater incentive to negotiate a good faith settlement instead of taking the risk of going to trial. Be particularly cautious of the firms who are heavy advertisers. Many of those firms focus on settling a large volume of cases quickly, and not in devoting time and expertise to preparing and taking a case to trial. Insurance companies know how these firms operate and know they can just settle the cases for less

money. A lawyer who has a reputation for going to trial is your best chance for getting your case settled.

❖ Wins at Trial

Trial experience doesn't matter if the lawyer doesn't win at trial. You need a lawyer who has won some good verdicts for his clients. Of course, it can be difficult to define a "win." A win could mean the lawyer goes to trial and gets a verdict that substantially beats the insurance company's last settlement offer. The facts of each individual case will dictate what is considered "substantial," but in a case where the liability is clear (i.e. no dispute as to who caused the accident) and the only disputed issue is damages (i.e. the client's economic losses, pain, suffering, etc.), then I would consider a verdict three to five times greater than the last offer to be a big win. For example, if the insurance company's last offer was \$50,000 and the lawyer gets a \$150,000 verdict at trial, this would be a big win.

You should know that most attorneys have very poor skills in court. They may talk down to jurors, have trouble thinking on their feet, or just fail to gain the trust or interest of the jurors. In addition to a command of the law, the lawyers who do the best in the courtroom have a personality and presence that enables them to communicate and build credibility with the jury. This is extremely important. You want a lawyer who comes across polished yet sincere and genuine; someone who will build credibility with the jury from the start and persuasively talk about your case. He should appear relaxed and confident, not nervous or flustered.

Cross-examining witnesses requires a high level of skill and finesse that most lawyers don't have. Particularly with expert witnesses, you want a lawyer who can skillfully elicit the answers he wants to help build your case. When facing a defense expert who is tough, condescending and not completely honest, you need a lawyer who is aggressive and prepared to expose the expert for the hired gun that he is.

When you first meet with a lawyer, you certainly will not be able to tell how well he will do in the courtroom. However, you should ask him about his trial experience and successes at trial. This will help you to evaluate whether the lawyer knows what it takes to win in court.

❖ **Similar Cases / Good Case Studies**

The facts and circumstances of every accident and injury are unique; however, you need to make sure your lawyer has handled cases similar to yours. If you were looking for a doctor to perform knee surgery, you would want to find an orthopedic surgeon who has experience in operating on knees. Similarly, there are many types of personal injury claims, including auto accidents, pedestrian accidents, falls, dog bites and medical malpractice, to name a few. Make sure you find a lawyer who has experience handling your specific type of case.

❖ **Awards / Distinctions**

Most people would rather hire a lawyer who has been recognized for excellence by his peer group, governing body or professional organizations. This does not mean there aren't good lawyers who, for whatever reason, just don't get in the spotlight. But awards and distinctions can be thought of as a "quality seal." Ask the lawyer whether he has served on his local Bar Association. Determine how he has been rated by his peers by visiting the Martindale-Hubbell (www.martindale.com) or AVVO websites (www.avvo.com).

❖ **Quality of Website Content**

What does having a good website have to do with being a good lawyer? I believe a lawyer who goes the extra mile to create a website devoted to legal consumer education is showing dedication to public service. That kind of dedication tells you a lot about a person. The lawyer who strives to educate the public about what he does or the types of cases he handles is someone who is not just in it for the money. It also tells you this is a lawyer who will look out for your best interests.

When visiting the lawyer's website, ask yourself these questions:

- Has the lawyer provided information to help you understand the issues involved in your case?

- Does the website contain informative articles which help you understand the claims process, mistakes to avoid, and how to maximize your case?
- Has the lawyer dedicated the time, energy and resources to produce videos on key topics?

If the lawyer is communicating current information to consumers, this is an indication of his ability and willingness to communicate with you as well.

❖ **Excellent References / Testimonials**

Of course, you want to hire a lawyer whose clients were satisfied with the lawyer's handling of their cases and with the final outcome. You want to know that former clients felt the lawyer took their cases seriously and treated them with respect. Why would you want to work with someone who cannot offer references or testimonials from former satisfied clients? You wouldn't!

