

7 Questions to Ask a NY Personal Injury Attorney Before You Ever Walk Into His Office

1. Have you handled my exact type of case before?
2. Do you have free books, reports and videos that teach me how this type of case works before I ever come into your office?
3. Have you ever lost a case before? Tell me about why you lost.
4. Will you be the attorney who handles my case on a day-to-day basis?
5. Will you be the attorney who prepares me for my pretrial testimony?
6. Will you be the attorney who is at my deposition?
7. Will you be the attorney who tries my case?

Have you handled my exact type of case before?

Obviously, you want an attorney who has a great deal of experience. Not just years of experience, but the exact type of experience handling the same type of case you have.

Many lawyers will tell you that they have lots of experience handling accident and personal injury cases. You should know that no two cases are alike. However, if you had a car accident, you want to know that your lawyer has handled hundreds and thousands of these similar cases.

If this is a medical malpractice matter, you need to ask the attorney how many malpractice cases they handle each year. Not all personal injury and accident attorneys handle medical malpractice cases.

Do you have free books, reports and videos that teach me how this type of case works before I ever come into your office?

Your goal as an injured victim is to become an educated consumer. Your goal is to learn as much as possible, BEFORE you ever walk into an attorney's office and BEFORE you ever pick up the phone to speak to an attorney.

Why should you become an educated consumer of legal services? So that you can make an educated decision about what you need to do next with regard to your particular matter.

An attorney who provides you with free books, free reports and hundreds and even thousands of videos is looking to teach you, to educate you and help you understand how these cases work.

Many attorneys lack any of this information. They simply want you to immediately come into their office so they can impress you with their fund of knowledge and get you to sign up with them immediately.

I have personally found that the more information I provide to my ideal clients and consumers BEFORE they ever call or come into my office, the better informed they are and the more knowledgeable they are about their options.

Have you ever lost a case before?

This is a great question to ask because it often puts the attorney on the defensive. First, they likely have never had a potential client ask them if they've lost a case before. It's simply not something they expect to be asked.

Second, it allows you the opportunity to judge the attorney's reply and to see how he answers. Is he hesitant to answer your straightforward question? Is he eager? Is there a story behind why he lost a case? There often is an interesting story.

Most attorneys in New York will happily discuss their success stories, their great settlements and verdicts. But watch what happens when you ask about the cases they've lost. (Hopefully it is few and far between).

By the way, if an attorney tells you they have never lost a case, you MUST ask them how many cases they actually try each year.

I have been in practice for 26 years handling accident cases, medical malpractice cases and wrongful death cases and can tell you with 100% certainty that if you try cases in NY, at some point you will lose a case.

If an attorney tells you they've never lost a case, they're pulling your leg or they only try cases that are 'winners'. Even the best attorneys lose cases from time to time.

Will you be the attorney who handles my case on a day-to-day basis?

When you meet with an attorney, there's a good chance he or she will NOT be the one to handle your case on a day-to-day basis.

It all depends on how many attorneys are in the firm and how the firm is structured.

For example, some large personal injury firms have teams of attorneys and staff to handle your case. You might have a paralegal work on your case to obtain medical records and other important documents. There might be a junior associate who appears on court conferences to let the court know the status of your case.

In small firms and solo practices, you will typically have one or two people who work on your case.

You need to know this and you need to know how many active cases the attorney and the firm handle at any given time.

Why? To give you an idea of how much attention the attorney and the law firm can give to you personally.

Will you be the attorney who prepares me for my pretrial testimony?

In many mid-sized to large law firms the attorney you meet with at the very first initial meeting will not be the same one who prepares you for your pretrial testimony.

There may be a team of attorneys who handle your matter at different stages of your litigation.

On the other hand, in small law firms and solo firms you will typically have one attorney who handles every aspect of your case from start to finish.

You will need to assess your comfort level to decide which type of firm and which type of attorney is best for you.

The attorney who prepares you for your pretrial testimony, also known as a deposition, should be the same one who will be with you at your pretrial testimony. You need to ask that question as well.

Will you be the attorney who is at my deposition?

The attorney you likely meet with on your first visit to the law firm will probably not be the same attorney who is at your deposition.

