

Praise for *The Lawsuit Guide*

“This is the book for personal injury clients that should have been written years ago. We just ordered 100 copies for our office.”

—Rick Friedman, past president of the Inner Circle of Advocates and coauthor of *Rules of the Road: A Plaintiff Lawyer’s Guide to Proving Liability*

“An educated client is better prepared at deposition, a more confident witness, and less fearful throughout the legal process. This remarkable book should be the first thing you hand your client after he or she signs up for legal representation.”

—Randi McGinn, past president of the Inner Circle of Advocates and author of *Changing Laws, Saving Lives: How to Take on Corporate Giants and Win*

“This book is the answer to the chief complaint clients have about their lawyers: the failure to explain. It should be in every lawyer’s office.”

—Paul Luvera, past president of the Inner Circle of Advocates and the Washington State Trial Lawyers Association

“Ned Good set the bar for preparing clients and cases for trial and his results at trial were record-breaking. He shares many of his secrets in preparing clients for trial and how to maximize your clients’ recovery. This is a great resource all plaintiffs’ attorneys should have in their arsenal.”

—Brian Panish, member of the Inner Circle of Advocates and International Society of Barristers and lead counsel in the largest personal injury verdict in American judicial history (\$4.9 billion)

“The book is terrific . . . I have a great number of friends who would love to read every word.”

—Thomas V. Girardi, past president of the International Academy of Trial Lawyers and member of the Inner Circle of Advocates

“*The Lawsuit Guide* is a beautifully written handbook that all personal injury victims should read. It offers clear and concise explanations of what to expect throughout the process from presuit all the way to a jury trial. Going further than answering common questions, *The Lawsuit Guide* explores the many layers that make up today’s personal injury climate and eloquently navigates readers through the crucial, yet largely overlooked, nuances of case evolution.”

—Matthew D. Powell, member of the Million-Dollar Advocates Forum and board-certified by the National Board of Trial Advocacy and the Florida State Bar

“This is a well thought out and written book that will be a very valuable asset for our members. I’m looking forward to being able to offer it to our members so they can better serve their clients.”

—Al Smith, executive director of the Montana Trial Lawyers Association

“*The Lawsuit Guide* is a long overdue play-by-play handbook for the personal injury plaintiff. From A to Z, it clearly explains how a case proceeds through investigation and into the courtroom. Better yet, it informs you how to best help your lawyer maximize your prospects for success. Be informed—read this book.”

—Patricia Cotter, Montana Supreme Court justice (2001-2016) and career trial lawyer.

“A clear, detailed, and easy-to-follow roadmap to the civil claim, from initial accident to appeal, perfect for all who are unfamiliar with the process, lay clients and lawyers alike.”

—Randy Bishop, past president of the Montana Trial Lawyers Association and law school trial coach

“Trial lawyers spend a lot of time honing their skills so they can make a difference for their clients. Trial Guides has been a touchstone for plaintiffs’ lawyers in this never-ending process. But what resources are there for clients? After all, it is their case and much of the outcome is in their hands. Finally, there is a book for our clients! This is an amazing guide that will help us give them the self-confidence and knowledge so they too can make a difference.”

—Keith Mitnik, senior trial counsel for Morgan & Morgan and author of *Don’t Eat the Bruises: How to Foil their Plans to Spoil Your Case*

THE LAWSUIT GUIDE

GREG MUNRO
AND
NED GOOD



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*To our brothers and sisters in the American
Association for Justice and the state trial
and consumer lawyer organizations for their
dedication to protecting those wrongfully injured
or killed in our society and for defending the
courts and jury trials.*

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Publisher's Note

This book is intended as a tool for practicing attorneys who want to keep their clients informed and confident about the manner in which their claim is being processed. The ultimate user of *The Lawsuit Guide* is the client and the client's family who most often, for the first time, are placing trust in the system to provide a fair and adequate compensation for injury or death.

