

Practice Tips...

Ten Tips to Improve Your Personal Injury Practice

In most columns I try to come up with a useful practice tip and then discuss it in some detail. However, this month's column will be different. It contains ten truly miscellaneous tips to improve your personal injury practice.



Robert Dawson

1. Tickle PIP Benefits

When that case first comes into your office you should check and see what PIP benefits are available to your client and prepare a tickler card to alert you 50 days prior to expiration of those benefits. The tickler card will remind you to send a form letter to the client advising him/her to submit any bills for payment and to seek any necessary medical care before the PIP coverage expires. In that letter you might also suggest that if the client will be receiving treatment after the PIP coverage expires, then he/she should call your office to discuss where those medical bills will be submitted.

2. Do Something the First Day

Clients appreciate effort on their case. If you plan it carefully, you can usually do something the first day you have been retained. At a minimum, our firm tries to send a "Welcome to The Firm Letter" to the client which gives some general advice to follow. In addition, you might be able to send for the police report or other information on the first day.

3. Send the Adjuster Information

I have never understood plaintiff's

counsel who routinely hold onto medical and wage loss information until the time they submit a demand. Although there may be valid reasons for doing so in some cases, I believe it is better practice to send information to the adjuster as soon as it comes into your office. When liability, medical or special damages information comes into our office, we automatically have a copy made for the adjuster as well as a simple cover letter which says that we are sending the enclosed information to the adjuster "for their assistance in evaluating this claim." Sending information to the adjuster as soon as it comes in helps the adjuster set appropriate reserves. It helps the adjuster respond more quickly when you do send a demand. I have had adjusters tell me that the single most helpful thing I did in settling a case was providing them relevant information in a timely manner.

4. Tickle All Information Requests

I try to make it a rule not to request information from the defense, or from some other person or entity, unless I really want the information. We try to tickle all requests for information, whether discovery requests, a request for a police report or even a request that our client send some piece of information to our office. If the information does not come back in a timely manner, we follow up on it. Doing this with adjusters and with defense counsel will indicate that you are serious about the case.

5. Hire a Legal Assistant

Reams have been written about how helpful legal assistants are in a personal injury practice. The usual justification

that attorneys give for not hiring a legal assistant is that "it costs too much." There is no doubt that staff is one of the most expensive parts of the overhead of a personal injury practice. However, you can reduce the cost of a legal assistant in several ways. The first way is that you can hire a legal assistant part time. Also, many legal assistant programs require their students to do an internship in a law firm. These programs can be from three to six months in length and the person will typically work half time at no charge. This low cost alternative gives you a chance to see the benefits the legal assistant can have in your office.

6. Store Your Work Product

All lawyers do research. However, not all lawyers can find that research once they have done it. I am aware of three major ways to store work product. There probably are many others. The first is to make a copy of briefs and forms that you use and then prepare an index so that you can find them. A drawback to this system is that you must photocopy everything. Then you need to rework the briefs to make them useable for the next case. Those who are computer literate can probably figure out how to store briefs and other work product in a computer and then be able to find it, revise it, and incorporate it into new work product. I am currently looking for a computer program that will accomplish this. If you know of the perfect program please give me a call. A true "low-tech" way to store work product is to leave the work product in the client's file in which it was done. Then prepare an index (using 3 x 5 file cards perhaps) to show you where to look for that work product.

7. Avoid Last-Minute Work

When you go to trial it is easy to get caught up doing work that should have been done earlier on the case. Perhaps you thought the case would settle, perhaps you got busy. There are many excuses. I have found a fairly simple way of avoiding much of the last-minute work before trial. When a trial date is scheduled, simply prepare a tickler that will alert you 150 days before trial. At that point our office switches over to a "150-day checklist" that reminds you of the steps that typically need to be per-

formed during that last 150 days before trial.

8. Reply Mail Envelopes

For a very modest price you can obtain from the post office a business reply mail permit number. Then you can have envelopes printed which are already addressed to your firm and which need no postage. Obtaining business reply mail envelopes avoids having to have your staff self-address envelopes and avoids having to attach postage each time you want some piece of information sent to you. With the business reply envelope you pay only for the postage used on envelopes that are actually returned to your office. There is a small surcharge on the postage, but the effort saved more than makes up for the additional cost.

9. Easy Research

My partner showed me a way to do "easy research." When the opposing side takes a position on a case that appears to be clearly erroneous I used to do research and then send that research to the other side in an effort to convince them they were wrong. What my partner does is simply send a letter to the opposing counsel or adjuster stating that you think they are wrong on the law, and asking them to send any authority they have for their position. Usually that authority won't be forthcoming and you can use the line that insurance companies love to use, "Unless you provide me some documentation, I'm not going to believe it!"

10. Join WSTLA

If you haven't joined WSTLA, do so. The friendships, contacts, *Trial News*, and other benefits will pay you back over and over. If you are currently a member of WSTLA, get active in the organization. There are opportunities for any lawyer to become involved. If a reasonable portion of your practice is personal injury, then become an EAGLE member. The membership benefits available to EAGLE members more than make up for the additional cost.

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