

# How Do You Choose The Right Attorney For Your Tennessee Accident, Injury Or Wrongful Death Case?<sup>1</sup>

By B. Keith Williams

## Picking An Attorney: What Not To Do!

Let me start by telling you what not to do. Do not assume that just because a lawyer can afford a TV commercial, they are a good personal injury lawyer. I have good friends across the country who are excellent injury attorneys that I would not hesitate to have represent me in an accident case. Two common characteristics I have seen in these excellent and highly successful injury attorneys: (1) they all are willing to—and do—take their cases to trial when the insurance companies refuse to settle for what the cases are worth; and, (2) they do not advertise on TV.

**What Not To Do:**  
**(1) Select An Attorney Just Because He Or She Advertises On Television;**  
**(2) Select An Attorney Just Because Of A Slick Yellow Page Ad.**

These two characteristics seem to go hand-in-hand. In fact, most (**though certainly not all**)<sup>2</sup> “TV lawyers” never go to trial and the insurance companies know this. The insurance companies know that most of these “TV lawyers” accept too many cases to be able to devote the time and attention to each case that is needed to maximize their value, and that because of this those lawyers have to settle the case for much less than it is worth. The insurance companies know that these lawyers are like the Wal-

**Beware!**  
**Don't get caught in the volume trap.**

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<sup>1</sup> **This article does not constitute, nor is it a substitute for, legal advice.** Legally and ethically I am not allowed to give legal advice until I meet with you and review the particular facts and circumstances of your cases after we agree to enter an attorney/client relationship. I have created this publication with the intent of providing the reader with accurate information concerning the subject matter covered, however it is not in any way intended to give or constitute legal advice, or to serve as a substitute for the advice of your own legal counsel about your case. By creating and publishing this article, neither I, nor any attorney with the Williams Law Group is engaged in rendering legal or other professional advice, and this article is not a substitute for independent research, assessment, or advice from an attorney. If you require legal or other expert advice, you should seek the services of a competent attorney or other professional.

<sup>2</sup> For example, I know and I am personally familiar with the law firm Hill-Boren (which has offices in Memphis and Jackson, Tennessee) and consider its founding partners my personal friends. This firm does do television advertising. However, I consider Hill-Boren to be a top quality personal injury firm with an excellent reputation for representing their injured clients, including taking cases to trial when necessary. I would not hesitate to refer cases to this law firm, and I would feel proud to have them represent me or a member of my family.

Marts of attorneys: they handle high volume at a lower price. Clients may see only a paralegal throughout their case, never the attorney. Beware! Don't get caught in the volume trap.

Similarly, if you have ever browsed through the "Yellow Pages" in your local phone book, you probably have seen pages and pages of ads for personal injury attorneys. An easy way to spot the "Volume Lawyers" is to look for the ones that are yelling the loudest. "Free Consultation," "You don't owe a dime until I collect," "Call Me Now", "Justice is your right and we demand it", "I'm the Heavy Hitter", or "One Call—that's all!" "You don't owe a dime until I collect."

I'm not saying all attorneys in the phone book are high volume lawyers—NOT AT ALL. Almost every business or profession in America has a "Yellow Page" listing. It is a totally legitimate means of an attorney offering his or her services to the public. In fact, my law firm has an ad in the yellow pages. What I am saying, though, is to look for signs of the "Volume Lawyers" and to avoid selecting an attorney solely based on catchy taglines or who has the slickest looking advertisement. It's fine to use the yellow pages as a starting place—just don't let it be the only criteria you use in picking your attorney. Instead, use the guidelines below to help you make sure the attorney you select is the right one for you!

### **Picking an Attorney: Guidelines For Selecting The Right Attorney**

Finding a good, legitimate experienced personal injury attorney can be a challenge, so here are some guidelines you can use:

1. ***Choose an attorney who is Board Certified in Civil Trials.***

Just as you probably would not allow just any family practitioner doctor to perform back surgery on you, you do not want to depend on just any attorney to handle your personal injury claim and successfully win at trial. For your surgery you would want to be sure the doctor specialized in performing surgery—so you would look for a Board Certified surgeon. You should make these same considerations when choosing an attorney. For your personal injury case, you would want to be sure the attorney is specialized in trying cases before a judge or jury—so you would look for an attorney who is Board Certified in Civil Trials. I believe this to be a very important factor to consider when selecting an attorney to handle your case.

2. ***Select an attorney whose practice is limited to accident, injury and wrongful death cases.***

In deciding between one of these Certified Civil Trial Specialists, you should choose one that limits his or her practice to accident, injury and wrongful death cases. Certified Civil Trial Specialists practice in a variety of different areas of the law, from property disputes, to contract

disputes, to consumer rights, to civil rights actions. None of those areas involve the issues central to your injury or wrongful death suit, though. You should choose an attorney that devotes one hundred percent (100%) of their time to representing personal injury and wrongful death claims. The field of personal injury law is much too complicated and requires a tremendous amount of time for the “general practitioner” or “part-time” lawyer to master.

3. ***Get a referral from a past attorney, an attorney you know, or a friend who has had experience with attorneys in the past.***

If you have had contact with a divorce, real estate, business, or some other type of attorney, ask them for a referral to someone who devotes 100% of their practice to personal injury cases.

