

A Legal Guide for Injury Victims

Don't Get Caught in the Mill!



**What Injured Consumers Need To Know
About TV Lawyers, Factory Firms,
And Finding The Right Attorney For Their Case.**

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About This Book

This book is intended to be a consumer guide. It is not intended to provide legal advice for any particular individual or case. While some of the suggestions and content contained in this book may apply the majority of the time, your case may be the exception to the rule.

Choosing the right attorney or firm to handle your case is a complex process. There are no rules to make this process foolproof and no matter how much research you do or how many questions you ask, it is entirely possible you will not be successful in your search.

The information in this book is based on my personal opinions, which I have developed based on my own experience. I make no claim they are accurate or correct for anyone other than myself.

I can tell you, however, I firmly believe the information in these pages can greatly increase your chances of hiring the right lawyer for your case. Following this guide is infinitely better than simply responding to ads or randomly picking attorneys out of the phone book.

My hope is by reading this book you will learn more about the way personal injury law works, and you will be better prepared to evaluate potential attorneys for your case. You should always do you research, develop a list of questions ahead of time, get multiple opinions, talk to friends, and take every bit of information you get with a grain of salt (including mine!).

I Need Help Now!

Not everyone has the time to do a bunch of reading and research right after they get hurt. Maybe you just got in an accident or know someone who did. You need help and you need it now. If this sounds like you, here's what you need to know:

- **Seek medical attention immediately.** This is not the time to act tough. Accident-related injuries can be extremely serious even if you think you are okay or feel your injury is “not that bad.” If you have been in an accident, even a minor one, go to the doctor immediately.
- **Start a journal.** Write down everything you can remember about the accident. Make notes about how you feel, your injuries, and the people involved. Obtain the names and addresses of all witnesses if possible. Write down the content of all conversations you had with the driver or passengers of the other vehicle at the scene of the accident, as you may need this information later. Document all of your visits with doctors or other specialists. Write down all of the medications you are prescribed, as well as the dates and times you take them. Keep a daily log of how you feel, your doctor appointments, physical therapy, and any other details related to your case.
- **Photograph your injuries, vehicles, and the scene of the accident.** Use your smartphone, digital camera, or any other device to capture a visual record of the accident scene.

- **Contact an attorney as soon as possible once your medical needs have been attended to.** This book is meant to help you with this important step. Simply responding to TV ads or picking lawyers randomly out of the phone book is often the worst thing you can do. Not all attorneys are the same, and just because you hear their jingle on the radio or see them on TV does not mean they can help you. Do your research and find the attorney who is right for you and your specific case.
- **Do not give the insurance company a recorded statement without first speaking with an attorney.** Insurance adjusters are trained professionals and they are not always on your side. Their job is to save the insurance companies - their employers - money in any way they can. If you have been in an accident, you should talk to the police and your doctors, but do not have conversations with the insurance company until you have contacted an attorney.
- **Do not lie or withhold information from your doctors or attorney.** Always be honest, because withholding information or trying to manipulate the facts can be devastating to your credibility, which can have an adverse effect on your case.

Introduction

After an accident, do you know where to turn for legal assistance? Will those lawyers you see advertising on TV really fight for you as tirelessly as they claim? Or are the TV commercials sometimes misleading and far-fetched?

At one time, state bar associations (the governing bodies that regulate lawyer business practices) actually prohibited advertising legal services. The legal community believed that doing great work for your existing clients would speak for itself, and that you would attract new business through word of mouth. A Law firm's business was built on its reputation.

All of that began to change in the late 1970's, when legal bar associations began to relax the rules on advertising. The changes began in response to a landmark Supreme Court case in 1977 (*Bates v. State Bar of Arizona*) which concluded that banning lawyers from advertising was a violation of their First Amendment rights to free speech.

But even though law firms were suddenly allowed to advertise, most still chose not to due to the negative stigma associated with lawyer ads. For many years during the 1980's, things continued as they always had, with most lawyers generating their business through word of mouth referrals from past clients and other attorneys.

The changes came slowly at first. You would occasionally see an attorney commercial, but it was more of a novelty. Established firms shied away from self-promotion and did their best to compete on the strength of their reputation.

