



WHY & HOW TO HIRE A PERSONAL INJURY LAWYER

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I. Introduction

Were you hurt in an accident caused by someone else's wrong conduct? Did someone intentionally harm you? Did you lose a loved one in a tragic crash that could have been prevented? If so, you and your family likely have many questions about your rights, especially your right to seek compensation for your losses.

The aftermath of a severe or catastrophic injury can be overwhelming. You might find yourself forced to miss significant time from work as you seek medical treatment and focus on your recovery. As anyone who has visited the doctor or who needed surgery knows, treatment can be expensive. The bills can add up quickly, causing financial headaches. All of this pressure, along with the physical pain and emotional suffering that often comes with an accidental injury, can be too much to handle on your own.

Fortunately, help is just a phone call, or a website click away. An experienced personal injury attorney can help you understand your legal options and let you know what types of compensation might be available to you. Your lawyer can build a persuasive injury claim and aggressively seek justice for your losses. You should not have to suffer financially or pay out-of-pocket for someone else's bad decisions. It's important to remember that you're not alone.

In this book, we'll discuss how to take legal action if you've been needlessly hurt, what an attorney can do for you and how to choose the right lawyer to handle your case.

II. What an Attorney Can Do for You

When a severe or catastrophic event turns your life upside-down, you might not know where to turn for help. You understandably have a lot to be concerned about, especially as you undergo the necessary medical treatment and work to get back on your feet. The last thing you need to worry about is how to hold the wrongdoer responsible for the harm they've caused you.

By hiring an injury attorney, you can focus on yourself and your recovery, while your lawyer takes the necessary steps to seek money to compensate for what you have lost.

Many people find working with a knowledgeable attorney to be beneficial in ways they never thought about before. Your lawyer will be a source of advice, guidance and support during this challenging time.

Here are a few examples of the services your lawyer can provide when a needless injury has sidelined you:



Explain your rights and legal options

Your lawyer will evaluate your case and explain to you how specific factors play a role in the type and amount of compensation you could recover. For example, he or she will explain the various types of legal damages that can be recovered and will discuss your state's statute of limitations for filing an injury lawsuit, if that becomes necessary.



Advise you about the process

A knowledgeable attorney will walk you through the often-complicated legal system. He or she can interpret medical, legal and insurance jargon and assist you with the paperwork for these claims. Your lawyer will be there to give you sound advice that is free from stress, anger, and other emotions that can cloud your judgment. This will help you make the best, most informed decisions about your situation.



Help you seek treatment

Getting the right type of medical treatment and having it properly documented is often vital to a successful injury claim. Your lawyer might be able to refer you to a medical provider who will agree to a payment structure that meets your immediate needs, or to a specialist who has provided quality treatment in previous cases.



Thoroughly investigate the crash

Another vital step in the injury claims process is to conduct an extensive and independent investigation, to secure evidence and determine the cause of a collision or other incident. Your legal team can investigate and document the scene, consult with accident reconstruction experts or other professionals, and obtain evidence necessary to build a persuasive case on your behalf. Your lawyer will know what to look for when it comes to medical records, accident and police reports, company records or logs, eyewitness statements, and any associated photos, video and other documentation about the incident.



Evaluate and assess the damages

After a crash, we tend to think only about the immediate effect. It is challenging for many to grasp how their injuries might affect them in the future. Your lawyer will have the experience and skill to evaluate the short and long-term effect the event will have on your life. He or she will not only consider your medical bills, repairs to your vehicle and lost wages, for example, but also will consider any future expenses you might incur and loss of future earnings if you've become disabled as a result of the collision or other incident. This is vital to protecting your future if you've been severely injured in an accident that was not your fault. Your attorney will also calculate compensation for some losses you might not have considered, such as pain, suffering and emotional distress.



Handle communications with insurance companies

After a severe injury incident, our clients are often bombarded with calls and requests from adjusters, investigators and other insurance company representatives. While these people may seem to be concerned about your health and well-being, it's important to remember that they are working on behalf of an insurance company – not you. That means that they are looking to protect the company's profits at all times. How do they do that? They try to find ways to pay you as little as possible or ideally nothing if they can get away with it. Your lawyer will know the insurance company's tricks to shift blame or to pressure you to settle quickly. Your lawyer will shield you from these tactics so you can focus on your recovery.



