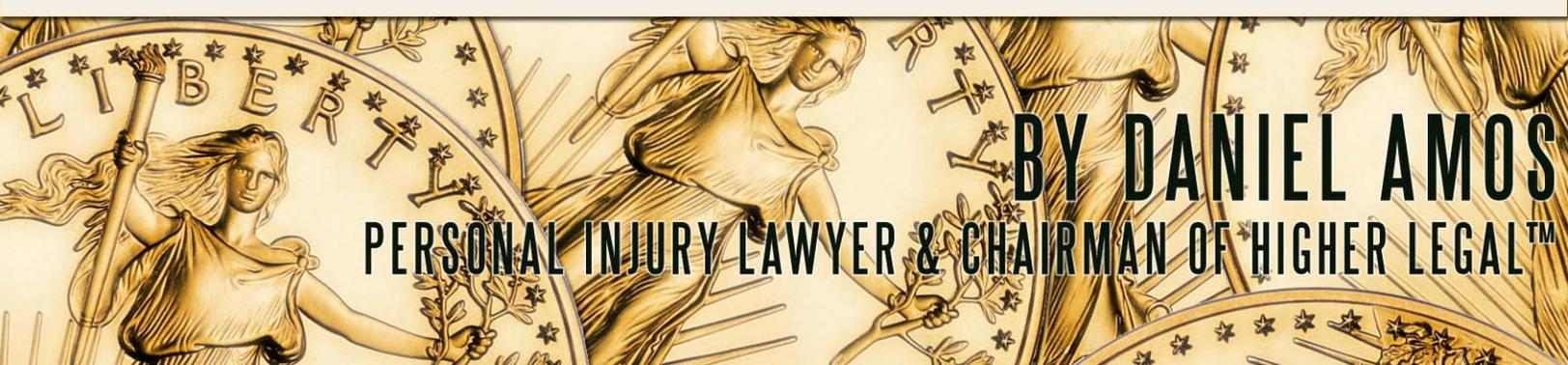




LAWSUIT SUCCESS

5 GOLDEN RULES YOU MUST FOLLOW BEFORE
YOU HIRE YOUR PERSONAL INJURY LAWYER



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PERSONAL INJURY LAWYER & CHAIRMAN OF HIGHER LEGAL™

LAWSUIT SUCCESS

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DANIEL AMOS

higherlegal™
State Bar Certified

This book is dedicated to John Ardis, CSP
who provided the inspirational setting in Sedona, Arizona
where this book was written.

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Golden Rule Number 1

DO YOUR RESEARCH...

(THIS IS THE NUMBER ONE BROKEN RULE)

Research your lawyer's background before you hire him! I know this sounds simple, but it is the most violated rule by people hiring a personal injury lawyer. In my 25+ years of practicing law as a personal injury lawyer, the vast majority of clients who called me because they wanted to change lawyers knew almost nothing about the lawyer they had already hired.

At a minimum, "Google" the name of the lawyer to see if he or she has a web site. There are hundreds of purported "personal injury" lawyers who have web sites which state that in addition to doing personal injury law, they also take bankruptcy cases, real estate cases, criminal cases, workers compensation cases, or many other types of cases that are not personal injury cases. **YOU DON'T WANT THOSE LAWYERS!**

You want a personal injury lawyer who only handles personal injury cases. "Personal Injury" lawyers are a specialized breed of civil lawyer. Some personal injury lawyers only handle medical malpractice cases, some personal injury lawyers only handle asbestos/mesothelioma cases, some personal injury lawyers only handle elder abuse cases, some personal injury lawyers specialize in wrongful employment termination cases, etc...

You get the picture. So if you have a personal injury case, be sure you find a personal injury lawyer who has the background and experience in the specific type of personal injury law that you need.

“ Would you hire a general family doctor to fix your broken leg if you could hire an orthopedic surgeon to fix it at the same price? ”

Watch out for the other side.