Clients using *The Lawsuit Guide* are strongly cautioned that this book does not offer legal advice and does not take the place of consultation with an attorney or other professional with appropriate expertise and experience.

Attorneys using *The Lawsuit Guide* are strongly cautioned to evaluate the information, ideas, and opinions set forth in this book in light of their own research, experience, and judgment; to consult applicable rules, regulations, procedures, cases, and statutes (including those issued after the publication date of this book); and to make independent decisions about whether and how to apply such information, ideas, and opinions to a particular case.

Quotations from cases, pleadings, discovery, and other sources are for illustrative purposes only and may not be suitable for use in litigation in any particular case.

The cases described in this book are composites, and the names and other identifying details of participants, litigants, witnesses, and counsel (other than the authors of this book) have been fictionalized except where otherwise expressly stated.

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Preface

The seeds for this book were planted many years ago in Los Angeles by trial lawyer Ned Good, who devoted his entire career to representing people who had suffered traumatic injuries or experienced the traumatic death of a family member because of someone else's wrongdoing. While Ned is best known for representing clients in air crash litigation, he also specialized in a broad range of cases involving autos, premises, health care, construction sites, highways, products, pharmaceuticals, and insurance companies. He retired in 2006 after fifty years of securing settlements and verdicts for families.

During Ned Good's career, he and his firm assisted thousands of people in receiving justice and fair compensation to allow them to rebuild their lives. In the years Ned worked within the insurance and civil justice systems, the entire process became increasingly complex. Clients and their families needed more education and information about virtually every aspect of the claims process from the initial filing with insurance companies to the jury trial and, in some cases, appeal. Ned began writing short papers or brochures for his clients explaining various aspects of litigation. He wrote to explain how each side of a lawsuit obtains information about the other side's witnesses and exhibits before trial (discovery), how injured clients and other witnesses are questioned under oath before trial (depositions), how to prepare for depositions, and how to conduct oneself at the deposition. He wrote about getting medical bills paid and about surviving financially during a case. He also wrote brochures for clients involved in specialized litigation, such as air crash cases and medical negligence cases. He found that clients liked the written explanations and were more comfortable during the litigation process the more they knew about it.

These written explanations grew into an important learning tool for Ned's clients and their families. As Ned worked with clients, he realized the value of the wisdom and experience they gained while they

coped with their traumas and the legal system, and he increasingly relied on past clients to tell him what his current clients needed to know. Eventually, he created focus groups with his past clients and relied upon them to review new cases and make recommendations to him in how to tell a current client's story and present it most effectively in court.

While visiting Montana in 2005, Ned Good met Dean Ed Eck at the University of Montana School of Law (now Alexander Blewett III School of Law at the University of Montana). Ned shared his idea of publishing his materials so other plaintiffs' lawyers could provide a guide to all their clients who had suffered an injury or the death of a family member. Dean Eck recognized the opportunity for collaboration in making Ned Good's client guide dream a reality—his law faculty included Greg Munro.

Professor Greg Munro also specialized in representing people and families who have suffered injury or death through negligence of others. He was a trial lawyer in Billings, Montana, for thirteen years before becoming a full-time faculty member at the law school, teaching trial advocacy techniques, insurance law and claims handling, and the laws that apply to people who have been injured or killed through the fault of others. During his thirty years at the law school, Professor Munro researched and wrote many articles on legal topics that assisted lawyers representing clients in the civil justice system, and he continued to represent clients personally. With his background as an advocate for the injured, he was well equipped to be the coauthor of Ned's guide for clients who have personal injury and wrongful death cases in the civil justice system.

The Lawsuit Guide is the end result of this collaboration by Ned Good, a nationally renowned career trial lawyer, and Greg Munro, a trial lawyer and law professor. Dedicated to people who have suffered personal injuries or whose family members were killed by the wrongdoings of others, this book is the first of its kind and is designed to help clients through the process of seeking fair compensation for the damages they've suffered at the hands of others.

