


ATTORNEY ADVERTISING REVEALED

A graphic element consisting of a white, torn piece of paper with a black background. The paper is curled and layered, creating a 3D effect. The text is centered on the black background.

**How to
get through the
hype and hire
a great personal
injury lawyer**

ANTHONY D. CASTELLI

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**How to Get Through the Hype
and Hire a Great Personal Injury Lawyer**

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ANTHONY D. CASTELLI
Attorney

WORD ASSOCIATION PUBLISHERS
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This book is dedicated to all people either injured or killed
through the fault of another.

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FOREWORD

If you are reading this book, I suspect you have suffered a serious injury as a result of the negligence (fault) of another. You are faced with mounting medical bills, possibly loss of wages, significant pain, and life changes. You are uncertain about what the future holds. You are determined to work with your doctors to do whatever it takes to get better. But who knows whether you will ever get your life back the way it was?

You need guidance about your legal rights and what to do to get compensation to make up for your injuries and losses. Don't count on big insurance to help you. Their own self-interest is what they care about. They profit by taking in premiums and paying out as little as possible.

You see the lawyer ads on TV. You get lawyer letters in the mail. "Hire me." Your friends give you suggestions. They tell you about their divorce attorneys or family lawyers. But you need a great personal injury lawyer. The question you have is: How do you find a good—if not great—bodily injury lawyer you can trust?

I wrote this book to answer this question, to help you have a better chance to find and hire a great personal injury lawyer. This book

is meant as a guide to help you recognize meaningful information about personal injury lawyers and not be sucked in by meaningless or even misleading advertising. Godspeed in your recovery from your injury, and Godspeed in finding a great injury lawyer.

INTRODUCTION

You and I both know that all the money in the world can never make up for a serious injury, especially if that injury involves the death of a loved one. However, money is all we have to try to make up for the loss. Do not think for one minute that just because you have been wronged and seriously wounded, a big insurance company is going to step up to the plate and pay you what you deserve. And for that matter, don't think that just any attorney off the block will be able to put together your case and force the insurance company's hand to pay you what is fair.

The first thing you need to know is that the insurance company is not your friend—no matter how kind the adjuster behaves towards you in the beginning. Eventually, it all comes down to the company's goal. That is, to take in premiums and pay out as little as possible on claims.

So what are you going to do? You may understand perfectly well that you need a great personal injury attorney. How do you find him or her? How do you know that which ones are any good? That is what this book is all about. Hopefully, after you have

read this book, you will know how to find a great personal injury attorney. You will also learn what are the important questions to ask and what answers you need to hear so that you are confident that your choice is the right attorney for the job.

The first question you must answer about your injury case is, do you need a lawyer? In my opinion, **NOT EVERYONE NEEDS TO HIRE A LAWYER**. If you have a small injury of short duration, you may be able to handle the case yourself. In fact, I often counsel people to do just that. I do not feel I can add value to a small injury case. Most serious personal injury attorneys focus their time on serious injury cases where they can make a difference.

I fully realize that lawyers have a bad reputation with some people in the community. Unfortunately, some people in the community have had very bad experiences with lawyers. I have people call me every day wanting to know whether they should hire a lawyer. Many times their main concern is that they have heard that the lawyer will end up with all the money and the client will end up with very little.

First, typically a personal injury lawyer is going to take your case on a contingency basis. This means the fee is based on a percentage of what he or she can recover. I cannot vouch for any lawyer, but I know of no self-respecting lawyer that would resolve a claim for a sum of money, take a fee, and not have something left over for the client. In fact, insurance company documents show that people

represented by attorneys in serious injury cases are more likely to get higher settlements than those who are unrepresented. There are good reasons for this statistic.

A layperson does not know what his or her case is worth. A layperson without an attorney can make deadly mistakes that will negatively affect his or her case. A layperson who is unrepresented is stuck with whatever the insurance company offers.

The bottom line is, insurance industry documents show they often go to great lengths to keep injury victims away from lawyers. The reason is their very own studies state in a majority of serious cases, a person represented by a lawyer may be able to settle for 2-3 times the amount an unrepresented claimant settles for.

THE BACKGROUND OF ATTORNEY ADVERTISING

In 1977, the United States Supreme Court eliminated the ban on attorney advertising for routine legal services, in *Bates v. State Bar of Arizona*.

The case involved two attorneys who opened a legal clinic where they accepted only “routine matters” that could be resolved fairly easily. To generate a high volume of clients, they placed an advertisement in the newspaper, listing fees for certain routine services.

All attorneys are regulated by their state supreme courts, which promulgate disciplinary rules of professional conduct involving a multitude of things—especially advertising. This advertisement by these Arizona attorneys violated the Arizona rules of professional conduct for lawyers. The lawyers defended themselves by stating that their First Amendment rights were violated. The First Amendment states as follows:

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof, or **abridging the freedom**

of speech, or of the press, or of the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

The Supreme Court found that attorney advertising for routine legal services deserves some first amendment protection when it “serves individual and societal interests in insuring informed and reliable decision making.”

You might ask why lawyers were not allowed to advertise. The idea was to protect the public’s perception of the profession. By advertising, lawyers would lower the esteem the public held them in. Their profession would, in plain and simple words, not be so highfalutin’.

Bar associations, usually run by the big law firms, argued that legal advertising would:

- Have an adverse affect on legal professionalism;
- Would be inherently misleading;
- Would stir litigation;
- Would drive up prices;
- Would lead to a decrease in the quality of legal services; and
- Would be too difficult to regulate.

However, the Supreme Court in the Bates case, found a connection between advertising and the erosion of true professionalism to be severely strained. It described the historical aversion to attorney ads as a rule of etiquette rather than a rule of ethics. Most importantly, the court saw that prohibition of advertising serves only to restrict the information that flows to consumers and that advertising is the traditional mechanism in a free-market economy for a supplier to inform a potential purchaser of the availability and terms of exchange.

Of course, attorneys cannot say just anything. Attorney advertising cannot be false, deceptive or misleading. In some cases, warnings or disclaimers may be required in attorney ads. The court also noted that restraints on in-person solicitation may be appropriate.

The next big case involved whether an attorney can be prohibited from in-person solicitation—what some of you may think of as ambulance chasing.

Attorney Ohralik learned that a friend had been injured in an automobile accident. Ohralik made repeated uninvited visits to the hospital to attempt to sign up the injured driver as a client. Ohralik also went to the home of the injured passenger without invitation and signed up the passenger for the case. Both (clients) decided to discharge Ohralik.

The Supreme Court stated that (1) in-person solicitation is significantly different from advertising of routine legal services, and that (2) states have an interest in prohibiting pressure-laden, in-person solicitation. Ohralik argued that solicitation and advertising are both vehicles for informing potential clients about the availability of an attorney's services and about the client's legal rights.