But the reality is advertising works, particularly when most of the competition refuses to participate. The few firms that were bold enough to advertise built a level of awareness with consumers the non-advertising firms could not match through word of mouth alone. Over time, more and more attorneys and

law firms started experimenting with paid advertising campaigns, and the results that followed made it very difficult to turn back.

Fast-forward to today, and paid advertising campaigns have become commonplace for attorneys and law firms. In fact, many attorneys would argue it is almost impossible to compete without advertising these days, particularly in practice areas such as personal injury where there are a large number of firms competing for a relatively limited number of cases.

Big personal injury firms prefer to advertise via broadcast media such as television and radio. In fact, the sheer volume of attorney advertising on television has prompted the creation of the term “TV lawyers” to describe those attorneys who seem to spend more time appearing in TV commercials than they do practicing law!

When it comes to creating the most awareness with the most people, traditional advertising platforms still deliver the biggest bang for the buck. Even with the proliferation of the Internet and social media, nothing establishes an attorney as a local celebrity as quickly or as effectively as having a presence on radio or TV. Combined with other mass media such as print ads and billboards, attorneys have the ability to be ever-present with relentless invitations to call or come in for a free consultation.

So what is the problem? Legal issues are complex, and a 30-second television ad, radio commercial, or even a few inches of space in a print publication, does not give consumers nearly enough information to make an informed decision about their legal representation. Consumers end up simply bombarded by commercial messages from TV law firms offering free consultations and promising you how hard they will aggressively “fight for your rights.”

What’s more, TV law firms commonly operate their practices differently than other attorneys. They devote significant time

and energy to growing their businesses and increasing their profits. They spend tremendous amounts of money on marketing, and they tailor their business model to move more clients in and out of their system as quickly as possible. In short, they function with a marketing mentality rather than a service mentality.

Unfortunately, when a firm concentrates primarily on how many people they can churn through their system, the service capacity of the practice can be severely diminished as a side effect. The ability to personally serve each and every client while devoting maximum time and resources to each case is sacrificed due to the desire to attract as many cases as possible and process them quickly with large teams of support personnel. We call this the “mill mentality,” and you can see it on display in cities and towns across the country.

As a practicing attorney, I see the results of this unfortunate reality every day. I wrote this guide after years of meeting with clients who had been sucked into the “mill” system through TV commercials and other marketing tactics. Many had been caught up in the system for months and had been left with more questions than answers about their case. We were able to help them in some cases, but in many others the damage was irreversible. Their legal representation from the factory firms was too little too late.

If your case gets stuck in a “mill” system, your individual needs may not be met. To save money, TV firms often pass your case off to non-attorney staff. Your case may not get the proper legal attention that you expect, and, in the end, you may not get the kind of settlement the law says you are eligible to receive. These firms play a numbers game rather than take an approach that attains the maximum level of service and value for you. That is the mill mentality.

Unfortunately, it is not always easy for consumers to determine which law firms in their area operate with a mill mentality vs.

the firms that offer a more personal and hands-on approach. Just simply looking at a firm's advertisements is not enough. But the good news is it only takes a small amount of investigation to find the truth—and that is the purpose of this guide.

After reading this, we hope you will have a better idea of the types of questions you should ask a potential attorney. Included are all of the things you should look for to determine if the firm you are considering is truly inclined to serve your needs or if they are more oriented towards processing and settling lots of cases quickly with a more factory-oriented approach. If you ever find yourself in need of an attorney and want to avoid working with TV lawyers afflicted with the “mill mentality,” this guide is for you.

Who Am I?

My name is John Della Costa and I am a personal injury attorney at the law firm of Della Costa & Neville in Pinellas Park, Florida. My partner David Neville and I both sustained life-altering injuries in car accidents before we ever became attorneys.

As laypeople, TV advertising made it difficult for us to determine the best course of action. We had a lot of questions, but the one we kept coming back to was: How can a TV lawyer represent me individually—and get me immediate results for the problems I am having right now—when I can't get one on the phone or meet with one in person?

In 1996, I was a backseat passenger riding in a vehicle that was broadsided by a car traveling at over 65 mph. I sustained a traumatic head injury that included a fractured skull, concussion and retinal injury (vision loss) which ultimately caused the end of my career as a deputy sheriff. I received treatment from several specialists, including physical therapy and pain management. Years later, my injuries required me to undergo back surgery.

