



7 THINGS TO LOOK FOR IN HIRING A PERSONAL INJURY ATTORNEY IN CALIFORNIA



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1) *Do they specialize in personal injury cases?*

Many law firms and attorneys handle personal injury cases but also handle other types of cases such as criminal defense, business disputes, etc. It might seem rather basic, but the first thing you need to do is make certain the law firm your pick is devoted 100% to representing personal injury victims. Personal injury law, like many practice areas, is rapidly evolving and changing with new laws and legal precedents. It is critical to know and to stay on top of these new developments.

Think of how you choose a medical doctor. If you need surgery for a knee injury, you will likely be referred to an orthopedic surgeon specializing in knee surgeries. You will not hire a family practice doctor or an oncologist to operate on your knee. **Similarly, make sure the law firm or attorney you hire specializes only in representing injury victims.**

How We Specialize

Demas & Rosenthal represents injured victims or the families of those tragically killed by the negligence of others. This is all we do. We do not represent corporations, insurance companies, hospitals, etc. Over the course of our careers we have represented over 1000 individuals in a variety of personal injury cases. Three of our lawyers each have nearly 20 years of experience handling exclusively injury claims. Currently our office handles a wide variety of personal injuries cases throughout California from the "routine" rear-end motor vehicle collision to the complex product liability or serious injury claim. To learn about the different cases we handle please visit: <http://www.injury-attorneys.com>

2) *Are they leaders in the personal injury field and do they educate other lawyers?*

Let's face it; there are many personal injury attorneys who advertise heavily in the yellow pages, on television and on the internet. Anyone with a decent advertising budget can claim they only handle injury cases, and pay to join a couple of legal organizations to give the appearance of some credibility. However, a close examination of their involvement in the legal and social community reveals a lot about their status and reputation.

Lawyers who have taken leadership positions in the personal injury community garner more respect from insurance companies (and their lawyers) which typically results in higher settlement values of claims. How can you tell if an attorney is a leader in the personal injury community?

Here are some things to look for:

a) does the attorney write articles about personal injury law;

b) does the attorney teach and give seminars to other personal injury lawyers;

c) are they now, or have they ever been, officers of any trial lawyer organizations;

d) are they or have they ever been, on the board of directors of local or State-wide trial lawyer organizations.

In addition, we are pleased to announce the publication of our new book, *California Auto Accident Injury & Property Damage Claims*.

This is a definitive guide to handling a personal injury case in California. It is available free with no obligation by calling us at **888-870-4470** or by visiting this site:

<http://www.auto-injury-book.com/>

Demas & Rosenthal: Leaders and Educators

Mr. Demas and Mr. Rosenthal are both actively involved in local and state-wide trial lawyer associations. Mr. Demas was the recent president of the Capitol City Trial Lawyers Association (CCTLA), an organization of approximately 400 hundred personal injury lawyers. While president, he was recognized as the Local Trial Lawyer Association President of the Year by the Consumer Attorneys of California (CAOC), an organization of over 3000 personal injury lawyers. He still volunteers his time with CCTLA serving on the education committee. In addition, he is on the board of governors and is very active in CAOC. Mr. Demas and Mr. Rosenthal educate and teach other attorneys. Just this past year, Mr. Demas participated in a seminar entitled "*Taking on the Defense Medical Examiner*" as well as "*The Anatomy of a \$4.5million verdict.*" Both Mr. Demas and Mr. Rosenthal are routinely asked to speak at state-wide seminar on topics including, "*Handling ERISA liens*" and "*Discovery: Using all the tools in your Arsenal*".

3) *Do they go to trial?*

We know the thought of going to trial is intimidating. Unfortunately, it also scares most personal injury attorneys. Your fear is understandable and the reality is that your case is unlikely to go to trial since over 90% of cases settle before trial.

However, if you hire a lawyer who is intimidated or does not have the experience to go to trial, it will make a huge difference to your case. Why? To understand this you need to understand how insurance companies operate and work.

At their most basic, insurance companies make a profit by investing the money they earn from the premiums they charge and by paying out as little money as possible on claims. When they evaluate a case and their possible exposure (or the money they may have to pay out to settle a claim), they are focusing on one thing: risk. In other words, they evaluate what the risk would be of going to trial-i.e. what is the likelihood of a jury returning a large damages verdict in favor of the plaintiff.

Of particular importance in their evaluation is

- 1) the likelihood of the plaintiff's attorney actually going to trial and
- 2) the skill, expertise and the jury verdict history of the plaintiff's attorney -how good of a trial lawyer the plaintiff's attorney is.

The more likely the attorney is to go trial and the better trial attorney they are, the more the insurance company will pay to settle the case or avoid the "risk" of trial.

