

**HOW TO FIND, INTERVIEW AND HIRE A PERSONAL  
INJURY OR WRONGFUL DEATH LAWYER- Nine  
Questions Every Client Needs to Ask (and the answers they need to  
hear!)**

## **Introduction**

The "perfect" personal injury and wrongful death attorney is someone who is experienced, has a good reputation, and someone who you can trust. The problem is with more than 1,000,000 lawyers in the United States and 200,000 in California, how can you find such an attorney? What resources are available and which ones can you trust?

Based upon our 25 years of dealing with lawyers and practicing law, here are three good tips that you can use to help find the "perfect" lawyer for you. After finding a lawyer, make sure to properly interview the lawyer using the suggestions and questions found in herein. Asking the right questions and hearing the right answers will absolutely help you narrow the selection process.

If you have any questions, feel free to contact us at [www.JacksonandWilson.com](http://www.JacksonandWilson.com)

## **Chapter One**

### **HOW TO FIND A GOOD LAWYER**

#### **Tip #1:- Get a Personal Referral From a Qualified Source**

Personal referrals are a good first start. The first thing we recommend that you do is look for an attorney who is recognized as being one of the "experts" in your town or area. Someone who meets all of the above qualifications and then some.

If you have friends or family who were VERY SATISFIED with their experience with a personal injury lawyer, you may want to start there. If you know a good lawyer who handles other types of legal matters (for example, estate planning or criminal defense), ask him or her for the names and numbers of the top 2 or 3 personal injury lawyers in town. Good lawyers know who they would hire if they needed the "best" personal injury attorney in their area and most lawyers would be happy to share these names with you.

Friends at work and even company supervisors or executives may also be able to provide you with one or more names. People you respect and look up to can, may also be able to share one or more names.

#### **Tip #2- Martindale-Hubbell and the AAJ**

If you are unable to get a personal referral using the above method, then go to Martindale-Hubbell ([www.martindale.com](http://www.martindale.com)) or the American Association for Justice ([www.atla.org](http://www.atla.org)) web sites and do a search for an "AV" rated personal injury or wrongful death attorney in your area. An "AV" rating is a good indicator of the lawyer's ability, reputation and ethics. It identifies a lawyer and firm as having (1) very high to preeminent legal ability and (2) the highest level of expertise, experience, integrity and overall professional excellence.

Note that when you search each of these sites, you'll have the option to filter your search by selecting or looking for "AV" rated lawyers. Make sure to select this option because it will help make sure the lawyer you contact has only the very highest ethics and legal ability ratings.

[Hint- Please keep in mind that new lawyers (practicing less than 10 years) may not yet be "AV" rated. This doesn't necessarily mean they don't work hard or know what they are doing. We know many younger lawyers who are excellent litigators and very good at representing their clients. Whether or not an attorney has a prestigious "AV" rating is simply something to think about and take in to consideration when looking for competent counsel.]

### **Tip #3- Contact Your Local Bar Organization**

Another good way to find an excellent personal injury or wrongful death lawyer is to contact your local bar association (a local lawyer organization) and ask whether or not they handle personal injury or wrongful death cases. In Orange County the two local bar associations are the Orange County Bar Association and the Orange County Trial Lawyers Association.

If so, then set up an appointment and use the "Nine Questions" we share below to interview the lawyer. If not, then ask them him or her for the names and numbers of (a) other lawyers in the area who they respect and who they would recommend and/or (b) the names and numbers of the past two presidents of that organization. Next, contact the law offices of the past two presidents and ask who they would strongly recommend for a personal injury or wrongful death lawyer. You probably will not be able to speak with the attorney directly but, his or her secretary should be able to share the names and numbers with you.

Now that you've found a top rated lawyer, the next thing you need to do is determine whether or not he or she is the right lawyer for you. To help you with this task, we strongly suggest that you ask EVERY lawyer you interview to represent you in a personal injury or wrongful death case the following nine questions. Just as important, we also share our thoughts about what the right answer to each question should be.

## **Chapter Two**

### **NINE QUESTIONS EVERY CLIENT NEEDS TO ASK (and the answers they need to hear!)**

#### **Question No. 1: How Long Have You Been Practicing Law As A Licensed Attorney?**

The attorney's answer to this question is important and can be very revealing. It literally takes many years to become proficient in the legal profession. We recommend that you make sure any attorney you are thinking about hiring has, at a minimum, at least 10-15 years of substantial litigation experience in personal injury and wrongful death matters.