The Purpose of This Book

This book is designed to serve as a handbook for you and your family as you pursue your personal injury claim or a wrongful death claim for a family member. It is meant to answer the pressing questions you will have along the way:

- How will we pay the surgery and hospital bills?
- Does our insurance pay, or should it be the insurance of the person who caused the injury?
- What will we do about lost wages?
- Will we have to testify?
- Do I need to give a written or recorded statement of what happened to the insurance company?
- Should I give them written permission to look at my medical records?
- Should I hire a lawyer for this?
- How will I find the right lawyer?

This book empowers you to make decisions in your case. Good lawyers today engage in client-centered decision-making—this means they help their clients identify problems, develop options for dealing with the problems, discuss alternative solutions, and finally select the solution to pursue. If you understand the process and know how to ask the right questions, you can be involved in that decision-making. This book will also help you understand the remarkable amount of work involved in pursuing tort claims for personal injury and wrongful death within the insurance system and the civil justice system.

Insurance claims for personal injury or wrongful death and the process of going to court can be complex and bewildering. Most people's education and life experience haven't prepared them for knowing what "discovery" is and what role they play in it, or knowing what a "deposition" is and how to prepare for it. Even if your lawyer takes the time

to explain the process carefully, you may find that you sometimes feel overwhelmed by information.

You can use this book to learn about what will happen with your personal injury or wrongful death case. It will complement the advice and instructions your lawyer gives you, and it will provide you with information you need to know about your case so you can participate with your lawyer in the process. This book will also be valuable in explaining the process to members of your family who were affected by the initial trauma and are now involved in the case with you.

This guide will not cover claims of employees against their employers for injury or death arising in the workplace. Legislatures in each of the states have excluded such claims from the legal system that handles other injuries and deaths and have instead set up workers' compensation systems that have specialized law, procedures, and courts or administrative bodies that hear the claims. Workers' compensation claimants can generally recover even if their workplace injury was their fault, but their damages are often restricted to medical expense and lost wages. Because workplace injuries are unique in the legal system, much of this book will not apply to them.

Finally, the legal system categorizes death and injury cases by how they happened. We have law that applies to such categories as auto accidents, medical malpractice, defective products, airplane crashes, and dangerous premises. While this book will be of value regardless of how a person is injured, discussing specific law that applies to categories of cases would make it too cumbersome to be a helpful guide for you and your family. Your lawyer will tell you about the law that applies in your category of case.

How to Use This Book

There are two principal ways to use this book. One is to read it through when you receive it, so that you understand the entire process ahead of you. This will ensure that you have the big picture and know what your lawyer is doing at each stage. It will also help you ask questions and assess your position and the strengths and weaknesses of your case.

The second way to use this book is to refer to each section as the topic or procedure becomes relevant to you. For example, if a paralegal from the firm asks you to meet with him to answer interrogatories, you can locate “interrogatories” in the index and read the pages that discuss this topic.

Because personal injury and wrongful death cases are complex and can go on for a long time, you may want to use this book both ways. In other words, you may want to read the entire book through when you first get it so that you know what to expect over the coming months, and then reread parts of the book as they become relevant to your case. However you decide to use this book, your goal should be to understand as much as you can about your case so you can be involved in the process of seeking compensation and justice. As law students know, getting involved in the legal system requires learning the language of law. To a certain extent, you will have the same experience, which can be very interesting. To help you learn, this guide contains a glossary near its end which will define and explain terms that often come up in the course of a lawsuit. At the outset, we will need to use some of them, which we will define right here:

- **At fault:** to have done something that caused another person’s injury, for which the law will hold the acting party responsible.
- **Negligent:** to have acted less carefully than a reasonable person would for the protection of others in the circumstances.

