



**The SHOCKING Truth  
About Lawyer Advertising**

**The Ultimate 5 Step System for Choosing the  
Right Lawyer for Your Case**

WORD ASSOCIATION PUBLISHERS

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1.800.827.7903

Jason G. Epstein  
Attorney at Law

3380 146th Pl. SE  
Suite 430  
Bellevue, WA 98007  
206.285.1743

[www.plg-llc.com](http://www.plg-llc.com)  
[www.SeattleAccidentInjuryLawyer.com](http://www.SeattleAccidentInjuryLawyer.com)

[www.StraightTalkLaw.com](http://www.StraightTalkLaw.com)  
[Jason@StraightTalkLaw.com](mailto:Jason@StraightTalkLaw.com)

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Jason G. Epstein

206-285-1743 | 888-333-1873 | Fax 206-599-6316


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**Straight Talk Law** [streɪt tawk law] n.

A series of legal guides meant to empower accident victims and those looking for a lawyer.

- 
1. The unfiltered truth about lawyer advertising
  2. Informative website and blog
  3. A new way to practice law where the lawyer communicates pertinent information directly to you in an easy-to-understand way
  4. A law practice where lawyers share information with those who need it, and work on your case in an open, easy to understand way through effective communication.



## Table of Contents

### **Chapter 1**

Myths About Lawyers & Lawyer Advertising .....	9
--	---

### **Chapter 2**

The Truth About Lawyers & Lawyer Advertising.....	11
---	----

### **Chapter 3**

Lawyer Advertising is Out of Control.....	15
---	----

### **Chapter 4**

A Train Wreck Waiting to Happen .....	19
---------------------------------------	----

### **Chapter 5**

How in the World Can a Consumer Tell the Difference Between One Lawyer to Another by Looking at These Ads? .....	20
--	----

### **Chapter 6**

Legal Disclaimer .....	22
------------------------	----

### **Chapter 7**

Finally, A System for Finding the Right Lawyer for Your Case.....	24
---	----

**Chapter 8**

Best Possible Settlement...  
Least Amount of Time ..... 35

**Chapter 9**

Avvo.com - Highest Possible Rating ..... 38

**Chapter 10**

National Institute for Trial Advocacy..... 40

**Chapter 11**

Educating Lawyers & Judges ..... 42

**Chapter 12**

What Are Those Ads Really Saying?..... 44

**Chapter 13**

What About Those Web Sites  
That Say They Have a List of  
“Qualified Lawyers?” ..... 47

**Chapter 14**

A Final Word to the Wise ..... 49

**About The Author**

Jason G. Epstein ..... 50

## Chapter 1

### **Myths About Lawyers & Lawyer Advertising**

- All lawyers have basically the same training.
- The bar association determines whether a lawyer can advertise that he is a “divorce lawyer” or a “personal injury specialist.”
- All lawyers go to trial.
- All lawyers have basically the same experience.
- A lawyer who is good at DWI cases will be good at personal injury cases.
- All lawyers carry legal malpractice insurance.
- If a lawyer advertises that he accepts certain types of cases, he actually has experience with those types of cases.
- A lawyer who advertises will actually be the lawyer handling your case.
- A “lawyer referral service” is a good way to find the right lawyer for your case.
- Lawyers with full-page Yellow Pages ads must be good lawyers, otherwise they couldn’t afford to pay for the ads.

- Lawyers who advertise on TV must be super-successful.
- Lawyers at Internet “Find-A-Lawyer” directory sites are carefully screened for qualifications.

## Chapter 2

### The Truth About Lawyers & Lawyer Advertising

- Not all lawyers have the same training. Warren Burger, former Chief Justice of the Supreme Court, once warned, “A lawyer is not qualified, simply by virtue of admission to the bar, to be an advocate in trial courts for matters of serious consequence.” Many lawyers continue their professional training throughout their careers, but for some, the last time they learned anything new about their craft was in law school.
- The bar association does not determine whether a lawyer can advertise that he is a “divorce lawyer” or a “personal injury specialist.” There are virtually no restrictions on the types of law for which a lawyer may advertise. Once an attorney graduates from law school, he or she is allowed to handle virtually any case, even if he or she has *no experience* with that type of case!
- Not all lawyers go to trial; some who advertise for personal injury or medical malpractice cases have never gone to trial, they are just “settlement mills.” The problem with “settlement mills” is that insurance companies will usually not offer full value for a claim unless they believe the attorney will actually go to trial and make them pay more.

- Not all lawyers have basically the same experience. This may seem obvious, but many people (and some lawyers) think “a lawyer is a lawyer is a lawyer.”
- A lawyer who is good at DWI cases won’t necessarily be good at personal injury cases—while this may have been true in the “old days,” today the practice of both DWI and personal injury cases is highly focused. The same goes for just about every other type of law.
- Not all lawyers carry legal malpractice insurance. It is perfectly legal for a lawyer not to purchase malpractice insurance. Shockingly, these uninsured lawyers are not required to tell you who they are! You must ask for this information.
- The fact that a lawyer advertises that he accepts certain types of cases does not necessarily mean that he actually has experience with those types of cases. Again, there are no strict rules against advertising for cases about which you have no experience. Not all lawyers who advertise in the Yellow Pages for serious injury or wrongful death cases, for example, have any real experience handling a serious injury or wrongful death case.
- The lawyer who advertises won’t necessarily be the lawyer handling your case. Sometimes the lawyers you see in the advertisements will not do any work on most cases their firms take in. They will pass the case off to junior attorneys or paralegals. Some lawyers advertise for cases simply to refer them out to other lawyers. What do they expect to get for this? Big, fat referral fees.
- The lawyer who advertises on Washington TV may not even live in Washington! Some lawyers who are on our local TV actually live in other states. Sure, they have an office here, but

most likely you will not get the guy you see on TV actually working on your case.