While I was out of work, the medical bills began piling up. Although I had health insurance, my family and I did not realize the other financial consequences a career-ending injury would cause. There were insurance co-pays, mortgage payments, utilities and other monthly bills, all of which do not cease when you are injured. I felt the insurance company would take care of me, but after months of waiting, they did not.

Finally, after I was unsuccessful in dealing with debt collectors and insurance companies on my own, I hired a personal injury attorney. The combination of loans and the settlement reached in my case helped sustain my family and me through my unemployment and law school. In 2000, I began my career in personal injury law, determined to help others through similar experiences.

My partner David was also motivated to pursue a career in the legal profession after suffering a tragic accident. In 1992, David was struck by a semi-truck while standing on the side of the road. He was thrown more than 30 feet and remained in a coma for weeks. He suffered spinal fractures and required facial reconstruction consisting of several surgeries over a 15-year period. David struggled through a long but successful rehabilitation. His medical bills were astronomical. For years, he endured a financial crisis he thought would never end.

Immediately after his rehabilitation, David began a tremendous journey. In 1993, he enrolled in college and earned a Bachelor's degree and a Juris Doctorate in accelerated programs. Through college loans and assistance from his personal injury attorney, he became a lawyer in 1999.

After completing law school, David and I got our start working for the larger mill-style law firms, similar to the ones you may have seen on TV. We experienced firsthand some of the ways clients were being run through the system.

After gaining experience in personal injury law and developing our own client relationships, we decided to join together and start a different kind of law firm. Conscious of the fact that many of the law firms in our industry had become "mills," we decided we were going to do the opposite.

We were committed to developing a firm that used a new marketing strategy, one based on customer service. We wanted to go back to the old ideals we looked for when we hired the attorneys who handled our very own injury cases. We wanted to be different and to move away from the "mill mentality."

In 2006, we joined to form Della Costa & Neville, P.A., emphasizing the need for people to seek lawyers committed to offering personalized service. We hope that by reading this guide, you can avoid the same pitfalls that we and many other people have experienced when deciding on legal representation.

Chapter 1

Inside the “Mill Mentality”

The “mill mentality” is a numbers game. Many TV law firms make money by moving as many clients as possible, as quickly as possible, through their system. They generate profits by sheer volume. Sound familiar? It’s the “big box” store for unsuspecting clients drawn in by the advertising messages. You may become lost between the cracks without personal guidance and advice - the very service you hired and trusted that law firm to provide.

Many TV lawyers generate profits through more and more advertising. These firms consciously choose to divert much of their revenues back into marketing and advertising, which is the major reason they are as large as they are today.

The system these TV firms use to process new clients is important to understand. They have investigators and caseworkers who sign up almost every case that comes through the door. Then the “mill” begins to churn, pushing cases through the machine. From your initial visit with a non-attorney, to the time your case is passed off from caseworker to legal secretary, it is processed to fit the “mill” template. Ultimately, it may be a caseworker who submits your claim. Rarely do you even speak to an actual attorney, let alone have your case directly handled by one.

Surprisingly, if your case does not fit the “mill’s” marketing model, you may simply be kicked to the curb. When a case is more difficult or involves intricate legal issues, the “mill” machine breaks. Your case becomes a monkey wrench in the gears. The “mill” is not designed to spend a lot of time or resources on any one individual case. When things get complex, it becomes more efficient for the “mill” to hire another law firm to handle the case or to just get rid of your case altogether. Most consumers are blindsided when this happens, and the TV

lawyer you hired at the beginning still gets part of the profits after you hire another attorney and your case settles.

Another dirty secret to note: many TV lawyers are motivated to settle quickly and that is *seldom* the best thing for consumers. These “mill” lawyers want to settle fast because they are entitled to a percentage of the fees your case generates. A case nets a higher profit to a firm if it is resolved quickly and involves less time. It is in *the firm’s* best interest to settle cases at whatever dollar amount they can get quickly and efficiently.