Demas & Rosenthal: We Try Cases

We have gained a reputation with the insurance companies and defense lawyers as attorneys who actually go to trial. We have a long history of trial success

<http://www.injury-attorneys.com/injury-attorneys-california/sacramento-accident-lawyers/case-results>

For instance, John Demas recently obtained one of the largest personal injury verdicts in Sacramento County history (\$4,500,000). In addition, Mr. Demas was recently recognized as the Advocate/Trial Lawyer of the Year by the Capitol City Trial Lawyers Association in recognition for his "extraordinary trial results and intrepid work in advocating the rights of consumers." In addition, our office has been selected as a member of the Million Dollar Advocates Forum, an exclusive group of attorneys limited to the Top Trial Lawyers in America, as well as the Justice Roundtable, an exclusive organization consisting of 100 of the nations top personal injury attorneys. Simply put, our office's extensive trial experience makes a significant difference in the settlement offers we receive compared to other attorneys who do not go to trial. To learn more about our past success and results, please click here: <http://www.injury-attorneys.com/injury-attorneys-california/sacramento-accident-lawyers/case-results>

4) *Do they have the experience and resources to prosecute your case along with a history of proven success?*

When looking for a personal injury attorney, you should consider the level of experience in handling similar cases and injuries such as yours, as well as the resources of the law firm to prosecute your case.

a) Years In Practice

We believe you should choose a lawyer who has been practicing exclusively personal injury work for at least 10-15 years. There is no substitute for experience and knowledge.

b) Experience Handling Similar Cases

You should be certain the attorney you are hiring has experience handling the type of case you have. For instance, if you have a product liability case against a major corporation, you do not want to hire an attorney who specializes in rear-end motor vehicle collisions.

c) Experience Handling Similar Injuries

Ask specifically if they have had similar cases and ask them about the results they had on those cases. **Similarly, make sure the attorney or law firm has specific experience handling similar injury cases.** For instance, brain injuries or severe spinal cord injuries require particular experience and knowledge. Attorneys who

routinely handle "whiplash" type injuries usually do not have the experience or knowledge to represent clients with more serious injuries.

d) Why Financial Resources Are Important

In addition to having extensive experience with similar cases or injuries, **the attorney or firm you choose must have adequate financial resources to prosecute your claim.** This is particularly important if you have been seriously injured or have a complex case such as a defective automobile product (i.e. airbag or seat belt), nursing home abuse case, trucking accident, etc. These types of cases require significant capital expenditures to properly prosecute. Monetary resources are needed to hire the best investigators, accident reconstruction experts, material safety experts, biomechanic experts, medical specialists, vocational rehabilitation experts and economists, among other experts.

In serious injury or complex cases, costs typically exceed \$100,000. Even what appear to be "routine" cases involving herniated discs or fractures will typically require extensive costs. Remember the insurance companies and large corporations have unlimited budgets and will spend unlimited resources securing the best experts in the field. The only way to compete is to have the resources and ability to hire similar quality experts. The quality of experts will make a significant difference in how the insurance company will evaluate your case and the settlement offers will vary accordingly.

These case costs are fronted and paid by the attorney or law firm handling your case. **If an attorney asks you to pay the costs of the case, this is a sure sign they do not have the resources to handle your claim and you should immediately look for another lawyer.**

You should be very cautious hiring a sole practitioner or a 2 person law firm to handle your serious injury claim. In our experience, most sole practitioners do not have the financial resources to sufficiently represent you.

- 1)** How do they intend to fund the costs in your case?
- 2)** What the most they personally have spent in costs on a case is, even if your case is not as serious.
- 3)** What happens to the costs if they lose the case? Will they hold you responsible for them?
- 4)** On how many occasions have they sought costs from clients after losing a case?

Demas & Rosenthal: Our History of Success

We have four attorneys in our office who only handle personal injury cases. Three of our lawyers have nearly twenty years experience representing personal injury victims in California. We have handled claims against some of the largest insurance companies and corporations in America, including major automobile manufacturers. Because of our history of success, we have the financial resources to go head to head with any defendant and any law firm hired against us. We routinely hire the best experts in the field such as investigators, doctors, vocational rehab counselors, economists, etc. In prior cases, we have invested over \$250,000 in costs alone to hire the best scientists and experts in the field. Our commitment to our clients and dedication to getting them the best result is unparalleled. If you retain our office for your serious injury case, rest assured we will commit all the resources to adequately and aggressively represent you.

5) *Do you know who you are really hiring and who will handle your case?*

a) Be careful of web sites that refer "leads" or cases to lawyers.