- **Liable, liability:** to be held legally responsible for conduct that has caused injury to another and to be required by law to pay for the injury.
- **Plaintiff:** a person who has been injured through the fault of another and sues in court.
- **Defendant:** a person or company sued in court for injuring another.
- **Party:** any plaintiff or defendant in a lawsuit.
- **Claim:** an injured person's request for money to compensate for damages caused by the fault of another.
- **Claimant:** the person pressing a claim for money from the person who caused their injury.
- **Litigate:** to press or defend a claim in court.
- **Compensation:** money paid to an injured person to make up for losses suffered.
- **Recovery:** compensation obtained through negotiation or in court in payment of a claim for injury.
- **Damages:** can mean both the injuries suffered (such as broken legs, lost wages, or pain and suffering) and the monetary losses suffered by the injured person (such as \$25,000 in medical bills, \$45,000 in lost wages, and \$30,000 for pain and suffering).
- **Deposition:** the questioning before trial, in the presence of a court reporter and under oath of a party or witness in a lawsuit, so that the lawyers will know what that person will say at trial; also, the written transcript of that testimony.

An Introduction to the Civil Justice System

Part of the rule of law in the United States is that citizens are to be protected from wrongs that cause them injury or death. Anyone injured or killed through fault of another person is entitled to be compensated with money—to be made whole to the best of our legal system’s ability. This money most often comes from the wrongdoer’s insurance or from the injured person’s own insurance.

If you suffer injury or damage covered by your insurance, you report it to your insurance company in the form of a claim, and they give you money for the damage. Most insurance claims are settled through processes established by the insurance companies. However, the rules that determine when someone is responsible for injuring someone else and how much the insurance company will pay are generally set by state legislatures and court decisions.

While most claims that arise from accidents are settled in the insurance claims process, sometimes the people, organizations, or insurance companies involved (often referred to as *parties*) can’t agree on who should be held responsible. These are known as disputed claims. Disputed claims are filed as lawsuits in court, where judges and juries decide who is at fault and how much the injured person should be compensated.

State laws recognize many wrongs, both intentional and unintentional, for which victims can hold wrongdoers responsible, meaning they are at fault or liable. Then the victims can ask for monetary compensation (often referred to as *damages*). These wrongs are known as torts, and the claims brought to address them are called tort claims. Often, we hear the insurance and court system that handles such claims called the tort system. Injuries caused by medical malpractice, auto accidents, aircraft crashes, and fraud are a few examples of torts. In tort

claims, the injured person is called the plaintiff, and the wrongdoer is called the defendant.

The entire system for processing tort claims in federal, state, and tribal courts is part of what is called the civil justice system. This is different from the criminal justice system. The criminal justice system deals with people who have broken the law. In these cases, the government attempts to prove somebody has broken the law and then asks the court to either punish or rehabilitate that person. The government is generally not involved in tort claims. The same act, for example, arson, could be the basis for both criminal prosecution by the government and, at the same time, a civil tort lawsuit by the owner of the damaged property.

Before you file a tort claim in court, you will probably submit a statement to an insurance company explaining what happened, describing your injuries, and detailing the insurance benefit or payment you would like to receive. This is the insurance claim, which is most often settled and paid by the insurance company. Only if everybody involved can't agree on fault or damages does the claim become a tort case in court. *The Lawsuit Guide* will walk you through all aspects of the accident investigation process, the insurance claim process, and the tort case process in the civil justice system.

Throughout this book, we will mention laws that are common to many, most, or some states to avoid burdening the book with the various laws of all fifty states. For each of these types of laws, your lawyer will be able to tell you what the law is in your state and how it will apply to your case.

PART ONE

*Before You
File a Lawsuit*

1

WHAT IT MEANS TO FIND A LAWYER

Victims of an injury or a family member's wrongful death are quickly confronted with the question of whether they need a lawyer. Questions come up that most people are not equipped to answer:

- Who is responsible for investigating the accident?
- Should I submit my medical bills to my own health insurance company or to the wrongdoer's?
- Should I agree to give a recorded statement to my insurance company? To the wrongdoer's insurance company?
- Should I give either insurance company a medical release that entitles them to look at any of my past medical records?
- How do I understand this insurance policy, its declarations page, endorsements, and amendments? What do the provisions mean?
- Does the law say the person or company that caused my injury is liable for it?
- What if the insurer for the wrongdoer says I am partially or totally at fault?