The “mill mentality” goes further and may actually affect your medical care. The system is set up so that clients get treated by doctors working directly with the lawyer. It’s a hidden partnership which is seldom discussed by these firms. Your health becomes secondary to generating profits for both. In Chapter 3, we’ll reveal the details on this cozy relationship between some doctors and attorneys and help you spot the warning signs.

Chapter 2

Working with a Factory Firm

From the client's perspective, it is difficult to work with a large factory firm. After calling the help line advertised, your first meeting will most often be with a caseworker or investigator, not a lawyer. Follow-up conversations throughout your case will likely be with a secretary or other staff, not a lawyer. The average person believes that when they visit a law firm to discuss their injury case, they will sit down with an attorney. The lawyer will do the paperwork, negotiate on your behalf and prepare for trials. It is a reasonable assumption, but it is not always the case with the "mill mentality" firms. Here are some of the little-known realities of working with these firms:

- **The attorney on TV is rarely the person you talk to.** You will probably never meet the majority of the lawyers that you see on TV. Your main contact will very often be a non-lawyer assigned to your case, and that staff member is most likely responsible for handling a multitude of cases. If you want phone calls returned or you have legal questions, you must ask the staff—and hope you get an answer.
- **The bulk of the work is handled by non-attorneys.** In larger TV firms, most of the legal work is not done by attorneys, but by support staff like paralegals, legal secretaries, investigators and caseworkers. Surprisingly, a non-lawyer may even be responsible for negotiating with the insurance company on your behalf.
- **If a lawyer does work on your case, it will probably be a lower-level attorney with little experience.** These newer attorneys aren't paid big salaries, they handle cases in bulk, and may even be paid entirely on a percentage basis based on the settlements they obtain. They are typically so inundated by their caseload, they

simply cannot give you the personal attention you deserve. Therefore, you become part of the “mill.”

- **“Mills” aren’t designed to keep you satisfactorily updated on your case.** Sometimes they follow-up and sometimes they do not. It’s a crapshoot. Feedback we have heard from clients who have dealt with these TV law firms is that it’s difficult to even get a simple call back. Many times your case will be switched around to different staff, with each new employee knowing less than the last.
- **When you hire an injury attorney, you expect that attorney to handle legal issues regarding your property damage and lost wages in addition to your injury claims, but many TV law firms do not handle that aspect of your case.** You may very well be left to fend for yourself, even though you thought you hired them to address these issues.

The main complaint we hear from clients who have taken their case to a factory firm is that they just did not get the attention they expected and believed they deserved. Let’s face it: people in need of a personal injury attorney have generally been through a lot. They have either been in a serious car accident or some other circumstance that caused significant injury to themselves and their property. Many have to deal with long hospital stays and long periods of missed work that can jeopardize their family’s financial security. They are hurt, tired, stressed and find themselves in the middle of a war zone battling insurance companies and fighting for their own survival.

For most injury victims, finding an attorney who can competently represent them through this mess offers a glimmer of hope in their most desperate hour. The last thing they need is to be treated like a number, passed off to support staff, and not even given the dignity of a meeting with the person they are trying to hire to serve them.

Chapter 3

What You Should Expect From Your Lawyer

So far we've spent a lot of time talking about how mill mentality attorneys and law firms operate. In this chapter, I am going to give you an overview of the things you should expect from a competent personal injury attorney. You will notice many of these characteristics are directly at odds with those of a mill mentality law firm, and that is really the main point of this book. Just because someone has earned a law degree does not mean they are equally as qualified to handle your case as any other attorney. There are vast differences in the way different attorneys operate and it is important that you choose a firm that will provide the type of service you feel is best for your case.

Most people seeking the services of a personal injury attorney have very little experience working with these types of firms. Unfortunately, the very nature of injury cases makes hiring an attorney even more complicated because victims generally need to make a decision very quickly. When you are injured, out of work, and insurance companies are calling you relentlessly, there is just not much time to study the legal system and compare a large variety of law firms. You need help immediately, not a month from now after you have had a chance to evaluate all of the local attorneys in your town.

It is difficult to know what to expect from an injury attorney if you have never worked with one before. Keep reading for a list of things you should look for when considering an attorney or firm to handle your case.

Your lawyer should be in the service business, not the volume business.

