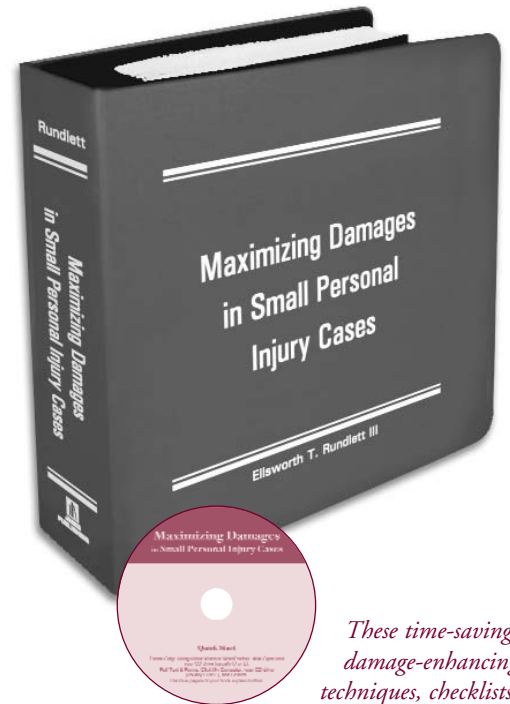


BEST RESULTS IN SMALL CASES

How to maximize efficiency and settlements in small cases. Only \$99

Making a decent return on small cases is getting harder. The cost to process them keeps rising, while insurers and jurors are reducing settlements and awards.

Here is help. *Maximizing Damages in Small Personal Injury Cases* delivers guidelines, techniques, checklists, and forms to help you screen, document, negotiate, and settle or litigate your smaller cases:



These time-saving, damage-enhancing techniques, checklists, and forms will help you with screening, documentation, negotiation, damages, and litigation

Screening

- ▼ Auto vs. pedestrian claims are not clear liability cases. Review these 20 considerations before accepting them. §131.1
- ▼ Factors to consider before accepting 7 other types of auto cases: rear-end, intersection, parking lot, failure to yield, passenger, road defect, and center line. §131.1
- ▼ Types and sources of small cases to be wary of. §130
- ▼ 5 clues to difficult clients who should be avoided. §280.2
- ▼ 18 steps for avoiding client fee grievances and bar complaints. §280.3
- ▼ Red flags in medical negligence cases. §135
- ▼ 9 common mistakes plaintiff's attorneys make in the first telephone conference. §203
- ▼ Checklist of instructions to give to the small-case client (a) before the first appointment, and (b) at the first meeting. §221

Documentation

- ▼ 8 techniques for tackling the challenging task of obtaining all medical bills, with client instruction letter. §342.3
- ▼ 10 remedies for excessive medical information charges, with model letters. §341.3

- ▼ How to substantiate loss of income in two difficult areas: self-employment and future income. §§354, 422
- ▼ How to inexpensively obtain persuasive lay witness testimony. §312.3
- ▼ 24 techniques for documenting and proving damages in soft tissue cases. §346.8
- ▼ How to eliminate discoverability of your client's diary. §260
- ▼ 7 ways to demonstrate the evidence and duration of real pain. §423

Settlement

- ▼ A handy timetable and case management checklist to encourage expedient processing. §370
- ▼ 7 ethical problems in small cases and how to handle them. §373
- ▼ 13 major case preparation tasks to delegate to your paralegal without compromising your case. §380
- ▼ Dealing with insurer and juror bias against soft tissue injuries. §346.7
- ▼ How to deal with a client who will not accept a reasonable settlement offer. §432.1
- ▼ 10 reasons why adjusters offer low settlements to elderly plaintiffs, and a model response to each. §424.1
- ▼ How to deal with client statements obtained by the insurance carrier. §458.3

- ▼ How to handle unreasonable insurance adjusters and carriers. §490.2

Damages

- ▼ The 12 most important damage items in a small case. §420
- ▼ Don't overlook the spouse's relinquishment of his or her claim for loss of consortium. §425
- ▼ Insurance companies are generally unimpressed by pain in small cases. Here are 7 ways to hurdle that bias. §423
- ▼ A special valuation approach for small cases. §431
- ▼ How to minimize the impact of independent medical examinations. §458.4