- Should I accept the settlement the insurer is offering? Is it fair compensation for the injury or damages?
- If I submit my medical bills to my own insurer, do I have to agree to pay it back if I recover other damages such as lost wages and pain and suffering from the wrongdoer's insurer?
- Who is entitled to recover damages in a wrongful death case? A spouse? Children? Parents? Siblings?

Both the insurance claims system and the civil justice court system have elaborate rules that make navigating them difficult. The insurance claims system has a generally accepted set of practices for submitting documents and other evidence to prove your claim. Also, there are significant laws that say what insurance companies must do and may not do when handling your claim.

Civil justice courts adopted rules long ago that attempt to create a level playing field for the parties of a tort lawsuit (you and the defendant). These rules cover the following:

- procedures to be followed
- admissible and inadmissible evidence
- ethical conduct
- local rules for a particular court
- laws about who is at fault, damages allowed, and amounts of damage

A tort lawyer knows the rules and practices involved in the insurance claims system and the civil justice system and will navigate them to get the best result for you, their client.

What a Lawyer Can Do for You

If you are dealing with the personal consequences of injury or loss, trying to navigate a tort case can be overwhelming. The entire process is complex and takes time—having a lawyer experienced in handling personal injury or wrongful death cases will relieve you of much of the stress that dealing with the insurance and legal systems can cause. An experienced lawyer can help you:

- They can advise you and make recommendations that empower you to make necessary decisions.
- They can press your claims so that you can use your energy to recover from your injuries.
- They can free you from the stress of dealing with the insurance adjusters (insurance company employees or agents who investigate and handle claims) and lawyers who represent the defendant.
- They can advise you immediately about what you should and should not post about the accident, your injuries, your damages, and your activities on any social media sites, such as Facebook, Twitter, and LinkedIn.
- They can investigate and collect all evidence and information needed to process your claims and develop your case.
- They can find all available insurance coverage, evaluate it, and help you get the benefits due to you.
- They can find the quickest way of getting your medical bills paid and ensure that the companies responsible pay those bills on time.
- They can protect you from medical creditors during the claims process.
- They can answer your questions throughout the process.

- They can evaluate all the evidence and estimate what your case is likely worth (1) if a jury decides it, or (2) if it is settled through negotiation.
- They can make recommendations to you about whether or not to accept settlement offers and counteroffers in negotiations.
- They can decide how much money should be spent getting ready and going to court based on the likely outcome.
- They can negotiate with any insurance companies involved to get all benefits due to you.
- They can prepare your case for trial and try the case to a judge or jury if the wrongdoer doesn't offer an appropriate settlement.

A lawyer will use his professional expertise in handling your case to protect and guard you in this process and to secure an adequate settlement or verdict for you.

Fees

Any consideration of whether to hire a lawyer will immediately involve the question, "If I hire a lawyer, how will I pay?" Lawyers usually use one of three basic fee structures, depending on your case's circumstances and the type of representation you need:

1. An hourly rate agreement
2. A flat rate agreement
3. A contingent fee agreement

Hourly rate agreements are set up so the attorney is paid by the hour regardless of the outcome of the case. Even the simplest claims can take a long time to resolve, and experienced lawyers are often paid hundreds of dollars per hour, so paying a lawyer by the hour to handle a claim, especially when the fault or damages are disputed, is too risky for most

people. Because of this, hourly rate agreements are used most often in business litigation or deals where the businesspeople or corporations can afford to pay by the hour and representation may not depend on the client winning or losing.

Flat rate agreements are used when the lawyer and client can predict in advance what a reasonable fee will be for a given piece of legal work. For example, a criminal defense lawyer may charge \$4,000 to defend a DUI, or a divorce lawyer may charge a flat fee of \$5,000 for a mutually agreed divorce that will not require a trial. Injury claims involve too many variables to predict appropriate fees, so flat rate agreements are almost never used for them.