Represent you at the negotiating table or in the courtroom

Your lawyer will be invaluable when it comes to securing the compensation you need and deserve. This is generally achieved in one of two ways: through settlement negotiations (the vast majority of cases) or at trial. Your lawyer can negotiate with the insurance company to reach a settlement that includes your past losses and likely future losses. A settlement can be reached informally before a lawsuit is filed or afterward. Your lawyer will be ready to file a lawsuit and take your case all the way to trial if the wrongdoer or insurance company refuses to offer fair compensation. Your lawyer will present the evidence to support your case, make persuasive arguments and seek a verdict in your favor.

Because the process of seeking compensation after a severe injury can be challenging, it's crucial to hire a lawyer you trust to represent you. During times like these, you'll be glad to have a knowledgeable and compassionate professional standing by you to support and guide you through the complex legal process.

III. Only Your Lawyer Will Fight for You

One of the most important reasons to hire an injury attorney is to have a champion on your side, fighting for you. Your attorney will have your best interests at heart. No one else will – not the police, not the courts, and most definitely not the insurance companies.



Many people don't know that lawyers are bound by their particular state's strict Code of Professional Ethics that requires them to:

- Represent their clients with undivided loyalty
- Keep all information confidential (“attorney-client privilege”)
- Zealously advocate for their clients

Good attorneys take their ethical duties seriously. This means that when you hire a quality injury lawyer, you have a professional who is fiercely determined to achieve the best possible results for you. He or she will protect your interests at all times and will not let you be bullied by outside forces trying to diminish your claims for compensation.

In contrast, representatives from insurance companies might say nice things and promise to help you when you're talking on the phone or when meeting you in person, but they are not bound by an ethical code to tell you the truth, much less zealously represent your interests. The opposite is true. Insurers of wrongdoers are paid to find ways to get out of paying you anything, or to pay you as little as possible. That's their job and sometimes they get bonuses for underpaying claims.

Insurance adjusters will be looking for reasons to shift the blame onto you, or on others they don't insure. They may try to get you to make statements that can be twisted and taken out of context to make it sound like you were at fault or weren't hurt that badly. They might try to tempt you into accepting a quick settlement by offering you money right away and pressuring you to take it without consulting an attorney. Such an offer is almost certainly less than you deserve.

These tactics are designed to do one thing: **save the insurance company money**. Insurance companies answer to their shareholders. Pursuit of profits trumps doing the right thing for people who are needlessly hurt and financially struggling.

Because of this unfortunate backdrop, it's vital to level the playing field and hire an attorney who will fight for you. Your lawyer will have one goal: to get you the money you need to put this tragic event behind you.

IV. Preparing for a Free Consultation

Many personal injury attorneys offer free initial consultations to people who were hurt in crashes, slip, trip and falls, and other accidents. We understand that you are looking for information about your rights and legal options to obtain compensation.

As the injured party, you will have the opportunity to tell your side of the story and get honest feedback from an attorney as to whether you have a viable case, and how they would pursue a recovery on your behalf.

The consulting lawyer will evaluate the facts as you present them and tell you how the attorney's particular skills, knowledge, and experience might be valuable to you, and why you should hire them.

After the free initial consultation, you can choose whether you want to hire the lawyer you spoke with. In some cases, he or she may be unable to help with your particular legal issue, but may be able to refer you to another lawyer who can help.

After you schedule an initial consultation, gather and bring the following documents and information:



Pen and paper – You may want to take notes during your conversation with the attorney.



Pictures you took at the scene – Photos can provide a great deal of information about what caused an accident. If you have photos, be sure to share them with your attorney during the consultation.



Documents related to your case – Make copies of all the relevant documents about the accident – the police or incident report, your insurance declarations page, letters from insurance companies, medical records and bills, and your paystubs, if you can claim lost wages. These will give the lawyer a better idea of the types of damages and the scope of your claims



A list of questions – Clients often have questions in mind before a meeting with an attorney. Make a list of your questions ahead of time to make sure that all of your concerns are addressed during the consultation.



During your free consultation, ask the lawyer what their legal strategy for your case would be and the likelihood he or she will be able to secure a favorable outcome for you. You will also want to ask about legal procedure.

Your free initial consultation is your opportunity to meet the attorney and decide whether he or she is the right one to handle your case.

V. Questions to Ask Before Hiring An Attorney

Choosing the right attorney can be stressful, but it is one of the most important decisions you will make. Your choice of lawyer could have a significant impact on how much money you could potentially recover, whether in negotiations or in the courtroom.