Although the court felt that these two objectives were important aspects of attorney advertising, they felt that in-person solicitation was different from public advertisements. Solicitation pressures the recipient to make an immediate, uninformed decision about representation without time for comparison or reflection.

The court characterized solicitation as one side affording attorneys the opportunity to manipulate and exert undue influence over unwary laypersons. The court emphasized that the disciplinary rule did not prevent Ohralik from informing the potential clients of her legal rights. Instead, the court reasoned that the rule merely prevented Ohralik from using legal information as bait to come face to face and solicit a person who needed legal help.

Obviously, in many cases, lawyers are now allowed to advertise. However, there are general prohibitions about what they can and cannot do. Since lawyers are regulated by the states where they are admitted, each state may be a bit different in what lawyers are

allowed to do. Any prohibition is subject to complying with the First Amendment to the United States Constitution.

SOME GENERAL RULES ABOUT LAWYER ADVERTISING

1. Any communication by a lawyer to the public must not be misleading. Even truthful statements may be considered misleading. For example, many lawyers put results they obtained in other cases in their advertising. However, if these have been presented in such a way to lead prospective clients to form unjustified expectations that they will receive the same results for their cases as those cases indicated in the lawyer advertising, this then could cause the advertising to be considered misleading. Lawyers should include disclaimers that the results they have advertised do not mean that they can obtain the same results for prospective clients. In other words, a past result does not imply future performance. In fact, the only thing that a lawyer can really guarantee is that cases are as different as snowflakes.
2. Direct solicitation by lawyers in person or by telephone or real time electronic contact is prohibited, although there are generally a few limited exceptions. For instance, solicitation is generally allowed if the person is a family member or has a close personal or prior professional relationship with the attorney.

3. Truthful statements are also misleading if there is a substantial likelihood that they will lead a reasonable person to formulate a specific conclusion about the lawyer or the lawyer's services, for which there is no reasonable factual foundation.

SOME REASONS BEHIND THE RULES ON LAWYER ADVERTISING, USING THE OHIO RULES ON ADVERTISING AS AN EXAMPLE

As a general matter, attorneys are not allowed to solicit business face to face or by phone. However, they can solicit business in Ohio by written communication. Remember, we are talking about attorneys contacting prospective clients who are probably in need of specific legal services. The rule on solicitation by written communication in Ohio is stated as follows:

Solicitation by written communication by a lawyer soliciting professional employment from a prospective client and the lawyer reasonably believes to be in need of legal services in a particular matter shall comply with the following:

- (1) Disclose accurately and fully the manner in which the lawyer or law firm became aware of the identity and specific need of the addressee;

- (2) To disclaim or refrain from expressing any predetermined evaluation of the merits of the addressee's case;
- (3) Conspicuously include in its text and on the outside envelope, if any, and at the beginning and ending of any recorded or electronic communication recital-ADVERTISING MATERIAL OR ADVERTISEMENT ONLY. If the communication soliciting the employment is sent within thirty (30) days of an accident or disaster, giving rise to a potential claim for personal injury or wrongful death the document "understand your rights" shall be included with the communication. (Appendix 1)

In the Ohio Rules of Professional Conduct that govern Ohio attorney advertising, the purpose and logic behind allowing attorney advertising is apparent. The general public should be assisted in obtaining legal services. The lawyer should be allowed to make known his or her services not only through reputation but also through organized information campaigns in the form of advertising.

The public's need to know about legal services can be fulfilled in part through advertising. The public needs to know about the kinds and types of legal services available. In addition, the public

needs to be informed about the necessary information for those who may be in need of legal services.

Essentially the law has moved towards educating the public about their rights and when they may need legal services. Additionally, the public needs to know about the qualifications of available lawyers who can help them with their specific needs.

In person or telephone, direct solicitation is still prohibited, of course, unless the client has requested same. This means that if the lawyer knows a person was hurt in a motor vehicle accident, the lawyer is not permitted to call that person and request to be hired. This form of solicitation is prohibited because there is the possibility for undue influence, intimidation, and over-reaching. However, direct mail solicitation to those with known legal problems is allowed. If such solicitation takes place within the first thirty (30) days of an injury, it must contain the Ohio Supreme Court's statement on UNDERSTANDING YOUR RIGHTS.

As we will see further into the book, this rule sets the stage for the most effective and meaningful form of advertising—educational advertising. This includes articles, books, reports and videos that explain to the public general information about their rights in specific legal situations. Additionally, lawyers should provide objectively verifiable information about themselves that can help the public decide whether a particular lawyer is qualified and experienced to handle a particular client's case. An attorney's

website can be a great source of information, instead of the screaming, obnoxious, and all-too-familiar ads that state, “Hire me because I’m tough.”

To summarize, here are six key principles about lawyer advertising:

1. The public has a right and need to know general information about their legal rights.
2. The public has the right and need to know which lawyers can competently handle their types of cases.
3. Lawyer advertising must not be misleading.
4. Lawyer advertising must not make statements that are not objectively verifiable.
5. Lawyers may not directly (in person or by phone) solicit clients, since this can allow undue influence to be exerted on the client’s choice of lawyers. These forms of contact between a lawyer and a prospective client subject the layperson to the pressure tactics of the trained advocate. The prospective client, who may be already overwhelmed, may find it difficult to evaluate all available alternatives with a lawyer putting pressure on him or her.
6. Written communication or website advertising makes it possible for prospective clients to become informed about their potential need for legal services and their legal rights. These forms of communication can also inform the public about qualifications of available lawyers without subjecting prospective clients to overwhelming direct influence.

HORROR STORIES AND SETTLEMENT MILLS

Unfortunately, there are many cases of outright false advertising. You may end up in a settlement mill without knowing it. Settlement mills are law firms that take in large volumes of cases and push them through the system as quickly as possible for settlement. Nora Engstrom has written an article called “Run-of-the-Mill Justice” in the *Georgetown Journal of Legal Ethics*. She comes up with 10 characteristics of settlement mills, which are (1) High volume personal injury practices, (2) Engaging in aggressive advertising, (3) Epitomize business over law, (4) Take few, if any cases, to trial, (5) Charge tiered contingency fees, (6) Do not engage in rigorous claim screening, (7) Do not prioritize meaningful attorney-client interaction, (8) Incentivize settlements via mandatory quotas, (9) Resolve cases quickly, usually within 2-8 months, (10) File few lawsuits.