Attorneys should meet with you at the beginning of your case and remain accessible throughout the case. They should answer questions promptly and take care of the legal matters themselves, instead of delegating these important roles to non-lawyer staff, paralegals or legal secretaries. Most importantly, they should be the ones negotiating all aspects of your case. The lawyer is the quarterback. The lawyer, not a legal secretary or other subordinate, should handle and direct the path in which your case travels.

Lawyers should keep their clients informed.

Attorneys should answer your questions promptly and thoroughly, whether it is during the day, on the weekend or after business hours. They should be available to you when you need them. They should be service-oriented and prepared for the litigation of your case.

Lawyers should handle a case from beginning to end.

Attorneys should accept cases with the intention to handle all aspects until the matter is resolved. Whether it is through settlement or extended litigation, they should focus on each and every case individually. You benefit when their focus is on you, your injuries and your medical treatment, not a marketing strategy designed to generate profits.

They Accomplish Things TV Lawyers Ignore.

What happens to your medical bills at the conclusion of your case is very different depending upon the type of firm you choose. You want to know that at the end of your case, your bills will be paid, and you will not have bill collectors or medical providers coming after you for payment of unresolved bills.

These matters are often ignored when you're being pushed through a larger mill-type firm. As a consumer, you have to understand this and be sure to ask the right questions before you agree to let any attorney handle your case.

They Make Sure Their Clients Get Appropriate Medical Care.

It is also important to point out that responsible lawyers will ensure you receive real and proper medical treatment. Many larger mill-mentality-type firms have their clients seen by medical providers with whom they have business relationships. In these situations, profit is the primary goal and not your treatment, and that is simply wrong.

These doctor/lawyer partnerships are hidden from the client. Many TV lawyers develop relationships with TV doctors like those in the 1-800-help numbers you often see advertised on TV. The TV doctors are “mills” too, designed to quickly move patients in and out of their facilities, bill your insurance company, and make a profit. Many are not interested in individualized, focused care of their patients.

Responsible lawyers know who these doctors are and will keep you out of these types of medical facilities. A responsible lawyer will make sure you seek treatment with credible medical facilities who are interested solely in improving your health, not draining your wallet.

“Mills” are all over TV. Doctors advertise right beside the very attorneys they are in bed with. And the troubling part is that some of those very same lawyers who are working with these 1-800-help medical providers turn around and criticize these providers in their own commercials! Hopefully, someday, citizens of the State of Florida will be better protected from this type of behavior. In the meantime, be very cautious of attorneys who try to direct you to medical clinics that

“specialize” in car accident cases and have a factory type feel to them.

If your attorney seems very intent on sending you to a particular doctor or clinic, ask how many clients he refers to them each year and why he feels it’s the best choice for you. Ask him if he knows how much of the clinic’s business is driven by attorney referrals vs. walk-in business or referrals from other doctors. Pay very close attention to the way he answers. If you spot any hesitation or defensiveness it could be a sign there might be other motives at work.

If you do make the decision to visit a particular doctor based on your attorney’s recommendation, pay close attention to the facility and staff. Is the waiting room crammed with people that all seem to be accident victims? How does the staff treat everyone? Does everyone seem to be in a hurry? Do they seem genuinely interested in your injuries or are you simply rushed through various tests and procedures?

Generally speaking, people have pretty good instincts about things like this. If you have any doubts, just ask the questions and pay close attention to the answers you get. If something just does not feel right, do not be afraid to get out and pursue other options.

Chapter 4

Questions to Ask to Avoid “The Mill”

It is advantageous for you, as a consumer, to seek out an attorney equipped to handle your case in a more personal way. You should do your research before calling that attorney who constantly appears on TV, talking about how aggressive he is while pushing you to come in for that free consultation.

Furthermore, do not just assume you are safe going with another big firm you have never heard of or seen on TV, because there are many law firms that operate like a “mill” that choose not to advertise on TV. If you have determined your case deserves the sort of hands-on approach the factory firms cannot provide, the following is a list of questions that will help you avoid getting caught in the mill.