Litigation

- ▼ Major case weaknesses to evaluate before filing suit. §512
- ▼ Defense tactics to consider before filing. §513
- ▼ Techniques to limit discovery abuse by defense attorneys. §521
- ▼ 6 ways to conduct discovery that are both time and cost effective for small cases. §522
- ▼ The 30 most common objections in small cases. §664.1
- ▼ How to maximize damages in small cases during closing argument. §681

Sample pages and tables of forms and contents inside . . .

Over 125 CHECKLISTS AND FORMS

Most published forms are overkill for small cases. Short and simple forms save time and dollars, both of which are limited in smaller matters.

Author Ellsworth Rundlett has custom-drafted dozens of pattern-specific forms specifically tailored for small cases: liability checklists, interrogatories, deposition checklists, adjuster letters, motions, trial preparation checklists, and even public relations letters. For example:

Screening

- ◆ 11 liability checklists for common small non-auto cases: falls, falling objects, animal attacks, dram shop, inadequate security, intentional torts, medical negligence, pharmacy negligence, and school negligence. §131
- ◆ Minimize the time-consuming task of dealing with clients' questions and concerns by distributing the author's original 20-page information booklet for small-case clients. §251

Investigation

- ◆ Checklist of 13 items to tell the new small-case client before he or she comes to the first meeting. §202
- ◆ A handy three-page list of abbreviations and symbols commonly found in medical records. §344.1
- ◆ Simple, direct letters to doctors that request only the essential information. §340
- ◆ A letter to the employer requesting lost wage data that avoids many of the common information shortfalls. §352

Negotiation

- ◆ Small-case negotiation checklist. §410

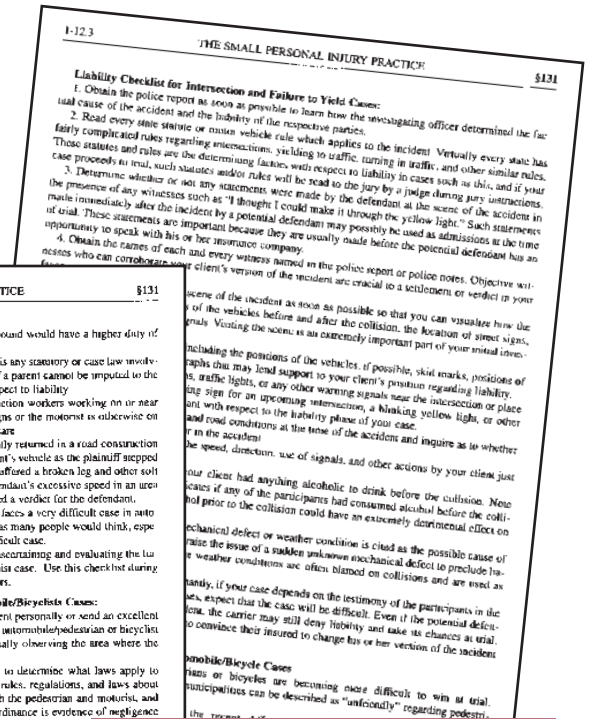
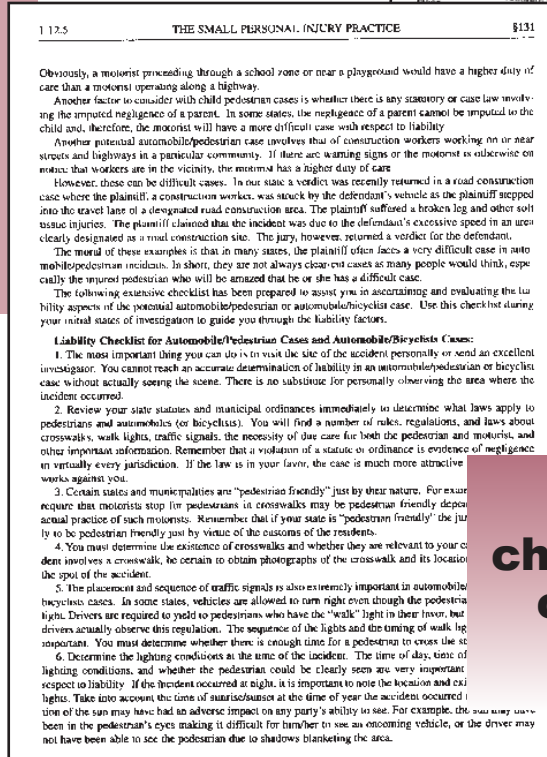
- ◆ Model paragraphs for demand letters. §421
- ◆ Pattern written responses to unsatisfactory settlement offers for specific types of small cases. §463