Sure, there are exceptions to this rule and we know of several very good, ethical attorneys with less than 5 years of experience. What they lack in trial experience they make up for with intelligence, drive, passion and the wherewithal to associate in experienced counsel to help them with trial if, and when, it becomes necessary. Unfortunately, these "exceptions" are far and few between and frankly, why take a chance? Let's move on to the next question...

#### **Question No. 2: What Percentage Of Your Practice Is Devoted To Personal Injury And Wrongful Death Cases?**

For the past 10-15 years of his or her practice, at least 90% of the attorney's time should have been focused on representing personal injury clients in major catastrophic injury and wrongful death cases. Why not 100%? There are two good reasons.

First, the reality of the situation is that good personal injury and wrongful death trial lawyers (trial lawyers also make the BEST negotiation and settlement lawyers) are hard to find and most experienced attorneys will handle the litigation needs of past clients and friends in other areas of law such as business, criminal or estate planning litigation. They find it interesting and challenging to take on other cases and help people succeed in other areas of law (it's a competitive nature that top lawyers have and frankly, it's difficult to hold back).

Second, we truly believe that the experience and knowledge gained in taking these other types of cases to trial allows a personal injury attorney to gain new insight to various "outside-the-box" litigation approaches he or she may not normally be exposed to during personal injury litigation. In the long run, this can prove to be very beneficial to the client in a personal injury case.

We've taken various trial techniques we've learned in civil, business and criminal trials and successfully used the approaches in complicated personal injury cases and trials. In our opinion, this made a huge difference in the ultimate favorable outcome to our clients in these cases.

Another way to look at the questions and answers to the above two questions is to use the metaphor of a medical surgeon. Let's say, God forbid, you need open heart surgery. How would you like to be the very first patient that particular surgeon has ever operated on? Not a pleasant thought is it? The fact of the matter is that you want YOUR surgeon to be a successful specialist in performing open heart surgery and also one who has done the procedure hundreds and even thousands of times before. As with medicine, in law it's important to get things done right the first time. There are no second chances.

Here's something else to think about. Believe it or not, the successful handling of a catastrophic injury or wrongful death case is many times more complicated than what your heart surgeon is required to do during surgery. Bypass surgery may take several hours (with the surgeon actually involved "hands on" for only 30-45 minutes), your legal case may take months or even years. The surgeon may be required to make dozens of important decisions during the heart procedure. Your lawyer will be required to make hundreds, and even thousands, of legal and procedural decisions during the handling of your personal injury case.

Why in the world would someone who's life is turned upside down because of a serious personal injury or wrongful death ever settle for anything less than the best? The answer to this question is that most consumers simply just don't know any better. Now you do! Be smart and be thorough when it comes to selecting your personal injury attorney.

### **Question No. 3: How Many Court And Jury Trials Have You Had And What Were Your Results?**

Have you had any court trials? How about jury trials? When was the last trial you had? How many of these trials involved serious catastrophic injury or wrongful death? What were the results and verdicts?

Many years ago when we first started to practice law, we read an interesting statistic. Apparently, most California lawyers have only tried an average of 3 trials during their entire career. As supported by the facts and contrary to what you watch on television, most lawyers are not trial lawyers and most cases never make it all the way to trial.

In our opinion, the handling and trial of a personal injury or wrongful death case demands a much higher level of expertise and commands a great deal more pre-trial and trial related work and effort than most other types of legal cases. For example, in criminal cases, rarely will the prosecution or public defenders do their own pre-trial preparation (they each have huge governmental support staffs to help them with the work). In work

comp and bankruptcy practices, in most cases the "trials" are actually hearings which only take a couple of hours or days.

In a catastrophic injury or wrongful death case, there are generally many complicated and intertwined issues involving medical treatment and bills, loss of earnings, property damage, liability, expert testimony, health insurance, civil liability, procedure, negotiation, settlement, damages, jury, trial and appeal issues. On almost a daily basis, a personal injury lawyer literally holds the value and quality of a client's life in his or her hands and there truly is no greater burden, challenge or privilege. The right personal injury lawyer will recognize this fact and step up to the challenge.

The lawyers that do handle and try other types of cases are all incredible lawyers and we tip our hats to each and every one of them, especially when it comes to juggling the high volume of cases many are forced to handle. But having said that, we believe that a catastrophic injury or wrongful death case, litigated all the way to trial, is substantially more work and exponentially more difficult. So when you ask your potential attorney how many cases (or more specifically, personal injury and wrongful cases) he or she has taken to trial, make sure you get a clear and accurate response.

Because insurance defense attorneys and insurance companies all know which personal injury lawyers try their cases and get the best results for their clients, you want to be represented by an attorney who has a strong reputation for obtaining consistently large settlements and judgments.

