



Five Things Every Personal Injury Attorney Should Know

Personal injury law can be complex; also, water is wet and grass is green. And while that means you've got to have a lot of resources in your mental toolbox, there are a few facets in which every lawyer in this practice area should be exceptionally adept at. Though this is by no means an exhaustive list, it should give you a good foundation to build on—particularly if you're starting your own law firm.

Here are Five Things Every Personal Injury Lawyer Should Know.

1. HOW TO ASSESS A POSSIBLE SETTLEMENT (AND THE COST OF TRIAL)

From a purely business standpoint, you've got to be able to create a ballpark estimate of how much a settlement will be—regardless if you think you've got an iron-clad case or not. This is a skill that can be earned through both experience and research. This article on [Eight Factors that Affect Personal Injury Settlements](#) is a good place to start.

More importantly, understanding how long it may take to resolve a case is also critical, as it can have a significant impact on the cost to pursue a claim (more on that later).

By contrasting how much a possible settlement award can be against how long it will take to reach a verdict, you can make a more objective decision on whether it makes financial sense to take a case.

2. HOW TO ASSESS LIABILITY

Easier said than done, right? *Of course* assessing liability is going to be on this list—after all, it's a core component of a personal injury lawyer's job. But it's not as cut and dry as it may seem. Here's an interesting read on the so-called [Baseball Rule](#) that delves into some of those nuanced liability questions.

Assessing liability in a personal injury case goes a long way in tempering a client's expectations and could help avoid any unpleasant discussions when it comes time to talk fees and billing (read a bit more on that topic in number 4 below).

3. ARE THE LAWS CHANGING?

A change in the laws can obviously have a measurable impact on the outcome of a case. Whether it's an adjustment to a statute of limitations or [a change in tax law](#), having current knowledge on your potential case is critical. Looking at every facet of a case, homing-in on key laws at play, and then reviewing any new precedent or proposed legislation is a smart way to help insulate yourself from the risk of a poor business decision—for both you and your potential client.

Better still, being ready with current, relevant information when you discuss the case not only helps you assess the cost, workload and possible outcome, it builds your credibility in the eyes of your client.

4. HOW TO ASSESS A CLIENT

A personal injury lawyer often works on contingency and the case outcome may hinge on the integrity of the client. While “reading people” can be considered more of a soft skill, it’s a skill nonetheless—and a critical one most lawyers have to hone, regardless of their area of practice. Your client may be called on to testify, which can make or break a case. Gauging their effectiveness on the stand is paramount.

You’re also responsible for managing a client’s expectations. While they may have a legitimate claim to file, the impact of Hollywood and pop culture can inaccurately color a client’s understanding of how personal injury law works—and how big a settlement should be.



Assessing a client means far more than looking at their injuries, testimony and expectations. Given the duress of the situation, tensions often run high, which can amplify stress and surface negative character traits. This can translate into a tough working environment for the lawyer, often faced with tight deadlines, constant updates and shifting responsibilities.

5. HOW TO ASSESS THE WORKLOAD

This dovetails nicely into how long it will take to reach a resolution, which ultimately leads to how much it will cost both you and your clients to pursue a case. And it’s not easy—go ask some seasoned personal injury attorneys if they’ve ever underestimated the workload in one of their cases. We’re willing to bet you’ll hear a lot of sighs and yesses.

This is also a scalable problem too, as the more cases a lawyer accepts, the more work is required. Very rarely can a savvy attorney exploit efficiencies of scale in these scenarios. While more new clients are (almost) always a good thing, you have to be staffed to handle the extra workload.

But that doesn’t mean you should decline a case simply because it presents a workload challenge. It does mean however, that you have to do your homework first. Researching things like how many experts you’ll need to bring in and if you’ll need to supplement your staff with additional paralegal help should be an essential part of your case planning.

[Time-saving tools are available](#) that can help you work more efficiently and quickly build knowledge on a particular practice area.

Assessing workload also flows into client expectations—as the lure of big settlements often results in a prolonged case, which ultimately means a big financial burden for the client and lawyer.

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