- A “lawyer referral service” is not necessarily a good way to find the right lawyer for your case. Lawyers pay to be on these lists and no one checks to see whether the lawyer is good or has experience in your legal matter.
- A full-page ad in the Yellow Pages or massive TV advertising is not necessarily a sign of success. Some lawyers run a “volume practice,” hoping to make a little money off each case—usually by settling most, if not all, of the cases. Shockingly, in some offices paralegals handle virtually the entire case! You can’t even get “your lawyer” on the phone. The only time you see the lawyer may be if his face is on the TV, billboard or Yellow Pages ad.
- Most Internet lawyer directories are nothing more than another advertising medium. Lawyers are solicited daily to pay big bucks to have an “exclusive listing” as a personal injury attorney in a particular city. The big check they mail to be included is sometimes their only “qualification.”

*“Washington Accident Victim Has Case Thrown Out of Court  
Because Lawyer Didn’t File Lawsuit in Time”*

*“Lawyer Disciplined by State Bar Association For Ads That  
Showed Him in Court Even Though He Had Never Tried a  
Case to a Jury”*

*“Lawyer Who Runs Huge Yellow Page Ads Soliciting Medical  
Malpractice Cases Swears He’ll Never Go to Court Again”*

*“Law Firm Disciplined for Deceptive Ads Showing Insurance  
Company Settling Cases on the Mere Mention of Their Name”*

*“Personal Injury Lawyer Who Stole \$4 million from Clients  
Sentenced to 11 years in Prison”*

## Chapter 3

### **Lawyer Advertising is Out of Control**

It wasn't until 1977 that lawyers were allowed to advertise. Before that time, in order to find out anything at all about a lawyer, you had to go talk to one. Then, two lawyers in Arizona got bold and began advertising "low prices." Other lawyers tried to put a stop to this – probably so that they could keep ripping off people with high fees. The bar association tried to ban their ads. Their case went all the way to the Supreme Court of the United States. The Court ruled that lawyers could advertise.

When the Court said "[T]he only services that lend themselves to advertising are the routine ones; the uncontested divorce, the simple adoption, the uncontested personal bankruptcy, [and] the change of name," it obviously could not have predicted what was to come.

Almost 30 years later, lawyer advertising has gotten out of control. When Bextra®, a leading pain medication, was pulled from the market recently, I was inundated, within hours, with emails and faxes encouraging me to "Buy Bextra® Ads" because, as one email put it:

*Bextra® is being pulled from the market today. The time to advertise is now. I can help. There will be lots of competition for these cases—we can run ads immediately.*

The problem was that I have no experience handling a defective drug case; yet, this lawyer (yes, it was a lawyer who sent the ad) was soliciting me to buy ads so that I could, I guess, refer those cases to him (for a big fat referral fee). Sometimes they even offer to pay me to advertise in order to get “local recognition.” They still want the cases, though.

Yes, lawyer advertising is out of control.

I looked through the Yellow Pages the other day at the lawyer ads. There were 52 pages of lawyer ads in the Seattle Yellow Pages alone. Some ads cover two pages! One shows a horrendous scene of an overturned car with a helicopter flying overhead. One has a picture of a snarling tiger on it. The headline on another is “Cash, Cash, Cash.”

Just turn on the TV. All lawyer ads seem to say the same thing:

*If you’ve been in an accident, call me. Quick! Right now!  
I can get you the money you deserve. It costs you nothing.  
I care about you!*

I turned back to the Yellow Pages, looking for something that might actually *help* a consumer figure out if she really needed a lawyer and, if so, how to choose the right lawyer for her case. I was looking for solid information, not slogans. Instead, I found nothing but these meaningless mottoes:

*“Major Accidents Only”*

*“Settlements in 30 Days!”*

*“No Office Appointment—No Court”*

*“Cash for Your Pain”*

*“100 Years’ Combined Experience”*

*“Quick Settlement of Your Injury Case”*

*“Aggressive Legal Representation”*

*“Legal Help for the Seriously Injured”*

*“We’ll Refer You to the Right Doctor”*

*“If You Have a Phone, You Have a Lawyer”*

*“We’re the Law Firm that Cares About You”*

*“Aggressive, Experienced, Compassionate”*

*“No Recovery-No Fee”*

*“Free Consultation”*

*“Member of Million Dollar Roundtable”*

*“The Law is my Profession”*

*“AV-Rated”*

*“Highest Rated”*

*“Fighting for Justice in an Unjust World”*

*“We Will Fight For You”*

*“Biggest Verdict in the City”*

*“\$5,000,000 Recovery In Car Wreck Case”*

*“Full Service Law Firm”*

## Chapter 4

### **A Train Wreck Waiting to Happen**

Awhile ago, a local lawyer called me with a “great case” she wanted to “share” with me. She explained that it was an automobile accident case with “great damages” and that she was willing to let me handle the trial for a portion of the fee.

I invited her over and when he and I sat down to look at the file, this is what I found:

- The accident had happened over 5 years prior
- This lawyer had represented the victim since shortly after the accident
- Trial was in 60 days
- There were no photographs of the vehicles
- There were no photographs of the accident scene
- The lawyer had not talked to the witnesses to find out what they would say
- The lawyer had not taken the defendant’s deposition
- The lawyer’s own client had been deposed, but he had not ordered the transcript
- The lawyer had not retained any experts

- The lawyer had never talked with the victim's doctors about the case
- The lawyer had not prepared for trial in any way.

