

WORKING UP A PERSONAL INJURY CASE

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EISENBERG GILCHRIST & CUTT



MEET THE CLIENT

- Intake Packet
 - Fee Agreement / Employment Contract
 - Authorizations
 - Power of Attorney
 - Medicare Proof of Rep/Consent Form
 - Attorney and Paralegal Business Cards
 - Intake Questionnaire



QUESTIONNAIRE

- Provider Information
- Insurance Information/ Cards
- Employers

- Injuries
- Photos of the client before/after and injuries
- Basic Client information



REQUESTING INFORMATION

Key to getting any records: Follow up, Follow up, Follow up!



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- Request all Medical Records, Bills and Radiology
 - ER (hospital and physicians)
 - All treating physicians (f/u, PT, etc.)
 - Ambulance
 - Life Flight
 - Anesthesia Services
- Request all Investigative Reports, Videos and Photos
 - All involved police departments
 - All involved Fire Departments/Ambulances
- Request all Employment Records
 - Payroll, benefits used/remaining, PTO, etc.
- Tax Records
 - 5 years prior to accident - present
 - Get from client if they have, if not, request from the IRS
- Academic Records (if necessary)
 - Discuss this with your attorney
 - *good to know, schools typically destroy 1 yr after Graduation. To be safe, request from district also*

LETTERS OF REPRESENTATION

Who?

- Auto insurance (both Plaintiff and Defendant)
- PIP Ledgers/Exhaust Letter
- Home Owners (if applicable)
- Health Insurance Subrogation Department
- Medicare (use “first letter to Medicare” on our website)

Helpful Tip: Start an excel spreadsheet for all subrogation Departments you get contact information for. That way, the next Time you need it, you already have the information saved. You can also do this for medical providers.

November 7, 2018

Insurance Company
555 Random Drive
Salt Lake City, Utah 00000

Re: Claim Number:
Your Insured:
DOL:
Our Client:

Dear _____,

Please be advised that this law firm has been retained to represent _____ for the automobile crash occurring on _____. Please direct any and all future correspondence and inquiries directly to this office.

At this time, please provide us with a complete copy of your file, including, without limitation, any medical records and bills and a copy of your insured's vehicle declaration page and policy, including, without limitation, automobile, excess or umbrella policies, as well as any correspondence or paperwork signed or submitted by our client.

Please do not hesitate to contact me with additional questions or concerns.

Sincerely,

LAW FIRM

Shawni Arellano

QUICK OVERVIEW OF MEDICAL RECORDS AND BILLS

- Medical Records and Bills
 - Tracking your pending requests
 - Once received, verify you have all records requested. We suggest putting them in chronological order
 - Once organized, place in a binder/file by provider



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INVESTIGATIVE REPORTS

- Make sure you have all the pages, supplements, addendums, photos/video, and most importantly, unredacted witness statements if they exist.
- This usually takes a follow up call to the police department and talking to a live person.
- Verify. Verify. Verify.
- Also, sometimes the Ambulance/EMT/Fire Department have stand alone reports or give statements to the investigative entity. Check for these.

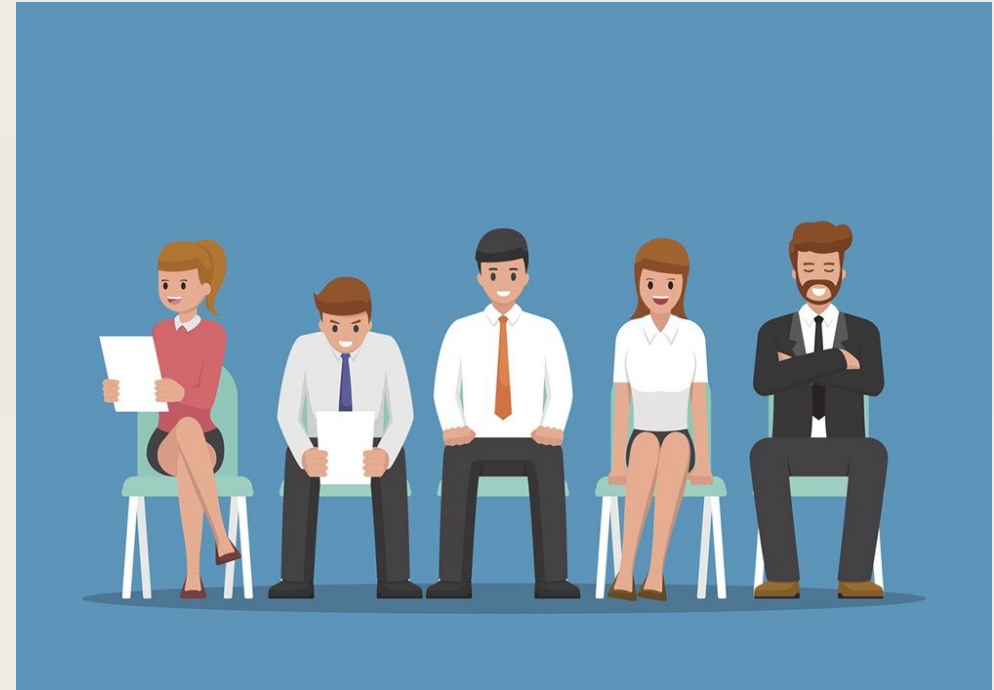


INTERVIEW THE CLIENT. AGAIN.

- The second interview is to get specific information that will be used in the demand:
 - How are they now compared to when the injury was new?
 - Are there things they no longer do that they could before the injury?
 - How has/does the injury continue to impact them? Their daily life?
 - Ask about any discrepancies found in the medical records.
 - Ask about any discrepancies found in investigative reports.
 - Are they back at work? Full time, part time? Same job/different job?

INTERVIEW ALL THE PEOPLE.

- Witnesses found in the investigative report(s)
- People the client discloses on the questionnaire
- Ask them what their observations are. How they view the incident has impacted client.



PUTTING IT ALL TOGETHER

- Drafting the Demand
 - All of the above information is instrumental in drafting and sending a successful demand.
 - A good demand can mean the difference between a quick and easy negotiation/settlement, versus months of questions and information exchange.
 - If the case does not settle at demand stage, you now have all of the information necessary file suit and draft your initial disclosures. Leg work moving forward is related to any ongoing treatment, updated medical records, and securing experts.
 - If the case does settle, and you receive policy limits, you already have the bare bones to draft a UIM or UM settlement demand.