While searching for personal injury attorneys, you may have noticed some web sites you visited do not give you any information about the attorney who will handle your claim. There are hundreds of companies that have set up web sites that serve simply as a referral source to an attorney in your area. Typically, they ask you to fill out quick contact information and then based on your location, will automatically email a local law firm.

The companies that set up these types of web sites usually do not investigate the firms they are referring "leads" to and do not insure they are the best firms in their respective areas. The attorneys only have to pay a fee to the companies that set up these referral web sites. **Make certain you are contacting the attorney or law firm directly and not merely filling out a form for a referral company.**

b) Watch out for web sites without attorney biographies or physical addresses

You should also be very leery of firms or web sites that do not give you detailed attorney biographies or a physical address. A general or generic biography that does not give the actual dates of college and law school graduation usually

means the attorneys are relatively new and have not been practicing law for very long.

A new trend lately is for attorneys to create websites that give the appearance that they are located in a particular city. For example, here is a firm that appears to be located in Sacramento:
<http://www.sacramentotruckingaccidents.com/> However, a California State Bar search reveals the attorneys actually practice in Southern California.

c) Why the size of the law firm matters.

Pay particular attention to the size of the law firm. As previously mentioned, in our opinion, you should be very careful in turning over a serious injury or complicated case to a sole practitioner. Although there are many fine attorneys who practice alone, most are simply not equipped to handle these types of cases. They are typically stretched thin and have their legal assistant handle a lot of the work on their cases.

You should also pay attention to the number of attorneys and staff listed on the web site. **Be careful of 1-2 lawyer firms who have 5-6 staff per lawyer, as this is usually a sign your case will be assigned to a "case manager" and handled by someone other than a lawyer.**

1) A very large firm is not necessarily better

At first blush, many people think very large plaintiff attorney firms (i.e. firms with over 10 attorneys) are they way to go. Although very large firms may have the resources to handle your case, you must understand how these firms operate before you hire them.

If you hire a very large law firm, your case may not be handled by the attorney you expect to handle it. In cases involving more serious injuries, you may initially meet with a more experienced partner. This does not mean that attorney will be the one responsible for working on your case. **More often, your case will be handled by a younger, less experienced lawyer who you have not had an opportunity to meet.**

As your case gets close to trial (sometimes over a year after you retain a law firm) the more experienced attorney may jump back in and get involved in the case. Although it is better to have a more experienced attorney that goes to trial, the attorney who gets involved when your case is close to trial will probably never know the minutiae of the case.

More importantly, you will not have developed the close bond with your attorney that is a critical component in a number of factors including:

- 1) deciding whether to settle or not;
- 2) trusting your attorneys' advice; and
- 3) presenting evidence of how your injuries affected you and your life.

Demas & Rosenthal: We Are Here for You

When you call our office to discuss your case, you will speak with an attorney, not just a paralegal or legal assistant. If you would like to chat with an attorney right now, please click here:

http://www.injury-attorneys.com/component/option,com_livechat/Itemid,168/

When you meet with an attorney in our office during your free consultation and you decide to retain us, the attorney you meet with will be your lawyer from that moment until your case resolves. There are no exceptions. While another attorney in our office may assist in the preparation of your case, you can rest assured the attorney you meet with will be your attorney until the end. If, for some reason, you do not want the attorney you meet with to handle your case, please let him/her know and you will have the opportunity to meet with another attorney in our office. If you are interested in scheduling an appointment with a particular attorney, please let us know when you email or call us. We will make every effort to accommodate your request.

6) How should the attorney communicate with you and what kind of relationship should you have?

The first thing to look at when you call an attorneys' office is who you ultimately speak with. It is common for the first person you initially speak with to be a paralegal or legal assistant. However, make certain you speak with an attorney before you schedule your appointment. This will allow you to get a feel for the attorney and the questions he/she asks.

1) What to expect when you meet with an attorney

When you meet with an attorney, make sure the attorney listens to you and your needs. You are the most important part of the case. The last thing you want is an impatient or distracted lawyer in your first meeting.

Ask them specifically about some of the topics we have discussed here including:

In our opinion, if an attorney tells you with any specificity what your case is "worth"-or the amount he/she expects to settle your case-this is an instant red flag.

Listen for detailed and specific answers - not generalizations.

Make sure the attorney describes what he/she will do for you in the case and explains the different aspects of the case including liability and damages.

Often times you may want to know what your case should settle for or what your case is "worth". This is a very difficult question to answer during the initial meeting and it is unlikely a good attorney can answer this question with any specificity without reviewing all your medical records, the police report, etc.

