

## Practice Tips...

# Building a Superior Law Practice

Recently I was asked to give a speech on how to build a superior law practice. The request got me thinking about some of the mistakes I have made practicing law.

I have made poor choices in case selection. I once accepted a case where a racist dog attacked my client. No kidding. I have taken a case that had been turned down by 17 attorneys. I have spent \$100,000 worth of time on a \$10,000 case. Ask me about mistakes and I'll tell you some stories. If making mistakes qualifies you to speak on how to build a superior law practice, then I am well qualified.

I think we all make choices in what we do in life, including what type of law practice we want to have. There are a number of issues to consider — large firm/small firm, what type of cases you will handle, what size of cases you will handle. Some time ago I decided that the ideal practice for me was to move toward a law practice that emphasized a fairly small number of large cases. Here are a few things that I learned along the way.

### How Not to Get There

I don't think that advertising is the best way to build a law practice. I have nothing against advertising. If done properly it provides valuable information to the public. However, advertising is expensive and you must spend time screening cases with marginal value. Heavy advertising, or poorly done advertising, can create an image problem in the legal community.

If you want to handle personal injury cases, then you need to decide if you will continue to do other types of cases. I think it is important that there be general practitioners. There is a need for "big picture" lawyers. However, if you are going to really progress as a personal injury lawyer, you need to consider limiting your practice to personal injury cases. It is difficult to make that transition from an hourly practice to a contingent fee practice. But until you make that jump, you can't really commit your time and efforts to mastering the personal injury field.

In building a superior practice there are some things you can do.

### Do Great Work on the Cases that Come In

You should do great work on every



Robert Dawson

case that comes into your office. At first, many of the cases will be modest claims involving a "soft tissue" injury to the neck. When handling those claims you might consider removing the term "soft tissue" from your vocabulary. If you tell an adjuster your case involves a "soft tissue" injury to the neck, then you have reduced the value of that claim.

On the other hand, if you take the time to find out from the doctor the nature of the injury to the muscles and ligaments of your client's neck, and if you take the time to understand why that injury causes pain, and if you take the time to figure out how to explain that to an arbitrator, or to a jury, then you will have done good work.

### Find Severe Injuries

It is easy to spot some severe injuries, such as those that involve quadriplegia, severe brain injury, blindness or amputation. However, if you keep your eyes open, you might find some personal injury cases that involve significant damages which have been overlooked.

Perhaps the most common "overlooked" cases are those involving mild brain injury. When your client has had a significant blow to the head, or has been diagnosed as having a concussion, then you need to watch that case very carefully. Learn the indicia of mild brain injury. Question the client and the physicians carefully. Get your client in for a neuropsychological evaluation if he or she continues to have head injury symptoms for any significant period of time after the collision.

I think another type of "overlooked" case is the intentional tort case. I know, I know, how are you going to collect the damages? I have looked at intentional tort cases as an opportunity to work on and gain experience with large damage cases. If you and your client go into such cases with your eyes open regarding the problems with collection, you can provide a service to the client and have the opportunity to try a big case. Also, if you learn how to do a prejudgment attachment on real estate, you just might find yourself collecting a significant portion of those damages.

Another "overlooked" case is the severe "soft tissue" injury case. Rarely will such a case come into your office announcing that it is a big case. The "soft tissue" case that results in a significant award will frequently have the following elements: (1) A great client who is motivated to get better; (2) A permanent injury that causes significant pain; (3) An injury that the treating physician

can clearly describe; (4) Graphics or other evidence that will help "objectify" the pain; and (5) A defense doctor or defense attorney who over-reaches.

### When Severe Injury Cases are Referred to You

If you work hard enough and long enough, then eventually people start referring cases to you. Those referrals, at least in our office, seem to come from two main sources, former clients and attorneys. I love receiving referrals from those sources because they are pre-screened, and you have already been recommended to the client. I handled a case years ago, a fall case that would have been turned down by most firms, and that client has now referred approximately 10 cases to me. These cases have

resulted in verdicts and settlements in excess of \$4 million. That kind of advertising is priceless!

There really aren't any shortcuts in building a superior law practice. It takes a great deal of really hard work. Speaking of hard work, I read a quote the other day:

Don't waste time learning the tricks of the trade. Learn the trade.

Work hard and the good cases will come your way.

*Robert K. Dawson is a partner in the Seattle firm of Pence & Dawson; his practice is limited to plaintiff's personal injury cases.*

## UPCOMING EVENTS

July 31, 1992	The Attorney-Paralegal Team: Nuts, Bolts, and Forms - SEMINAR Washington State Convention & Trade Center, Seattle
August 28, 1992	Evidence Seminar Washington State Convention & Trade Center, Seattle
September 11, 1992	Criminal Law Seminar Washington State Convention & Trade Center, Seattle
September 25, 1992	Evaluating Personal Injury Cases - SEMINAR Washington State Convention & Trade Center, Seattle

## GET THE DIRT!

ON

## MEDICAL MALFUNCTIONS AUTOMOBILE DEFECTS ENVIRONMENTAL HAZARDS

FIND THE FACTS THAT HELP WIN CASES  
WITH A COMPUTER ANALYSIS BY E.P.I.C.

E.P.I.C. ALSO HAS COMPUTERIZED GOVERNMENT RECORDS ON PHARMACEUTICAL DEFECTS, RECALLS AND QUALITY REPORTS; OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION INSPECTIONS;

## Arbitration/Mediation

Thomas D. Loftus