- **Representation by an attorney.** The first question you should ask when you walk through the door is this: “With whom am I meeting? Am I sitting face-to-face across from an attorney or someone else?” Make sure it is with an actual attorney.
- **Direct Access to your Attorney.** Find out how accessible your attorney will be by asking the following question: “Will I have direct access to my attorney via his/her cell phone, e-mail, and/or text message?” The answer you are looking for of course is all three but be aware that most attorneys do not provide personal contact information to clients. Instead, they rely on various gatekeepers within the firm to relay messages to them. Having the email address of a caseworker or secretary is not the same thing as having direct contact information for the attorney in charge of your case. Know the

difference and beware of firms that try to limit your access to your attorney.

- **Who else is going to be working on my case?** You should also ask the question, “Who else will be working on my case besides you, Ms. Attorney, or you, Mr. Caseworker and to what extent? Who is my main point of contact?” The answer you are looking for is, “I am the attorney who will be working on the case and, although I do have assistants here in the office to help with leg work, I do the bulk of the work myself. I do the negotiating. I do the litigating. You contact me directly. All letters that are sent out are dictated by me, not by someone else. Support staff supports me; they don’t do my work for me.” If the answer you receive is not this clear and direct, it is a good sign the bulk of the work involved with your case will be handled by a team of support staff instead of the attorney you think you are hiring.
- **An explanation of the legal process—from A to Z.** The next question to ask is simply, “What is the process in a case like this? From A to Z, what happens?” Although every case is unique and different, an attorney can give you a general idea of what to expect over the course of your case. You are looking for a clear and detailed explanation that indicates a thorough command of the subject matter.

If the attorney tries to brush over this question casually with a short, overly general answer it may indicate a lack of experience. This is also a great question to ask because attorneys hear this question all the time. If they are short and dismissive with their answer to this

basic inquiry, how do you think they will handle the more complex questions that you'll surely have during the course of your case?

- **Topnotch qualifications and experience.** To get an idea of both, ask, "How much experience do you have in this line of work? How many years have you done it?" Ideally, you would want someone with at least 10 years of experience. Litigating injury cases is a serious and complex business. As a client, your lawyer will be making decisions that could affect you for the rest of your life. This is not the type of work you should trust to someone who has only handled a handful of cases or has never taken a case to trial.

You should also ask, "Have you handled cases exactly like mine? What were their outcomes?" It is important to ask an attorney if he/she has handled cases just like yours, because lawyers with experience will have a solid background in your kind of case. But when it comes to results, be careful; use the information strictly as a guide. Every case is slightly different and these differences can play a significant role in the value of a case. Lawyers should not promise you that a past result will be an indication of the exact result they can achieve in your case. If they do, red flags should go up. Instead, look at the big picture and view their results in a general way.

- **Regular updates.** Another question you should ask is, "How often will I be updated on the progress of my case?" No client should have to wait months and months to get an update on his case. If you have questions regarding what is happening with your case,

you should be able to have direct access to your attorney to answer those questions.

- **Thorough representation.** It is important to ask, “Who will help me take care of my medical bills?” and “What happens to my medical bills when my case resolves? Do you help with those details as part of your service?” Resolution of your medical bills should be a part of your representation. Often, those questions go unanswered and your medical bills get ignored leaving you with a bundle of problems to deal with after your case settles.
- **Primary Areas of Practice.** Many lawyers practice in many areas, and lawyers have several areas of practice often do not do all of them well. Although it is okay for law firms to do different things, it is important to ask the lawyer you intend to hire about his/her level of expertise with injury cases. For example ask, “How many different kinds of cases do you handle?” Find one you can trust who practices personal injury every day. You do not want to hear a lawyer tell you, “I handle personal injury cases, but I can also help you with real estate transactions and your will, and if you go through a divorce, I can handle that too.”
- **How Often Do You Refer Out Cases?** It is essential to ask, “Will you be my lawyer from beginning to end?” and “What percentage of the cases that you handle do you refer out to other lawyers? What issues do you not deal with, or are you not capable of dealing with?” Many TV law firms are just not set up to deal with difficult litigation. Ask if the law firm handles cases that involve complex litigation, the kind of litigation that

may become necessary in your case. If a lawsuit needs to be filed, does your case get sent to another firm? The bottom line: At the beginning, when a case is initially evaluated, it is okay for lawyers to refer out cases they are not equipped to handle or that are outside their area of expertise. However, it becomes problematic when lawyers refer your case to another firm after they have attempted to work it partway and fail. Insurance companies notice this practice and it may affect your case negatively, so do your homework.