Before you decide to hire a lawyer, you should ask questions. Asking questions can help you determine if the attorney is the right fit for you and your case.

Below are 10 questions you should ask a lawyer before hiring him/her:

1. Do you have experience in handling this type of case?

This may be the most crucial question. An attorney who has the relevant background can save you time and money and put you in a position to get the best results. Ask the attorney specifics about prior similar cases, whether any went to trial and what happened. Their answers can give you an idea as to whether the lawyer has a firm understanding of your type of case.

2. Besides a law degree, what specific knowledge or training do you have that would apply to my case?

Some cases require specialized knowledge and training for effective legal representation. Make sure you ask whether your case fits into that category. What sort of professional organizations are the involved in? Is the attorney certified in a particular practice area? Has the lawyer participated in seminars or other training related to your type of case?

3. Do you have any conflicts of interest?

Lawyers have an ethical obligation to inform you of any conflict of interest that

may exist. If the attorney represents an existing client, for example, whose interests are averse to yours, there is a conflict of interest. A conflict also could arise if the lawyer was hired by someone else involved in your case. While not all conflicts disqualify a potential attorney, you should be aware of and understand the nature of any conflict before hiring an attorney.

4. How will you let me know what's happening in my case?

Communication is important when working with an attorney. Ask him/her how often you can expect to hear from the firm. It's important that you hire a lawyer who will keep you updated as to how your case is progressing and lets you know about important deadlines. Ask whether the firm has a policy for returning emails and phone calls. Will your case be assigned to one attorney and one paralegal, and who else will be working on it?

5. What is my case worth?

While it is impossible for an attorney to guarantee an estimated dollar amount, an experienced personal injury attorney should be able to generally describe the nature of your losses. Later, after your damages are fully calculated, the attorney should meet with you to discuss more specific numbers for the claim evaluation. Initially, the lawyer should explain how factors such as liability may affect impact claim value. Use your best judgment when listening to a potential attorney's boasts. Be wary of lawyers who make promises that seem unrealistic.

6. What can I expect in terms of costs and fees?

You should know up front how much your attorney will charge. Sometimes it may be a fixed amount. Other times it may be an hourly rate. In personal injury cases, the attorney will likely represent you on a "contingency fee" basis. This means the lawyer gets paid a percentage of your gross recovery if you win. In these cases, you typically will not owe anything in attorney's fees unless you win.

7. If I lose, will I have to pay for costs related to the case?

Most attorneys charge for case-related costs advanced on top of the contingency fee. Ask your attorney who will be responsible for case-related costs if the claim is unsuccessful.

8. What strategy do you have in mind for my case?

Attorneys should be able to outline the ways they can handle your case and explain why they will follow a certain strategy. It may be beneficial if you follow up with a question about the pros and cons of the strategy they propose.

9. What is the likely outcome for my case?

Ask the lawyer if he/she thinks you have a good chance of winning. You are looking for an honest answer. For example, if there are factual issues of liability or causation and it's going to be a contentious case, you will want to know so you can prepare for what lies ahead.

10. Other Questions to Consider?

Ask the lawyer if he or she will attempt to negotiate a settlement in your case. Find out if arbitration or mediation is a possibility. Ask the lawyer if he or she is willing to take your case to trial if the insurance company refuses to pay fair compensation.

Think about the lawyer's answers to these questions, because the stakes are often high. You should be comfortable with the lawyer you retain. Your lawyer's strategy should align with your needs and goals.

If you ask different lawyers these same questions, their answers may vary widely. Keep in mind that no attorney can guarantee specific results. These questions should help you assess an attorney's skills and experience, and whether he/she is right for your case.

VI. The Importance of a Lawyer's Past Results

If you've been injured due to someone else's negligence, your future livelihood, well-being and security may depend on your ability to successfully hold that person accountable. Your ability to do so will in turn depend upon the capabilities of the attorney you choose to represent you.

When hiring a lawyer to handle your case, make sure that person has the necessary experience and a track-record of success. After all, if you were going into surgery, you'd want to be in the hands of an experienced doctor who had performed that operation many times in the past, not someone right out of medical school, unless an experienced surgeon was right there to supervise. You certainly wouldn't want to go under the knife of a surgeon who had a reputation for bad outcomes.

The same is true for lawyers. If you have a strong case with high damages any number of lawyers could be eager to take your case. Your best bet is to hire the most successful attorney available – someone with a history of securing large settlements who can handle an insurance company that starts to play games.