In fact, in one practice, even the initial client interview was mechanized: clients were shown a video of an attorney explaining the case settlement process, rather than having a real-live attorney provide the information. One practice that she chronicled was disbarred in 2003. The man had for 15 years run a high-volume

personal injury practice. The attorney's last name was Sledge and he was known throughout Louisiana as: "The Hammer." Their contingency fee contract called for a tiered 1/3 of the total recovery in the absence of suit. Forty percent if suit was filed, and 50% of the judgment in the event of appeal.

Another firm called for a gross fee of 40% but had a hand-written note that the fee would be reduced to 33% if the settlement could be negotiated without suit being filed.

Engstrom noted how settlement mills can hurt the value of large cases although she indicated that most settlement mills rarely get large cases. The problem is they press for quick settlements. Settlement mills rarely file lawsuits. Settlement mills put quotas on negotiators to turn claims over fast. Attorney reputation for going to trial affects bargaining. Because settlement mills have a reputation for avoiding trial, they have less leverage in their dealings with insurers and are less likely to obtain top dollar.

In terms of numbers of cases, she said that in her opinion they settle 700 or 800 cases a year that one attorney or non-attorney negotiator would be handling from 300 to 400 cases annually.

One of the ways to recognize if you are possibly in a settlement mill is if you ask for a free consultation and you do not meet with an attorney. Although all attorneys that offer tiered contracts are not settlement mills, you can see why these contracts would be

prevalent in settlement mills. The incentive to the client is to settle the case to pay fewer fees. Most non settlement mill personal injury attorneys generally charge a straight fee. Only if there is an appeal to Appellate Court is a different fee charged. Therefore the incentive for the client to settle prior to a lawsuit is not based on a lower fee.

REAL-LIFE EXAMPLES OF MISLEADING ADVERTISING

Please bear in mind that even in good solid personal injury practices run by good personal injury trial lawyers, most cases do not end up going to trial. In fact, most cases can get resolved without the necessity of filing suit. However, they get resolved from a position of strength. That is, the insurance company knows that the lawyer is willing to go to court if a lowball offer is made.

Another attorney, M. Shapiro, had TV commercials in which he promised to obtain large financial settlements for accident victims and referred to himself as the meanest, nastiest SOB in town. He claimed to have aggressive court room prowess. In a sworn statement, Shapiro admitted that he had never tried a case in court. You can still see his commercials on YouTube.

In 2001, a federal judge upheld a decision by the North Carolina State Bar prohibiting two North Carolina law firms from airing television dramatizations to advertise their firms. The ads have been pulled off the air and stirred debate in the legal community over freedom of speech and the boundaries of truth in advertising. The commercial was a dramatization using actor Robert Vaughn.

One actor plays a senior insurance lawyer who is talking with a junior lawyer. “How do you suggest we handle the claim?” the older man asks. “It’s a large claim, serious auto accident,” the junior lawyer replies. “Who is the lawyer representing the firm?” the senior lawyer asks. The junior lawyer replies, “The law firm of XXXXX.” The dramatic background sounds punctuate the firm’s name and the senior lawyer says, “We better settle this one.”

The North Carolina state bar said that the commercial was misleading because it intentionally creates the impression that the insurance company was eager to settle a claim brought by this law firm solely because of their reputation. The Indiana Supreme Court reprimanded two lawyers for similar types of ads, which implied that clients would get favorable results solely on the firm’s reputation with insurance companies. The Indiana Supreme Court’s ruling stated “the respondent’s advertisements create an impression that the claims they handle are settled not because of a specific or legal circumstances that claims, but merely mention the name of the respondent’s firm first to insurance companies.”

In a federal court case, some attorneys challenged the decision that their advertising was not misleading and did not create an unjustified expectation of privacy. The script of the ads was submitted to the state bar association. The ad was found by the state bar association to imply that insurance company lawyers were anxious to settle based upon the reputation of an attorney and not the facts of the particular cases. It does not state all the facts that

are taken into consideration determining whether an insurance company would settle the case.

The court discussed the factors that would be taken into consideration by an insurance company deciding to settle a case. They concluded these factors were availability and the credibility of witnesses and the insured, injuries and other damages and aggravating factors. The attorney's reputation was part of the equation but not the main factor.

It was also found that neither the principal attorney in the firm nor any attorney in his firm had ever tried a case with the exception of sitting as second chair in one trial in which the opposing party prevailed. There was testimony that the insurance company would find it very important that an attorney representing an injured person had never tried a case when deciding on what to offer.

The court noted that it was particularly misleading for the attorney to use ads suggesting that insurance companies were so intimidated by his reputation that they would change tactics and settle.

Another attorney tried a similar thing in the matter of Zang. The Supreme Court of Arizona stated that the firm's ad implying that it was willing and able to try and actually did try personal injury cases was misleading, when no attorney at the firm had ever tried a personal injury case to a conclusion.

In another case, a lawyer was charged with misconduct involving dishonesty or misrepresentation. Four print advertisements contained the bold faced caption: **Civilized Warfare**. The language with the attorney's picture stated, We're the personal injury law firm: with the medical experience to understand complicated injuries, with investigators to find witnesses and hidden evidence, with computers for speed, accuracy and research, free consultation, no recovery—no attorney's fee.

Another statement indicated, "If you are in an accident...you need a lawyer with the facts and know how, not just words. Detailed preparation is part of our firm because: the better your case is prepared for trial, the more likely your case will settle out of court without delay or hassles. If you are in an accident...you need more than a lawyer's words."

The lawyer also had TV advertisements emphasizing the advantages of investigators and medical knowledge. The television advertisements were very dramatic. At the end of one television advertisement, there was the climactic scene of the attorney arguing before a jury in a courtroom, with the viewer visually located behind the jury box. The bar association prosecuting the claim concluded that the advertisements portrayed the attorney as willing and able to actually take a personal injury case to trial. The commission concluded that the advertisements were false and misleading because, in fact, "respondents scrupulously avoided taking cases to trial."

In that firm, no attorney had tried a personal injury case to a conclusion from 1979 to 1983 and only one case had been started and a mistrial was declared. The attorney even conceded that although he felt fully capable of preparing personal injury cases for trial, he was not competent to try a personal injury case.

Most importantly, the attorneys consciously followed a firm policy of not taking cases to trial. If a case went to trial, respondents would refer the case to trial lawyers in another firm. Thus the statement that they, “make complicated medical facts clear for the jury,” or “strive for victory in the courtroom” were false.

The better practice is to use advertising designed to inform consumers of their rights and the methods available to meet legal problems. Attorney advertising should convey accurate information relevant to making informed rational choices about a lawyer’s availability and ability in areas of practice.

IS YOUR ATTORNEY REALLY AN ATTORNEY? HAS HE OR SHE EVER BEEN DISCIPLINED?

As hard as it may be to believe, in some cases people have posed as attorneys, or attorneys have continued to practice law after they have been disbarred.