❖ **Good Listener**

Having a lawyer who is a good listener is essential to the success of a personal injury claim. Good listening skills enable a lawyer to fully understand your injuries and the impact they have had on your life. In an accident or injury case, non-economic damages, which include pain and suffering, can be the biggest portion of your claim. So don't you think it is important for your lawyer to have a good understanding of how your life has changed since your accident?

❖ **Great Support Staff**

Paralegals and legal assistants do a great deal to help lawyers manage personal injury claims. During certain stages of a case, it is not uncommon for a client to have more contact with the other members of the legal team than they do with their lawyer. You deserve to have your case handled by not only a great lawyer, but also by great support staff. When you are considering hiring a lawyer, ask him who will be assisting on your case. How long has the legal assistant or paralegal been working with the lawyer? Is she a Certified Legal Assistant

and/or Florida Registered Paralegal? Will you be able to speak with the same person each time you call the office or will you be shuttled from person to person? Will the legal assistant or paralegal return your calls promptly? Clients should be confident in knowing they will be able to speak directly with a competent and knowledgeable legal assistant or paralegal each time they call the office or, if they have to leave a voicemail, that their call will be returned the same day.

It is important that your lawyer and his staff work well as a team. If they don't, it will have a negative impact on your case. From day one, you should know the name of the legal assistant or paralegal who will be working with your lawyer in the handling of your case.



19 QUESTIONS TO ASK ANY LAWYER BEFORE YOU HIRE THEM

**(GET ANSWERS TO THESE AND YOU WILL KNOW
SOMETHING ABOUT YOUR LAWYER!)**

The best and most experienced attorneys will welcome your questions because it shows you want to be selective in finding the right lawyer for your case. You will find these attorneys are usually selective in the cases they handle as well. They turn down more cases than they accept. Your questions will *not* insult them.

Here's a helpful list I put together to get you started.

- ❖ Who in your office will I be dealing with directly? How long have they been working with you?
- ❖ When I call your legal assistant, will they be available to answer my call and, if not, when should I expect a return call?
- ❖ What is your phone call policy when I need to speak with you directly? How long will it take to get a return call from you? Will you put that in writing?
- ❖ How many cases do you handle? Is mine just one of hundreds?
- ❖ If you have other lawyers in your firm, what role will they play in my case, if any?
- ❖ If you found the lawyer on a directory, referral or through a 1-800-ASK ME service: What financial arrangement do you have

with the directory or referral service, if any?

- ❖ Do you limit your practice to personal injury or do you handle other kinds of cases as well?
- ❖ How many years have you practiced personal injury law?
- ❖ Do you have experience handling cases like mine?
- ❖ Will you directly negotiate my case with the insurance company, or will it be done by a file processor or a case manager?
- ❖ Will you negotiate my unpaid medical bills at the end of my case?
- ❖ If you are referring me to a doctor, how many cases do you refer to the doctor each month? each year? Will your relationship with the doctor influence your willingness to negotiate any unpaid medical charges with their office?
- ❖ Do you carry legal malpractice insurance?
- ❖ If I'm on Medicare or will become Medicare eligible, are you familiar with the requirements of taking Medicare's interest into consideration regarding my *future* medical needs?
- ❖ If my case needs to be tried, will you try it or will you refer it to another law firm for trial?
- ❖ Do you have significant wins at trial?
- ❖ What is your Martindale-Hubbell and AVVO rating?
- ❖ Do you regularly attend Continuing Legal Education courses in the area of personal injury law? When was the last course you attended?
- ❖ Have you published any books for consumers in any area of personal injury law? Do you provide free reports and other

information to consumers online or in print to help them understand issues involved in their case?



CONCLUSION

Every meaningful relationship in our lives is built on trust. You or someone you love may have experienced a life changing event. You may be facing uncertainty. Regardless of what has happened, finding the right lawyer for your case means finding the person you trust. Someone who will work with you personally, someone in whom you have complete confidence that your needs are as important to them, as they are to you.

I sincerely hope this guide has been helpful. Now it's up to you. I wish you the very best in finding the right lawyer for your case.

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