

Free Guide for Florida Accident Victims

From the personal injury attorneys at Law Offices Cytryn & Velazquez, P.A.



For a **free consultation**, call us toll-free at
1-877-853-7466

Our firm is exclusively dedicated to handling personal injury cases, including:

- Automobile Accidents
- Boat, Motorcycle, Pedestrian, and Bicycle Accidents
- Trip or Slip and Fall
- Nursing Home Abuse and Neglect
- Wrongful Death

Hablamos Español

2825 North University Drive
Suite 350
Coral Springs FL 33065

www.personalinjuryfirm.com

15 Questions to Ask Before Hiring a Personal Injury Lawyer

Being injured due to the negligence of someone else can be a difficult time for you and your family. You may be out of work for an indefinite amount of time, with medical and other bills piling up. It is important to choose an experienced personal injury lawyer to handle your case and fight to obtain the compensation you are entitled to. Knowing what questions to ask will help you in your selection process. The following are some examples of questions you should ask before hiring a personal injury lawyer:

1. Does the attorney specialize in personal injury law?

Personal injury law is constantly evolving; therefore it is important to choose an attorney who is up-to-date with these changes and specializes in handling personal injury cases only. Many attorneys specialize in other practice areas such as bankruptcy or criminal law, and also handle personal injury cases on the side. When hiring a lawyer to handle your case, make sure they specialize in representing injured persons in injury cases. Just as you wouldn't go to a kidney specialist if you had a lung problem, you shouldn't go to a lawyer who doesn't specialize in injury and accident cases, and who doesn't go to court.

2. Does the attorney represent injured individuals, or insurance companies?

A Plaintiff's personal injury attorney represents individuals who have been injured or harmed due to the negligence of another person or business. Make sure you hire an attorney who fights for the rights of injured people, not companies.

3. How much experience does the attorney have handling personal injury claims?

How long has the attorney been practicing law, and has the attorney been able to maintain a successful law practice? Experience matters when it comes to building your case, negotiating with insurance companies, and going to trial in front of a jury, if necessary. Make sure you check out the attorney's profile not only on his website, but also on flabar.org (the Florida Bar website), where you can view the year the attorney was admitted to practice, board certifications, and disciplinary history.

4. Is the attorney Board Certified?

What does it mean if an attorney is a Board Certified Civil Trial Attorney? To become board certified, an attorney must have trial experience, have peer references, and meet other standards set by the Florida Supreme Court. Board Certified attorneys are the only attorneys who can refer to themselves as experts

or specialists in their field of law. Currently, only 7% of attorneys in Florida are Board Certified.

5. Does the attorney have trial experience?

When it comes to taking a case to trial, many personal injury lawyers are intimidated or simply don't have the experience. That is why choosing an attorney with trial experience is important. How will this experience make a difference to your case? Insurance companies pay as little as possible on claims, and when it comes to evaluating a claim, your attorney's experience comes into play. The insurance company looks at your attorney's experience, how likely he is to go to trial and also his jury verdict history. The insurance company may also discuss your lawyer with their own counsel. Is the insurance company's own lawyer afraid of going to trial against your lawyer? Having an experienced trial attorney on your side means the insurance company will be more likely to pay a higher settlement to avoid going to trial where they may potentially be forced to pay a lot more.

6. What is the attorney's track record of results with cases similar to your case?

Make sure the attorney you hire has experience handling cases similar to yours. Ask for their verdict and settlement results on types of cases like yours, and ask for proof. Jury verdicts are kept and reported to various databases and attorney services, and a real trial attorney can provide you with reported results from these publications and databases.

7. Does the attorney have the financial resources to properly handle your case?

It is important to hire an attorney/firm with the financial resources necessary to pursue your claim. Often, out of pocket expenses or costs for catastrophic injury or complex cases can require the attorney to front \$100,000 or more. These costs involve hiring the best experts and investigators to compete against the quality of experts the insurance companies hire. Does your attorney have the financial wherewithal to match up with the insurance companies who may have unlimited pocketbooks?