In Ohio, there is an easy way to investigate if the person who you have chosen is really an attorney. Usually, this will be the way that problems will be encountered. Some friend refers you to a so-called attorney who did some work for him or her, and then things start going badly for you. Something just doesn't seem right.

In a recent case in Kentucky, a person who hired an "attorney" to handle an estate got suspicious. This person went to another attorney, who determined that the work was so bad that it was unlikely to have been done by an attorney. There were hundreds of thousands of dollars at stake that were missing. Fortunately the money was returned, as last reported by the news article.

If you want to investigate your attorney, all you need to do to check out your attorney is go to the Supreme Court of Ohio website. You can find that at www.supremecourt.ohio.gov by clicking on “Attorney Services.” When you enter the name of the person, the site will show whether that person is actively registered as an attorney; his or her date of admission to the bar; law school; and name, address and phone number.

It will also tell you if the attorney has ever been disciplined. If he or she has, you can find a link to the disciplinary history.

You can also request the Supreme Court to provide you with a certificate of good standing for an attorney. This will tell you if he or she is admitted to practice in the state of Ohio, if the attorney is registered. The certificate will also show if the attorney is not subject to a Supreme Court order that prohibits him from practicing law. If the attorney has been disciplined, then the disciplinary history will show whether the attorney has paid all costs and has otherwise complied with all requirements of the court order.

TELEVISION ADVERTISING

The public is most familiar with attorney television advertising. Recently, I was on the treadmill during the lunch hour watching four or five different televisions. Over the course of the next half hour there must have been five or six different commercials from different law firms.

Some of the things that stand out were their quick slogans. One advertisement stated, “Lawyers you know—lawyers you trust.” Obviously, these lawyers are known by their television commercials. This firm advertises quite extensively.

But just because you know them from a TV commercial does not particularly mean that you trust them. These lawyers could in fact be very trustworthy. The problem is the mere statement in a commercial does not allow you to make that connection logically.

Another lawyer’s slogan was, “Serious lawyers for serious injuries.” What does that really tell you about them? It tells you that they are interested in serious injury cases. What personal injury lawyer is not interested in a serious personal injury cases? There are many

more things you need to know before you make the leap to hire an attorney just because he or she claims to be a serious lawyer for a serious injury.

In another ad, the attorney called himself “the heavy hitter.” Now if we were talking about baseball maybe that would have some relevance. But the term “heavy hitter” really is rather ridiculous. Another attorney used a shark reference. As if attorneys do not already have enough image problems. So these commercials are not helpful to the public; they may embarrass the profession and give personal injury attorneys and their clients a negative image.

Some of the other statements that I have found in ads are “fights for you,” “is aggressive,” “will give personal attention to your case.” These are things that all lawyers should do.

I did see several commercials that informed people that if they used a certain type of pain pump for a shoulder injury, they may have a case and should contact the lawyer. I think that this type of advertising does the public a service. There may be people out there who are having terrific problems with their shoulders and no one has told them that it may be because of the pain pump they were prescribed. Now at least they know that there could be something about their injury that is related to a defective product. Certainly if I were having a shoulder problem, had surgery and had a pain pump, I would call this law firm to see what they had to say about my situation.

The main problem with a TV commercial is that there is really not enough time for you to learn anything of significance that would cause you to be able to choose one attorney over any other attorney. Nor is there much time to educate the public about their rights.

ADVERTISEMENTS IN THE YELLOW PAGES

Yellow Pages advertising does not give helpful information about lawyers or their qualifications to handle your case. Most of these ads appear to say the same thing.

A short look through the phone book shows one attorney with boxing gloves on. His list of accidents is a list of types of cases he handles. It says that he serves all injury victims and it says free consultation.

Another advertisement says, "Injured? Get the help you need. Free initial consultation. No fee unless you collect." There is a little asterisk that says court costs and case expenses will be the responsibility of the client.

Another ad says, "Attorneys you know, attorneys you trust." It gives the types of cases they handle and it says a "free consultation."

Again, these ads really tell you little if anything that is meaningful. There is nothing about the attorneys' experience. How many

times have they handled cases like yours? Have they gone to trial in cases similar to yours? What is their peer rating? What kind of fee can you expect? What do they plan on doing for your case? What should you be doing right now to avoid hurting your case? Virtually every personal injury attorney on the planet gives an initial free consultation. So you are not really getting anything that differentiates this attorney by saying he gives a free consultation. They want you to know that by coming to them to see if you do have a case, you will not be charged for that first visit. The fear is that if they do not put it in their ad, someone will think the attorney is going to charge for a consultation. Some attorneys do charge for the first consultation—but usually not personal injury attorneys.

On my website, I put that my initial consultation will be at no fee and no obligation because some clients may be afraid to contact an attorney because they fear a big bill. Just do not think that it is a distinguishing factor that should cause you to choose one attorney over another.

The same is true for the statement “no fee unless we collect.” Virtually every personal injury attorney works on a contingency fee. A contingency fee means that their fee depends on recovering money for you. In other words, the fee will come out of a recovery. If there is no recovery, there is no fee. This contingency fee concept is a wonderful concept. It opens the doors to the courthouse to someone injured by the fault of another. If attorneys were charging

an hourly fee, win, lose or draw some poor injury victims may not even be able to afford to have their cases prosecuted. Offering a contingency fee is offering something that is good for the public. However, as a differentiator among personal injury attorneys, it serves no useful purpose.

Of course, there can be litigation expenses. These are separate from the fee. Some attorneys will advance those expenses and some will expect the client to advance those expenses.

The attorney who advances those expenses expects to be reimbursed out of the recovery. In Ohio if you advance expenses and lose, the client used to be obligated to pay you by the Ohio state rules that govern lawyers. However, those rules have changed and now a lawyer who advances expenses but loses the case does not have to hold the client accountable to pay back the expenses. The lawyer can if they want to but is not required to. The truth of the matter is that in the old days, if an attorney lost a case and advanced expenses, most would normally send the client a letter asking that those expenses be reimbursed. However, if the client could not afford that, I don't know of many attorneys who chased down their clients to get that money.

Again, the point is that whether the ad says no recovery, no fee or free consultation, it really does not differentiate an attorney from any other personal injury attorney.

ATTORNEY BILLBOARD MARKETING

There are many marketing “experts” for attorneys out there. Here is what one expert said about billboards. Never buy billboard ads without having other media for law firm advertising, since that would be wasting your money. If you use billboards, you use from six to ten words on the billboard for the major copy; otherwise it is too long. Not a great medium for attorney marketing for the most part.

