

Watch Out For Motorcycles!

Brad Souders - A True Biker Lawyer - Has More To Offer

We have all seen the lawyer ads of "No Fees Or Costs Unless You Win". The truth is, all lawyers do not charge the same rates; and, this is something every biker should know. Also, there are lawyers who advertise; yet, do not see or talk to their clients, delegating the work to non-lawyers; and if the case does not settle, they refer the client to another lawyer.

In Florida, when a lawyer represents an accident victim for a personal injury or wrongful death by a contingency fee agreement, where compensation depends on the successful prosecution or settlement of the claim, Florida law requires the client receive a statement of their rights when represented. Every client should understand these rights, having a written copy during the representation. Below, I highlight a few of these rights, adding a few extra comments:

1. There is no legal requirement that a lawyer charge a client a set fee or a percentage of money recovered in a case. You, the client, have the right to talk with your lawyer about the proposed fee and to bargain about the rate of percentage as in any other contract. If you do not reach an agreement with one lawyer, you may talk with other lawyers.

Brad's comments: This is where the rubber meets the road. After an accident, most lawyers sign the client on a contingency fee contract charging the maximum rates allowed by law, which is 1/3 if the case settles before any lawsuit; or, a 40% fee if the case settles during litigation. As a biker, do not sign such an agreement charging you the maximum fees. Instead, know you have other options. As a biker myself, my office agrees to a lesser fee, charging 30%, regardless of whether a lawsuit is filed. Think about the difference this can make to you in a \$100,000 dollar recovery, if you signed with another lawyer charging the highest fee, the lawyer may charge you 40% or \$40,000. Compare this to my office, where in the same case, the fee rate is only 30%; and, you just saved yourself \$10,000 in attorney's fees, meaning an extra \$10,000 in your pocket! Thus, signing with my office makes a significant difference to you. Representation must maximize YOUR recovery.

2. Any contingency fee contract must be in writing and you have three business days to reconsider the contract. You may cancel the contract without any reason if you notify your lawyer in writing within three business days of signing the contract. If you withdraw from the contract within the first three business days, you do not owe the lawyer a fee.

Brad's comments: The client can also change lawyers after three days. Sometimes in the weeks or months after, clients become dissatisfied with their attorney, wanting to change lawyers. A client may do so by hiring another lawyer, terminating the first lawyer. Thus, if you are unhappy with your lawyer, you can change lawyers, just like you can change who you ride with.

3. Before hiring a lawyer, you, the client, have the right to know about the lawyer's education, training, and experience. If you ask, the lawyer should tell you specifically about the lawyer's actual experience dealing with cases similar to yours.

Brad's comments: From the beginning, I grew up riding on bikes, spending most afternoons and weekends on a dirt bike. Today, I ride a Harley Davidson Electraglide, having almost 50,000 miles on this bike alone, including rides through the Appalachians, to and from Milwaukee and to Sturgis, plus many others. As an attorney for 23 years, I received the highest peer review ratings of local attorneys and judges, also having handled many cases through mediation, arbitration and jury trial. As a lifelong biker and trial lawyer of 23 years, representing bikers is my passion and purpose. Bikers and I have an instant bond or connection, also resulting in great communication, relations and trust. It's a bond between bikers, like the waive you see on the road, only much better.

4. Before signing a contingency fee contract with you, a lawyer must advise whether the lawyer intends to handle your case alone or whether other lawyers will be helping with the case.

Brad's comments: With my office, I am with you from beginning to end, experienced, equipped and ready to go with you from start to finish. You should know the "Road Plan" from the beginning. Certain attorneys have a business model of having case administrators handle the

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case to reach a settlement; and if they cannot resolve the case without filing a lawsuit, they refer the case to another attorney. Injured bikers deserve more, personal service and dedication, knowing their attorney is the one and will always be there, even down the road if litigation is required.

5. You have the right to ask your lawyer at reasonable intervals how the case is progressing and to have these questions answered to the best of your lawyer's ability.

Brad's comments: The analogy: Having a good riding partner, talking with you at times, always being informed and never feeling alone. From the very first meeting, whether at home, hospital or office visit, 24/7, I give the injured biker my personal cell number, always giving the client my personal attention. Again, the biker deserves direct access to their attorney, having his or her questions asked anytime, in a timely manner, by the lawyer representing you.

6. You, the client, have the right to make the final decision regarding settlement of a case. Your lawyer must notify you of all offers of settlement before and after the trial. Offers during the trial must be immediately communicated and you should consult with your lawyer regarding whether to accept a settlement. However, you must make the final decision to accept or reject a settlement.

Brad's comments: Note "the client makes the decision regarding settlement". A biker lawyer, like myself, takes the case personally. Such a lawyer goes the extra mile to advise the client of more than just the at fault driver's policy limits, also advising whether the at fault driver can personally contribute towards any settlement. As bikers typically have serious injuries and high medical bills, the biker's lawyer must advise of the results of an assets report; and when necessary, also taking an asset and income examination of the at fault driver, to advise the biker if additional options exist, discussing all options, making the best recommendation, allowing the biker to make a truly informed decision regarding any settlement. Remember - You have the final say!

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