The reason it is so important to find a lawyer who specializes in your type of personal injury case is because the lawyer on the other side of your case (who defends against your claim) will certainly be a specialist in defending only your type of case. You have to find a specialist so it will be a fair fight. You want your personal injury lawyer to be better than the personal injury defense lawyer on the other side of your case.

Think of it this way. Would you hire a general family doctor to fix your broken leg if you could hire an orthopedic surgeon to fix it at the same price? Of course not! So be sure to hire a specialist!

When it comes to something as important as your personal injury case, don't hire a personal injury lawyer without first doing some research on their background. The more research you do, the better informed you will be and the better fit your lawyer will be for your case.

A Specialist Won't Cost You Any More.

Personal injury lawyers handle cases on a contingency fee basis. That means they do not charge you by the hour. Instead, they will take a percentage of the recovery you receive in your case, and the best personal injury lawyers generally charge the same percentage as the bad personal injury lawyers. So it makes sense to find the best lawyer you can.

Take Action.

Here are two simple things you can do immediately to learn a lot about a lawyer you are thinking about hiring:

1. Google the name of the lawyer.
2. Go to the California State Bar web site and look up the lawyer. You will find out if the lawyer has ever been disciplined or in trouble with the State Bar. You will also see where the lawyer went to law school and undergraduate school. You will discover when they passed the bar (i.e. how long they have been a lawyer).

Click on “Attorney Search” (top left corner)
Type in the name of the lawyer

"The information you obtain is only as good as the source you use."

Beware of "Call Centers"

When doing your research, use reliable sources. The information you obtain is only as good as the source you use. There are a lot of companies who advertize that they will "give you" the name of a lawyer "in your area" because they have the names of "millions" of lawyers. But beware! This is NOT research. These are paid advertizing firms masquerading as legal referral services. If you use a service to help you with your research, be sure it is a California State Bar certified service. Also, when calling a referral service to obtain the background on a particular lawyer, be sure to speak with a lawyer! Telephone clerks and service representatives are trained to read their pre-printed script to you. Only a lawyer can give you the research and insight you need to make an informed decision. And beware of the small print that some companies bury at the bottom of their web sites, such as "None of our customer service representatives with whom you may speak over the telephone is an attorney. The photographs displayed on our web site are of models, not clients or real attorneys".

Your personal injury case is important. Use a "certified" referral service and speak with a lawyer.

Summary:

Research is very important. You can do a lot of research on your own. The more you learn, the better your decision will be and the more likely you are to have an excellent result.

If you don't want to do the research yourself, contact Higher Legal™ and let us do the research work for you, FREE!

www.higherlegal.com



Golden Rule Number 2

ASK THESE THREE QUESTIONS...

(BEFORE YOU HIRE YOUR LAWYER!)

Your goal is to get as much money for your case as you can. To maximize your recovery you must ask your lawyer three important questions:

Question 1: “What percentage are you charging me?”

Personal injury lawyers are paid on a “contingency fee basis”. That means you do not pay them by the hour, instead they take part (a percentage) of the money recovered in your case. What most people don’t realize is that you can negotiate this percentage with your personal injury lawyer. If your lawyer charges 50%, ask the lawyer to take 40%. If the lawyer charges 40%, ask the lawyer to take 33.3%. If the lawyer charges 33.3%, ask the lawyer to take 25%. The worst they can say is “No”. And if you don’t ask, you will never receive the reduction. It is common practice for lawyers to negotiate their fees with clients, so ask for a reduction. (more about this in Rule No. 4)

Question 2: “Do you take your fee before or after you deduct the costs?”

This is very important! Most personal injury lawyers do not want you to ask this because it is the easiest way for you to increase the amount that YOU will receive from your case! (more about this in Rule No. 4)

“Many personal injury lawyers call themselves “litigators” or say they “go to court” but that does not necessarily mean they have experience handling jury trials.”

Question 3: “Have you ever tried a case like mine before?”