8. Does the attorney do jury simulations for cases that they may have to go to trial on?

Jury simulations are where a company, hired by the Plaintiff's counsel, assembles a group of people who could be prospective jurors in your county. The attorneys then explain the facts of the case, the injuries, and all of the relevant facts that the

attorneys know. Then, the jurors are asked to break into two groups, and to deliberate.

This process aids your attorney in evaluating how much your case may potentially be worth. It also helps the attorney develop strategy for future discovery by gauging juror questions about the case and what further information the jury would have liked to see.

Ask your attorney if their law firm regularly does this on all cases they file suit on.

9. Who will handle my case?

Consider the size of the law firm when hiring an attorney. Many times, a large law firm will assign the case to a less experienced attorney, and not necessarily the attorney that you initially met with. Make sure your case is supervised by an experienced attorney who will be involved with your case every step of the way from the initial consultation until your case is resolved. The most important question is, will the experienced attorney be at trial for you?

10. How much is my case worth?

This is a question that can rarely be answered in an initial interview. An attorney who gives you a dollar value at the initial interview is probably not being honest. Rarely can a dollar value be placed on a case that early. Perhaps an estimate can be given, but most honest and ethical attorneys will tell you that in most cases, how fully a person heals, what facts come out in the case and discovery, and numerous other factors, will make a large impact in the value of your case. This is something that normally takes time to determine, and may not even be determined until the case is ready to go to trial.

11. What are the fees or costs to hire the attorney, and will I be responsible for any fees?

Most personal injury attorneys work on a contingency fee basis, meaning they keep a percentage of what the case resolves for. Depending on whether the case was resolved through settlement or trial, the fee percentage usually ranges between thirty to forty percent. Fees and costs also depend on whether the case settles early or requires extensive attorney hours to resolve.

12. How long will my case take to resolve?

Many factors are taken into consideration when it comes to estimating how long it will take to resolve a case. These factors include the complexity of a case, the severity the client's injuries, and the speed of recovery. A case involving minor

injuries could be resolved in a few months if settled without filing a lawsuit, while a case involving serious injuries or death could take years to resolve.

13. Is the attorney ethical?

Resources such as avvo.com, a lawyer and doctor rating site, Flabar.org (the Florida Bar website), and Martindale Hubbell are excellent tools to help you in your research for a personal injury lawyer. Avvo.com rates attorneys based on their experience, industry recognition and professional conduct. The Florida Bar website will inform you whether an attorney has been disciplined for misconduct within the past 10 years.

Martindale Hubbell is a company that has been rating lawyers for over 100 years. An AV rating from Martindale Hubbell is the highest ethics rating an attorney can obtain.

Check to see whether the attorney has made it a priority to create a Code of Professional Responsibility and a Client Bill Of Rights on his website. This may help you determine how seriously the attorney considers ethics in his practice.

14. Has the attorney received awards and recognition from his peers and legal organizations?

An attorney with high professional standards, as demonstrated by his awards and ratings, will bring those high standards to your case. Seek an attorney who stands out from other attorneys in his experience, professionalism and peer ratings. Look for an attorney who is AV-rated by Martindale Hubbell, has the highest rating (10-superb) on Avvo.com, is a Board Certified Civil Trial Attorney (7% of Florida attorneys are Board Certified) and has received a prestigious honor such as being named to the *Super Lawyers* list (no more than 5% of attorneys are named to the *Super Lawyers* list), and included in Florida Trend magazine's Florida Legal Elite.

15. Does the attorney actively participate in legal organizations and educate other attorneys?

Make sure you look at the attorney's level of involvement in the legal community. A personal injury lawyer who is actively involved and has held leadership roles in legal organizations is able to gain more respect from the defense, insurance companies and their attorneys.

Is the attorney a leader in his field? Find out whether the attorney has given any recent attorney seminars, which topics were covered, and if he has written any articles on personal injury.