Discovery

- ◆ Pattern responses for abusive deposition tactics. §521
- ◆ Litigation cost-containment checklist. §511.3
- ◆ Motion for protective order from extensive interrogatories. §521.1
- ◆ Pattern language for handling abusive deposition tactics. §521.4
- ◆ Checklist of maximum discovery techniques for minimal cost and time. §522

Liability checklists for 11 common fact patterns

- ◆ Model interrogatories, deposition checklists, and requests for admissions for the key types of small cases. §§523-26
- ◆ Timetable and accompanying task checklist for avoiding stale files. §372
- ◆ Checklist for building small-case trial notebooks. §621
- ◆ Sample direct examinations of plaintiff's physician, occurrence witness, before-and-after witness, and employer or co-worker. §§653-56
- ◆ Foundation checklists for medical charts and models, medical and business records, and maps and charts. §674



In the matter involving the fee dispute, the three-person panel determined unanimously that the fees were fair and reasonable under the circumstances. The panel made reference to the contingent fee agreement and the amount of time that was negotiated with the insurance carrier.

The remainder of this section will assist you in recognizing difficult clients, will give you tips on how to avoid fee grievances and bar complaints, and lastly, will give you the proper steps to respond to complaints when they occur.

§ 280.2 Five Steps to Recognizing Difficult Clients

During a recent lecture in Kansas, I told the audience that I would give them one principle, not in my book, that should be remembered through an entire law practice. I'm now including that premise in this book. It is simple, direct, but probably the most forgotten premise in our careers. Here it is. Represent people you like and do not represent people you don't like. Most clients who have caused problems and pleople you like and do not represent people you don't like. These people give off an energy and exhibit certain tendencies which, when recognized at the beginning, can give you a hint as to the kind of client they are going to be. These clients will definitely put a negative energy into your practice while you are representing them. Some of these clues are listed below. No matter what age you are or how long you have been practicing law, the clues below will help you to maximize the positive value of your practice and avoid clients who will bring trouble and dissatisfaction to your career.

1. Avoid clients who make it clear that they see the glass as half empty instead of half full.

Difficult clients have virtually nothing good to say about their lives. You will hear in the first few sentences that come out of their mouths negative references to their lives. If they were involved in a minor personal injury, you will never hear them say "Well, at least I'm glad it wasn't more serious." If they have been injured and their children were spared injury, they will not say, "I'm so glad my children were not hurt in this accident." Upon your comment that it was fortunate that the children were spared injury, they will say "What about me?" Clients who are unsatisfied with other elements of their lives will be difficult to represent and the results of your efforts will be disappointing.

2. Clients who express a philosophy of "entitlement" will be difficult to represent.

Jurors, claims adjusters, and judges like to reward people who deserve to be rewarded. They like people who pull themselves up by the bootstraps and who try to see life from a positive point of view. During 25 years of practice, I will say that my most successful clients are those who are a pleasure to represent and are loyal, credible spokespersons. In contrast, people who exhibit a sense of entitlement are people who will be difficult to represent. If your case proceeds to trial, the neutral, be it judge or jury, will see your client being rewarded for such behavior. In other words, the squariness of your case when it comes to personal injury cases. You, as the attorney, may have a sense of entitlement, but claims adjusters, jurors, and judges will see them for what they are.