A deposition is a question and answer session given under oath in your lawyer's office. It carries the same weight as if you are testifying at trial.

This pretrial testimony is a critical component of your lawsuit. Again, depending upon how the law firm is structured, you need to ask whether the lawyer that you meet with initially will be the same one who appears with you at your deposition.

I know many people who prefer to have one attorney from start until finished. Others are not so concerned since they know that all the attorneys and staff work as a team together.

Regardless of which way the law firm is structured, it is critical for you to know and understand how they are set up.

A bonus question you should be asking every attorney and law firm you're considering is how often they notify you about updates on your case.

Ask him if they have a system that allows them to communicate with you on a monthly basis.

That communication could be by e-mail, by letter or by phone. Even if nothing specific is happening on your case, you still would like some form of communication from the office to know that they remember you, to let you know that they are working on your case and so you can see that they are on top of your matter.

If the law firm does not communicate with you at least on a monthly basis, ask them why not. Are they too busy? Do they not have enough staff to reach out to you and your other clients to keep them up-to-date on what's happening on their case?

Do they only notify you if something is actively happening?

I have personally found it is so important to keep in touch with my clients on a monthly basis even if nothing specific is happening on their case. Not only does it allow me to find out how they are doing medically and whether there is any improvement, but it also gives me the opportunity to give them an update on what's going on from a legal standpoint.

Will you be the attorney who tries my case?

In some law firms, there are trial attorneys and there are in-house staff attorneys. The in-house staff attorneys typically do not try cases. Likewise, the trial attorneys typically do not handle cases on a day-to-day basis.

In other law firms including small firms and solo practices, you will find that one or two attorneys handle every aspect of your case from start all the way until your trial is finished.

Again, you need to identify who is going to be trying your case if your matter does not settle. **Another bonus question:** You should ask who will be negotiating your case if the defense makes an offer to settle during the course of your lawsuit.

Will it be a caseworker?

Will it be a paralegal?

Will it be the junior associate?

Will it be the trial attorney?

If there are multiple people who work on your case as a team, you need to know who is the key person who'll be negotiating for you.

On the other hand, an attorney in a small firm or a solo practitioner will likely be the only one to have direct communications with the defense or the insurance company.

Why is this significant?

There many variables that go into having a successful negotiation. Experience negotiating a case is of paramount importance. The ability to put forth your strongest position while at the same time acknowledging your weaknesses, have the ability to make a huge difference in the outcome of your case.

Knowing who will be negotiating on your behalf is extremely important.

Conclusion...

The answers to these questions are just the beginning of what you need to know to help you make an informed decision about which attorney and which law firm is right for you.

Learn as much as you can. Read as much as possible. Watch as many videos as you can to help you understand how your particular type of case works.

Then, when you have become an informed consumer, only then should you be picking up the phone to speak to an attorney. Only after you have obtained satisfactory answers should you then make an appointment with an attorney about your particular case.

About Gerry Oginski, Esq.

Gerry has been in practice since 1988 handling accident cases, medical malpractice cases and wrongful death matters here in NY. He has written 4 free consumer action guides & books to help you, the consumer, understand how cases like these work.

These four books are all available for purchase on Amazon.com or as an alternative, you can get an immediate download simply by entering your name and email on Gerry's informative and educational website...<http://www.Oginski-Law.com>.

The book titles are...

- 1. Secrets of a NY Medical Malpractice & Personal Injury Attorney,**
- 2. Beyond the ER Doors**
- 3. Doctors Gone Wild**
- 4. In Case of Death**

In addition to those 4 consumer books, Gerry has written thousands of helpful articles and blog posts on his website to help you understand how these cases work.

To learn even more...

Gerry has created over 1500 educational videos to teach you about how lawsuits work here in New York. You can find his great videos on his website or on his YouTube channel https://www.youtube.com/user/lawmed1/featured?view_as=public

As always, if you have legal questions about your accident, the medical care you received from a doctor or hospital, or someone in your family died and this happened here in NY, you are invited to pick up the phone and speak to Gerry at **516-487-8207** or by email...Gerry@Oginski-Law.com. He welcomes your call.