10 Mistakes That Can Destroy Your Florida Car Accident Case

1. NOT CALLING THE POLICE WHEN YOU ARE INJURED

If you are involved in a car accident, you should call the police to obtain an accident report. In some cases the negligent driver will be apologetic at the scene and try to give you their information in order to avoid calling the police. Do not fall for it. The negligent driver may provide you with false information, or lie to their insurance company about how the accident happened.

Another reason it is important to call the police after an accident is that you may be injured and not feel it yet. Although you may feel fine after the accident, if you are injured, it may take hours or days to experience pain resulting from your injuries. It is very important for your lawyer to have an accident report to start working on your case.

2. SPEAKING TO INSURANCE ADJUSTERS ABOUT YOUR CASE WITHOUT ATTORNEY REPRESENTATION

You should only speak with your lawyers and employees of your lawyer's law firm and all of your doctors about your accident case. You should not speak to anyone else other than your lawyers and doctors about your accident case. You should instruct any person who wants information about you or your case to call our office. *Tape recorded statements or any other statements given to investigators or insurance company representatives without our knowledge can severely jeopardize your case. The insurance company/insurance adjuster is NOT your friend. You should not trust your own insurance company, they do NOT represent your interest—only your attorney does.*

3. HIRING AN ATTORNEY WITHOUT CHECKING OUT THE ATTORNEY'S QUALIFICATIONS

The minute you are in an accident, people will be calling you recommending lawyers. Do you know whether that lawyer is competent? Is the person recommending that lawyer illegally receiving financial compensation for recommending that lawyer? Is it the recommending person's friend or relative, and they are doing a favor to the friend or relative, and NOT to you? It is

important to hire an attorney with experience fighting insurance companies and representing people who are involved in personal injury accidents. Before hiring an attorney, find out about their certifications (are they Board Certified?), years of experience practicing personal injury law, courtroom experience, which professional organizations they belong to, honors and awards, and track record (verdicts and settlements). After reviewing the attorney's biography on their website, also visit the Florida Bar website – www.flabar.org- and avvo.com, an attorney rating service. Make sure you learn about the attorney's reputation in the legal industry, and find out if the attorney has shown dedication by giving back to his community.

4. NOT GETTING THE NAMES OF WITNESSES AT THE SCENE OR NOT GETTING PHOTOGRAPHS BEFORE THE SCENE OR INJURIES HAVE CHANGED

Make sure you take photographs at the scene of the accident, including your vehicle and others involved, skid marks, and property damage. These pictures should include vehicle damage (and the interior of the vehicle if there is intrusion, or if the airbags went off, etc.), pictures of your injuries, including cuts and bruises, from the moment they appear until they hit their height of visibility. You should immediately provide your attorney with the correct names, addresses and telephone numbers of any and all witnesses you may learn of regarding your accident. Please make certain that either you or someone from your attorney's office takes pictures of you with any casts, braces, or other appliances that you are required to wear. If you do take pictures, please make certain that they are full length pictures, and remember, take more than one picture (your attorney does not need pictures of you in a neck brace unless it is after surgery.)

5. DECLINING MEDICAL ATTENTION WHEN YOUR INJURIES REQUIRE IT

If you are injured in an auto accident, you must seek medical treatment. Your injuries must be evaluated and documented by a doctor to provide evidence that you were injured. Basically, the choice for treatment for a person with neck and back problems is either orthopedic, chiropractic, or acupuncture. However, if you do see a chiropractor or acupuncturist first, you should also see an orthopedic physician, within a month from the date of your accident, who can monitor your condition once every six weeks or so. The orthopedic physician will serve as an adjunct with the chiropractor or acupuncturist to lend more credibility to your case. Insurance companies (and juries) generally give more credence to the opinion of M.D./orthopedic physicians than chiropractors or acupuncturists. To combat the negative feelings that many insurance adjusters have, and some jurors have (if your case has to go to trial), it is important to also have an M.D. orthopedist (or neurologist) evaluate any case involving neck or back injuries.