Entitlement is a word I learned from a friend who is a psychologist at a law firm. He said that he had seen it in many kinds of people in detail, and in essence, they feel they are entitled to certain things. Entitlement is a word I learned from a friend who is a psychologist at a law firm. He said that he had seen it in many kinds of people in detail, and in essence, they feel they are entitled to certain things. Entitlement is a word I learned from a friend who is a psychologist at a law firm. He said that he had seen it in many kinds of people in detail, and in essence, they feel they are entitled to certain things.

vigilant about recognizing these people at the outset.

5. Doctors are expensive in general and the charges for medical records are consistent with the doctor's ordinary hourly rate. If a doctor makes \$6,000 to \$10,000 for a surgical procedure, then he or she can certainly justify \$400 for a medical report that takes a half hour to dictate and review. From the doctor's point of view, the charge is a mere fraction of his or her normal hourly rate.

6. Doctors are seldom challenged or forced to go to court to justify their fees. Most attorneys do not want to offend or insult the primary medical witness in their cases and will typically pay the bill without protest. Consequently, such unchallenged doctors continue charging excessive fees because they are never questioned.

§341.3.2 Remedies for Excessive Medical Information Charges

If you are involved in a situation where a medical provider has charged, or insists upon receiving, an excessive fee for medical information, consider the following alternatives:

1. Ascertain whether standards or fee schedules for medical information exist in your state.

Some medical associations, and even medical/legal symposiums, have adopted uniform schedules for medical information, depositions, and court testimony. Contact your local bar association, state bar association, state trial lawyers association, or state medical association to see if a fee schedule has been adopted. Another source is your state workers' compensation system which may have adopted refer to the charges in your particular case to determine whether the doctor or medical institution has charged an excessive fee. If the fee appears to be excessive, send a copy of the fee schedule to the doctor or institution and request that they reconsider the amount charged and offer to pay a fee consistent with the schedule.

2. Obtain a consensus of other attorneys in your area as to whether the fee is excessive.

If you are in your state, you can either look to your own experience or you can contact other attorneys in your area, including those who have handled similar cases, for information, to determine a consensus of opinion on the fee. If you are not in your state, become sure in your own mind that the fee charged is excessive.

3. Contact the doctor's office or medical facility to discuss the bill.

If the fee charged is excessive, your first alternative is to call the office or medical facility to discuss the bill. If the manager or staff member replies that the fee is higher than the usual and customary charges for such information, then there is something different about the information. Then, respectfully request that the staff member reconsider the fee and promise to send a check by return mail and thank them for their assistance.

4. Write a polite letter requesting reconsideration of the bill.

Often a polite letter is more effective than a phone call. A letter allows the doctor or his or her staff to consider the tone of your request thereby allowing time to respond. I recommend sending a letter if you do not know the doctor or have never dealt with his or her office before. Your letter should read as follows:

Tips learned from decades in the small-case trenches

ABBREVIATED CONTENTS

1. The Small Personal Injury Practice

Four Guiding Principles, Necessary Qualities of the Personal Injury Trial Attorney, Factors to Consider in Accepting Small Personal Injury Cases, Factors to Consider in Rejecting Cases

2. Initial Client Contact

First Telephone Contact, First Client Interview, Interview Checklists for Small Personal Injury Cases, Insurance Coverage, Contingent Fee Agreement, Instruction List to Client, Contents of Client Diary, Authorization Forms for Small Cases

3. Investigation and Preparation of the Case

Investigating the Claim, Initial Client Contact with Defendant, Initial Contact with Insurance Company, Obtaining Medical Information, Obtaining Employment Information, File Organization, Processing Small Personal Injury Claims