This question may not make sense to you, but it will make sense to a real personal injury lawyer. It means you want to know if the lawyer has handled a case like yours in front of a jury. It is the fastest way to find out if the personal injury lawyer you are thinking of hiring has actual courtroom trial experience with your type of case. Many personal injury lawyers call themselves “litigators” or say they “go to court” but that does not necessarily mean they have experience handling jury trials. It might mean they just go to simple court hearings and take depositions. You want a real trial lawyer if you can get one.

This is just a start. Ask a lot of questions before you hire your personal injury lawyer. You may want to send the lawyer an email and ask the following questions:

- ✓ How many times have you won a jury trial? (and what type of cases were they?)
- ✓ Do you have a particular emphasis in the type of personal injury cases you handle?
- ✓ Do you participate in the local plaintiff’s lawyer organizations such as the Consumer Attorneys Association of Los Angeles (CAALA) and the Consumer Attorneys of California (CAOC)?
- ✓ Are you a member of the American Board of Trial Advocates (ABOTA)?
- ✓ Have you received any awards from your peers? (like CAALA Trial Lawyer of the Year)
- ✓ How well do you know the judges in the court where my case will be filed?

Summary:

The bottom line is that you have to ask questions. If you ask intelligent questions the lawyer will know you are an informed consumer and your case will likely receive greater attention.

Golden Rule Number 3

FIND OUT WHO THE OTHER SIDE FEARS

(KNOW YOUR OPPONENT AND MAXIMIZE YOUR RECOVERY)

The insurance company (and their lawyer) who will be on the other side of your case is hoping you hire a mediocre or even a bad personal injury lawyer. If your lawyer is not experienced in the specific type of personal injury case that you have, the insurance company and their lawyer will take advantage of you.

One of the best ways to maximize the recovery in your case is to hire a lawyer who the other side respects. If the insurance company knows your lawyer and knows they are good, your case will likely have a higher value.

Unfortunately, it is not always that easy for you to find out who the insurance companies and the defense attorneys think are the best plaintiff's lawyers. Here are a few tips you can use to discover who the other side fears:

- Contact a company that tracks jury verdicts. There are several companies, like *Verdict Search*, which track the jury verdicts of lawyers. You can hire them (for a fee) to perform a search of the lawyer you are thinking of hiring to see if he or she has prior court victories or defeats.
- Call a defense law firm. Ask them who they think are the best plaintiff's attorneys. They may not share that information with someone they do not know, but the information is exceptionally valuable to you, so it is worth a phone call.

- Go to the court house. This can be done on the Internet by finding the web site for the Superior Court where your case is going to be filed. Most Superior Court web sites have sections where you can review actual case files.
- Contact a Certified Referral Service that provides verdict information. Higher Legal™ surveys the competition to find out who they think the best personal injury lawyers are and performs verdict searches to track the best personal injury lawyers in California. This is valuable information and it is one of the best ways that Higher Legal™ helps our clients find great lawyers.

Summary:

You must gather as much information as you can about the personal injury lawyer you are considering. This way you will be able to hire someone who is respected by the insurance company and defense lawyer that will be on the other side of your case. Knowledge is power.

“ If your lawyer is not experienced in the specific type of personal injury case that you have, the insurance company and their lawyer will take advantage of you. ”



Golden Rule Number 4

NEGOTIATE YOUR BEST DEAL

(IT'S THE FASTEST WAY TO INCREASE YOUR RECOVERY)

NEGOTIATE THE ATTORNEY FEES YOU ARE CHARGED:

Personal injury lawyers usually get paid on a “contingency fee basis”. That means you do not pay them by the hour, instead they take part (a percentage) of whatever money they recover for you. **What most people don't realize is that you can negotiate this percentage.**

Even the very best lawyers will negotiate with you depending on the facts of your case. If you have a clear liability case with significant damages, every personal injury lawyer will want your case so it will be easier for you to negotiate a good contingency percentage. However, if you have a difficult case, or a small value case, it may be difficult for you to find a lawyer and you may not be able to negotiate a better rate than the one the lawyer offers. If you have a difficult case there is more risk to the lawyer taking your case so you will not get as good of a deal on your contract. Bottom line, it makes sense to get the best deal you can! All you have to do is ask.