DIRECT MAIL SOLICITATION

I can't tell you how many times I have had clients come into my office with several letters from attorneys and several letters from chiropractors. They were sent these after a car accident. This is what is called direct mail solicitation.

The way this comes about is that there are services that will vet police reports for injury cases. They will send the names and addresses and, in fact, the whole police report to the attorney. The attorney then sends a form letter, mailing it to hundreds of car accident victims. Many of my clients feel like this is an invasion of their privacy and they feel like it diminishes the lawyer because they feel that it is ambulance chasing. As I write this article, I am looking at three such letters now that were sent to my clients from other attorneys. The letters state that, "statistics show that injured persons that retain good attorneys receive far more money and benefits than those who attempt to fight the insurance companies alone. Although we have never met, we are available for a free consultation. If you are unable to come to our offices we will make arrangements to meet with you in your home or hospital.

“You may be entitled to recover for: medical bills, pain and suffering, car repairs, future pain and suffering, permanent injuries. Please, do not discuss your accident with an insurance company representative until speaking with an attorney. Please call us toll free at...” and the phone number is stated.

On the back of the letter is a statement of “Understanding your Rights.” If a lawyer in Ohio is going to direct solicit an injury victim by mail, he or she must include this statement. This “Understanding your Rights” now must be sent if the communication soliciting professional employment from a perspective client is sent within 30 days of an accident or disaster that gives rise to a potential claim for personal injury or wrongful death.

The problem is the communication from the lawyer on a one-page mailer does not really tell you anything about this particular lawyer. They are not any better informed because the lawyer sent out a letter saying “call me.”

Another letter I have in front of me says, “Crashes can happen to anyone. Unfortunately, it has happened to you.... I may be able to help you: recover damages, obtain a rental car, resolve your property loss, locate medical assistance, recover lost wages, locate insurance companies, obtain compensation for pain and suffering and most importantly relieve your stress and worry.” What qualifies this lawyer to help you? Nothing really.

The most significant thing about these advertisements if they are made within 30 days is the form required by the Ohio Supreme Court. I have reproduced it here in total. This tells you many things that many good attorneys will tell you on their websites. Many attorneys have now taken the view that educational marketing is the way to attract clients. In my judgment, it is the right way to go. It serves a valid purpose in that it educates an injury victim about his or her rights. It gives accident victims some ideas of what they should and should not do. Many websites will cover the information given by the Ohio Supreme Court along with much, much more. We will come back to this when we discuss what questions you need to ask and get answered to find a great personal injury attorney.

FINDING A LAWYER THROUGH YOUR LOCAL BAR ASSOCIATION

Many bar associations have lawyer referral services. The Cincinnati Bar Association has a lawyer referral service. A lawyer who is a member of the Cincinnati Bar Association may sign up to be on the lawyer's referral service by paying a fee. Any lawyer can become a member of the Cincinnati Bar Association. A lawyer can list his fields of practice and pay the required membership to show that he is admitted to the Bar in Ohio. That is all that is required. So there is not really vetting by the bar association of the qualifications of the lawyer.

FINDING A LAWYER ONLINE

In my opinion, one of the best ways to find an attorney is through a web search. You can simply put in your geographical location and the type of case you have and many attorneys will come up.

There are organic listings. That means the attorney optimizes his sites so it comes up on its own without paying Google or some directory. There are also Google paid ads. There are companies that lawyers pay to have their ad placed on the web search. Lawyers pay Google to put up their ad (pay per click).

Also, some directories may come up that list attorneys. Many of these directories will require the lawyer to pay a fee to have the attorney placed in a higher spot or on the first page of their directory. So it is pay to play for positioning.

One simple directory is the Cincinnati Bell Yellow Pages. There are many attorney directories. Some rate attorneys without regard to payment. One of these is Lawyers.com, run by Martindale-Hubbell. Martindale-Hubbell provides peer review ratings.

Peer review ratings provide an independent objective rating about a lawyer based on input from other lawyers and attorneys. Martindale-Hubbell founded this rating system over 100 years ago and it is still trusted by legal professionals about lawyers' legal ability and professional ethical standards. Martindale-Hubbell states that its peer review ratings reflect the combination of a lawyers' legal ability rating and general ethical standards as provided by their peers. A rating of 5 or AV is preeminent. You can look for lawyers that are rated an AV or 5 and this means that the lawyer has the highest ranking for ethics and ability as rated by Martindale-Hubbell.

After a lawyer has been admitted to the state bar for at least three years and is in good standing, Martindale-Hubbell contacts the lawyer to begin the ratings process. The lawyer does not have to be a subscriber to be considered for a peer review rating. In fact, there is no charge for lawyers to participate in any review or rating process. A lawyer can nominate his or her own peer references; in addition, Martindale-Hubbell performs its own research. All reviews conducted are practice-areas specific.

AVVO is another legal directory. You do not have to pay to be in the directory; however, you can pay to get a higher listing in the directory. AVVO states that their rating is an effort to evaluate a lawyer's background, based on the information they know about the lawyer. They periodically collect information from public sources. If that is all they have, they either put attention or no concern. If

they find other information, they may make a numerical rating. If the lawyer provides further information, that information can cause the lawyer's rating to increase. AVVO considers experience, industry recognition and peer endorsements. AVVO says that its rating can help you find the right lawyer because:

- It's unbiased. Because ratings are calculated using a mathematical model, all lawyers are rated by the same standards.
- There is no favoritism at AVVO; all lawyers are treated equally. They cannot pay to change their ratings.
- It is developed by legal experts for non-experts. The model used to calculate the AVVO rating was developed from input from hundreds of attorneys, thousands of consumers and legal experts.
- It is easy to understand, with simple ratings from one to ten or no rating.

However, AVVO states that the rating is not intended to be the only thing you should use in choosing a lawyer. It is only one tool. Since AVVO has never met the lawyer in person, it cannot measure subjective factors like personality and communication style. AVVO does not take into account a lawyer's performance on particular cases or matters since there is not an accurate way to rate these. In short, they state that AVVO does not provide all the information you need to know to choose the right lawyer. It is just one of several tools.

LAWYER VIDEOS ON THE WEB

So you've Googled or Yahooed your case, in our example Cincinnati car accident lawyer. You have come up with organic listings, Google local listings, Google paid ad words and paid spots. Also in rare cases, some videos that lawyers have done will come up in the organic listing. There may be a directory that comes up.

If you want to "meet" a lawyer before meeting him or her, then a video is a pretty good way to do it. You can tell if the lawyer is at least sincere, confident, empathetic, inspires some confidence in you, and is potentially a lawyer with whom you would like to work.

Every video does not tell you very much about information you really need. The videos that you want to look for are the ones that are talking about your problem and steps to take about your problem. Most importantly, is the lawyer giving helpful information?

