



I HAVE BEEN IN A CAR ACCIDENT – DO I NEED TO HIRE A LAWYER?

By

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DO I REALLY NEED TO HIRE A LAWYER FOR A CAR ACCIDENT CASE?

“So how do you decide whether an attorney is really necessary for your case? In my opinion, attorneys should only be hired if they can put more money in your pocket than you can without them.”

Once you are involved in a car accident, the use of a rental vehicle until your car is repaired or replaced. You are no longer free to simply live your life. You will have to deal with getting your car repaired or replaced for transportation, getting and paying for medical attention to treat your injuries and continuing to work to keep your job and pay your bills.

This loss of freedom and the expense involved to simply get back to normal sometimes cause accident victims to fear hiring an attorney. They fear that hiring an attorney will cost them more money than they will receive if they handle their claim with the adjuster alone.

So how do you decide whether an attorney is really necessary for your case? In my opinion, attorneys should only be hired if they can put more money in your pocket than you can without them. To make this decision, you must evaluate the type of damage claims you will be asking the insurance company to pay.

PROPERTY DAMAGE ONLY CASES

As a general rule, if you suffered no personal injuries, you should be able to settle your case with the opposing insurance adjuster for approximately the same amount of money that an attorney could obtain for you.

In this type of case, you are entitled to money to repair or replace your car and for

It does not require legal skill to obtain repair estimates for the damage to your car or to determine the fair market value of your car. For repairs, simply get quotes from reputable repair shops and compare them to the amount offered by the adjuster. If your car has been totaled, determine the fair market value of your car by consulting reference sources such as the Kelly Blue Book, NADA Used Car Guides or Edmunds. These publications provide accurate information for most makes and models of cars.

If your car is extremely valuable such as a collector’s car or a luxury car, it is possible that you have suffered a loss after the repair called “diminished value”. Only in this type of property damage case might the expense of an attorney put more money in your pocket than he takes out.

MINOR INJURY CASES

If your case involves personal injuries a more detailed analysis is required. If the injuries are minor and you fully recover from the injuries in a few days, you probably do not need an attorney. Minor injuries are ones that result in less than a \$1,000.00 in medical bills.

There are exceptions to this rule, some whiplash injuries can result in brain

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damage, but initially insignificant medical bills. Make sure that your injury is fully healed before classifying it as a minor injury based on the medical bills alone.

To obtain a fair settlement for your minor injury claim, educate yourself sufficiently to negotiate with the insurance adjuster. To educate yourself, go online or to the bookstore and obtain one of the many self help guides for car accident victims. These guides are excellent resources for dealing with the minor injury claims.

Like the property damage only type cases, minor injury cases usually do not justify the use of an attorney. In such cases, the attorney's fee generally results in a lower net settlement to the claimant because the value of the claim is low and can not be appreciably increased.

MAJOR INJURY CASES

If your case involves anything more than property damage and minor injuries, it is likely that you will benefit by hiring an attorney.

In these types of cases, an experienced attorney's skill and knowledge can add thousands of dollars to your recovery even after paying for the attorney's fees and costs. An experienced attorney has specialized knowledge and practical experience in handling major injury cases as well as the authority to go to court if negotiations fail. He more fully understands

the true value of your case and can persuasively present your arguments and evidence of your injuries to the insurance adjuster. Should this fail to result in a fair settlement, the insurance adjuster knows that the possibility of a lawsuit is real and could result in greater, potentially avoidable expense.

Typically, most people do not have the necessary negotiation skills, knowledge of the law and experience in evaluating damages to obtain a fair settlement value for major injury cases. When negotiating with an insurance adjuster, non-lawyers are at a distinct disadvantage due to this lack of knowledge, skill and experience.

For this reason, insurance adjusters strongly discourage accident victims from getting legal representation. They falsely tell victims that hiring an attorney will reduce their net settlement or delay payment for their claims. But the insurance industries own statistics do not support these lies. In 2004, the Insurance Resource Council, a non-profit organization financially supported by the insurance companies, completed a study that found that people who used an attorney received an average of 3½ times more money in settlement than those individuals who settled on their own.

The implications of this study could not be clearer. If you seek to obtain a fair settlement for your injuries, the use of an experienced personal injury lawyer is essential.

ABOUT THE AUTHOR

J. BRANTLEY DURRETT, III

J. Brantley Durrett, III is an attorney that has been representing personal injury victims in accident cases against insurance companies and other wrongdoers since 1989.

His experience is concentrated in complex civil litigation matters with a particular emphasis in personal injury and insurance litigation. He has represented car accident victims in cases as serious as wrongful death and as minor as soft-tissue injuries. He also has significant appellate experience including appeals before the Texas Courts of Appeal and the United States Court of Appeal for the Fifth Circuit. In an appellate capacity, Mr. Durrett has handled cases of first impression in Texas and won significant reversals of lower court mistakes.

Mr. Durrett has been licensed in Texas since 1989. He has obtained millions of dollars in settlements for his clients. He is a member of numerous professional organizations, including the State Bar of Texas (Sections: Litigation, Insurance and Commercial and Consumer Law) and the American Association for Justice (Sections: Motor Vehicle Liability, Insurance, Medical Malpractice, Commercial Litigation and Expert Witnesses).

Recently, Mr. Durrett restructured his practice to accept only a limited number of serious accident cases each year. As a result, he can provide a greater level of personal service for his clients without the distraction of maintaining a heavy case load.

If you think you have wronged by the careless act of another, contact Mr. Durrett for a FREE, no obligation consultation.

Durrett Law Firm

The **Durrett Law Firm** is dedicated to protecting your interests and handling your case with personal attention, aggressive advocacy, professionalism, and compassion.

We have been successfully representing injured people, car accident victims, and wrongful death cases in Texas for almost 20 years. We understand that sustaining traumatic and life changing injuries is emotionally devastating. We strive to balance this concern with the unique and rigorous demands of the legal system. We understand that the selection of your personal injury attorney is an important decision, and which may have far reaching consequences.



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