How much should you agree to pay?

Contingency fees can range from between 25% and 50% depending on the type of case, the complexity of the case, the strength of the case, the location where the case will be filed, the skill of the lawyer you hire, the deal you reach regarding your payment of the costs, and a host of other issues.

“Bottom line, it makes sense to get the best deal you can! All you have to do is ask.”

There is no simple answer to the question of how much should you pay. If there is an “average” amount that many plaintiffs pay it would be between 33.3% and 40%. However, one option to consider is a sliding scale contingency attorney fee contract. In other words, the more money the attorney gets for you, the greater the percentage you will pay the lawyer. This gives your lawyer a big incentive to really work hard on your case because the more he recovers for you the higher the percentage he receives and the more he will make. And watch out, there are some cases, specifically Medical Malpractice cases, in which the attorneys fees are set by law and you can’t change them.

NEGOTIATE THE COSTS YOU ARE CHARGED: (this is our BEST tip!)

This is something that your personal injury lawyer does not want you to know because it is the fastest and easiest way for you to dramatically increase the amount you will receive from your case!

Deduct the case costs before calculating the attorney’s fee.

Here is how it works in a nutshell: In your contingency fee contract you want to make sure that the section regarding the reimbursement of case costs states that the costs will be deducted BEFORE the attorney calculates his or her attorney fees.

Here is why: During your case your lawyer will spend money on various “case costs” such as court fees, deposition costs, expert fees, travel expenses, postage, photo copies, etc. Your lawyer is typically entitled to get these costs back from you in addition to the attorney fee (percentage) that he charges you. If these costs are deducted before the attorney fees are calculated, YOU WILL RECEIVE MORE IN YOUR RECOVERY. Sometimes this can generate thousands of dollars for you.

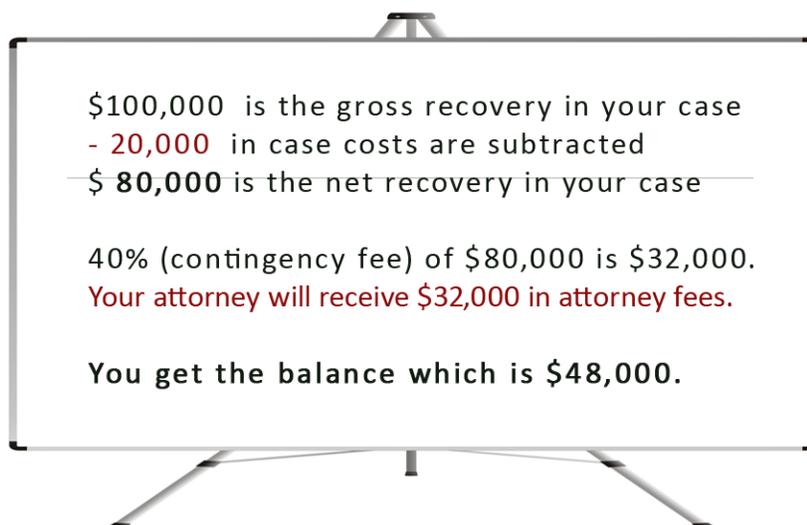
Don’t fight the costs, control them. The biggest surprise to most personal injury clients at the end of their case is that their lawyer is charging them attorney’s fees AND costs. That is standard in the industry and is not going to change in your case. The trick is to make sure the costs don’t get out of control. Ask your lawyer to give you an estimate of the costs he or she expects to incur in your case. If you have an experienced lawyer, he or she will be able to give you a fair estimate. Then, ask the lawyer to notify you if the costs exceed that amount so you can decide if it makes sense to resolve your case before your recovery is eaten up in costs.

Do the Math!