5 MYTHS ABOUT LAWYERS

1. Lawyers have special training to become personal injury lawyers.

There is no special training or certification in the state of Ohio that certifies a lawyer a lawyer to be a personal injury lawyer. By a personal injury lawyer, I mean a lawyer who handles cases where a person had a bodily injury.

2. All lawyers who call themselves car accident lawyers or personal injury lawyers have gone to trial.

There are many lawyers who have very limited trial experience. Trial experience is a key factor in choosing a personal injury lawyer. Otherwise what good is the lawyer to you? Hiring an experienced trial lawyer does not mean your case will go to trial. On the contrary, a good trial lawyer will prepare your case so the insurance company knows they cannot get away with a lowball offer without a fight, making a favorable resolution more likely for you.

3. They train lawyers how to be personal injury lawyers in law school.

The fact of the matter is law school teaches a broad range of topics. You must be able to pass the bar exam and that is what law school trains you to do. There is also some critical thinking in law school, but most personal injury lawyers have had a mentor show them the ropes. Or they sat in courtrooms and worked for judges and watched personal injury trials.

4. All lawyers have the same amount of experience in handling personal injury cases.

All lawyers do not have the same amount of experience in handling personal injury lawyers. There are some lawyers just out of law school who are trying to be personal injury lawyers; and some lawyers that have been around for twenty years that not only do personal injury, but will write your will, do your divorce, handle your DUI. These are the old-style generalist lawyers. The areas of the law are vast. One constant is change. It is very hard to be skilled in over five areas of law.

5. All lawyers holding themselves out as personal injury lawyers have significant negotiating and trial experience.

Not true. Every lawyer has different experiences. Some attorneys that do personal injury work may have very little personal injury negotiation and/or trial experience

7 KEY THINGS TO LOOK FOR IN A PERSONAL INJURY ATTORNEY

1. The most important thing to learn from a lawyer's website is whether or not he is a trial attorney. Has he gone to trial? If he makes those statements on his website, he must be able to prove them. Some lawyers will actually say approximately how many cases they have handled. You certainly want to find an attorney that has handled at least ten (10) personal injury cases through trial. I know that many injured parties do not want to go to trial. Just because you hire a trial attorney does not mean that you will go to trial. In fact, a trial attorney knows how to prepare your case completely and thoroughly. This makes possible better settlements and the opportunity to resolve your claim short of a full-blown trial.
2. The next thing you want to see is how many years of experience the attorney has. Just as you would want a doctor who has operated on a hundred hearts for heart surgery, you would want an attorney who has had experience in many personal injury cases.
3. Many lawyers will put results of some of the cases that they have success with on their website in a brief fashion. They all

certainly should put a disclaimer also that just because they got that result for that person for that injury does not mean they will get that same result for you—or even a result at all. There is no way that a lawyer can guarantee you a result. However, seeing the kinds of cases and the jury awards or settlements that the lawyer has obtained lets you know that he or she has been in the ball game of personal injury and has had success.

4. After you have learned that this is a real trial attorney with real experience, you want to know if he or she will be the attorney who is going to handle your case. In large law firms, it is not unusual that you may meet with the partner of the law firm and that he or she will end up taking your case to trial if that happens. However, along the way you may be shuffled off to a paralegal, or you may be shuffled off to a junior associate to prepare you for your deposition.

Most attorneys have a support staff to help them, just as most doctors have a support staff to help them with the day-to-day activities or information gathering. However, it is of prime importance to know that the lawyer that you hired will be the lawyer who knows about your case, follows your case, directs your case and is there for you at all times. Again, his or her website might say this; but when you meet with the attorney, you certainly want to ask about that.

5. It is important to know what an attorney's clients say about him or her. In the past, the state of Ohio did not allow testimonials. These are statements from former clients about

how they like the attorney's services or what specifically the attorney did for them. You will want to look for a website with testimonials in the state of Ohio since Ohio now allows testimonials. Again, just because a lawyer obtained a certain result for a certain client does not mean that he or she will successfully resolve your claim. However, you are trying to get the odds in your favor by finding an attorney who will do the best job for you.

6. What are the lawyer's ratings from Martindale-Hubbell and AVVO?
7. Is the lawyer willing to advance expenses of litigation? If he or she is not, your case may not get very far unless you can afford to pay these expenses yourself.

QUESTIONS TO ASK YOUR PERSONAL INJURY ATTORNEY

I have looked at numerous other lawyer personal injury websites. Here are more questions that come up regarding what attorneys think are important in addition to the points I have mentioned above.

1. Has the attorney taught other lawyers in continuing legal education courses?
2. Membership in trial lawyer associations – There are certain associations that provide extensive education and networking for injury attorneys. In Ohio there is the Ohio Association for Justice. The American Association for Justice is a nationwide association. These used to be called the Ohio Academy of Trial Lawyers and the American Academy of Trial Lawyers.
3. Will the lawyer keep you informed? – Ask prospective lawyers how they intend to keep you informed about the progress of your case. Will the lawyer be accessible by phone as well as mail and email?
4. Awards and distinctions – Has the attorney been recognized by his peer group or professional organizations for excellence?

This harkens back to the Martindale Hubbell and the AVVO ratings.

5. What is the quality of the website content? – You may consider the lawyers who give legal consumer information on their websites as showing dedication to the public. This kind of mentality can tell you a lot about the lawyer. If lawyers try to educate the public on what they do, or the type of cases they represent, you might infer these attorneys are going to take the time to answer all of your questions and explain all of your options.
6. Is the lawyer a good listener? – This is something that you have to decide when you meet with the lawyer. A lawyer who does not listen to you may not be able to portray your injuries and the impact they have had on you and your family to an insurance adjuster. This can hurt the prospect for settlement.
7. A great support staff – Does the lawyer have a great support staff? Are they on top of things when you call? Is the staff there ready, willing and able to help you?
8. When you call, do you get a live body or do you get a recording? It is one of my greatest pet peeves when I call a company or person to do business and I get a recording. Yes, of course, after hours you may get the answering machine, but between 8:30 and 5:00 I suggest that you want a live body answering the phone so that you can get the personal attention that you need.

MEANINGLESS QUESTIONS SUGGESTED BY SOME ATTORNEYS

It is interesting (laughable almost) that on some websites the criteria to be a good personal injury attorney listed by the attorney is the criteria that only that attorney might have. For instance, some attorney websites tell you to ask if the attorney was a former insurance adjuster. These attorneys portray themselves as having inside information about the insurance industry. They somehow found the light because they got tired of ripping off poor injury victims. Since they have been on the inside, they know how to deal with insurance companies. To me, this is just an example of an attorney who goes to the highest bidder and figured out that he does not want to continue working for an insurance company. If these attorneys were willing to try to defeat honest, hard working injury victims with insurance company tricks, then how much do they really care about you?

