

## 6 QUESTIONS TO ASK

# a Kentucky Personal Injury Attorney

## Before You Make an Appointment

- ① *Have you handled cases like mine before?*
- ② *If I hire you, will you be the attorney who handles the daily work on my case?*
- ③ *If I hire you, will you be the attorney who prepares me for my testimony?*
- ④ *If I hire you, will you be the attorney at my deposition?*
- ⑤ *If I hire you, will you be the attorney who tries my case?*
- ⑥ *Have you lost any cases like mine?*

### ① *Have you handled cases like mine before?*

The answer you're looking for in this instance is "Yes." While every case is unique in its specific details, there are similarities between every car wreck case, or every truck wreck case, and so on. In an ideal world, you want to find a lawyer who has worked several cases that are VERY similar to yours, as similar as possible.

Were you hit by a commercial truck? You want a lawyer who has dealt with commercial truck wrecks before. Did a surgeon leave an object inside you after a surgery? You want a lawyer who has worked on "retained foreign object" medical malpractice cases before.

Kentucky state law prohibits lawyers from claiming a particular specialization, but that does not mean that **you** shouldn't insist on having an attorney experienced with your type of case. Ask the lawyers you talk to how many cases like yours they handle in a given year. Ask them to estimate how many cases like yours they've handled in their entire career.

If you have suffered a rare injury in an unusual circumstance, even an extremely experienced personal injury attorney may not have tried a case exactly like yours, but you should look for someone who has done multiple cases that are very similar.

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With these questions, you may or may not want the answer to be "Yes." The answers will give you an idea of the type of firm you want to work with, though.

In a small firm, where the answer is yes, the lawyer you're talking to will be doing most of the work on your case themselves. As a result, they will be the person at the firm who knows the most about your case, and will probably be the person updating you about advances and setbacks with the case, letting you know when things have been scheduled and the like. They most likely have some administrative and paralegal staff to help with research, scheduling, and communications, but for the most part, the lawyer you're talking to will know all the minutia of your case.

At a larger firm, there will be more staff to handle some of the tasks on every case, and your communication will mostly be through administrative assistants and paralegals. This is not necessarily a bad thing, as it does allow those firms to handle more cases at one time. There may be lawyers at a large firm who do nothing but negotiations - the fact that they weren't the attorney you first interviewed about your case doesn't disqualify them from negotiating on your behalf!

The important thing to remember here is that you want your attorney to have a reasonable ability to deal with your case and to communicate with you as their client without you getting lost in the mix. Part of the reason you want to ask these kinds of questions is to get a sense of who your potential attorney is as a person. Whether they answer yes or no, are they willing to spend a few minutes answering your questions about how they practice law, or are they offended you would question them? Do they seem like someone you'd feel safe spending some of

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**After an accident, life can get complicated very quickly.**

Please feel free to call **502-JUSTICE** and ask to speak with Steve or Carl about your case.

**FREDERICK  
LAW FIRM**

## 5 QUESTIONS TO ASK a Kentucky Personal Injury Attorney

### Before You Make an Appointment *(Continued)*

the most stressful hours of your life sitting alongside? Is this a person you want to work through a difficult process with, for anywhere from a couple of months to several years? If your answer to those last few questions is yes, then it matters more that the person you're talking to is the one who is there beside you while you're being deposed or you're being questioned at trial.

#### ⑥ *Have you lost any cases like mine?*

In this instance, you might also want to hear, "Yes."

This is an important question, because it makes your prospective lawyer uncomfortable. However, the fact is, if a lawyer works on accident cases, medical malpractice cases, and wrongful death cases, they will occasionally lose. They should be honest with you about this up front. If they say no, they've never lost a case like this, there are three probable explanations:

1. They haven't ever had any cases like yours.
2. They don't take cases to trial.
3. They've only had a couple of cases like yours, they've taken them to trial, and they've won both of them.

We've addressed explanation #1 up at the top, so we probably don't need to rehash that here.

Explanation #2 isn't the worst, as taking a case all the way to trial represents a high level of risk that might be avoided by accepting a fair offer from the defense. An experienced attorney is going to have the best sense of what a "fair offer" is, however, and the best way to develop that sense is by trying cases.

Explanation #3 speaks to experience again. In this situation, it's just a matter of time before their answer has to change to "No." If you try cases in the state of Kentucky, you will lose from time to time.

### ***In Conclusion***

These clearly are not the only questions you should ask a prospective lawyer, but they are intended to get you thinking about your case like a good shopper.

**If you're reading this, you or someone you love has probably suffered a loss of some sort and you're worried about your/their future. Even though this is difficult time and you're exhausted, and stressed, and angry, don't just hire the first attorney you call. Don't be intimidated at the prospect of talking to a lawyer - we are just people like you.**

Come up with your own questions, relevant to your specific situation. Take a few minutes to consider what you'd like to know about anyone you're hiring and think about what answers you want to hear. Then pick up the phone, and if you like the answers you hear, THEN make an appointment to come in and discuss your case in the office.

**If you'd like to ask us these questions, please feel free to call 502-JUSTICE (502-587-8423) and ask to speak with Steve or Carl about your new case.**