Let's say for example that your case is resolved in the amount of \$100,000 and that your attorney fee contract calls for you to pay a 40% contingency fee. Let's also say that your attorney spent \$20,000 on all the various case costs in your case. (don't be surprised if the case costs are a lot higher than you ever imagined - litigation is very expensive and that is why contingency fee personal injury lawyers are very selective about the cases they take). Here are the two different scenarios in this hypothetical case:

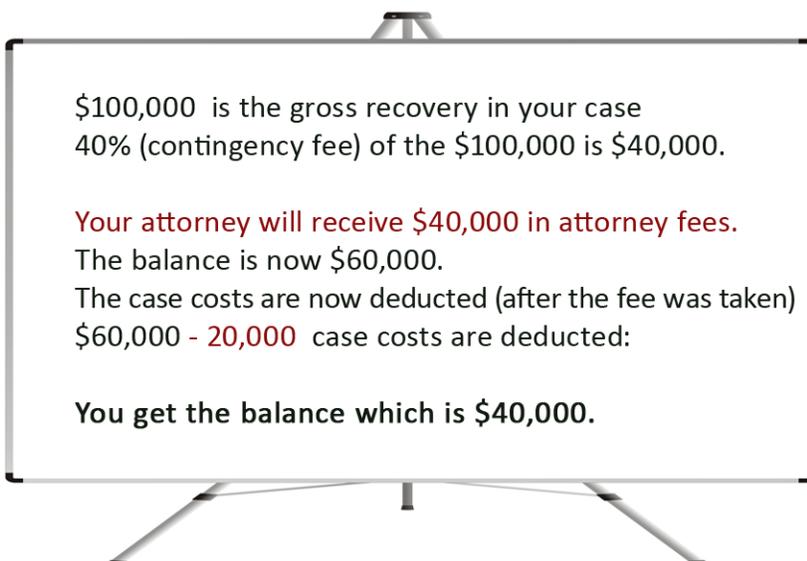
Example 1: (This is the one you want)

When the case costs are deducted **before** the fee is calculated:



Example 2:

When the case costs are deducted **after** the fee is calculated:



“By simply having your attorney subtract the case costs before the calculating the attorneys fee you made an additional \$8,000.”

Summary:

By simply having your attorney subtract the case costs before calculating the attorneys fee you made an additional \$8,000. That is an additional 8% of the total value of the case!

You can see how by simply having your attorney deduct the case costs before calculating the attorney fee you will receive a lot more money for your case.

The percentage of attorney’s fees you pay and whether the case costs are taken out before or after the calculation of the attorney fees are both very important to maximizing the amount you will recover in your personal injury case.

The bottom line is that you have to have a strategy before you hire your personal injury lawyer. You have to plan in advance:

- How much you are willing to pay in fees,
- When the costs will be deducted, and
- The maximum you will pay in costs.

And one last surprise, many personal injury clients do not realize that in addition to attorney fees and costs being taken out of their recovery, their health insurance company is also entitled to make a deduction for many of the medical bills they paid on your behalf. Even though you have paid your health insurance premiums all this time, your health insurance company is still going to take back what they paid for your case. You will save yourself a lot of money and maximize your own recovery if your personal injury lawyer knows how to properly negotiate the medical liens in your case.

Golden Rule Number 5

ACT QUICKLY!

(BUT CHOOSE WISELY)

There are many reasons why you want to act quickly and not procrastinate about hiring your personal injury lawyer.

Here are just a few:

- Your case has a statute of limitations which means it MUST be filed before a certain date or you will lose your right to make a claim. Some cases contain causes of action which have different statutes of limitations, some longer and some shorter. Cases against the government have very short statutes of limitations. Be careful. Don't lose your right to file your claim because you waited too long.
- Critical evidence, documents and witness statements have to be gathered and preserved before they are lost. The recollection of witnesses will fade with each passing day. Witnesses also move away, are transferred to different work locations and it may be difficult or impossible to find a witness who has important testimony about your case. This can make it more difficult for you to prove your case.
- Your attorney may be able to cooperate with a parallel investigation being performed by law enforcement, an employer or some other governmental agency. Having these extra resources will save you money and provide your lawyer with valuable evidence and information.

"Cases against the government have very short statutes of limitations. Be careful. Don't lose your right to file your claim because you waited too long."