Another question I have seen on an attorney's website is that he was a former prosecutor. Prosecuting criminal cases is distinctly different from prosecuting the personal injury civil case. The only similarity that I can think of is that a prosecutor and a personal

injury attorney both have the burden of proof. They must prove their cases. But that is where it ends. The prosecutor's case is put together by police investigators and brought to them on a platter.

A personal injury attorney must build your case from the ground up by working closely with you, your doctors and, in many cases, various other experts such as economists, vocational rehabilitation specialists and accident reconstructionists.

Another piece of information that is meaningless is a law firm that says they have 70 years of combined experience. What does that mean in terms of the individual lawyer's experience? Who really knows? One lawyer may have all the experience and one lawyer may have very little.

A former judge – It is interesting that someone would say he or she is a former judge and that qualifies him or her to be a personal injury trial attorney. Many judges are politicians from big firms with little or no trial experience. Though some former judges do have trial experience, many are experienced prosecutors of criminal cases. Just because someone happened to be a judge does not particularly mean he or she is going to be a great personal injury attorney.

YOUR SYSTEM FOR FINDING A GREAT PERSONAL INJURY ATTORNEY

Step 1

The first thing you want to do is educate yourself about your case. Go to the web and search for your type of injury and your geographical location, plus the word “lawyer” or “attorney.” For example, if you were injured in a car accident and live in Cincinnati, you might google “Cincinnati car accident injury lawyer.” This should give you names of attorneys who handle car accident injury cases. Or you could google the type of injury you had for your locality such as a back injury, closed head injury or shoulder injury. Find out what different websites have to say about your type of injury.

Step 2

Start to gather names of potential attorneys. By going on the web and putting in these terms, you should look at four or five websites at least. Go through these websites with this checklist.

1. Does the lawyer state he or she has personal injury trial experience?
2. Does the lawyer give some results that he has obtained?

3. Does the lawyer have testimonials?
4. Does the lawyer state whether he is highly rated by Martindale-Hubbell and/or AVVO?
5. Does the lawyer provide you with educational material that tells you a little bit about your case?
6. Does the lawyer provide you with biographical material that tells you about his background and years of experience?
7. Does the lawyer provide you with information about his support staff?
8. Does the lawyer have educational videos on his website that you can go to and find out about issues that relate to your case?
9. Does the lawyer handle a few areas of law or is he listing personal injury law along with ten other areas of law such as divorce, bankruptcy, and criminal law?

Step 3.

Call the lawyer and ask for an initial consultation. Many lawyers will be glad to talk to you over the phone to get a sense that it is worthwhile for you to come in to see them. Remember, not every case requires a lawyer. Most self-respecting personal injury attorneys will not take on the very small case that does not necessarily need a lawyer. The reason for this is that they cannot

add value to your claim and pragmatically it is just not worth their time. If you feel comfortable on the phone with this lawyer after speaking with him, make an appointment to meet with him in person for your free no obligation consultation.

Now that you have arranged an in-person interview, ask these questions if you are looking for a personal injury lawyer.

What percentage of your practice consists of personal injury cases?

How many personal injury cases have you handled?

What kinds of personal injury cases have you handled?

Were they head injuries, were they back injuries, etc.?

Have you ever handled a wrongful death case?

How many trials have you had?

Have you lost any trials? (This is a particularly good question to ask since any attorney that has been in business for a long time and has been to the trial wars has probably lost a case or two and hopefully has learned from that loss.)

Are you a member of any trial lawyers associations?

What is the fee that you are going to charge me for my case?

How are expenses going to be handled? (If the attorney is not willing to advance the expenses of your litigation, you certainly may want to look elsewhere if you cannot afford to do so yourself. Obviously, if you don't have the expenses of litigation, then you are going to be stymied and stopped and have to take the offer the insurance company makes. However, if the lawyer is willing to advance the expenses of litigation, then you will be in a better position to get a better settlement; or if necessary, go to trial.)

Do you represent insurance companies? (You do want to know where their interest lies. I cannot see how a person can work for an insurance company and then fairly value a case for an injured party since the whole role of the insurance attorney is to put cracks into the injured party's case to devalue it.)

RANKING THE INFORMATION

1. The best indicator for you should be whether this attorney has been to trial and been successful at trial. Ninety-nine percent of cases settle; however, there are times when insurance companies make ridiculous lowball offers and an attorney must take the case in front of a jury. Those that have done so should know how to evaluate a case fairly and keep you from making two critical mistakes that injury victims often make. Injury victims often want too little for their case; or they want too much. The whole goal of the attorney is to help you get the best result possible. This means putting the most money in your pocket, whether it is by settlement before a lawsuit is filed, or settlement after a lawsuit, or by trial. There are also alternative dispute resolution methods like mediation, which can save time and money.
2. Has the attorney had consistent results in the past? Yes. Past results are no guarantee of future results. We have all heard this. But the lack of quality results and inconsistent numbers is very telling. This is not to say that the attorney must have a million-dollar verdict. A million-dollar verdict is only a number; and if you never had a million-dollar case, you may

not have been able to get a million-dollar verdict. But cases in the hundreds of thousands of dollars, where there have been significant injuries, tell you a lot about an attorney. Closely aligned with this is the experience that he or she has had with personal injury cases, how long he or she has been doing it and how many cases he or she has handled.

3. Does the attorney hold high ratings from Martindale- Hubbell and AVVO? This is the only way that you can know whether he or she has a good reputation among peers.
4. Will the attorney advance expenses of litigation?
5. Can the attorney provide you with testimonials from former clients?
6. Does the attorney belong to professional associations? This shows that he or she has a driving interest to keep up on current issues and to help push his or her focus of law forward.
7. Is the attorney going to be there with you every step of the way advising you, guiding you and being accessible to you? Will this attorney be a good listener? This is all wrapped up in bedside manner and accountability. We all know and appreciate a doctor who makes us feel comfortable and explains things to us. Of course, we want a competent doctor who is a great healer. We also want a personal injury lawyer who is a great handler of personal injury cases, knowing how to put a case together with the help of a competent staff and who goes to trial if necessary.

ABOUT ANTHONY D. CASTELLI

I learned how to be a personal injury attorney by clerking for one of the best personal injury attorneys in the city of Cincinnati, Walter Bell. I used to go out and do whatever he asked me to do. Many times I would go to the accident scene and take photographs. I would take statements from witnesses and then I would get to see how it all rolled together by attending the trial with him. He was generous with his time and taught me many things. The biggest thing he taught me was that a trial lawyer is covered in sweat and that you must give your heart and soul to each case. I learned that although you may have more than one case, your client comes to you with a one and only case.

