Can You Afford a Personal Injury Attorney
By Jimmy Howard, Esq.

An accident can lead to mounting debt for medical bills and other related expenses. Many victims of an accident mistakenly believe they cannot afford to hire an attorney. Craig P. Kenny & Associates does not get paid until the client gets paid for their losses from the accident; the firm is paid out of the settlement money. The fee is called a contingency fee, simply meaning that the fee is contingent upon the claim or lawsuit resulting in payment to you.

The initial consultation is free with no strings attached at Craig P. Kenny & Associates. If the client signs up, then a Retainer Agreement is signed spelling out the charges. The amount of the fee changes depending on the stage at which the case is settled. There are essentially three phases for a case. 1) The stage before a lawsuit is filed, or pre-litigation: a great many cases settle at this earliest stage, meaning less work for the firm, so also a smaller percentage charge. 2) If a settlement agreement cannot be reached during the pre-litigation phase, a lawsuit is filed, which means more work for the law firm, so the percentage goes up. 3) The final stage when the percentage may increase is if the case goes to a trial.

One of the best things about getting representation from an attorney at Craig P. Kenny & Associates is that we never get paid more than the client receives. So, if the percentage we were charging ends up with the firm getting more money than the client, we would cut our fee down until the client gets as much or more than the law firm. Craig started this firm with the promise to the Las Vegas community that he would not charge a client more than the client got because when he was a child, he saw lawyers take most of the settlement money when his family lost two brothers in tragic accidents.

Before a lawsuit is filed, we gather all the evidence of your injuries and losses, like past medical bills and medical records, past lost wages, and, if applicable, future medical expenses and lost income. We send that evidence to the adverse driver's insurance company and demand payment. Your attorney will negotiate with the insurance company for payment of your medical bills, lost wages, mental and physical pain and suffering, and other costs. Typically, the insurance company evaluates a range of values for the case. The insurance company will then usually make an offer at the low end of the range, and the haggling begins. The initial offer is frequently ridiculously low, but in most cases, we can negotiate a successful settlement without having to file a lawsuit. Lawsuits can be expensive, and insurance companies would like to avoid those expenses if possible.

Are the Settlement Proceeds Taxed? When large amounts of money are involved, it is important to consider whether taxes will need to be taken out of the amount. And are lawyers' fees deductible? The good news is that if your settlement is a result of a personal injury, you will not be taxed. The IRS does not consider the money you receive for losses you incurred as income. Attorney fees, however, are not tax deductible.

Is there a Nevada law that requires attorneys' fees to be reasonable? Nevada law requires attorneys not to charge an unreasonable fee. Lawyers are required to have the fees spelled out in writing in a signed agreement.

The bottom line is you can afford to hire a personal injury attorney after an accident. In fact, you should hire an attorney to make sure you do not get blamed for the accident, to protect your rights during negotiations, to evaluate the insurance company's offers, and to determine how best to navigate the settlement process. Insurance companies have skilled negotiators who work to get you to take a lower settlement. So, we hope that if you are in an accident, you will hire an attorney at Craig P. Kenny & Associates, where we never make more money than our client and are committed to providing excellent customer service.