4. ***The yellow pages can be a good starting point to find potential attorneys.***

But beware of the ads that claim several specialties. Think of the following saying, which I am sure relates to your own profession, as well: “You may be average at a lot of things, but you can only be very good at a few things.”

With that in mind, look for someone who focuses on personal injury cases. Again, beware of the “Call Me Now” type ads that scream at you for business. These lawyers are usually the ones that will take any case that comes through the door and who settle their client’s cases for pennies on the dollar. Don’t get caught in the volume trap, as discussed before.

5. ***Interview several attorneys.***

Ask each one to tell you the names of other qualified personal injury attorneys in the area that you should interview. If they don’t give you other attorneys’ names—get out of there. If you see the same names coming up from the attorneys you interview, this generally is a good indication that those are probably the attorneys who practice in personal injury cases on a regular basis and who are doing a good job with those cases.

6. ***Check with your local bar association.***

Your local bar association usually will have a lawyer referral system. These systems can be helpful, but make sure you get referred to an experienced personal injury attorney that is Board Certified.

7. ***Contact State and National Trial Attorney Groups.***

Your state Trial Lawyer Association or state Association for Justice (such as the Tennessee Association for Justice) is a very good place to get a referral to an experienced personal injury attorney. Also their National counterpart—The American Association for Justice—is an excellent place to find a good personal injury Trial Lawyer. These Associations

are made up of members who are constantly fighting for the rights of the injured not only in the court system, but also in the state legislatures and the U.S. Congress.

8. ***Make sure the attorney you choose is well respected by his or her peers.***

In addition to seeing whether his or her name is recommended by other attorneys, it is generally a good indication of respect for an attorney when that attorney teaches legal skills at seminars or by writing through various publications. These are good signs of the respect that the legal community has for his or her skills and experience.

9. ***Beware of any lawyer that solicits you.***

Be very cautious of lawyers who contact you either by phone or by mail, after you have experienced an accident. Believe it or not, there are actual attorneys who search the police accident reports daily looking for clients to solicit. You don't want a lawyer who needs to do this to survive. I have no respect for these lawyers, who give legitimate attorneys a bad name. If a lawyer engages in this unethical behavior, it might give some indication how he or she would perform in your case.

10. ***Base your decision on more than just knowing or liking the attorney.***

Some people choose an attorney because they like him or her, or solely because they know him or her personally. This is a mistake. Follow the other guidelines listed herein, ask others about the potential attorney, and question the potential attorney about his or her experience with claims similar to yours. How many such cases has he or she had? How many has he or she taken to trial? What is his or her success rate at trial? Etc.

11. **Most Important!**

Choose an attorney you are comfortable with. Does the attorney seem credible and trustworthy? Is this the type of person

you want to trust your case with? Remember, the attorney probably has several cases pending—he or she is not depending solely on your potential case and can wait for you to shop around and decide if he or she is the right attorney for you. At the same time, you hopefully will only have this one case in your lifetime—so making the right decision on an attorney to help you on this one case is extremely important. Therefore, take the time to make sure it's the right attorney for ***you!***

**MOST IMPORTANT!  
Choose an attorney you  
are comfortable with.**

## **Once You Have Decided On an Attorney, Make Sure You Both Understand Your Goals and How Your Relationship Will Work**

Selecting the right attorney is the first step. Once you find that person, you then need to make sure that you are both on the same page in terms of what you expect to achieve, and how you will work together to achieve it. Here are a couple of important factors to discuss with your attorney to make sure your case proceeds smoothly toward a final resolution.

### **1. How Will You And Your Attorney Keep In Touch?**

Make sure you and your attorney are clear on how you will be informed about the progress of your case. Be sure to discuss how frequently you will be updated, how you will be contacted (for example, by phone, letter, or e-mail), and what topics will be discussed or will require an update.

For example, in most “on the ball” personal injury firms, the clients are followed through their medical treatment. In our practice, we have a full time employee who does nothing but keep track of our clients’ medical treatment visits. We keep a calendar of when our clients’ medical treatments are scheduled, and every day our employee calls those clients who were scheduled to see a doctor in order to get an update on their medical status. This way, as soon as the client is finished with treatment, we know and can start pushing the case toward settlement or trial.

### **2. Who Will Actually Be Working On Your Case?**

Find out who will actually be working on your case. Make sure you have a commitment from the attorney you hire as to who will be in charge of managing your case. Some of the “high volume” personal injury firms have paralegals opening, negotiating and settling claims. In my opinion this is practicing law without a license. That is a crime in Tennessee, not to mention a gift for the insurance company who wants to pay you less than the fair value of the claim. Only an experienced personal injury attorney should be in charge of your case.

At our firm, a paralegal is in charge of tracking the client’s medical treatment, answering routine questions, and gathering all pertinent medical records—all traditional paralegal tasks that do not require a law license. All cases we take in are managed directly by one of our experienced personal injury attorneys. Our attorneys are the ones who directly deal with the insurance company and the other side’s lawyers, manage the case and develop legal strategy, negotiate settlement of the claim, and ultimately prepare for and try the case if does not settle. Only one of our attorneys experienced in the practice of personal injury law—not a paralegal—is in charge our clients’ cases! You should make sure this is also true of the attorney you hire for your personal injury case.