4. Settlement Negotiations

15 Key Points to Remember Before Negotiating a Small Personal Injury Claim, The Demand Letter: Checklist of Damages, Evaluating and Establishing a Demand Figure in Small Cases, Settlement Negotiations, Insurance Carrier Negotiation Tactics and How to Deal with Them, Consideration of the Offer and Appropriate Response, Alternate Dispute Resolution, Releases: Problems and Pitfalls

5. When Settlement Fails—Commencing the Lawsuit

Filing Suit, Discovery, Settlement During Suit, Tort Reform and Its Impact on Small to Medium Cases

6. The Trial

Five Principles of a Trial, Trial Notebook and Pretrial Procedures, Selecting the Jury, Opening Statements, Direct Examination, Cross-Examination, Objections, Redirect Examination, Demonstrative Evidence and Exhibits, Closing Argument, Jury Instructions

7. After the Verdict

Settlement After Verdict for Plaintiff, Settlement After Verdict for Defendant, To Appeal or Not to Appeal, Checklist of Compensation, Costs, and Disbursements of Settlement Proceeds

8. Public Relations in Small Personal Injury Cases

Public Relations with Clients, with Medical Personnel, Insurance Adjusters, Defense Counsel, Court Personnel, Witnesses

Advertising, Solicitation, Use of the Media, and Other Ways to Attract Clients

TABLE OF FORMS

1. The Small P.I. Practice

Complaint in a Dog Bite Case, Sample Charge of Discrimination, Federal Complaint and Demand for Jury Trial, Motion for Approval of Minor Settlement, Complaint in Food Poisoning Case, Complaint in Hot Beverage Burn Case, Form for Accepting Out-of-State Cases, Form Letter to Client Declining Representation In Out-of-State Case

2. Initial Client Contact

General Information Client Intake Form, Automobile Accident Form Driver, Automobile Accident Form Passenger, Premises Liability Form, Products Liability Form, Liquor Liability Form Dram Shop, Uninsured and Underinsured Motorist Form, Intentional Tort Form, Small Personal Injury Medical Form, Forms For Appointment of Counsel and Approval of Settlement, Notice of Hearing, Order Authorizing Employment of Special Counsel, Motion to Compromise Claims, to Authorize Execution of Release and Payment of Certain Medical Lien Creditors

Sample Letters to HMO's and Health Insurance Carriers, Sample Letter to Medical Provider who Refuses Health Insurance or Government Assisted Insurance, Sample Uninsured Motorist Complaint, Contingent Fee Agreement in Small Personal Injury Case, Instruction List to Client, Information Booklet for Clients, Client's Acknowledgement and Acceptance of Responsibility Form, Sample Letter to Hospital or Medical Facility Requesting Authorization Form, Sample Letter to Doctor Allowing Client to Sign an Authorization Form in the Doctor's Office

Medical Authorization Form from a Typical Hospital, Medical Authorization Form from a Doctor's Office, Physical Therapist, Rehabilitation Facility, Ambulance Association, and all Other Medical Providers, Authorization Form Closing Case and Revoking Former Authorization, Police Report, Tax Returns, Employment Records, Client's Driving Record, Authorization for Release of School Records, Authorization to Pay Medical Bills From Settlement Proceeds, Authorization to Pay Liens from Settlement Proceeds, Sample Letter Requesting Cooperation from a Client, Sample Letter Withdrawing as Counsel for Lack of Cooperation

3. Investigation and Preparation

Letter to Police Department Requesting Report and Notes, Letter to Secretary of State Requesting Report and Driving Records, Initial Letter to Auto Accident Defendant, Initial Letter to Uninsured Motorist, Initial Letter to Defendant in Premises Liability Case, Initial Letter to Defendant in Product Liability Case, Representation Letter for Automobile Accident Some Liability Question, Initial Letter to Insurance Company in Premises Liability Case, Initial Insurance Letter in Products Liability Case, Initial Insurance Letter for Uninsured Motorist Case,

Remedies for Excessive Medical Information Charges, Letter Requesting Hospital Record, Letter Requesting Doctor's Office Notes, Letter to Doctor Requesting Narrative Report, Client's Form for Medical Expense Records, Instruction Letter to Client, Letter to Employer Requesting Lost Wage Information, Ethical Guidelines for Non-Lawyer Staff, Paralegals and Secretaries, Demand Letter in a Small Personal Injury Case