This “experienced” lawyer told me that she never went to trial because she was deathly afraid of trial work!

I politely declined this imminent disaster and picked up the Yellow Pages and turned to the lawyer's ad. There it was, a list of 14 different “specialties,” including “serious auto accidents.” The truth of this matter was that if this lawyer's client had done any of the checking that I recommend in this book, she would have found that this lawyer was not on anyone's list of lawyers to do battle with the insurance company. You see, anyone can run an ad, all it takes is money.

## Chapter 5

### **How in the World Can a Consumer Tell the Difference Between One Lawyer to Another by Looking at These Ads?**

Much of the advertising I see on TV and in the Yellow Pages disturbs me for five reasons:

1. Surveys show that many people have a poor view of lawyers because of the lawyer advertising they see! Advertising in poor taste makes all lawyers look bad.
2. Lawyer advertising sometimes negatively affects the people who sit on juries. How would you like your lawyer to be arguing your case to a jury, only to have them remember that he is the lawyer who flies around in a flying saucer in his TV ads? Or that he equates pain and suffering to *big money damages*? Jurors watch TV, too.
3. There is no way for the consumer in need of legal services to tell one lawyer from the other based on most lawyer advertising. The ads don't give any *useful* information.
4. Even if not false, deceptive, or misleading, most lawyer advertising just isn't all that helpful to the consumer. What's the difference between "buy this beer" and "quick, call 1-800-LAWYERGIMMICKNUMBER right now?"

5. Some lawyer advertising creates unjustified expectations.

If other lawyers advertise “One call—no court—settlements in 30 days,” then my clients want to know how come I can’t do that for them.

I can’t change the way lawyers advertise, but I can help *you* make your way through the morass. Look, there are good lawyers out there... lots of them. You just have to do some work to find the right lawyer for your case.

## Chapter 6

### Legal Disclaimer

Hey, what would a message from a lawyer be without a disclaimer?

Look, I can give you ideas and tips, and I personally guarantee that you won't have wasted your time by reading this book, but I can't guarantee you absolute success in finding the right lawyer for your case. I can't even give you one absolutely foolproof way to get to the right lawyer, but...

*Reading this book can greatly increase your odds of finding the right lawyer for your case.*

*You need to develop and use a system to find the right lawyer for you.*

First, let's just forget about the ads altogether for a while. After all, wouldn't you expect your lawyer to care about you? Be aggressive? Give personal attention to your case? Fight for you? Since all lawyers should do all of the above, we can safely come to the conclusion that:

*Ads that tout such "benefits" are absolutely, 100% meaningless. Period.*

Rather than taking your chances on a Yellow Pages ad, a TV commercial or a “lawyer referral” service, you really should have a system for finding the right lawyer.

Does that sound like work? Well, it is. And it *should* be. Finding the right lawyer for you is very important. It’s not like getting the right carpet cleaner or pest control guy. If you are looking for a lawyer, it is usually because... *something very important has happened, or is about to happen in your life.*

It may be that you have been injured. You may be starting a new business. You may want to adopt a child. Perhaps you are going to be divorced. Whatever it is, it is probably at or near the top of your list of *things that are very important in your life.*

It is work because it is important.

So, let’s take a look at a systemized way to find the right lawyer for your case. We’ll go over what questions you must ask. I will show you which organizations and “ratings” are important and which aren’t. After that, I’ll come back to teach you how to “read” lawyer advertising.

## Chapter 7

### **Finally, A System for Finding the Right Lawyer for Your Case**

#### **Step One: Start to Learn About Your Legal Problem**

In the old days, the law was pretty much a secret. The *only* way you could get your questions answered was to talk to a lawyer.

Not anymore. Now, with the advent of the Internet, there is no longer any excuse for anyone not to get a basic understanding about his or her legal problem. Search the Internet for FAQ's (Frequently Asked Questions) about your legal problem.

- Visit lawyer web sites.
- Visit chat rooms.
- Visit other legal web sites.

Now remember, I am not saying that all this information and advice you find on the Internet is any good, but all you are doing at this point is collecting information—finding out “what ballpark you are playing in”—even before you talk to a lawyer. Some of the information you find may be flat out wrong—that's why you visit lots of sites. Obviously, it would be foolish to rely on information you find at any one web site. The purpose here is simply to move you along the path of

knowledge so that you can make an informed decision about which lawyer to hire.

On page 28, I list a number of web sites you might look at. Remember, though, that if a law firm is listed at one of these sites, all it took was a checkbook (sometimes a big fat checkbook) to get there.

Next, take a visit to the library. Remember the library? I visit the library regularly. It is a fantastic resource of free information. Even though we have the Internet, there is nothing like a good old-fashioned book to start you on the right course. Every city has one!

### **We Take Our Cases to Trial – Not!**

Can you believe everything you see on TV? Phoenix, Arizona, attorneys Stephen M. Zang and C. Peter Witiner ran a huge print and TV campaign to market their four-year-old law firm. The campaign was obviously “successful” in that it produced over 1600 personal injury cases in four years. According to the official opinion of the Supreme Court of Arizona, these ads contained the following tag lines:

- We are a personal injury law firm with the medical experience to understand complicated injuries.
- We have investigators to find witnesses and hidden evidence.
- Detailed preparation is a part of our law firm because the better your case is prepared for trial, the more likely your case will settle out of court.
- If you are in an accident, you need more than a lawyer’s words.

The ads were accompanied by dramatic scenes featuring either a judge in a courtroom, books about accident cases and medicine, a large witness box, or a picture showing one of the attorneys arguing before a jury in the courtroom.