My only other areas of focus besides personal injury are workers' compensation and Social Security disability. I learned these from the other partner in the firm with Walter Bell. In the first years of my practice, to get courtroom familiarity, I went up to the public defender's office with Mr. Bell's permission so that I could represent indigent criminal defendants. I met many judges and had several significant criminal cases where I honed trial skills thinking on my

feet and preparing jury questioning, opening statements, closing statements and questioning of witnesses.

I have been a personal injury trial lawyer for 29 years in the Greater Cincinnati, Ohio area. I'm still passionate and look forward to many more years of helping injury victims get fair treatment from big insurance.

ADDENDUM

After you have done your search, I invite you to call me so we can discuss if I am the right fit for you and you are the right fit for me. You see, I do not take every case that calls my office. What follows is what I look for in a client:

You just want what is fair and do not think that your ship has come in because you were injured.

You need someone to make a difference.

You have a significant injury that has caused you substantial loss.

You do not have to be a worker that has lost wages. You could be working with pain. You could be someone who works solely at home. You could be someone who was out of a job or between jobs when you got hurt.

You are willing to be open-minded and will listen and weigh my advice and counsel.

You will work with me for the best result.

You try hard to get better.

You want to team up with me and become a part of my extended family.

You want an attorney who cares about you as a person.

You really need an attorney. If your injury is small, I will probably not take your case. However, I will be glad to speak with you to point you in the right direction.

If I take your case you will be one of the most important people in my life. It is a high honor for me when clients choose me to represent them. It is an awesome responsibility.

If I take your case, I promise to fight with all my heart for you.

After reading this book, you might say the above statement is meaningless. I submit if you find an attorney that means those words and acts on those words, then it is one of the most meaningful statements any attorney—or anyone for that matter—can make to another human being.

DISCLAIMER

Reading this book is no guarantee you will find the right lawyer. Please do not take this as legal advice. This is just a general information guide. It is my fervent hope this book will greatly increase your odds of finding the right lawyer. Hopefully, this book has taught you what questions to ask and where to begin your search for a great personal injury lawyer.

APPENDIX A

UNDERSTANDING YOUR RIGHTS

If you have been in an accident or a family member has been injured or killed in a crash or some other incident, you have many important decisions to make. We believe it is important for you to consider the following:

- 1. Make and keep records. If your situation involves a motor vehicle crash, regardless of who may be at fault, it is helpful to obtain a copy of the police report, learn the identity of any witnesses, and obtain photographs of the scene, vehicles, and any visible injuries. Keep copies of receipts of all your expenses and medical care related to the incident.
- 2. You do not have to sign anything. You may not want to give an interview or record a statement without first consulting with an attorney, because the statement can be used against you. If you may be at fault or have been charged with a traffic or other offense, it may be advisable to consult an attorney right away. However, if you have insurance, your insurance policy probably requires you to cooperate with your insurance company and to provide

a statement to the company. If you fail to cooperate with your insurance company, it may void your coverage.

- 3. Your interest versus interest of the insurance company. Your interests and those of the other person's insurance company are in conflict. Your interests may also be in conflict with your own insurance company. Even if you are not sure who is at fault, you should contact your own insurance company and advise the company of the incident to protect your insurance coverage.

- 4. There is a time limit to file an insurance claim. Legal rights, including filing a lawsuit, are subject to time limits. You should ask what time limits apply to your claim. You may need to act immediately to protect your rights.

- 5. Get it in writing. You may want to request that any offer of settlement from anyone be put in writing, including a written explanation of the type of damages that they are willing to cover.

- 6. Legal assistance may be appropriate. You may consult with an attorney before you sign any document or release of claims. A release may cut off all future rights against others, obligate you to pay past medical bills or disability benefits, or jeopardize future benefits. If your interest conflicts with your own insurance company, you always have the right to discuss the matter with an attorney of your choice, which may be at your own expense.

- 7. How to find an attorney. If you need professional advice about a legal problem, but do not know an attorney, you may wish to check with relatives, friends, neighbors, your employer or co-workers who may be able to recommend an attorney. Your local bar association may have a lawyer referral service that can be found in the Yellow Pages.

- 8. Check a lawyer's qualifications. Before hiring any lawyer, you have the right to know the lawyer's background, training and experience in dealing with cases similar to yours.

- 9. How much will it cost. In deciding whether to hire a particular lawyer, you should discuss, and the lawyer's written fee agreement should reflect:

- A. How is the lawyer to be paid? If you already have a settlement offer, how will that affect the contingent fee agreement?

- B. How are the expenses involved in your case, such as telephone calls, depositions cost and fees for expert witnesses to be paid? Will these costs be advanced by the lawyer and charged to you as they are incurred since you are obligated to pay all expenses, even if you lose your case? How will your payment be arranged?

- C. Who will handle your case? If this case goes to trial, who will be the trial attorney?

This information is not intended as a complete description of your legal rights, but as a checklist of some of the important issues you should consider.

THE SUPREME COURT OF OHIO, WHICH GOVERNS THE CONDUCT OF LAWYERS IN THE STATE OF OHIO, NEITHER PROMOTES, NOR PROHIBITS THE DIRECT SOLICITATION OF PERSONAL INJURY VICTIMS. THE COURT DOES REQUIRE THAT, IF SUCH A SOLICITATION IS MADE, IT MUST INCLUDE THE ABOVE DISCLOSURE.

Author's Note. The Ohio Supreme Court does, in most cases, prohibit direct phone, or in person solicitation of a known injury victim.

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WA

In his new consumer book Anthony Castelli gives the public a rare look inside lawyer advertising. He pulls back the curtain on lawyer advertising and pulls no punches on what he terms “meaningless” lawyer advertising. There is nothing worse than making the mistakes of relying on big insurance to protect your rights or hiring a lawyer that’s not competent. From his position as an experienced insider, Anthony explains what to watch out for, and what steps to take to help you hire a good personal injury lawyer.

Inside you will learn:

- How to distinguish meaningful advertising from meaningless statements;
- How to protect yourself from big insurance as well as unscrupulous attorneys;
- 5 Myths About lawyers
- What is a Settlement mill
- 7 keys to look for in a personal injury attorney
- A system for finding and hiring a great personal injury attorney.

Anthony Castelli has over 25 civil injury jury trials under his belt. For the last 29 years he has helped hundreds of clients recover thousands of dollars in verdicts or settlements. He is rated preeminent by Martindale Hubbell, Superb by Avvo, and has been listed as an Ohio Super Lawyer in the *Ohio Super Lawyers Magazine*

You can find more information about Anthony Castelli at his website

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