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VEGAS INC



## Q+A: MATTHEW HOFFMANN

# PERSONAL INJURY ATTORNEY OFFERS ADVICE TO GUARD AGAINST ILLEGAL PRACTICES BY UNETHICAL LAWYERS PREYING ON ACCIDENT VICTIMS

### BY VEGAS INC STAFF

**A** partner at the Battle Born Injury Lawyers firm, attorney Matthew Hoffmann has been practicing law in Las Vegas for nearly two decades.

Naturally, he keeps up with the latest trends in the law profession.

Lately, Hoffmann has been giving thought to “capping,” which is generally known in the industry as the unethical—and illegal—practice of referring attorneys, often at the scene of an auto crash.

As Hoffmann notes, the Las Vegas Valley tends to have its fair share of traffic crashes, partly because of all the tourists in the area and the fact that Southern Nevada is a growing region, which means there are always a lot of new drivers around.

According to data from the Nevada Office of Traffic Safety, over 1,000 deadly vehicle crashes occurred in Clark County from 2017 through 2021, and that doesn't include all the crashes during that period that didn't result in one or more deaths.

*Vegas Inc* recently asked some questions of Hoffmann that centered on the topic of capping, but delved into other issues as well. Following is our interview.

### Tell us about yourself and your law experience.

I've been a licensed attorney in Las Vegas since 2004. I moved here after graduating law school in my home

state of North Dakota. I've spent my entire career practicing personal injury law, starting as an insurance defense attorney for my first four years. I now exclusively practice plaintiff's personal injury.

### What are the most common personal injury cases you work on?

The most common personal injury cases involve automobile accidents. When you have tourists, locals and recent transplants from all over the world driving vehicles on surface streets with 45 mph speed limits, it becomes a mathematical certainty that collisions will happen. People, of course, will be injured. We also receive many inquiries regarding trips, slips and falls at various businesses, including at Strip properties.

Another common call we get is regarding medical malpractice. Due to changes made to the law in 2004, such cases are incredibly difficult to resolve. Very few law firms will take such cases, so we get a huge number of inquiries. Unfortunately, we must be extremely selective in which cases we can take.

### What's a big personal injury lawyer issue that you see in Las Vegas?

My top three issues with personal injury lawyers are failure to communicate with clients, lawyers taking quick and easy settlements—taking their full fee, and then leaving the client with little to nothing in their pocket—and capping. That's where lawyers pay people to recommend injury victims to their office, sometimes

at the scene of an accident.

### Tell us more about capping.

The most egregious capping happens at the scene of a crash. Sometimes, someone will show up to the scene with what appears to be a business card and offer to help a victim. I've heard of Uber and Lyft drivers carrying scanners and driving to accident scenes to make attorney recommendations.

The most well-known capping scheme is where tow truck drivers who respond to major accidents recommend an attorney to a victim, often saying they know someone at the office. They make it seem like it's a personal recommendation by someone who cares. In reality, thousands of dollars exchange hands for such recommendations.

### So, what happens if a person is a victim of a capping scheme? Do victims have rights?

Most people, including lawyers, don't know that capping at the scene of a crash is illegal. It's not just unethical, it's a crime. [Nevada law] states that it's a misdemeanor for both the person making the referral and the lawyer or law firm paying for the referral.

If this happens to you, the remedy is that you can sue your lawyer to get all of the attorney's fees and costs collected on the case back in your pocket. That's if the case has already settled. If the case is still active, you can void the contract and

go somewhere else without owing the attorney anything.

### What's the best way for people to protect themselves from capping?

The best way is to not accept a referral from someone you don't know. Do not hire that attorney. Thank them for the referral, get their information if possible, and then hire anyone else.

### When should a person think about hiring a personal injury attorney?

I might sound self-serving, but my recommendation is that injury victims consult with an attorney as soon as possible. If it's a car accident we're talking about, I recommend calling an attorney right from the scene. If someone is hit by a company vehicle, a representative from the company will often come right to the scene, and there's no reason accident victims should not also have access to professional advice. I've spoken with many clients who call from the scene, and I advise them what to do in order to ensure the person responsible does not change their story and escape liability.

### How should a person go about choosing a personal injury lawyer?

Look for experience and credibility. I recommend looking an attorney up at *Martindale.com* (an attorney database and rating service). You can see if they have been rated by their peers and judges. Many awards can be purchased, but an “AV” rating from Martindale is an earned award.