This is what the Supreme Court of Arizona found when it examined the facts:

- From the time the firm was formed, no attorney at the firm had tried a personal injury case to conclusion.
- Zang, who was pictured in the ads arguing in front of a jury, conceded that he was not competent to try a personal injury case.
- The firm had a policy of not taking cases to trial.
- In those cases where trial was necessary, the attorneys' policy was to refer the case to real trial lawyers in other firms.
- The lawyers' intention was to settle all cases, but clients were not told this.
- Clients were never told of the lack of experience or the fact that their cases would be referred to other attorneys if a trial was necessary.

The lawyers were justifiably suspended by the State of Arizona from practicing law.

## **Step Two: Start to Gather Names of Potential Attorneys**

Here are your sources of information. Remember, you are still in the information-gathering process.

Think about your problem. What have you learned about your type of case? Now, can you summarize your problem in 20

words or less? “I was in a car accident.” “I am having a problem with a tenant.” “I would like to start an at-home business.” “My child was arrested for DWI.”

Do you personally know any lawyers in your area? They will be a good source of names. Even if your legal need is in another state, ask the lawyer you know first. He or she will probably be able to either refer you to a set of names in the other state or give you the name of someone who can.

Do you know anyone who has used a lawyer? At least then, when you call that lawyer, you can say that, “Mary gave me your name and I am looking for a lawyer who handles XYZ type of case.”

Peruse the Internet. Do a search for “car crash attorney in Seattle.” Don’t bother just typing in “personal injury attorney”; that will return thousands of entries, most from geographical areas far from you. Rather, type in “auto accident attorney in Seattle, Washington” or “divorce attorney in Everett, Washington.”

Pull out and look at the Yellow Pages. I recommend looking for lawyers who advertise only one or two closely related areas of practice. My experience is that usually lawyers who limit the type of work they do are better than “jack-of-all-trades” types of firms or lawyers. This is because in the last 20 years, the law has become more complex than ever before. Many lawyers now limit their practices to just a few related legal areas. For example, a lawyer who specializes in wills and estate planning may also specialize in elder law planning. A DWI lawyer may handle shoplifting cases. A medical malpractice attorney may handle pharmacy malpractice cases. Those ads that proclaim a long list of “specialties” or types of cases are not very helpful, are they?

Yes, you can even write down the name of the lawyers you see on TV. You can't judge a lawyer by the media she uses to advertise. While, frankly, many firms that advertise on TV are running high volume practices, there are some good skilled and reputable attorneys advertising on TV.

*Some people put more time and effort into buying a TV than into choosing a lawyer.*

### **Lawyers Disciplined When Their Ads Suggested that Insurance Companies Would Settle at the Mere Mention of Their Name**

Indiana attorneys James and Jack Keller ran four television advertisements from a national marketing firm which depicted insurance adjusters in a conference room proclaiming that an automobile accident case had to be settled just because of who the attorneys were. The insurance company appeared to be intimidated at the mere mention of the attorneys' names.

The ads all featured actor Robert Vaughn. The Indiana Supreme Court found the ads to be misleading and disciplined the attorneys. First, they found that since there was no way of knowing whether an insurance company ever really settled cases with the law firm "just on the mere mention of their name," the ad was misleading. The court also found that the celebrity endorsement violated Indiana's Rules of Professional Conduct.

**Editor's Note:** The insurance companies most definitely know who takes cases to trial and who does not. However, each case is settled or not settled, won or lost, based upon its own individual facts and merits. While experience can be a major factor in making sure that the facts and merits are presented in the light most favorable to the accident victim, nothing will

overcome bad facts. Thus, ads that suggest that the experience and reputation of the attorney are the major reasons why cases are won or lost are misleading.

### **Step Three: Call and Ask for Written Information (and run the other way if they don't have any)**

Call and ask for written information about the lawyers. Just like buying a high-priced consumer product, you are usually better off doing all of your initial research in the comfort of your own home. You don't want to be subjected to any high pressure sales tactics, do you? Most lawyers offer free initial consultations in a variety of cases and flat fee or reduced rates for an initial consultation in other areas. That probably is not the *most efficient* way of getting information. The better course is to call and ask them to send you their "information package on *your type of case*." Ask them to send you anything they would like you to read that would convince you to hire them as your attorneys. Remember, while there are time limits for filing suit, in most cases you have time to do your research in the comfort of your own home, on your own time. (I told you this was work, didn't I?)

**Hint:** Beware of any lawyer who phones you first, or has someone else directly solicit you in person after you have been injured. In-person solicitation by a lawyer (or someone representing a law firm) who does not have a prior relationship with you is universally condemned and can even be illegal in Washington.

If you find a lawyer's advertisement is interesting to you, then call that lawyer or law firm on the phone and ask them to mail you everything they have that would be useful in deciding whether to hire their law firm. If they say, "The only way to get this information is to come in," all you have to do is hang up.

After you have done your preliminary homework, narrow your search to 3-5 lawyers who appear to be experienced with your legal problem, make appointments and interview them. There is no substitute for an in-person interview. No matter how experienced or successful they are, you have to feel comfortable with them. You have to trust them, and they have to trust you. Many will meet you in your home if you cannot travel to the office.

### **Step Four: Now That You Have Arranged an In-Person Interview, Ask the Right Questions if You Are Looking for a Personal Injury Attorney**

Remember, the best and most experienced attorneys usually have a line of people begging to hire them. They are usually very selective in the types of cases they will handle and turn away many more than they accept. They will not be insulted or put off by these questions. Rather, they will welcome them, because it shows you are taking steps to educate yourself. We'd all much rather represent someone who does this than gets wacky advice from their cousin or neighbor.