- **Trial experience.** Ask the lawyer you are meeting with if he has ever taken a case to trial. Not all attorneys try cases—in fact, many go their whole careers without any courtroom experience. It is essential your attorney, especially in the personal injury realm, have courtroom experience; without that experience, it is likely your case will be referred out to another firm when the going gets tough. If your case goes to trial, it will be a stranger you have never met sitting next to you in the courtroom. Experience is crucial.
- **Upfront fees.** Have potential attorneys discuss their fees and get everything in writing. Additionally, make sure the attorney explains your rights as a client. There is a form called “Statement of Client’s Rights” on which you will find the Florida Bar’s phone number to call to check the lawyer’s background and disciplinary record. Attorneys are required to provide this form to clients and if they do not, be wary.

What You See Is Not Always What You Get.

Understand that what you see on TV is not necessarily what you get. After finding a law firm you are interested in hiring, be sure to do a little investigating. Remember, selecting an attorney to handle your injury case will, for many people, be one of the most important decisions you make.

For starters, ask whether the lawyers you see on TV are really the lawyers who will be representing you. Truth be told, you may never even meet the people pictured in the ad, let alone have them personally represent you. Many of them may not even actively practice law anymore.

If you are told your case will in fact be handled by someone else other than the attorneys featured in the firm's advertisements, ask for a complete profile of the attorney they assign to you. How much experience do they have? When will you get to meet with them? Will you be given their direct contact information so you can reach them with questions about your case?

It does not matter how well-known the firm is or how much they spend on advertising. What matters is the skill and experience level of the actual attorney who will be working on *your case*.

- Simply put, ask questions. Commercials can be flashy and quite crafty. Their message leads you to believe a firm is going to care for you, look out for your case and be aggressive, but that may not be true. Arm yourself with the information in this guide so you can separate the real facts from the marketing tactics.

Chapter 5

What to Expect During Your Personal Injury Case.

Your first consultation with an attorney is one of the most important steps you will participate in during the course of your case. Getting to know the person sitting across from you will help determine if your new lawyer is experienced and knowledgeable regarding the legalities specific to your situation.

At the beginning of the meeting, your attorney will be getting to know you by asking about your accident. You will be asked how the accident occurred and how badly you were injured. Your attorney will determine who is at fault and if any other parties contributed to the accident.

Fault is determined by comparing your own personal account of the accident, the police report findings, and perhaps most importantly, the witness statements. Armed with this information, your attorney will be better equipped to argue on your behalf if liability is disputed and to avoid fault being assessed against you. Furthermore, responsible attorneys will make sure you are treated by the proper physicians and help you avoid the medical "mills" you see advertised on TV.

During the first meeting, your attorney should explain the contract for representation, the contract regarding payment of legal fees, and any other documentation that requires your signature. In an accident case, most law firms are paid on a contingency basis. Contingency means the lawyers get paid only if your case results in a recovery. If it does not, then you are not required to pay anything for the attorney's time or any of the costs the firm spent on your behalf.

Your first meeting is free and the law firm incurs all the costs of your case, at its own risk, until your case is resolved. Upon

successful resolution of your case, you will receive an itemized statement explaining all of the attorney's fees and costs incurred by the firm on your behalf during the course of the case. Costs vary depending on the complexity of your case and may increase substantially if your case is litigated.

As your first meeting progresses, you will discuss your prior medical history. This includes whether you have been injured in any other way in your lifetime. For example, they will ask if you had prior accidents, or if you had any on-the-job injuries or workers compensation claims. But do not worry, a responsible attorney will account for your prior medical history and provide medical support that documents any aggravation of your pre-existing medical conditions. It is important to remember you should always be truthful with your attorney and you can be confident that private information will remain confidential.

Gathering accurate information is important because every case is evaluated for its potential to be tried in front of a jury. Your medical history and credibility will be scrutinized by the insurance companies and potential jurors during your case. For this reason, it is crucial the information you give your attorney and doctors at the beginning of the case is truthful and remains consistent throughout the course of your case.