1) Their experience level handling similar cases and injuries;

2) The firm's resources and financial ability;

3) Their fees and how they handle case costs,;

4) Who will handle the case, etc.,

In this case, the attorney may be telling you something just too simply have you retain him/her. In addition, please be leery of attorneys who push you to sign up at their office without giving you an opportunity to review the paperwork and take some time to consider your

decision. The bottom line is you should feel comfortable and have a good sense of the person you are meeting with. If you do not, thank them for their time and walk out without signing anything.

2) The relationship you develop with your attorney is critical

The type of relationship you develop with your attorney throughout the pendency of your case is very important. Every case and every client is unique. A major component of your case is what is known as "general damages", commonly referred to as "pain and suffering". We refer to this as the "change in the quality of life" -- the effect the injuries have had on a client's recreational activities, household activities, work, activities with their families, etc.

Demas & Rosenthal: Our Philosophy on Client Relations

We believe the only way an attorney can demonstrate this change in the quality of life to an insurance adjustor, mediator, or jury, is to get to know their clients on a personal level. There is simply no substitute for developing this relationship with clients. In our experience, the better we go to know our clients and their family and friends, the better the outcome.

To read what actual clients say about us and the personal relationships we have with our clients, please visit:

<http://www.injury-attorneys.com/serious-injury-attorneys/personal-injury-lawyers-in-sacramento/testimonials>

7) Is it all about the attorneys' fees?

First and foremost, you want to hire an attorney that truly and deeply cares about helping people. You will see many slogans on plaintiff attorneys' web sites about wanting to help people, but we encourage you to look beyond the clichés and slogans.

How? Look for an attorneys' involvement not just in their trial lawyer organizations, but also in their communities. What type of community activities and events are the attorneys involved in? Granted, some attorneys might not want to publicize their community involvement or charitable contributions so look at their web sites and their biographies carefully.

You should get a good "feel" for the attorney by reading about them and their web sites.

Demas & Rosenthal: Our Missions

Our office has 2 missions:

- 1)** helping our community stay safe by preventing injury and
- 2)** representing injured victims aggressively, ethically and with personal attention. We would rather you stay safe and not get injured than have us represent you. In that regard, we publish numerous injury prevention articles and blogs including:

<http://tbi-blog.com/>

<http://www.injury-prevention-blog.com/>

<http://www.personalinjuryweblog.com/>

<http://spinal-cord-injury-blog.com/>

In addition, we donate numerous free safety items (click here) primarily to keep our most precious resource, children, safe. Anyone can call or email us and we will send them any of the safety items listed with no obligation or questions asked. In addition, if you refer a case to us, we can arrange to donate a portion of our fees to the safety or injury prevention charity of your choice. To learn more click here.

John N. Demas

Mr. Demas graduated with Distinction from McGeorge School of Law and is a founding partner of Demas & Rosenthal, LLP. He has exclusively represented injury victims for nearly twenty years. He has successfully litigated and settled hundreds of personal injury cases and has extensive trial experience, with several multi-million dollar verdicts, including one of the largest verdicts (\$4,500,000) ever against the County of Sacramento. He was recently named the Trial Lawyer/Advocate of the Year by the Capitol City Trial Lawyers Association in recognition for his “extraordinary trial results and intrepid work in advocacy the rights of consumers”. In addition, he was selected as a Northern California Super Lawyer for 2008, an exclusive honor limited to less than 5% of all attorneys and approximately 1% of plaintiff personal injury attorneys. He is a member of The Justice Roundtable, an organization consisting of 100 of the nation’s top personal injury attorneys, and enjoys the highest possible rating (10/10) with the prominent attorney ranking website Avvo.com. He is a Past-President of the Capitol City Trial Lawyers Association as well as a Board Member of the Consumer Attorneys of California and is a frequent speaker and lecturer at seminars and conventions at the local and State level. In his spare time, Mr. Demas enjoys travel, hiking, scuba, and spending time with his wife and two daughters.



S. David Rosenthal

Mr. Rosenthal graduated near the top of his class from McGeorge School of Law and is a founding partner of Demas & Rosenthal, LLP. He has exclusively represented injury victims for nearly twenty years. He has successfully litigated and settled hundreds of personal injury cases and has obtained numerous large jury verdicts and arbitration awards. He is an active member of the Capitol City Trial Lawyers Association, the Consumer Attorneys of California, and the American Association for Justice and is a frequent speaker and lecturer at seminars and conventions at the local and State level. He serves as a Judge Pro Tem and an Arbitrator with the Sacramento County Superior Courts and a Judge Pro Tem with the El Dorado County Superior Court. In his spare time, Mr. Rosenthal enjoys team roping (rodeo), sport fishing, and spending time with his wife and daughter.