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**Lawyers & How They Negotiate Personal Injury Settlements**

**By Aurel Radulescu**

If you have recently been injured in an accident through no fault of your own, you may find yourself

in a sea of lawyers without knowing which one to choose. After being injured, many individuals turn to lawyers for help in protecting their rights and helping to ensure they are fairly compensated for lost wages, medical bills and pain and suffering.

Depending on the accident, medical attention may or may not be required. In an automobile accident, for example, the individual who caused the accident will be responsible for any repairs to the victim's automobile, along with the previously mentioned compensation. Most individuals hire a lawyer soon after the accident occurs even though settlement negotiations will typically not begin until after medical treatment has ended.

After concluding medical treatment, lawyers will begin to negotiate with the insurance company representing the person who caused the accident. During this time, lawyers will assess the amount of medical bills, doctor reports and diagnosis, lost wages, damages and will attempt to estimate a fair amount of pain and suffering. After gaining your approval, personal injury lawyers will submit a proposal to the insurance adjuster for consideration. It generally takes 30 days for a response, which is expected to be a counteroffer. At this time, lawyers will discuss the offer with their client and see if a fair settlement can be reached. If not, the lawyer will prepare another letter explaining that the adjuster's offer is not acceptable and will, once again, request that the case be settled for a slightly lower amount than the original proposed amount. This situation is a test of each side as the adjuster wants to settle the case for as little as possible while the lawyers want to make sure their clients are properly compensated. After several letters back and forth, and perhaps some telephone calls, the lawyers will advise their client when a fair offer has been reached. While they cannot instruct their client on what to do, they can advise them on the fairness of the offer and how that figure may change if the case were to proceed to trial.

For reasons of both time and expense, the majority of personal injury cases are settled out of court. Once a trial is granted, attorney fees and court costs increase dramatically. An attorney receives a pre-negotiated amount of the client's settlement, but receives a larger percentage if the case moves to trial. There are a number of lawyers who handle personal injury cases and it is always important to

select one that is most sincere and seems most knowledgeable about the process.

The information in this article is to be used for informational purposes only. It should not be considered as, or used in place of, professional legal advice. Individuals who need legal help should consult one of the lawyers in their area who can assist them with their questions and concerns.

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### **Are You Thinking Of Hiring A Personal Injury Lawyer?**

**By D Ruplinger**

If you have been injured and are thinking of hiring a personal injury lawyer there are a few things to keep in mind.

First of all, find a lawyer who specializes in your type of case and in the type of law your case falls under. You want a lawyer who specializes in personal injury law, not one who specializes in other areas of law such as criminal law, wills, estates, or divorce.

Talk to several lawyers before hiring one to handle your case. Most personal injury lawyers offer a free initial consultation to discuss your case. This consultation gives you the opportunity to ask the lawyer questions such as: how much experience he or she has; what the fees are; what he or she feels your chances of having a successful case are; who will be working on your case (it may be an associate rather than the person you have the initial consultation with); and how long he or she feels it will take for a resolution of your case.

The initial consultation is for the benefit of both you and the lawyer. While you are deciding whether or not you want to hire that particular attorney, the attorney is looking at the case and deciding if it is a case he or she wants to take on.

During the consultation ask each lawyer the same questions so you have the information to equitably compare each lawyer and decide who you can work with best. You want to work with someone you are comfortable talking to because you may have to discuss some very personal information with your

## Lawyers How They Negotiate Personal Injury Settlements

lawyer; so take note of how comfortable or uncomfortable you are when you visit each lawyer.

Take all the information you have about your case with you for each initial consultation including photos but don't take your originals. Take copies. When you do sign a contract with a lawyer you may be asked to provide the originals, but copies should be fine for your initial consultations.

Before signing a contract with a lawyer, make sure you understand the contract. Personal injury lawyers almost always work on a contingency basis. This means the lawyer only gets paid if he or she wins your case. Instead of the fee being hourly, the fee is a certain percentage of your award, typically one-third. You would then receive the other two-thirds of the award. But if any fees such as filing fees, expert witness fees, etc. are paid out of your portion of the award the actual amount you receive could be significantly less than two-thirds. Make sure you understand whose responsibility the extra costs will be.

If an attorney declines to take on your case, don't be offended. Instead ask them for a recommendation of a lawyer they think may be able to help you with your case.

And keep in mind that using a small-claims court can be a viable option to using an attorney in certain personal injury cases, but it is still a good idea to consult with an attorney first to see if that is best course of action for you to take with your particular case.

D Ruplinger is a featured writer for

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personal injury lawyers and information on free consultations visit

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