You deserve a lawyer who will fight on your behalf for the best and largest settlement or verdict possible. It's important to learn about a lawyer's history of success before you entrust him/her with your case — and with your future well-being.

Here are some questions to ask when determining whether a particular lawyer or law firm has what it takes to represent you:

- What kind of ratings have you received from respected reviewers? Reviews from former clients and peers on sites such as Google Reviews, Better Business Bureau, and others are accessible online, and can help determine a lawyer's record and reputation in their field.
- Are you a member in good standing of relevant legal organizations? State and local bar associations, Martindale-Hubbell and other legal organizations can give you additional information about a lawyer's reputation.
- How long have the attorneys at your law firm been practicing law? Experience in a law firm matters when selecting a personal injury lawyer to handle your claim.
- How are claim values determined and will you be consulted and able to approve or reject offers to settle? While claim value is extremely difficult to estimate at the beginning, the lawyer should explain the nature of how a claim is valued, and that you should ultimately be consulted for final authority before any negotiation takes place.
- What kind of teamwork and support do you have at your law firm? Attorneys on a team with quality peers (other attorneys around them) and assistants (paralegals and other legal assistants) often have more resources to make sure your case proceeds as promptly and fairly as possible.
- What will you do if the insurance company lowballs us and won't pay a fair amount? Will you go to court and to trial if necessary, to fight for my case? Is the lawyer or law firm ready and willing to go to trial? Does the law firm have the resources to pay the costs necessary to take the case to trial?

At the end of the day, nothing speaks to a lawyer's experience, toughness, skill, and ability more than their prior record. You want your interests represented by someone who has not only handled similar cases in the past, but has won positive outcomes and secured excellent outcomes for previous clients.

VII. Why a Contingency Fee Helps You

You've been injured. It was someone else's fault, but you got hurt. You're out of work and bills are piling up. You don't know what to do. You deserve financial compensation, but you've heard that lawyers can be expensive. You don't know if you can afford to demand justice.



No need to worry, thanks to the contingency fee structure. Most injury lawyers work on what's called a "contingency" basis, which means they get paid only if and when you get paid, either through settlement or a verdict and judgment following a trial. This type of fee structure reduces the claimant's financial risk to pursue a personal injury case and ensures that everyone has fair access to the courts on cases that have merit.

Put simply, the contingency fee structure is vitally important to the American civil justice system, because it allows an injured person to fight for their rights regardless of the size of their bank account. Without contingency fees, only the wealthy — those who could afford thousands of dollars in upfront court costs and legal fees — would have access to justice.

The contingency fee is a major part of personal injury law. But what exactly does it mean for you?



It means you will not pay upfront costs!

Under a contingency fee agreement, you will not pay upfront attorney's fees, retainers, or be billed for hourly rates. Some injury lawyers will also advance court costs, which are later reimbursed out of any recovery. Why? "Costs" are different from attorney "fees" — the fees are based on a percentage of the recovery and are not costs. The costs (to file suit to serve the defendant, to take depositions, to hire experts, etc.) must be reimbursed, in addition to fees and taxes, in full at settlement.

Your lawyer gets paid only if and when you recover, and his/her recovery is dependent on your recovery. Typically, when you sign a contingency fee agreement, your lawyer will waive a traditional fee structure and will instead be paid a percentage of the final settlement or award — which means they only get paid if and when you do. The contingency percentage depends on several factors, including the complexity of the case, the attorney's specializations, the type and scope of the work, and how long it is expected to take to resolve. At the end of the day, the attorney has the same goal as you — to recover maximum compensation on your behalf.

This does not mean that you have no possible responsibility for expenses. While it's true that under a contingency fee structure your attorney gets a fee only when you get paid, you may be responsible for advancing certain litigation expenses, such the cost of hiring expert witnesses. Different lawyers have different provisions in their fee agreements. It is a good idea to discuss with your lawyer ahead of time what your financial obligations may be.

VIII. Why You Can't Afford to NOT Hire a Lawyer

After a severe injury crash or other event, victims are often left not only to deal with the pain and emotional trauma of their injuries and the associated medical treatments, but also the financial burdens related to lost earnings, copays, deductibles and out of pocket costs.

Other examples of financial obligations include costly travel for treatment, vehicle repairs or replacement, rehabilitation fees, and in-home medical assistance. The strain of these bills can be compounded if you are unable to work and earn money to pay your bills and support yourself and your family.