- The insurance carrier may close their file and mistakenly believe that you are not going to be filing a claim. This will not prevent you from pursuing a case, but it will start your case off with a veil of suspicion in the mind of the insurance company that you want to pay for your damages.

Don't delay. It will only hurt your case. Follow these 5 Golden Rules as quickly as you can and it will help you to obtain the greatest value for your case.

The late great UCLA basketball coach John Wooden once said,

"Be quick, but don't hurry."

When selecting your personal injury lawyer,

"Act quickly, but choose wisely".

Summary:

These 5 Golden Rules are here to help you achieve LAWSUIT SUCCESS.

There are a lot of 'personal injury' lawyers out there but it isn't easy to find the right personal injury lawyer for your specific case. There are a lot of lawyers who take personal injury cases, and many of them will sign you up immediately. But that doesn't mean they are the one who is going to maximize the value of your case. Be careful, be thorough and follow the 5 Golden Rules.

- Find the best possible personal injury lawyer you can for the size (value) of your case who also has the correct legal background for your specific type of personal injury case;
- Negotiate a fair contract (attorney fees and costs) that will maximize your recovery in the case; and
- Find a company that will track your case from start to finish to make sure you obtain the maximum recovery.

ABOUT THE AUTHOR

My name is Daniel Amos. I am a personal injury lawyer and the owner of Higher Legal™.

Let me start by saying I hope that no one ever needs the services of a personal injury lawyer. When they do, it's because something bad has happened.

That's why it is so important to find the right personal injury lawyer if the need ever arises. I started Higher Legal™ because there are no other California State Bar Certified Lawyer Referral Services that specialize in personal injury lawyer referrals and will monitor your case from start to finish. And that is critically important.

I worked as a successful personal injury litigator for 25 years before starting Higher Legal™. I began my legal career with the premier personal injury firm Greene, O'Reilly, Agnew & Briollet. I have worked with billion dollar verdict recipient Brian Panish and was partners with Gary Paul, the President of the American Association for Justice (AAJ) and two time recipient of the CAALA Trial Lawyer of the Year award. I have been blessed to have worked with the very best personal injury lawyers in California. Simply put, I know the best personal injury lawyers in the business. I now work to make sure YOU will find the right personal injury lawyer for your case.

Whether you need a personal injury lawyer because of an auto accident, a medical malpractice matter, a mesothelioma diagnosis, an insurance bad faith claim, nursing home neglect, elder abuse, birth injuries, wrongful termination, or any other "personal injury" incident, it is imperative that you find a specialist who will maximize the value of your case. If you do your research you will make an informed decision and maximize the value of your case.

I urge you to follow the "5 Golden Rules" which I have outlined in this book. They will help you find a lawyer who is right for your case.





ABOUT HIGHER LEGAL™

Higher Legal™ is an unparalleled personal injury lawyer referral service. Here are a few of the FREE services Higher Legal™ client's experience:

- Personalized "Start to Finish" monitoring of their personal injury case,
- The security of a company certified by the California State Bar,
- A referral to the *right* personal injury lawyer for their *specific* case,
- Direct access to the industries leading personal injury lawyers,
- Ownership with 25 years of personal injury litigation experience,
- A 24 hour legal hot line to answer clients questions, and
- The latest research and technology to help clients find the best lawyers.

No other lawyer, no other law firm, and no other lawyer referral service provides all of these services. And best of all, Higher Legal™ provides all of these services for FREE.

The legal "referral" business has become inundated by uncertified telephone "call centers" that masquerade as lawyer referral services. These companies send people to lawyers who have paid the "call center" to buy their case. Now you have a choice.

Higher Legal™ is NOT a call center; it is a California State Bar certified referral service that helps people with legitimate personal injury cases find a great personal injury lawyer and then provides ongoing personalized monitoring of the case from start to finish. Higher Legal™ has a pre-approved panel of the best personal injury lawyers who are required to adhere to strict State Bar standards and are the industry leaders.

Higher standards, Higher ethics and Higher results.
That is the Higher Legal™ pledge.

LAWSUIT SUCCESS

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