1. How many years have you been in practice?
2. Do you have actual experience handling my type of case?
3. Where can I read about your other cases?
4. What is the hardest part about my case?
5. Have you won any large verdicts or settlements?
6. Have you had any additional training after law school from nationally recognized organizations such as the National Institute for Trial Advocacy or the Trial Lawyers College?

7. Are you recognized by *Washington Law & Politics*?
8. Do you carry malpractice insurance? (In Washington, this information is also available at [www.pro.wsba.org](http://www.pro.wsba.org).)
9. Are you an active member of any state or national trial lawyer organizations?
10. Have you been disciplined by your state bar association?
11. What is the process for handling my case?
12. Who in your office will be working on my case?
13. How will you keep me informed about my case?
14. What is my case worth?<sup>2</sup>
15. Do you represent any insurance companies at all? (You really need to know where their interests lie. Some lawyers do most of their work for the insurance companies. This may suit you just fine. For others, the appearance of bias would be too much.)
16. Do you represent any corporations (besides “mom and pop” local businesses)? Again, if you are calling about an injury case, you may want to find an attorney who is passionate about representing individuals – not big businesses.
17. Can I take a copy of the written fee agreement home with me to study? (There is no “standard” fee and no standard fee agreement. Do not assume that if you have seen one, you have seen them all.)
18. If you are looking for an injury attorney, ask, “Do you spend at least 90% of your time representing individuals against insurance companies in injury cases?”<sup>3</sup>

19. Do you regularly attend Continuing Legal Education courses in your area of expertise?
20. Do you teach Continuing Legal Education courses to other lawyers?
21. What is your *Avvo.com* rating?
22. Have you published any articles, guides or books for consumers or other attorneys?

**And the Best Question of All:  
Who else should be on my list of attorneys to talk to?**

This is a great question because the names you see coming up time and time again when you ask this question are as close to a “sure bet” to be the right lawyer as you can get!

All good, competent, honest attorneys will freely share their information with you. These are the attorneys who have as much (or more) work than they can handle. If they won’t give you any other names – leave! It just may be a huge warning sign that they are starving for business—not a good sign.

**Step Five: Rank the Information in Terms of Importance**

While you certainly would get a range of opinions on what is “most important” about hiring a lawyer, our clients tell us that most probably rank order the qualifications this way:

1. Consistent results in the past. Yes, “past results are no guarantee of future results,” but the lack of consistent results in the past would be a warning sign. Yes, we all lose cases we probably should have won (and we’ve won cases we probably should have lost), but the *lack* of a track record of quality results is a deal breaker for most people.

Don't accept the excuse that "this is all confidential and we aren't supposed to talk about past results." This simply is not true. Each week, the legal newspapers publish settlements and verdicts. Many lawyers also have this information on their web sites.

2. Proficiency. Simply put, has the lawyer focused his or her practice on your type of case for long enough to be totally proficient? This is different than the idea that the longer an attorney has been practicing, the better he or she must be. For example, with injury cases, has the lawyer been doing nothing but injury cases for long enough to know what he or she needs to know?
3. Additional Training: Dedicated lawyers will want to be as good as they can be at what they do. Part of this is continuing to learn from the best while they are practicing. There are several organizations that do nothing but help lawyers hone their skills by learning from the best. Some of these organizations are the National Institute for Trial Advocacy and the Trial Lawyers College. Is the attorney on your list dedicated enough to have taken the time to learn more?
4. A listing in *Washington Law & Politics* magazine. *Washington Law & Politics* recognizes Rising Stars (lawyers under 40 years old) and SuperLawyers (lawyers over 40 years old). To be a Rising Star or SuperLawyer, an attorney has to be nominated by his or her peers. Unlike most other "lawyer guides," you can't buy your way in or solicit the award.
5. Avvo is a web site that rates attorneys for ability and ethics. Check to see what the Avvo rating is of the attorney you are thinking of hiring.
6. Teaching at Continuing Legal Education events.

## 7. Active participation in trial lawyer associations.

Don't be afraid to ask about results. Yes, each case is different and the past does not predict the future, but the lack of a track record of significant results should at least prompt you to ask more questions.

## Chapter 8

### **Best Possible Settlement... Least Amount of Time**

The above “tag line” on Indianapolis attorney Vaughn Wamsley’s full-page Yellow Pages ad was followed by the statement: “My reputation, experience, and integrity result in most of our cases being settled without filing a complaint or lengthy trial.”

The Indiana Supreme Court said that, “by claiming that he could obtain the best possible settlement in the least amount of time, the attorney likely created an unjustified expectation of such a result in any case that he handled.” The court found that the statement was misleading and deceptive. The court also found that another statement which had no disclaimer, “I have helped thousands who have been seriously hurt or lost a loved one,” was a prohibited statement which suggested that past performance was a prediction of future success.

The attorney was disciplined for making these statements.

We agree with the Supreme Court that, “when accomplished within ethical strictures, advertising of legal services facilitates the process of informed selection of lawyers by consumers of legal services. However, advertisements containing misleading or deceptive assertions make truly informed selection impossible.”

What does it mean when a lawyer is a Rising Star or SuperLawyer, has a high Avvo rating or has gone to the National Institute for Trial Advocacy or the Trial Lawyers College?

*Washington Law & Politics*—Rising Star or SuperLawyer

*Washington Law & Politics* has been described as a mix of “*The Harvard Law Review* and *The New Yorker*.”

