

## *Choosing a Personal Injury Lawyer*

If you have a brain injury as a result of a car crash, your car insurance policy may cover additional benefits that could help you in your recovery. This could include paying for private medical, rehabilitation and personal care that the public health care system does not provide.

The insurance system can be confusing. We recommend that you hire a lawyer with expertise in this area (personal injury) to help you and your family.

Choosing a personal injury lawyer is an important decision. His/her work can affect whether you receive the benefits you are entitled to.

### *Finding the right lawyer for you*

The Toronto ABI Network can't recommend specific law firms. However, the following suggestions can help you find the right lawyer for you:

- **Choose a lawyer that specializes in personal injury law**

Personal injury law and the motor vehicle insurance system can be complex and challenging. A lawyer that specializes in this area will have a better understanding of these issues.

- **Ask for recommendations**

If you know a lawyer, ask him/her to recommend a personal injury lawyer. Ask friends or family members if they have worked with this kind of lawyer before. You can also ask other people that work in the personal injury industry (e.g., case managers) for suggestions.

- **Talk to several firms before you decide**

You should talk to at least three law firms to find out about their personal injury services. This will help you compare services. It will also help you to choose a law firm that you are comfortable with and that will do a good job representing your case. Most personal injury lawyers provide the first visit free of charge and will come to your home or hospital to meet with you.

- **Ask questions to help you make your choice**

Law firms should be happy to provide you with the information you need to make your choice. Here are some questions you/your family might want to ask them:

1. Does your firm specialize in personal injury law?
2. How many personal injury cases has your firm handled in the last two years?
3. How many of those cases involved representing people with a brain injury?
4. Do you provide the first consultation (visit) free of charge?

5. In the past two years, what has been your firm's success rate in cases where you represented people with a brain injury?
6. How many trials has your firm done in the past two years? If my case proceeds to trial, is your firm prepared to take the case to court or would the file be passed to another firm?
7. Who will be handling my case – a personal injury lawyer or a paralegal? (The Law Society of Upper Canada has a brochure explaining the difference between a paralegal and a lawyer at [www.lsuc.ca/with.aspx?id=433](http://www.lsuc.ca/with.aspx?id=433)).
8. Would the same lawyer be handling my case from beginning to end? Is it possible to meet with the lawyer whom would be working on my case?
9. What are the options for paying for my legal work?
  - i) Would I need to pay you a retainer (money in advance) before you would represent my personal injury claim?
  - ii) What will I have to pay if we don't win the case?
  - iii) Will I have to pay more if my case takes a long time?
  - iv) Do you have any deferred payment plans (plans that let you pay over time)?
  - v) Could my legal costs be covered by legal aid or legal insurance? How would that work?
10. I do not have car insurance. How will this impact my case?
11. Who is responsible for payment of drug and medical bills, lost income, transportation and other expenses?
12. English is not my first language. Is your law firm able to communicate in my language?

- **After you have talked to several personal injury law firms, to help you decide about which law firm to choose, ask yourself:**

How satisfied were you with how each firm answered your questions?

Do you feel that one of them understands the impact of a brain injury and will be able to represent your case well?