#### **Question No. 4: Will I Be Interacting Directly With You Or Someone Else In Your Office?**

The attorney you hire should have the time to meet with you in his or her office and talk with you over the telephone. The attorney you hire should be the attorney appearing in depositions, hearings and court on your behalf. The attorney you hire should be the attorney who will negotiate on your behalf and if necessary, take your case to trial.

Here's a little unknown truth that many people are not aware of- After you meet with the senior partner during your initial consultation, many busy law firms have secretaries, law clerks and paralegals do all the work on the file and young inexperienced associate lawyers work the file, negotiate, and even appear in court on your behalf. The senior attorney or partner may rarely work or look at the file. This is an ugly truth that many clients are not aware of. Now you are!

For this reason, if your initial consultation is scheduled with a clerk, paralegal or new associate attorney because the "experienced" partner does not have time to meet with you, we strongly suggest that you turn and run the other direction as fast as you can.

What we've observed about these types of law firms is that your file will not get the attention it deserves. In more cases than not, the left hand does not know what the right

hand is doing. The last thing you need is to have your file used as a "test" or "learning" case for a new non-lawyer paralegal or associate.

While standard paperwork can and should be delegated and handled by an experienced and trained support staff, it is important that you establish a personal "one on one" relationship with the actual attorney who will be handling your case. Make sure that any written retainer agreements you agree to sign clearly spell out that the attorney you are retaining is the attorney who will be handling your file and personally representing you during the entire litigation process and trial. As a courtesy, we're always willing to review other attorney's retainer agreements and advise you on whether or not they not only comply with California law, but also have your best interest in mind.

### **Question No. 5: Are You "AV" Rated By Martindale-Hubbell And What Other Awards Or Ratings Have You Received?**

"Yes" is the only answer you should settle for. Most consumers are not familiar with the "AV" rating but this is why it is so important. According to the 140-year-old independent company named Martindale-Hubbell, an "AV" rating identifies a lawyer and firm as having (1) very high to preeminent legal ability and (2) the highest level of expertise, experience, integrity and overall professional excellence.

What is key about this rating is that the actual independent review and rating of an attorney is made by other attorneys and judges in the local community. The attorney who is being reviewed does not even know the process is taking place. You can't pay to get "AV" rated. Your reputation and experience are what are important.

By presenting the attorney with an "AV" rating, Martindale-Hubbell is making the statement that other attorneys and judges in your community clearly believe that the "AV" rated attorney consistently "shows a demonstration of the highest professional and ethical standards." Isn't that the kind of lawyer you want protecting your interest?

Once again, while there are many good lawyers practicing law who have not yet been awarded an "AV" rating (only about 5 out of 100 receive this honor during their legal career), unless you know the attorney personally, why take a chance with someone who is not highly rated by his or her peers? You can easily confirm an attorney's rating status by going to [www.martindale.com](http://www.martindale.com)

### **Question No. 6: Are You An Active Member In The Local, State And National Trial Lawyer Organizations? How About Your Local Community?**

Good personal injury trial attorneys share tips, tools, information, and techniques with other attorneys across the state, country and world. It's important for your attorney to be



"plugged into" these organizations so that you can benefit from the exchange of information.

In Orange County, we have the Orange County Trial Lawyer Organization. At the state level, we have the Consumer Attorneys of California. Nationally, many excellent personal injury and wrongful death trial lawyers belong to the American Association for Justice.

All of these organizations work hard on a daily basis to educate personal injury attorneys and consumers on issues involving their important consumer rights. We share information, pleadings, discovery and documents with each via personal relationships, conferences, meetings, web site memberships and email lists.

When it comes to community service, find out if your potential lawyer is active. What groups or organizations is he or she involved with? For many reasons, it's extremely important for your lawyer to be "connected" to his or her local community. Interacting with other lawyers, experts and even judges outside the courtroom and in a community service setting will directly and indirectly foster new relationships and strengthen old friendships.

### **Question No. 7: Can You Provide Me With The Names Of 5-10 Past Clients Who Are Willing To Share Their Experiences With Me About Your Representation And Firm?**

You can sit all day in the attorney's office and listen to the attorney tell you just how great he or she is when it comes to handling a personal injury case or taking a wrongful death case to trial. While the attorney may be very convincing (you may want to read our free report entitled, [“Sometimes Things Are Not as They Appear When it Comes to Lawyer Advertising”](#) which discusses how some lawyers are so persuasive, they could sell ice to Eskimos...), how do you know if he or she is telling you the truth? We believe it's much smarter, and better, to independently and objectively confirm the lawyer's abilities by talking with some of his or her past clients.