Every year, *Washington Law & Politics* publishes a list of Rising Stars and SuperLawyers. Their web site says:

*Super Lawyers is a listing of outstanding lawyers from more than 70 practice areas who have attained a high degree of peer recognition and professional achievement.*

*In selecting attorneys for Super Lawyers, Law & Politics employs a rigorous, multiphase process. Peer nominations and evaluations are combined with third party research. Each candidate is evaluated on 12 indicators of peer recognition and professional achievement*

*The objective is to create a credible, comprehensive and diverse listing of outstanding attorneys that can be used as a resource for attorneys and consumers searching for legal counsel.*

*The selection process for Rising Stars is the same as the Super Lawyers selection process except that to be eligible for inclusion in Rising Stars, a candidate must be either 40 years old or younger or in practice for ten years or less. While up to five percent of the lawyers in the state are named to Super Lawyers, no more than 2.5 percent are named to the Rising Stars list.*

For more information about the selection process go to [http://www.superlawyers.com/about/selection\\_process.html](http://www.superlawyers.com/about/selection_process.html)

The selection process used by *Washington Law & Politics* has been recognized as legitimate across the country. In 2008, the New Jersey Supreme Court upheld the findings of a Special Master assigned by the court to, among other things, examine the details of the selection process used to select Rising Stars and SuperLawyers. The Special Master stated, “Suffice to say, the selection procedures employed by Key Professional Media, Inc. [*Washington Law & Politics*] are very sophisticated, comprehensive and complex.”

He went on to say that the list of Rising Stars and SuperLawyers “is a comprehensive, good faith and detailed attempt to produce a list of lawyers that have attained high peer recognition, meet ethical standards, and have demonstrated some degree of achievement in their field.”

To check if a lawyer is a Rising Star or Superlawyer, go to *www.superlawyers.com*

## Chapter 9

### **Avvo.com - Highest Possible Rating**

According to their web site, *Avvo.com* offers consumers more information and better guidance than ever before regarding the legal industry and, specifically, choosing the right lawyer. Avvo is the world's largest online legal directory, rating and profiling over 85% of U.S. lawyers. Avvo profiles include the Avvo Rating, as well as client reviews, peer reviews and attorney disciplinary records. Avvo is different from other lawyer search sites because it was designed specifically for consumers. Research shows that consumers find the process of selecting a lawyer to be difficult and confusing. I believe that offering guidance and increasing transparency is better for both consumers and lawyers.

The Avvo Rating is a proprietary assessment using Avvo's secret formula. Avvo has created a mathematical model that takes into account data about a lawyer, including the attorney's experience practicing law, professional achievements, and disciplinary sanctions (if any). This data comes from several sources, including state bar associations, court records, and lawyer Web sites, as well as information that lawyers provide to Avvo.

Avvo takes all this information and calculates a score on a 10-point scale. According to Avvo, the rating should tell you how well a lawyer could handle your legal issue. The rating is

based on data Avvo has collected about the lawyer, including experience, industry recognition, and professional conduct among other non-disclosed factors.

Want to check to see a lawyer's Avvo rating? Go to *www.avvo.com* and put in the name and area.

## Chapter 10

### **National Institute for Trial Advocacy**

In 1971, with the encouragement of an American Bar Association (ABA), three professional organizations funded the creation of the National Institute for Trial Advocacy (NITA): the ABA; the American College of Trial Lawyers; and the Association of Trial Lawyers of America.

NITA is the nation's leading provider of legal advocacy skills training. NITA pioneered the legal skills “learning-by-doing” methodology over 35 years ago and has since remained the ultimate standard in teaching lawyers how to better represent their clients in court. The training at NITA is hands on; the lawyer is taught by doing. NITA's multi-day “boot camps” deliver unparalleled professional development and unsurpassed “learning-by-doing” opportunities.

NITA's stated mission is to:

- Promote justice through effective and ethical advocacy;
- Train and mentor lawyers to be competent and ethical advocates in pursuit of justice; and
- Develop and teach trial advocacy skills to support and promote the effective and fair administration of justice.
- The NITA courses are a time commitment. The Trial Skills

course is two weeks long and attracts lawyers from all over the country. Ask the attorney you are considering if he or she is dedicated to trial work enough to have undergone this type of advanced training.

## Chapter 11

### **Educating Lawyers & Judges**

The Trial Lawyers College mission statement is as follows:

The Trial Lawyers College is dedicated to training and educating lawyers and judges who are committed to the jury system and to representing and obtaining justice for individuals; the poor, the injured, the forgotten, the voiceless, the defenseless and the damned, and to protecting the rights of such people from corporate and government oppression. In all of its activities, the Trial Lawyers College will foster and nourish an open atmosphere of caring for people regardless of their race, age, creed, religion, national origin, physical abilities, gender or sexual orientation. We do not offer training for those lawyers who represent government, corporations or large business interests.

The Trial Lawyers College was founded by, and is still run by Gerry Spence, one of the most famous lawyers in America. The program is an intensive three weeks at Gerry Spence's ranch in Jackson, Wyoming. There are no cell phones or internet connections at the ranch, so that the attendees can learn without distractions. Every year, among the thousands of applicants, only 50 lawyers from across the nation are selected to attend this advanced training.

I would say that a lawyer who has the dedication to attend the Trial Lawyers College is someone who is committed to getting

justice for his or her clients. Not only that, it is someone who has gone through a rigorous selection process, and was invited to attend.

## Chapter 12

### What Are Those Ads Really Saying?

Before I finish with this book, I'll explain some of the things that you may see in lawyer advertising. It is important to be able to “read” the ads in order to know what may be important and what is meaningless.

