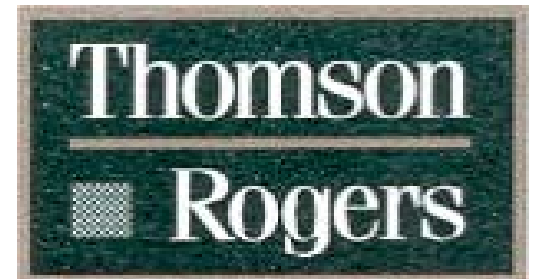


Persuasive Presentation of Damages

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OVERVIEW

- **Personal Injury litigation is all about the numbers**
- **Defendants MUST understand how much money is at risk**
- **This presentation focuses on the four keys to preparing persuasive damage assessments and will demonstrate how spreadsheet software can be used to develop *flexible* assessments**



KEY MESSAGE

- While most personal injury lawyers have developed their own effective protocol for presenting damage assessments they remain unable to accurately alter their assessments during the course of a fast paced negotiation
- Spreadsheets are needed to instantaneously recalculate damage assessments when concessions are made or assumptions are undermined during negotiations (calculators won't do)



FOUR KEYS TO PERSUASIVE DAMAGE ASSESSMENTS

A persuasive damage assessment must be:

- 1) Accurate**
- 2) Concise**
- 3) Understandable**
- 4) Flexible***



ACCURATE

- **Must properly calculate:**
 - Prejudgment interest
 - Discount rates
 - Life expectancies

- **Must properly apply:**
 - Contributory negligence reductions
 - Statutory deductibles, if applicable

- **Must be precisely calculated to the date of resolution/trial**



CONCISE

- **Must be on 1 or at most 2 pages**
- **Must clearly show the grand totals**
- **Must be comprehensive and cover all claims and heads of damage**



UNDERSTANDABLE

- **Must clearly identify assumptions such as:**
 - **Retirement Age**
 - **Life expectancy**
 - **Contributory negligence reductions**
 - **Duration of need for future care**

FLEXIBLE

- Must be capable of being amended during the course of a mediation or pre-trial to instantaneously address concessions
- Must be able to instantaneously recalculate and present the NEW persuasive damage assessment while meeting the other criteria of being accurate, concise and understandable
- *This is the item that is often overlooked and leads to miscalculations and poor estimates!*

USING SPREADSHEETS TO PRESENT PERSUASIVE DAMAGE ASSESSMENTS

- Spreadsheets programs, like Excel, are essentially sophisticated calculators
- Spreadsheet programs can be used to prepare damage assessment summaries
- Spreadsheets allow for easy manipulation of figures and assumptions

	A	B	C
1		computer ledger	
2			
3		car loan	\$12,000.00
4		interest	9.60%
5		# of payments	60
6			
7		Monthly Pmt.	\$252.61



USING SPREADSHEETS TO PRESENT PERSUASIVE DAMAGE ASSESSMENTS

- Spreadsheet programs, like the Personal Injury Damages Calculator, can be used to persuasively:
 - 1) Illustrate the possible value of your case at the outset to help establish reserves
 - 2) Present evolving damage assessments
 - 3) Calculate the present value of future care cost reports and of various income loss scenarios
- *Demo of the Personal Injury Damages Calculator*

CONCLUSION

- Use spreadsheets to add flexibility to damage assessments
- Preparing accurate, concise, understandable and flexible damage assessments will lead to consistently improved results

Thank you,

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