We suggest that you ask for a list of 5-10 names and numbers of past clients you can contact for a reference. These are people who have already agreed to have you contact them to independently confirm what you've been told or have read about the attorney.

It is not OK for the attorney you are interviewing to respond with something like, "my cases are confidential and I can't disclose this information." The defense attorneys and insurance companies know what cases the attorney has handled and so should you. If you get this kind of response, be very cautious.

Good lawyers have plenty of happy and satisfied clients who are more than willing to share their experiences with you. The smart attorneys have already made arrangements to share client names and numbers with you. If the attorney does not already have a list

available, we guarantee that he or she will put one together in no time if they are truly interested in handling your case.

### **Question No. 8: Do You Have Testimonials From Past Clients And Other Attorneys Which I Can Take With Me And Read?**

Client testimonials are an excellent way to see what people have to say about the lawyer you are meeting with. Good lawyers with satisfied clients will have plenty of written client testimonials for you to take with you and review. If an attorney does not have, or cannot give you client testimonials, you need to ask, "WHY NOT!"

It's true that some very good attorneys simply do not take the time to ask for testimonials but on the other hand, how do you know if this is the case with the attorney you are sitting across from. The attorney may not have testimonials because simply put-- he does not have any happy clients. Just as with the unbiased Martindale-Hubbell "AV" rating discussed above, getting independent third party confirmation and validation as to the attorney's ability is the smart way to go.

### **Question No. 9: As My Case Works Its Way Through The Legal System, Will You ALWAYS Look Me In The Eye And Tell Me What You HONESTLY Think And Believe As Opposed To What You Think I Want To Hear?**

We think this quality in a personal injury trial attorney is very important for the following reasons. If you have a good case, you want your lawyer to tell you. If your case is weak or has other difficult legal issues you need to know about up front.

You always want your lawyer to be truthful and honest with you concerning his assessment of the case and your options. The last thing you ever want is to have your lawyer tell you what she thinks you want to hear rather than the truth and what you really need to hear.

When it comes to getting advice from your lawyer, honest opinions and feedback are absolutely necessary. It's not unusual for us to tell 18 out of every 20 incoming potential clients that we don't think they have a strong case and that we can't help them.

How's that for being brutally honest!

The problem is that these people then continue to call other lawyers until they finally find someone who will agree to represent them. They end up eventually being led down the wrong legal path to dissatisfaction and in some cases, financial disaster. The bottom line is that it's just better to have an experienced lawyer be up front with you about the merits of your case from the very beginning.

## **Summary**

When interviewing a lawyer, please put this information to good use. Share this book with your family and friends who need to hire a lawyer.

Use the 9 questions (and answers) to properly interview all of the lawyers you are thinking about hiring in your personal injury and wrongful death case.

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### **And one more thought...**

Although many personal injury victims, just like you, try to seek justice, most are not aware of the great myth that there is actually “liberty and justice” for all. The truth of the matter is that most people simply do not know how to protect their legal rights or can’t afford to protect themselves. Because of this, they are denied justice.

That’s unfortunate because it doesn’t have to be that way. Now here’s some good news. Under the right circumstances and with a skilled lawyer, it is still possible to force the system to deliver justice.

We feel the information in this report will help you make smart decisions so that you can get all of the justice you and your family deserve in your personal injury or wrongful death case.

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## **Get Your Questions Answered Today!**

Since 1986, we’ve truly enjoyed helping people, not big corporations and insurance companies. Our daily focus involves protecting the injured, the wronged, and the voiceless, not large businesses that routinely trample, abuse, and exploit the rights of the less fortunate.

Our drive and motivation has always been devoted to leveling the playing field for our clients and families against the self-serving goals of corporate greed and higher corporate profits.

We truly look forward to answering any questions you may have about your personal injury or wrongful death case.

## **More About How and Why We Can Help You...**

The nationally recognized firm of Jackson & Wilson, has been helping victims of personal injury and wrongful death since 1986. Both Lisa and Mitch have received the

top “AV” rating for ability and ethics by Martindale-Hubbell and their firm is listed in the prestigious Bar Register of Preeminent Lawyers. They are also proud to be multiple time members of the Million Dollar Advocates Club with membership limited to only those lawyers who have achieved a settlement or verdict of \$1,000,000 or more.

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**Mitch Jackson and Lisa Wilson**  
*"Helping Victims of Personal Injury and  
Wrongful Death Since 1986"*

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