- **“No Fee if No Recovery”**—generally, this means that there will be no attorney fee payable to the attorney if your case is not settled or won. This *does not mean* that there will be no fees at all. There are many costs involved in a case, from filing fees to experts witness fees and, generally, the client will remain responsible for those costs.
- **“Free Initial Consultation”**—offered by almost 100% of personal injury, medical malpractice and workers' compensation attorneys. Standard practice, nothing special. May take place in person or over the phone.
- **Member of “Million Dollar Roundtable” or “Million Dollar Advocate” Club**—technically means that the attorney has settled or won a case for \$1 million or more sometime in his life. Remember, though, that one way to get a million dollars in a case is to screw up a \$5 million case. It is *consistent results*, not one lucky result, that count. Also, what most people don't know is that to be a member of these “clubs” the attorney has to pay! All it takes is a check.

- **“The Best Civil Lawyer in XYZ County”**—an unethical and meaningless statement, since no one can prove this statement, even if it refers to a poll of local residents.
- **“28 Years’ Combined Experience”**—meaningless. There could be seven lawyers in the firm, each with four years’ experience, and none with any experience with your type of case. You need to ask the right questions. Some law firms have been disciplined for including the “experience” of their now-dead “founding fathers.”
- **“Former prosecutor”** —might be important if you are charged with a crime.
- **Member of the American Bar Association**—meaningless. All it takes is a check.
- **“Former Judge”**—meaningless. And, if used to suggest that the lawyer has influence over current judges, highly unethical.
- **“Largest Verdict in The City”**—may be important, may be meaningless. You need to ask questions. Usually considered unethical to state this without an appropriate disclaimer. Remember, *consistent results matter*.
- **“We come to you”**—meaningless. Everyone does this for the right case, but no one does it for every case. (Although there have been firms known to send a courier or “investigator” right over – with a contract for you to sign. Anyone who signs an attorney contract or fee agreement without having personally met the attorney and asking the right questions, has only himself to blame.)
- **“Experienced, Aggressive, Compassionate, We Care About You, We’ll Fight For You”**—Give me a break. Isn’t this what you expect your lawyer to say and do for you?

- **“If you have a phone, you have a lawyer”**—ridiculous.
- **“You May Be Entitled to Cash for Your Pain”**—ridiculous. Makes it sound like this is a lawsuit lottery or that you are “lucky” to have been injured.
- **“Quick Settlements in 30 Days”**—ridiculous. If your case is so small that it can be settled in 30 days, then do it yourself and save the 1/3 fee!

## Chapter 13

### **What About Those Web Sites That Say They Have a List of “Qualified Lawyers?”**

Lawyers have paid for listings at the following sites and, by and large, there is no significant screening of these lawyers before listing them. Often, lawyers have paid either for “exclusive” listings at these sites or for “top spots” or “banner ads.” While there may be some decent legal information for someone on an initial fact-finding mission, I do not recommend any of these sites for actually choosing a lawyer.

*[www.lawyers.com](http://www.lawyers.com)*

*[www.injuryboard.com](http://www.injuryboard.com)*

*[www.attorneyfind.com](http://www.attorneyfind.com)*

*[www.an-attorney-for-you.com](http://www.an-attorney-for-you.com)*

*[www.injuryhelplineattorney.com](http://www.injuryhelplineattorney.com)*

*[www.LawOnline.com](http://www.LawOnline.com)*

*[www.LegalMatch.com](http://www.LegalMatch.com)*

*[www.lawyermatch.com](http://www.lawyermatch.com)*

*[www.PerfectLawyerForYou.com](http://www.PerfectLawyerForYou.com)*

*[www.gLawyers.com](http://www.gLawyers.com)*

*www.PickALawyer.com*

*www.onlinelegalcenter.com*

*www.lawyercitysearch.com*

## Chapter 14

### **A Final Word to the Wise**

You know those 1-800-DAMAGES or 1-800-LAWYERS type telephone numbers? Be careful. In some cases your call is routed through a call center that randomly sends your call to the next attorney “in line.” Kind of reminds me of used car salesmen waiting to pounce on the next unsuspecting customer.

In other cases, lawyers have bought “territories” for these “vanity” numbers. Even though you think you are calling lawyer Smith, your call is routed to lawyer Jones, based simply on the zip code or area code you are calling from. Think I kid? Go to [www.hurt911.org](http://www.hurt911.org).

Just a word to the wise.

#### *Now It's Up to You*

It's up to you to find the right lawyer for your case.

*Take Action.*

*Be Persistent.*

*Good Luck.*

## About the Author

### **Jason G. Epstein**

It has been my pleasure and honor to have dedicated my legal career to representing injured people since I first began in 1999. Over the years I have handled thousands of personal injury cases and have dealt with all of the major insurance companies in Washington. I have gone to trial, arbitration, and mediation in many, many cases. Personal injury is not only all that I do, but it is all that I have ever done.

I attended the University of Southern California for my undergraduate education, then Pepperdine University School of Law. After I graduated I immediately passed the bar and continued representing individuals against insurance companies and large corporations.

My firm does not base its business on a high volume or the personal injury mill model. We are very selective about which cases we accept. If I believe that you can settle a case yourself and would be better off not hiring me, I will tell you so. I will also not hesitate to advise a person if I believe a case cannot be won or if the risks of pushing forward would outweigh the costs.

If we don't accept your case, it is not necessarily the end of the road for you. There are lots of attorneys out there, and I'm sure you will be able to find someone willing to take on your fight.

If we do accept your case, you will have a team behind you to make sure the details of your claim are taken care of. We will vigorously pursue your case. We understand how stressful a personal injury claim can be and we understand that you have hired us to alleviate your anxiety. We are a small firm with a hands-on approach and we make ourselves accessible to our clients.

