

Case Selection: What Should You Really Be Looking for?

The new case - it usually starts with a telephone call to the office. What are we looking for?

- I. Liability
 - A. How did the accident happen
 - B. Police report (Is the Plaintiff on it?)
 - C. Statute of Limitations (Are we in time?)
 - D. Title 59 Issues (Notice of Claim)
 - E. Property Damage (Have client take photos or order from Auto Repair Shop) (some clients will sell the car never having preserved the photo evidence and never having the car repaired by an Auto Repair Shop)
 - F. Independent Witnesses or (Call the Investigating Officer - a lot of times they keep notes for a few days before discarding them)
 - G. Personal Observations. You can make them but don't make yourself a witness.
 - H. Black Box, Data Recorder or Camera inside car or in the area (I had a client who produced video from inside of his car after I told him that the Defendant was denying liability.) (I had another client produce a video from a security booth in a golf club that was pointing to the street and captured the accident.) We had another case - a serious intersection accident where a neighbor produced a video of the accident.)
 - I. Preserve Google Earth images of the scene (scenes change over the years)
 - J. Look for Insurance. Identify all Defendants. How much coverage do we have? We can use asset search company
 - K. Waivers provisions (seen in health fitness clubs)
 - L. Can we create a theory - do Research (Accident where car went through store and research found that the store owner was involved in two prior situations - settled)

II. Damages

- A. Are you injured (Do you want treatment?) Explain PIP to client. If person says they are not injured then case is rejected. Period. If person says "Do you want me to go to a doctor" then my reply is that is up to you. I am not a doctor. I don't practice medicine and that is something you need to decide. Same thing with a client 6 months into treatment asking whether they should have injections.
- B. PIP issues (health care primary, limited \$15K PIP, special policy or basic policy with little insurance and their affect on treatment i.e. \$40K epidural injections)
- C. Any delay in treatment (client doesn't complain of pain or go to treatment until 5 or 6 weeks later (unless pregnant) this is big negative factor to carriers)
- D. Verbal Threshold (6 categories - provide statute)
- E. Preserve all Radiology films early on (some companies have gone out of business by the time you are in litigation and you have to hunt down the films hoping you will be successful)
- F. Social Media i.e. Facebook, Twitter (I get calls from deft adjusters/attorneys all the time about my client's video on Facebook dancing up a storm at a wedding, etc.)

III. Credibility of Client

- A. Priors/Subsequents
- B. Are there are lawsuits they filed? Is there another lawyer out there? Either on this case or another case?
- C. To what extent do you investigate your own client
- D. ISO search
- E. Immigration issues or detainer issues (file suit and client is gone, now what?)
- F. Think about Jury appeal (What is your impression?) (Is your impression negative?)

IV. Miscellaneous Points

- A.