

even if you have a contingency agreement. Ask the lawyer about what those expenses might be. They can include fees to file your case, expert witness fees, court reporter costs, and costs for online legal research. If more than one law firm represents you, they may agree to share the contingency fee. Your lawyer should explain this to you.

If your lawyer charges by the hour, you will be charged a set fee for each hour (or partial hour) the lawyer works. Hourly fees can add up quickly, and you must pay them even if you don't win your case.

A hybrid fee is one in which a lawyer combines an hourly rate with a contingency fee. A lawyer may also charge a flat fee, which is a set charge for the entire case that you agree on at the beginning of the case.

While contingency agreements must be in writing, you may want to have other fee arrangements in writing so you know exactly how you will be charged.

If someone sues you, your insurance company may hire and pay for a lawyer for you. Contact your insurance company immediately when you are in an accident or other event when someone else might have a claim against you or if you are served with a lawsuit. If you don't provide your insurance company with notice and you don't cooperate, you might lose your insurance coverage.

### What is My Claim Worth?

You may want to know what your claim is worth. It is hard for a lawyer to give you an accurate estimate, and some lawyers won't speculate. This is because legal and other issues can come up that might not be expected at the beginning. There may also be liens for medical care that can affect recovery. And, juries are unpredictable. It is very difficult to predict the final results of a case.

### How Long Will My Case Last?

It is almost impossible for a lawyer to tell you how long your case will last. You and your lawyer may do all you can to move the case along, but the other side may not cooperate. Some judges move cases more quickly than others. Even if you settle, most cases don't settle in less than a year, and many cases take three years or more from beginning to end.

### Communication/Confidentiality

Talk with your lawyer about how you will keep in touch, including how often you will talk. If you agree that your lawyer should call when there is an important development, you might not hear anything for weeks or months. Call your lawyer when you have new information, but remember that your case is not the lawyer's only case. Your lawyer should respond to your reasonable requests and let you know what is happening. You may have to pay for these updates if you hire your lawyer on an hourly basis. Contact the State Bar of Georgia if you have a serious communication problem with your lawyer.

Be honest and candid with your lawyer. Tell your lawyer all facts—good and bad—throughout the case. Conversations with your lawyer are generally confidential and can't be disclosed to others.

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For more information, the State Bar of Georgia also has public materials on "How to Choose a Lawyer" and "Lawyers and Legal Fees." You can find this information at:  
<http://www.gabar.org/newsandpublications/consumerpamphlets/index.cfm>

More information on these issues can also be found at <http://www.atlantabar.org/>.



**ATLANTA BAR  
ASSOCIATION**  
LAWYERS WHO SERVE

# PERSONAL INJURY AND PROPERTY DAMAGE LAWSUITS

Prepared by the Reputation and  
the Public Trust Committee of  
the Atlanta Bar Association

REPUTATION  
& the  
PUBLIC TRUST  
COMMITTEE

2014

# Personal Injury and Property Damage Lawsuits

**Has someone else's wrongdoing injured you or your property? If so, you may be able to file a lawsuit and recover money to compensate you for your injuries or losses.**

## Before You File a Lawsuit

If you have a claim, you may lose it if you do not file it in time. Lawsuits have strict time limits. Personal injury lawsuits must be brought within 2 years. Lawsuits for damages to personal property must be filed within 4 years. Time limits differ depending on who you sue and what claim you bring.

Sometimes the person who hurt you might want to settle before you sue. You can settle with or without a lawyer. If you settle without a lawyer, you will not have to pay attorneys' fees and you can avoid the time and expense of a court case. On the other hand, a lawyer may be a more skilled negotiator and might be able to help you recover more.

## Do I Need a Lawyer?

You do not have to have a lawyer in a personal injury or property damage case. You can go forward on your own (pro se). However, court procedures and evidence rules are complex, and not following them can be fatal to your case. If you don't have a lawyer, you will be at a disadvantage. A Georgia lawyer with experience in the type of claim you are bringing will have both education and practice experience in following the complicated court rules and using them to their/your advantage. Most lawyers have malpractice insurance. All

lawyers can be disciplined if they violate the lawyer conduct rules.

If you have a small matter that doesn't involve much money, you may be able to bring a claim in a magistrate or small claims court. Many people choose to go to these courts without a lawyer, but having a lawyer can be easier for you and may improve your chances of success.

In the U.S., there is a substantial difference between a lawyer and a Notary or a Notario Público. Do not assume a Notario Público can assist you with your legal matter.

## Choosing Your Lawyer

If you decide to call a lawyer, how do you choose the right lawyer for you? Here are some tips:

- Ask people you trust for lawyers they have used who did a good job for them.
- The State Bar of Georgia does not recommend individual lawyers. A bar association in your area may be able to refer you to a lawyer. In the Atlanta area, the Atlanta Bar's Lawyer Referral and Information Service may be able to refer you to a lawyer.  
<https://atlantabar.site-ym.com/?Irishome>
- For a complete list of local bar associations, click here:  
<http://www.gabar.org/aboutthebar/lawrelatedorganizations/localvoluntarybars/index.cfm>
- Martindale-Hubbell, available at <http://www.martindale.com> has a list of information for most U.S. lawyers.
- Ask other lawyers who they recommend.
- Call your local legal aid office to see if you qualify for representation.

## First Meeting with a Lawyer

Before you meet with a lawyer, ask if there is a charge for the first meeting and, if so, what it is.

You should cover the following in your first meeting:

- Tell the lawyer everything about your injury, including things that might hurt your claim, so the lawyer can give you the best advice. Bring all papers or other items that relate to your injury and the contact information for any potential witnesses.
- The lawyer should explain his or her experience with matters like yours.
- Ask if the lawyer has malpractice insurance. Most Georgia lawyers have this insurance, which may give you protection if the lawyer makes a serious mistake in your case.

If you are not comfortable with the lawyer after the first meeting, meet with other lawyers before hiring a lawyer. Don't reject a lawyer just because you don't hear what you want to hear. A good lawyer will tell you the good and bad parts of your case to make sure your expectations are reasonable.

## Fees and Costs

The first time you meet with a lawyer, you should ask what it will cost. There are several ways a lawyer may charge you including: a contingency agreement; hourly rates; a hybrid fee; or a flat fee.

A contingency agreement is one in which you don't pay any fees when the lawyer agrees to represent you, but if the lawyer wins your case, he or she will receive a certain percentage of the total recovery as fees. You and your lawyer should discuss the details of the contingent fee arrangement before the lawyer starts working on your case and your agreement must be in writing. Many lawyers use 33 1/3% as the contingency percentage. If you have a contingency agreement and you don't win your case, the lawyer doesn't get any attorneys' fees. But, you might have to pay for some expenses