## Endnotes

- <sup>1</sup> -You need to adjust your questions, based on your research, to your type of case. For example, you don't need to know if the lawyer doing your will has won any large verdicts. You need to know whether he has experience drafting wills. A social security lawyer need not have any experience in front of juries, but this is absolutely essential for any injury or malpractice case.
- <sup>2</sup> -This is actually a trick question—in almost all cases, it is impossible for a lawyer to determine the value of a case on the first visit. This requires study and analysis of your injuries and other losses suffered. Beware of anyone who states, with any certainty (in all but the smallest of cases) the “value” of your case on the first visit.
- <sup>3</sup> -I am going to assume that the lawyer is actually licensed in the state where the legal work is to be done. I used to think this was self evident until I started getting calls from lawyers not licensed in Washington who were “handling” difficult cases and now were in a panic because the insurance companies wouldn't talk to them and the cases had to be filed. More recently, the Virginia Supreme Court threw out an auto accident victim's case because the lawyer's license to practice in Virginia had been suspended. So check to make sure your lawyer is licensed in the state where the claim will be brought. I am also going to assume that the lawyer carries malpractice insurance. For some reason, this is not *required* in Washington, so you need to ask

## Free Newsletters from StraightTalkLaw

Want to know how best to deal with insurance company denials? Want to find out specific steps you can take to find the best lawyer for your case? Want to read the “inside story” about frivolous lawsuits? Would you like some practical advice about buying insurance from someone who does not sell insurance?

These are some of the topics that are covered twelve times a year in a free newsletter sent to your home by Seattle attorney Jason G. Epstein, founder of StraightTalkLaw.

Mr. Epstein strongly believes that most legal disputes could be avoided if people had a better general knowledge about the legal system, insurance coverage and the insurance claim process.

There is absolutely no cost or obligation, and from time to time we run contests to give away free stuff!

If you subscribe and later feel like we are wasting your time, there is an 800 number in every issue that you can call to “unsubscribe.” Don’t worry, this is not the boring, “canned” newsletter that most firms buy and slap their name onto. We write it ourselves, to provoke people to pay more attention to their legal affairs.

There is no need to destroy this book. Just photocopy this form, fill it out and mail or fax it to us. Fax to 206.599.6316 or mail to StraightTalkLaw, 3380 146th Pl. SE, Suite 430, Bellevue, WA 98007.



Please start my subscription to your free legal newsletter.

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_

State: \_\_\_\_\_ Zip: \_\_\_\_\_



Now a free book is available for car accident victims to read before talking to the insurance company or hiring an attorney. Thousands have benefited from reading this book.

Copy and fill out this form, and mail or fax it to us to learn:

- What are the ten insider secrets the insurance companies don't want you to know?
- What "service" provided by some lawyers can actually be the "kiss of death" to your claim?
- Can your health insurance company force you to repay it if you win?
- What is one document you should never sign for an insurance company?

There is no need to destroy this book. Just photocopy this form, fill it out, and mail or fax it to us. Fax to 206.599.6316 or mail to StraightTalkLaw, 3380 146th Pl. SE, Suite 430, Bellevue, WA 98007.



Please send me *Straight Talk: The Truth About Washington Auto Accidents*.

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_

State: \_\_\_\_\_ Zip: \_\_\_\_\_



Now a free book is available to help consumers understand their automobile insurance policies. This book gives readers 10 secrets that insurance companies don't want consumers to know, and other insider tips. Thousands have benefited from reading this book.

Copy and fill out this form and mail or fax it to us to learn:

- What kind of auto insurance you really need.
- How to protect yourself from uninsured drivers.
- Why insurance companies don't want to sell you the best coverage available.

There is no need to destroy this book. Just photocopy this form, fill it out and mail or fax it to us. Fax to 206.599.6316 or mail to StraightTalkLaw, 3380 146th Pl. SE, Suite 430, Bellevue, WA 98007.



Please send me *Straight Talk: The Truth About Buying Washington Auto Insurance*.

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_

State: \_\_\_\_\_ Zip: \_\_\_\_\_



Now a free book is available to help motorcycle accident victims before they talk to the insurance company or hire an attorney. Thousands have benefited from reading this book.

Copy and fill out this form and mail or fax it to us to learn:

- What are the ten insider secrets the insurance companies don't want you to know?
- What "service" provided by some lawyers can actually be the "kiss of death" to your claim?
- Why are juries sometimes unfair to motorcyclists, and how can your attorney help you?
- Can your health insurance company force you to repay it if you win?
- What is one document you should never sign for an insurance company?

There is no need to destroy this book. Just photocopy this form, fill it out and mail or fax it to us. Fax to 206.599.6316 or mail to StraightTalkLaw, 3380 146th Pl. SE, Suite 430, Bellevue, WA 98007.



Please send me *Straight Talk: The Truth about Washington Motorcycle Accidents*.

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_

State: \_\_\_\_\_ Zip: \_\_\_\_\_

**JASON G. EPSTEIN**  
ATTORNEYS AT LAW

3380 146th Place SE  
Suite 430  
Bellevue, WA 98007

TOLL FREE: 888.852.0068  
206.285-1743  
FAX: 206.599.6316

[jason@plg-pllc.com](mailto:jason@plg-pllc.com)

[www.PLG-PLLC.com](http://www.PLG-PLLC.com)  
[www.StraightTalkLaw.com](http://www.StraightTalkLaw.com)  
[www.SeattleAccidentInjuryLawyer.com](http://www.SeattleAccidentInjuryLawyer.com)

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