Because these financial obligations can put so much stress on an accident victim's life, and strain on the family bank account, many fear that they cannot afford to hire a lawyer. Not only is this usually not an issue (see Section VII above), but this misplaced concern can actually COST you money in the long run.

The stark truth is that people who are severely hurt in a crash or incident caused by someone else's negligence cannot afford NOT to hire a lawyer. Recovering money through an injury claim requires:

- Knowledge of the specific laws and legal doctrines that apply to your state
- Ability to evaluate the short and long-term financial effect of your injuries
- Experience organizing and filing the proper paperwork for a claim
- Experience investigating accidents and identifying evidence
- Access to accident reconstruction specialists, medical and financial professionals, and other experts
- Skill at negotiating or fighting in court for the fair compensation you are owed

Unless you are a practicing injury lawyer, you likely do not have the necessary experience and skills to build a strong injury claim on your own. You need an advocate who understands the system and is comfortable with the process of pursuing compensation. You must have an advocate who will handle the complicated legal work that a successful case requires.

You should also consider your personal situation. In the aftermath of an injury, you likely have enough on your plate seeking medical treatment, working on your recovery, focusing on getting back to work – without having to deal with the challenges and stress of dealing with insurance adjusters, investigators and bill collectors.

By hiring an attorney, you can focus on what really matters: getting better. Let your attorney handle the rest, and you can be confident that your case – and your future – are in the hands of a professional who knows what it takes to win. With so much on the line, why risk doing it yourself and ending up with less than what you should recover, or worse, nothing at all?

Studies have shown that injury victims who have lawyers recover three and one-half times more money on average than those who don't. Why? Because your attorney's skill and experience, as well as their ability to fight back and resist the pressure from insurance companies, are key to a better outcome. Your lawyer won't be bullied or tricked into accepting a lowball settlement offer. Remember, their duty is to represent your best interests at all times, so they'll be working at all times to recover the full and fair compensation for you now and down the road.



IX. Why You Need Parnall Law

Attorney Bert Parnall has been a lawyer since 1997 and founded Parnall Law in 2009. Since then, Bert and his team of experienced Albuquerque personal injury attorneys have helped thousands of accident victims in New Mexico recover fair compensation for their injuries and damages.

The Parnall Law team provides dedicated and compassionate legal representation for clients involving a variety of personal injury cases, including car crashes, motorcycle collisions, trucking wrecks, pedestrian, trip, slip-and-falls, and more.



What Parnall Law Can Do for You

There are many reasons to hire Parnall Law for your injury case. Our experienced personal injury attorneys and paralegals are ready to help with many critical tasks, including:

- Explaining potential sources of compensation and the likelihood of a favorable outcome
- Guiding you through the criminal court system with regard to any criminal charges against the wrongdoer, including putting you in contact with Mothers Against Drunk Driving (MADD), a Victim Advocate, and other resources or agencies that provide financial and/or mental health assistance
- Making sure that all the important deadlines are met
- Gathering and preserving evidence and building a strong case against the wrongdoers
- Identifying and interviewing witnesses
- Retaining experts if necessary
- Evaluating liability issues and the strength of the other side's case
- Representing you and your claim in discussions with the insurance company
- Negotiating a favorable settlement
- Preparing the case for mediation, arbitration or trial
- Advocating for you in court



The Client Bill of Rights

At Parnall Law, we believe that our clients have the:

1. Right to talk to your lawyer the same or next day
2. Right to be updated regularly about progress of your case
3. Right to our respect
4. Right to expect competence and professionalism from our staff
5. Right to know the truth about your personal injury case
6. Right to timely attention from our team
7. Right to have your rights explained in an easy-to-understand manner
8. Right to a fair fee agreement
9. Right to a fair fee for the work we provide
10. Right to make the ultimate decision regarding your case

Our Albuquerque personal injury attorneys are committed to maintaining the highest standards in legal representation. Lawyers are governed by a Code of Ethics. We strive to live by these ethics in all that we say and do.

Our Personal Guarantee

While we cannot guarantee the outcome of your case, our firm is so dedicated to quality work and client satisfaction that we will give you Our Personal Guarantee. If you are not completely satisfied with the way we treat you and your personal injury claim during the first 30 days, you may walk away with your file at no cost.

Hurt? Call Bert

Parnall Law has recovered over \$100 million for thousands of clients over the last decade-plus. We can provide a free, no-obligation consultation when you call us or contact us online.

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