Do not "forget" to tell your attorney and doctors about prior accidents, injuries, or treatment in the mistaken belief that if they do not know about these prior matters, your case will be worth more money. The opposite is more likely to be true because, when these prior matters are discovered by the other side, your credibility will be ruined and the opinions of your treating doctors will be of questionable value.

Finally, your lawyer will assist with getting your car fixed and help you with a rental car if needed. Also, it will be determined if any insurance deductibles apply and if you can avoid them.

Immediately after your first meeting, your law firm will contact your medical providers and all of the insurance companies involved. Insurance policies will be evaluated to determine if there is adequate coverage. The amount of insurance coverage available is important because, without adequate coverage, an attorney may be helpless to make a recovery on your behalf. Additionally, this process includes coordinating communication and care between your car insurance and health insurance companies.

During your representation, a quality attorney continuously monitors your case, ensuring that the medical treatment you are receiving is the best care possible. Responsible lawyers will help you find the correct medical provider suited for your needs and specific injuries. Doctors do differ when it comes to auto accidents. Your representation should include guidance when it comes to treating with competent physicians and specialists who understand the auto negligence laws.

An important part of your legal representation is facilitating agreements made with your medical providers that permit bill payment when your case resolves. Instead of requiring payment at each appointment, this service allows you to get the medical treatment you need without the stress of having to pay for expensive treatment before settlement occurs.

The next step in your case is for your lawyer to request and compile all of your medical records and other documentation needed to evaluate your claim. This process occurs after your medical treatment has reached a point when it can be determined what your injuries are and what your prognosis is for the future.

After gathering all the information needed, your attorney drafts a demand letter and submits all the documentation to the insurance company. Your specific medical condition will determine how long the process takes. Remember to be careful about what you discuss with others or post to your

social media accounts during the pendency of your case. The conversations you have with your attorney and your personal medical information should be kept strictly confidential.

In most situations, the insurance company has 30 days to evaluate your claim from the time your attorney submits it. Some additional factors used in determining the value of your case include the extent of your medical bills, your lost wages or your ability to work, and your pain and suffering. The negotiation process begins when the insurance company's review is complete.

Several offers and counteroffers may be exchanged while attempting to reach a fair settlement. The majority of cases resolve at this point. If your case resolves, your attorney will consolidate your medical bills, negotiate and pay them on your behalf and prepare the closing documents. If your case cannot be resolved, a lawsuit must be filed.

Several factors determine the overall value of your case, and no one can predict the exact outcome. The value of your case can be measured by properly evaluating your injuries, and distinguishing the differences between your current and previous medical condition(s). Remember, your honesty during the process dramatically increases the amount an attorney can recover for you. Insurance companies have heard every story in the book — your and your doctor's honesty will go a long way in determining the true value of your case.

To learn more, visit our website at www.prolawusa.com. Be sure to watch the video on the website, which provides valuable information about the process of personal injury cases. Also, view our success stories on the results page. If you have questions or want to arrange a free personal injury consultation, call (866) 213-3933 to speak directly with an attorney at our firm.

About The Author

John Della Costa obtained his B.A. from the University of Central Florida and his J.D. from Stetson University College of Law.

As a former Deputy Sheriff for Manatee County, John obtained in-depth and first-hand knowledge of the law and investigative processes related to motorcycle, pedestrian, and automobile accidents, which he uses in his law practice to this day.

John is also a survivor of a serious automobile accident and this experience provided him with personal knowledge of the emotional and economic consequences resulting from sustaining career-ending injuries. John's unique perspective drives his compassion, empathy, and dedication to fight for the needs and welfare of his clients.

John is a member of the Florida Bar, the St. Petersburg Bar Association, the Million Dollar Advocates Forum, the Florida Association for Justice (formerly the Academy of Florida Trial Lawyers), and the Tampa Bay Trial Lawyers Association. He is a board member of both the Pinellas Park Chamber of Commerce and the Pinellas Park Medical District.

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Today's Large Law Firms Have Created A "Mill Mentality".



John M. Della Costa, Jr., Esq.

If you've been injured, there are plenty of law firms out there eager to handle your case and it's not always easy to tell the differences between them. That's why John Della Costa decided to write *Don't Get Caught In The Mill!* It's an inside look at the way different law firms operate and is designed to provide consumers with the information they need to select the right attorney for their case.



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