

Legal Assistance – How to Choose a Lawyer

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DO YOU NEED A LAWYER FOR YOUR SPINAL CORD INJURY?

If you are reading this, either you or your loved one has recently suffered a serious spinal cord injury. And, of course, you are dealing with enormously difficult life issues that must be addressed: How will I work and support myself and my family? How will I pay for my medical bills? If I need help in the future, where will the money come from? If I am in a wheelchair or worse, is my current housing situation suitable? And so on.

If your injury occurred as a result of the wrongdoing of others, three things are true:

1. Those wrongdoers are legally responsible
2. You may be entitled to “compensation,” from them, that is, repayment for what has been taken from you, including money to pay for your new needs
3. If you want a reasonable chance at actually getting the compensation you deserve, you will need an attorney.

In practice, it is rare that people (and particularly companies) admit to their wrongdoing in injuries as severe as yours. Even honest people generally will be pressured by their insurance companies, employers or others to deny or avoid responsibility, or at the very least to keep hidden key information.

The wrongdoers often will have insurance companies, corporate lawyers and enormous resources to fight you and prevent you from getting what you deserve. Prevailing in court against those with much greater resources than you possess is difficult with an attorney but almost impossible without one especially because you will have enough on your plate dealing with your injury. Moreover, the laws regarding where, when and how you can bring your lawsuit are complex. Often, there are severe and strict limits on the time in which you are allowed to bring your lawsuit and many other technical procedures that must be followed.

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Finally, your case will depend on the evidence your side can present at trial. But the rules for preserving, gathering and using evidence at trial also are complex and require legal assistance. Therefore, if you decide you want to pursue a case against those who harmed you, you likely need to hire an attorney. And you should do so as soon as possible.

You have a right to justice. There is nothing wrong with holding another accountable for his or her wrongdoing. And there is nothing wrong with seeking money that you and your family need to get by because of what has been wrongfully taken from you.

HOW TO CHOOSE A LAWYER

If you decide you need a lawyer, finding one is easy. However, selecting the right attorney for your case can be difficult. Yet, your success with your case often will depend on how well you select a lawyer.

It is crucial that the attorney you select is well qualified. But how do you determine his or her level of expertise? You simply need to ask the right questions.

Does the attorney you are considering have substantial trial experience? If not, he will not be able to deal effectively with the complex procedures and activities of the courtroom. Moreover, he is unlikely to get the respect of opposing lawyers and the judge. That is, like sports rookies, new lawyers rarely get favorable calls or understand the fine points of the competition.

If the attorney has trial experience, does that experience include your specific type of case? For example, if you were injured while getting medical care, does the lawyer have experience with medical malpractice cases and dealing with the medical system? Even if she handles medical malpractice cases, has she pursued and tried cases specifically like yours? And so on for each type of accident, drug or device, or other incidents that led to your spinal cord injury.

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If your attorney is insufficiently experienced, he or she likely will either:

1. Do an inadequate job that will drastically reduce your chances of winning (and your recovery if you do win)
2. Settle your case to avoid trial
3. Use you as the guinea pig by which to gain experience.

Many inexperienced lawyers also just seek cases to refer out to more experienced attorneys and claim a part of the pie as a referral fee. Unfortunately, often by the time the case is sent to a sufficiently experienced attorney, the case often already has been sufficiently mishandled to seriously undermine your chance of winning and the amount you eventually will receive.

Similarly does your attorney have the background and skills to deal with the complexities of your particular case? In spinal-cord injury cases, there are medical issues relating to the severity of harm, physical deficits and mechanism of injury. In many such cases, there are complex arguments between opposing medical experts on how the injury occurred, when it occurred, whether it was avoidable, and whether the proper steps were followed. Thus in spinal cord cases it is always useful, and often essential, that your attorney have substantial medical expertise.

In addition to having the proper experience, has your prospective attorney demonstrated skill in trial work and in obtaining settlements for his or her clients? What is his or her track record and what are his or her accomplishments? Are these accomplishments sufficiently substantiated that the attorney has received recognition from his or her peers as being a superior attorney?

Of course the quality of service you receive is also important. While most lawyers will give you a one-time free consultation, not all lawyers are accessible, professional, courteous, and client-oriented, and neither are their offices. It has often been said: “Nobody cares how much you know until they know how much you care.”

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Here are some specific questions to ask in assessing any attorney you are considering:

KNOWLEDGE AND EXPERIENCE

- Does the lawyer have expertise in the type of incident that led to your injury, surgery mishaps, intraoperative monitoring, industrial accidents, auto accidents, road design cases, defective products, etc.?
- Does the lawyer have sufficient medical expertise to fully understand your specific injuries, analyze the facts, and effectively oppose the many experts that the wrongdoer's insurance companies will have?
- Is the attorney and firm involved in consumer organizations or charities supporting others in your family's circumstances?
- Does he have sufficient experience to evaluate and hire experts needed to support your case?
- How many cases like yours has he handled? How many has he tried?

QUALITY OF WORK AND TRACK RECORD

- In cases like yours, what is the firm's percentage of favorable verdicts or settlements?
- How much did other clients receive and how does this compare to outcomes in similar cases?
- Does the firm hold any records for settlements or verdicts in your type of case?
- Do the attorneys handle as many cases as possible, or limit themselves to a smaller number of cases on which they can concentrate their efforts?
- Who exactly (assistants, paralegals, junior or senior attorneys) will be working on your file?



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RECOGNITION AND REPUTATION

There are many organizations that provide lawyer ratings and rankings, indicating the top lawyers in a particular field, or for a particular time period. For example, the Consumer Attorney Association of Los Angeles selects its Trial Lawyer of the Year; Best Lawyers (in conjunction with US News & World Report) selects the very best lawyer in a given region, in each specialty area, and also selects the top firms in each specialty area, including personal injury and medical malpractice (the two most relevant to spinal cord injury); SuperLawyers selects the top 5% of the attorneys in Southern California from all legal fields combined, and then further picks out the 100 superstars from Southern California; the American Trial Lawyers Association selects the Top 100 Trial Lawyers in California; and LawDragon has a list of the Top 500 Litigators in America and Top 500 Plaintiff (victim) attorneys in America.

So, you can inquire as to attorneys you are considering:

- Whether they have received any such special recognition from their colleagues
- How they have been assessed by their former clients (including asking for references from clients these attorneys have previously represented)

FIND QUALIFIED ATTORNEYS

The best place to start looking is Triumph's Wristband Flash Drive, Resource Handbook, and on our website for referrals to attorneys that we have seen demonstrate their capability and compassion when they have helped others we know with spinal cord injury. Triumph Foundation recommends calling at least three attorneys before selecting anyone to represent you.

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California has more than 180,000 practicing lawyers. You should be able to find the right one — if you know where to look. A great place to look into finding counsel is the California Bar:

www.calbar.ca.gov/Public/Pamphlets/HiringaLawyer.aspx#2

About the author Steven Heimberg, M.D.

Steven Heimberg has over 30 years' experience in practicing law, primarily in catastrophic personal injury and medical malpractice cases. What makes him unique is not only his law expertise, but also the fact that he is a physician. As such, he understands the extraordinary needs of his disabled clients; is better able to understand and analyze your medical records and the facts of your case; is better able to obtain and prepare the best experts for your case; and is much better equipped to oppose the opposition's strategy and medical experts. This combination of knowledge and practice creates the ideal lawyer to represent you in a personal injury or medical malpractice case. It is little wonder he is rated among the very best spinal injury lawyers, not only in Los Angeles but in the entire nation. For more info visit: www.SCILawyers.com

