Is It Too Late to Switch Personal Injury Lawyers in a Georgia Case?

Why Changing Attorneys Mid-Case Is Usually Possible, and What Happens to the Fee and Your File

It's rarely too late to switch lawyers in a Georgia personal injury case. A client can end the relationship at almost any stage, from the first weeks of a claim to the months before trial. The real limits come from deadlines that keep running and from how close the case is to a final settlement or verdict.

Many people stay with a lawyer who doesn't call back because they assume changing will cost them twice or wreck the case. Stephen Potts called another law firm twice after a drunk driver hit his family's car head-on. "They never got back to me," he said. "I decided to call Gary Martin Hays. The phone was immediately picked up."

Our Georgia personal injury lawyers at Gary Martin Hays, LLC take over cases from other firms and handle the transfer, so the injured person doesn't have to manage a difficult conversation alone. We review where the case stands, what deadlines are coming, and what the prior firm has already done.

What to Know Before You Switch Lawyers

- **You Can Change Lawyers at Any Time** – Georgia's ethics rules require a lawyer to withdraw once the client ends the representation.
- **Your File Comes With You** – The prior lawyer has to turn over the papers and property the client is entitled to, so the new firm doesn't start from scratch.
- **You Usually Don't Pay Two Full Fees** – A fired contingency-fee lawyer is generally limited to the reasonable value of the work done, which is often paid out of the single fee at the end.
- **Deadlines Keep Running** – Switching doesn't pause the two-year statute of limitations, so a late change leaves less time to fix problems.
- **Late-Stage Changes Take More Care** – Once a settlement is signed or a case is in trial, options narrow, and a court may have to approve a lawyer's withdrawal.

Do You Have the Right to Fire Your Lawyer in Georgia?

Yes. The client controls the attorney-client relationship, and the client can end it. Under Rule 1.16 of the Georgia Rules of Professional Conduct, a lawyer must withdraw from representing a client who discharges the lawyer.

No reason is required, though most clients have one. Unreturned calls, no updates for months, pressure to accept a low offer, or a case handed off to staff are common complaints. A client

who feels ignored before a lawsuit is filed may feel even more lost once depositions and court dates begin.

When a lawsuit is already pending, the lawyer's withdrawal also involves the court. In practice, the new firm files its appearance and the old firm steps aside, and the case continues with the same case number and the same deadlines.

What Happens to Your Case File When You Switch?

The file belongs to the case, and the case belongs to the client. Rule 1.16(d) requires a lawyer whose representation ends to take reasonable steps to protect the client's interests, including surrendering papers and property the client is entitled to receive.

That file can include crash reports, photographs, medical records, bills, correspondence with insurers, and any reconstruction or medical reports. A new firm reviews it to see what's been gathered and what's missing. Gaps are common. Witnesses may never have been contacted, or medical records may stop months before treatment ended.

Will You Have to Pay Two Lawyers?

This worry keeps many people with a lawyer they've lost faith in. In most Georgia injury cases, the answer is no, at least not two full fees. The Supreme Court of Georgia addressed this question in *Greer, Klosik & Daugherty v. Yetman*.

The court held that a firm discharged before the case resolves can't collect its full contingency percentage. Instead, it's limited to quantum meruit, which means the reasonable value of the work it actually did. A firm that sent a few letters will have a far smaller claim than one that prepared the case for trial.

Georgia also gives attorneys a lien for their services under O.C.G.A. § 15-19-14. That lien attaches to the recovery, so the prior firm's share is usually resolved when the case settles. Often, the two firms divide a single contingency fee between them. Under our No Fee Guarantee, a client who switches to our firm still pays nothing unless we win.

How Switching Lawyers Works at Each Stage of a Case

Timing changes what a new lawyer can fix, not whether the client can switch. The table below shows how the picture shifts as a case moves forward.

Stage of the Case	What a New Lawyer Can Still Do	What to Watch For
Early Insurance Claim	Collect evidence, send preservation letters, and take over talks with the adjuster	Any recorded statements or forms already signed
Ongoing Negotiation	Rebuild the demand with full medical records and future care costs	An offer the prior firm recommended accepting
Lawsuit Filed	Step into the pending case and handle discovery, depositions, and motions	Court deadlines that are already set
Near Trial	Prepare for trial if the court allows enough time	A judge may deny a delay to get a new lawyer up to speed
After Settlement Is Signed	Little, since a signed release usually ends the claim	The release language and how liens were paid

The point of no return is usually the signed release. Before that, a second opinion can still change the outcome. After it, the case is generally over, even if the amount turns out to be far too low.

Does the Statute of Limitations Stop When You Change Lawyers?

No. Under O.C.G.A. § 9-3-33, most Georgia personal injury lawsuits must be filed within two years of the injury. Switching lawyers doesn't pause that clock.

That's why a late switch needs to happen quickly. A new firm with three weeks before the deadline may have to file a lawsuit first and finish the investigation afterward. One with a year left has room to build the claim properly before making a demand.

Signs It's Time to Look for a New Lawyer

Every case has quiet stretches. Some patterns, though, suggest a problem with the representation itself rather than with the pace of the claim.

- **No Response to Calls or Emails** – Days or weeks pass without an answer, and no one at the firm can say where the case stands.
- **No Clear Plan for the Case** – The client can't get a straight answer about what evidence has been gathered or what happens next.
- **Pressure to Settle Before Treatment Ends** – An offer is pushed while the client is still in physical therapy or waiting on a surgery recommendation.

- **The Case Was Passed Off** – The lawyer the client hired never handles the file, and staff can't answer legal questions.

A client who sees these signs doesn't have to fire the lawyer right away. Getting a second opinion from another firm is a reasonable first step. Choosing a personal injury lawyer the second time around is often easier, because the client knows exactly what was missing.

A Hypothetical Switch Months Into a Claim

Imagine a Douglasville warehouse worker who's rear-ended on Chapel Hill Road and later needs neck surgery. He hires a firm right away. Eight months later, his calls go unanswered, and the insurer's adjuster tells him the firm has never sent his surgery records.

He hires a new firm with 16 months left on the deadline. The new firm requests his file, finds the gaps, and gathers the missing records and bills. His first firm may claim a share of the fee for the work it did, but that claim is limited to the value of that work and can be paid from the same contingency fee.

You Deserve a Lawyer Who Answers the Phone

Stephen Potts called our office and reached Gary himself. "I spoke to Gary Martin Hays himself and had a wonderful outcome," he said. Not every call will reach Gary Martin Hays personally, but every client should be able to reach someone who knows the case.

Not sure your current lawyer is giving your case the attention it needs? Talk with our team about a second opinion. There's no cost to find out where your case stands, and we can explain what switching would mean for your case before you decide.