6. LYING OR FAILING TO GIVE COMPLETE AND TRUTHFUL INFORMATION ABOUT PREVIOUS INJURIES AND ACCIDENTS

The courts are now dismissing cases where injured persons are omitting previous medical conditions or previous accidents they were involved in that may, in any way, be related to the present accident. The courts are no longer tolerating omissions made by persons seeking money. If you have ever been injured at all, whether by accident or otherwise, you must tell *every* doctor and medical provider, chiropractor, etc. whom you see, the truth about every previous injury or accident that you have ever been involved in. The doctor can make the decision whether what you tell them is relevant. If a questionnaire that you are completing asks for your prior medical history, make sure to complete it fully and accurately. However, many doctor questionnaires are misleading, so be certain to specify whether you EVER had the condition before, and if so, how long it had been since that condition bothered you.

Every doctor asks for your previous medical history. If you fail to tell any doctor about your previous medical history or previous accidents, whether you think that it is unrelated or not, it may substantially damage your case. If you have had previous medical conditions that may be related in some way to the condition that you have today, please be certain to explain to the doctor how the condition was immediately before the accident. If you have had prior problems immediately before the accident, make sure to tell the doctor that specifically so that he and you can delineate the difference and explain any distinctions from how you were before the accident to how you are now. Do not exaggerate or fail to provide any information on this issue. It may be fatal to your case.

When you complete forms at your doctor's office regarding injuries or medical conditions occurring prior to your accident, tell the truth. When you complete forms and go on job interviews requesting information concerning your health, tell the truth. When your doctor asks you about conditions that you have had before the accident, tell the truth. Also, the fact that you had a similar medical condition years before the accident that we are representing you for must be told to all of your doctors and to your lawyer. The fact that you were in an accident several years ago is not going to damage your case. It will be more damaging if we have to go to court on your case and you have not told your doctor about every accident or injury that you have had.

We have seen many clients' cases destroyed because they failed to provide to their doctors and lawyers, all of the information concerning previous accidents and injuries. Had those same persons given detailed and truthful information to their doctor, their attorney would have been able to work with that information. Simply because a person has had a previous accident to the same part of their body does not prevent them from collecting money for another injury or a worsening of injury to

the same part of the body. In fact, the law is that if the case should go to trial, the jury will try to figure out the difference between how the person was before this accident and how the person is after the accident. If they cannot figure it out, then they have to compensate the injured person for the whole injury.

The most important thing in your case is that you tell the truth when you are *required* to speak with someone regarding your case.

7. NOT TELLING YOUR DOCTOR ABOUT PREVIOUS INJURIES OR ACCIDENTS

If you previously sustained injuries or obtained treatment from a doctor of any type, including a chiropractor, to the same or similar area of the body as your current injury, you must inform your doctor on the first visit, including what treatment you received. If you can distinguish the new problem from the old, do so in enough detail that the doctor can understand how the new injury or pain is different from the old.

8. FILING FOR BANKRUPTCY WHILE YOUR INJURY CASE IS PENDING

In our experience, some people involved in serious accidents that cause serious injuries incur such substantial debts that they may feel they are forced to file for bankruptcy. Other clients who come to us for a personal injury case may already be on the verge of bankruptcy. You must be aware that if you file for bankruptcy, in all likelihood, your case will no longer be a valid case on your behalf, as when you file for bankruptcy, you usually give up your rights in the case to a bankruptcy trustee. Therefore, please be certain to speak to a personal injury attorney before going to any bankruptcy attorney or filing for bankruptcy.

9. NOT PUTTING IN A DIVORCE AGREEMENT HOW YOUR INJURY SETTLEMENT PROCEEDS SHOULD BE DISTRIBUTED

Even if you are separated from your spouse at the time that your incident occurred, most insurance companies require the spouse's name to be put on the settlement check and release. Therefore, your spouse will most likely have to sign all closing papers in order to wrap up the case. Consequently, if you are separated and may have some trouble getting your spouse to agree to the amount that they are getting, you need to make certain that this issue is resolved in any divorce that you may be going through. If you do not do so, this matter could end up in further litigation. Please be certain that if you do get divorced during the course of the case, that the divorce agreement spells out the exact percentage share of the settlement that you and your spouse will get from the settlement.