A *contingent fee* agreement means that the lawyer will be paid with a percentage of the money she obtains for her client through settlement negotiation or trial verdict. With contingent fee agreements, if the case is lost, the client pays no attorney fee. Contingent fee agreements have been called “the key to the courthouse,” because they allow people access to the civil justice system when they can’t pay an hourly rate or take the risk they might lose and still have to pay a lawyer. With a contingent attorney fee agreement, an injured person can press a claim for personal injury so long as a lawyer is willing to take the risk.

In a personal injury or wrongful death case, your lawyer will most likely propose a contingent fee agreement. If your lawyer feels your case is strong, she will take it on contingent fee and run the risk of not getting paid if you don’t win. If your lawyer doesn’t feel your case merits the risk of a contingent fee, she would probably not agree to handle it on an hourly rate either. If a lawyer proposes an hourly rate instead of contingent fee, you will want to think carefully about it because you’ll be investing in a case your lawyer believes you have a good chance of losing. If a lawyer tells you your case is not viable, it may be worth your time to get a second opinion from another lawyer experienced in plaintiffs’ personal injury cases.

Costs

Personal injury and wrongful death cases are expensive and involve many costs. Costs are the expenses of investigating and pressing the claims. Costs are separate from attorney fees and include items such as these:

- fees paid for accident reports from law enforcement
- fees paid to obtain medical records
- photography and videography costs
- copying charges
- fax charges
- court filing fees
- subpoena fees
- court reporter's fees
- expert witness fees
- travel expenses for witnesses, expert witnesses, and your lawyer
- fees for preparing courtroom exhibits

Costs vary a great deal for different kinds of cases and can be very high for cases involving catastrophic injuries or death. By far, the largest cost in pressing tort cases is expert witness fees. In some cases, fees for a single liability expert, such as an accident reconstruction expert or a safety engineer, can be tens of thousands of dollars, and overall expert fees in even moderately serious cases can easily exceed \$100,000. You can read more about the importance of expert witnesses in chapter 9.

In a contingent fee case, your lawyer will usually pay all the costs while she is working on your case, because experience has shown that few injured people are in a position to pay litigation costs as they come up. When you receive a settlement or verdict, you will reimburse your lawyer for these costs from the money she has won for you (often called recovery), according to the terms in the contingent fee agreement you

signed when she took your case. Most often, you will reimburse the costs out of your recovery after your lawyer has deducted the attorney fee. In other words, the costs are paid from your net recovery after the contingent attorney fee has been paid.

If your case is lost, and you don't win any money, the obligation to reimburse your lawyer for costs could be financially disastrous for you. It's common for injury lawyers to have a policy of not collecting costs from their clients in cases where there is no recovery or to put in the agreement that costs are not reimbursable if there is no recovery. This can vary dependent on your financial status. If a client is financially well set, or if a lawyer's client is a business suing for property damage, that lawyer may expect their client to reimburse for costs even if the case is lost. If the client is a business or corporation suing for property damages, the lawyer may require them to pay all costs periodically or as they happen.

Most importantly, throughout the insurance claim and litigation process, your lawyer should be willing to let you know the current amount of costs and discuss them in relation to how much money she predicts you will eventually receive from a settlement or verdict and how much cost the law firm expects to incur in the case. During your initial meetings with your attorney, she should assure you that she will disclose costs as they accrue, and do her best to make sure they are appropriate to the expected outcome.

What a Lawyer Cannot Do for You

Understanding what a lawyer cannot do is important so that you aren't disappointed later. For example, a lawyer can't guarantee any particular outcome for your case. A lawyer will use her experience and do her best to evaluate your case, predict likely settlement or verdict ranges for you, and make recommendations for settlement or trial based on those evaluations, but she can't guarantee whether you'll win or lose or how much you'll win. Whether a case will be won or lost and the amount of money you could be awarded depends on the strength of the facts on your side and on the defendant's side. Disagreement about those facts is what makes trials necessary. And in the American system, only the *trier of fact*—the judge or jury—can say who wins and what the compensation award will be.

