Key questions for a Florida wrongful death attorney

What to ask before you hire a Florida death attorney

Losing a family member in a vehicle accident is devastating. When the death was caused by someone else's negligence, you may have the right to pursue a wrongful death claim in Florida. The legal process can feel overwhelming, especially while you are grieving. Choosing the right attorney is one of the most important decisions you will make. Asking the right questions upfront helps you find someone who understands Florida's specific laws and can guide your family toward fair compensation.

Florida's wrongful death statute is different from many other states. It limits who can file a claim, sets strict deadlines, and defines what damages are available. An attorney who regularly handles these cases will know how to navigate these rules. The questions below are designed to help you evaluate a lawyer's experience, approach, and fit for your situation.

How many Florida wrongful death cases have you handled?

Experience matters. A lawyer who has handled several wrongful death cases in Florida will know the local courts, the common tactics used by insurance adjusters, and how to build a case that accounts for both economic and noneconomic losses. Ask about their track record with settlements and trials. You want someone who has been through the process before, not someone learning on your case.

Who can bring a claim under Florida law?

Florida law specifies that only the personal representative of the deceased person's estate can file a wrongful death lawsuit. The personal representative is usually named in the will or appointed by the probate court. This person acts on behalf of the estate and the surviving family members. If no estate has been opened yet, the attorney can explain how probate works and who qualifies. Understanding this early prevents delays and confusion.

Surviving spouses and surviving children are typically the primary beneficiaries. In some cases, other dependents or parents may also have a claim. The attorney should clearly outline who is eligible and how the damages would be divided. This is a fundamental part of any initial consultation.

What is the statute of limitations for a Florida wrongful death claim?

Florida gives you two years from the date of death to file a wrongful death lawsuit. Missing this deadline usually means losing the right to sue forever. There are rare exceptions, but you

should never rely on them. A competent attorney will confirm the exact date and make sure all paperwork is filed well before the deadline. They should also explain how the statute applies to your specific situation, especially if the death occurred in a vehicle accident involving a government entity, which may have shorter notice requirements.

What damages can we recover?

Florida law allows recovery for several types of losses. These include medical expenses before death, funeral and burial costs, lost earnings and benefits the deceased would have provided, and the loss of companionship, guidance, and support for surviving family members. The attorney should walk you through each category and explain how they calculate the value. Be wary of vague answers. A clear explanation shows they know what evidence is needed, such as pay stubs, tax returns, and testimony about the relationship.

Noneconomic damages - like pain and suffering of the deceased before death, and the loss of a parent's guidance for children - are harder to quantify but often substantial. An experienced lawyer will know how to present these to a jury or negotiate them in settlement negotiation. They should also tell you about any caps or limits that may apply under Florida law.

How will you handle communication with the insurance company?

After a fatal accident, the at-fault party's insurance adjuster may contact you. They might offer a quick settlement or ask for a recorded statement. Your attorney should advise you not to speak with the adjuster alone. A good lawyer handles all communication with the insurance company, protects your rights, and does not let the adjuster pressure you into a lowball offer. Ask how they approach settlement negotiation and whether they are prepared to take the case to trial if a fair offer is not made.

The attorney should also explain that any settlement must be approved by the probate court, because the personal representative is acting on behalf of the estate. This adds a layer of protection for the beneficiaries. Knowing this upfront helps you understand why some cases take longer than others.

What is your fee structure and what costs might I owe?

Most wrongful death attorneys work on a contingency fee basis, meaning they take a percentage of the recovery if you win. The percentage should be clear and in writing. Ask about costs that may come out of your share, such as filing fees, expert witness fees, deposition costs, and investigation expenses. Some attorneys advance these costs, others deduct them from the settlement. Get a full picture before signing anything.

You should also ask how the fee is calculated if the case settles before a lawsuit is filed versus after a trial. Understanding these details helps you compare attorneys fairly and choose one

whose approach aligns with your needs.

How long will the process take?

Every case is different, but a good attorney can give you a realistic range based on their experience. Factors include the complexity of liability, the number of parties involved, the cooperation of the insurance company, and the court's schedule. Some cases settle in months, others take a year or more. The attorney should be honest about the timeline and explain what steps they will take to move the case forward. They should also tell you how often they will update you and who in their office will be your main contact.

Throughout this process, you need someone who listens, explains legal terms in plain language, and treats your family with respect. Trust your instincts. If an attorney rushes through the consultation, avoids direct answers, or makes promises that sound too good, consider it a red flag. A trustworthy lawyer will acknowledge the uncertainties and still give you a clear sense of direction.

Families facing this situation need reliable, compassionate guidance through Florida death claims. The right attorney provides that support while fighting for the compensation the law allows. This is not just about money - it is about holding the responsible party accountable and securing your family's future after a tragic loss.

When you meet with a potential attorney, bring a list of your questions and take notes on their answers. Compare a few lawyers before deciding. The time you invest in choosing wisely will pay off in the quality of representation you receive. You deserve an advocate who knows Florida's wrongful death laws inside and out and who will stand with you from the first meeting through the final resolution of your case.

If you are unsure where to start, consider asking for recommendations from trusted professionals or checking the Florida Bar's website for attorneys who list wrongful death as a practice area. Many offer a free initial consultation. Use that meeting to evaluate not just their qualifications but also your comfort level with them. The relationship between a client and a wrongful death attorney is built on trust, communication, and shared goals.

Making the right choice now can make a difficult journey more manageable. With the right legal partner, you can focus on healing while they handle the complexities of the claim. That is the kind of guidance through Florida death claims that every family deserves.