10. NOT BEING CAREFUL ABOUT WHAT YOU POST ON SOCIAL NETWORKING SITES

Information, including pictures and posts, on your Facebook, Myspace, Twitter, and other social networking sites, could damage your personal injury claim and negatively affect the financial compensation you receive.

As social networking has gained popularity in recent years, attorneys are using social networking sites to gather information on opposing clients during trials. Insurance companies also use these sites to investigate accident victims in personal injury claims.

Facebook has become an instrumental tool in providing evidence during trials in personal injury cases. Oftentimes social media sites are discoverable (meaning pictures and comments posted after an accident can be used as evidence against a plaintiff filing a personal injury suit) and the defense and jury will possibly be able to see the information you post.

Be wary that the information you post on the internet could be used against you, regardless of whether the pages are public or private. For example, in *Romano v. Steelcase, Inc.*, the defendant was allowed access to the plaintiff's existing and deleted social networking pages.

Remember that no matter how innocent a post or picture may seem on your social networking profile, ask yourself how other people may perceive what you post.

7 Factors that **Set Us Apart** from Other Personal Injury Law Firms:

We specialize in personal injury cases

Unlike other firms that handle cases in other areas of law in addition to their personal injury section, our firm is 100% dedicated to helping victims in personal injury cases.

Dedicated to Providing Personal Service

“I am a complete believer in personal service. We are very selective in the cases that we accept, because we want to maximize our efforts on the cases that we have. We do not believe in quantity, and as a result, we are able to provide personal service to the people whom we represent.” – Dan Cytryn

Experience and Education

Dan Cytryn has lectured to attorney organizations and groups on such topics as slip and trip and fall, cost-effective litigation, and insurance company bad faith. He has written articles for professional publications, and some of his articles have been featured in local magazines.

We go to trial

When it comes to taking a case to trial, many personal injury lawyers are intimidated or don't have the experience. That's why choosing an attorney with trial experience is important.

Dan Cytryn is a Board Certified Civil Trial Lawyer who has been handling personal injury cases for 30 years. Currently, a little over 1% of Florida lawyers are Board Certified in this field. Mr. Cytryn has tried nearly 100 jury trials, including vehicular collision cases, nursing home negligence, fall accident cases, and medical malpractice. He has handled more than twenty appeals, including having successfully argued the landmark case of TGI Friday's vs. Dvorak in the Florida Supreme Court.

Involvement in the Legal Community

Mr. Cytryn is a past president of the Broward County Trial Lawyers Association. He has been appointed by the President of the Florida Bar to the Florida Bar's Civil Procedure Rules Committee, which makes the rules governing the procedure for civil court proceedings which must be followed by all judges and lawyers. He is also a member of the American Board of Trial Advocates (ABOTA), a nationwide invitation-only organization of 6,000 trial attorneys. Mr. Cytryn has also been an E.A.G.L.E. for the Academy of Florida Trial Lawyers, now known as the Florida Justice Association, for over 20 years and is a frequent fundraiser for the organization.

Awards and Recognition

Dan Cytryn is AV-rated, the highest ability and ethics rating, by Martindale Hubbell.

He has also received a 10.0 rating on Avvo.com, a lawyer rating service, which is the highest rating given for a lawyer. He was also named to the Super Lawyers list for 2010 by *Florida Super Lawyers* magazine.

Helping our Community

Through the Cytryn & Velazquez Scholarship Program, we have awarded scholarships to deserving students from local high schools since 2009. Our firm has also made charitable contributions to community organizations and other charitable foundations including the United Way, the Lisa Boccard Breast Cancer Fund, Kids in Distress, and the Keck School of Medicine at USC for their efforts to find a cure for Parkinson's Disease.

To schedule a **free consultation** to discuss your case, call us
toll-free at
1-877-853-7466

