



Personal injury cases can be extremely lucrative for plaintiff lawyers, but personal injury law remains among the leading practice areas for malpractice claims, both in terms of frequency and severity. Personal injury law can be complicated. There are endless pitfalls, and should a mistake be made, the resulting damages can be extensive.

TIP #1: Don't Dabble

It can be difficult to turn away a client who seems to have a slam-dunk personal injury case, but if this is not your area of practice, tread with caution. Personal injury law continues to grow more specialized, and novices may find themselves facing a malpractice claim instead of a large contingency fee. Consider referring cases to experienced personal injury lawyers or associating with an experienced personal injury attorney.

TIP #2: Keep An Eye On Deadlines

The most common malpractice error in personal injury cases continues to be missed statutes of limitations. When you take a case, be certain you have researched the appropriate statute of limitations for the type of case and defendant, that you have the correct date of event, and that you have calendared each deadline accurately and with reminders. A workable calendaring system is vital to any practice, but especially for personal injury practices.

TIP #3: File Early

Some cases may require significant discovery before all of the defendants are even identified. Be certain you start discovery early so that the statute of limitations does not run before a vital defendant is discovered and sued.

TIP #4: Crossing State Lines

Of a case includes out-of-state defendants or is in a jurisdiction where you are not admitted, be very careful. Check the credentials of local counsel and be sure responsibilities in the case are thoroughly discussed and documented. Miscommunication with local counsel can lead to missed deadlines and increases malpractice risks significantly.

TIP #5: Medical Liens and Tax Consequences

When considering settlement options, be sure to talk with your clients about the impact of taxes and medical lien payments. Unless you are well versed in tax law and keep up with the ever-changing tax code, consider involving an accountant or tax lawyer to help advise your clients. Be certain that your clients understand what medical liens are, how they will be handled, and how they all impact their settlement. Especially for issues of import like taxes and liens, documenting discussions in writing is a good practice.

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