Sadly, no lawyer can ever get you a settlement or jury verdict that will adequately compensate you for the pain and suffering you have endured if you have been injured, or for your grief and sorrow if you have lost a loved one to a traumatic death. Your good health is beyond any value, as are your loved ones, and no one can truthfully tell you that the civil justice system will compensate you adequately for your loss. The US civil justice system, though excellent, can't make you whole.

Neither your lawyer nor the civil justice system can satisfy any need you may have for *retribution* against the person who injured you. In some cases, bringing claims against a corporate defendant for a dangerous product or practice can be effective in getting that corporation to change to safer products or practices to protect customers or the public. There are even some cases where an apology or promise to change conduct can be part of negotiations. However, such cases are rare, and the system generally limits remedies for personal injury or wrongful death to money damages.

Even though you may have other pressing legal needs, your lawyer may not be able to represent you for things outside your personal injury or death claim. For example, if you need help in matters involving family law, criminal law, or creditor/debtor law—even if those matters are because of the injury or death involved in your claim—your personal injury lawyer might not be able to help you. Her expertise is representing the injured. She will recommend a good lawyer who is an expert in your other legal issues.

Finally, while you will find your lawyer to be compassionate and caring, she cannot fill the role of therapist or counselor for personal emotional problems or family problems. Lawyers who get embroiled in such problems for their clients become distracted from the work of the case. Your lawyer may be able to recommend a good therapist or counselor, or give you leads as to how to go about finding one.

How to Find a Lawyer

The insurance claims process and the civil justice system are already complex, but the insurance adjusters and defense lawyers representing the wrongdoer who injured you can make it even worse. They have a direct interest in denying your claim that the wrongdoer was at fault or in denying how badly you were hurt. This may be the only personal injury claim of your life, but the wrongdoer's adjusters and lawyers are what we call *repeat players*, meaning they make their living finding ways to deny claims and deny the extent of damages. In doing so, they become highly experienced adversaries. You need a lawyer who specializes in representing people injured or killed by the wrongs of others, one who is knowledgeable and experienced with the insurance system and court. And because the defense won't make it easy, you want a lawyer who is confident and even competitive.

How do you find such a lawyer? A good starting place, but only a starting place, is to search the internet for personal injury lawyers in

your area. This will identify those lawyers who at least hold themselves out as specializing in injury work. Just because they do so doesn't mean they are any good. Look for the law firm's official site—not aggregator sites or companies that claim to provide information about the lawyers. Read everything on the law firm's official site, especially the biographies or resumes of the lawyers in the firm. You'll be able to tell which law firms and lawyers have the experience you need. Look at the biographies to see if the lawyer is invited to present on topics relevant to your case at lawyer seminars and continuing education events (sometimes called CLEs). These invitations show that the lawyer is well thought of by colleagues, as do relevant books the lawyer may have written.

Most importantly, ask others in your community, particularly lawyers, judges, or law professors, if you know them, who are the best lawyers who specialize in personal injury. When you hear the names, google them and learn all you can about them. When, through your inquiries, the same best-lawyer names keep popping up, you'll know to concentrate on those lawyers.

There are national and state organizations that serve personal injury lawyers. The most important are the national American Association for Justice (AAJ) and your state organization. Often your state organization will include "Trial Lawyers Association" in its name since the name Trial Lawyers Association has come to signify personal injury lawyers. For example, the Montana state organization is called the Montana Trial Lawyers Association (MTLA) and, for Texas, it's the Texas Trial Lawyers Association (TTLA). Membership in the organization doesn't necessarily mean the person is a good lawyer, but if the members are or have been officers or directors, it usually means they have credibility with other lawyers in the field.

As an injured person looking for the right lawyer, you should be cautious about hiring a lawyer just because he's your friend or goes to your church. You're looking for a specialist who can successfully deal with the adjusters and lawyers of the insurance company who work for the person who wronged you.