4. Settlement Negotiations

How to Minimize the Impact of Independent Medical Examinations, Letter to Insurance Carrier Regarding Five and Ten-Year Medical Records Request, Response in an Automobile Case with Some Liability Question, Written Response in an Automobile Case with Clear Liability, Written Response in Automobile Case with Questionable Damages, Response in a Premises Liability Case

Motion for Approval of Agreement for Relief from Automatic Stay with Supporting Memorandum of Law, Memorandum in Support of Motion for Relief from Automatic Stay, Stipulated Agreement for Relief from Automatic Stay, Order Modifying Automatic Stay, Authorization/Limited Power of Attorney, Form Requesting Early Neutral Evaluation in Addition to Mediation, Checklist for Requesting Early Neutral Evaluation in Addition to Mediation, Motion for Relief and Reinstatement Sanctions Attorney Fees, Special Needs Trust (Supplemental Care Trust)

Letter to Insurance Carrier Regarding First Party Bad Faith, Letter to Carrier Accepting Policy Limits in Contemplation of Bad Faith Claim for Failure to Settle Claim Within Policy Limits

5. Commencing the Lawsuit

Complaint in a Rear End Collision Case, Complaint in a Failure to Yield Case, Complaint - Automobile Collision - Passenger - Disc Injury, Complaint - Rear-End Collision for Mother and Children as Passengers, Complaint - Food Poisoning, Complaint For Falling Merchandise Case, Complaint in a Slip and Fall Case, Complaint in a Dog Bite Case, Complaint in Auto/Pedestrian Case

Interrogatories From Defense Counsel in an Automobile Case, Request for Production of Documents From Defense Counsel in an Automobile Case, Plaintiff's Checklist of Activities Affected by the Injury, Plaintiff's Motion for Protective Order, Special Interrogatories Regarding Insurance Coverage in Intentional Tort Cases, Instructions for Plaintiff's Deposition,

Checklist for Defendant's Deposition in Automobile Accident Case, Checklist for Defendant's Deposition in Products Liability Case, Checklist for Defendant's Deposition in Premises Liability Case, Checklist for Deposition of Private Investigator/ Surveillance Operator, Deposition Outline for Defense Doctor/Independent Medical Exam Doctor, Requests for Admission in an Automobile Accident Case, Requests for Admission in a Premises Liability Case, Requests for Admission in a Products Liability Case, Motion to Protect, Requests for Production of Documents in an Automobile Accident Case

6. The Trial

Motion in Limine, Outline Checklist for Direct Examination of Plaintiff, Outline and Checklist of Direct Examination of Plaintiff's Physician, Outline and Checklist for Direct Examination of Auto Body Repair Expert, Outline and Checklist for Direct Examination of Physical Therapist, Experts in Premises Liability Cases, Direct Examination of an Expert in a Failing Merchandise Case, Using Weather Experts at Trial

Outline Checklist for Direct Examination of Occurrence Witness, Outline Checklist for Direct Examination of Before and After Witness, Outline Checklist for Direct Examination of Employer or Co worker, Sample Letter Requesting Waiver or Reduction of Lien by Insurer, Medicare or Other Agency With Subrogation Rights

ABOUT THE AUTHOR

- using a cane
- turning lights on and off
- wounding a watch

§512 Nine Major Case Weaknesses to Consider Before Filing Suit

When you and the insurance company have significantly different opinions of the settlement value of the case, it is wise to reconsider the major weaknesses of your case before filing suit. Some of these weaknesses can be alleviated before filing or can be minimized during the pretrial period. Your goal is to either eliminate the problem, lessen its potential effect at trial, or recognize that the problem may have a substantial impact on the ultimate settlement value or jury verdict. In any event, these weaknesses should be discussed in detail with your client before filing suit.

§512.1 Pre-Existing Injuries

In my opinion the most significant weakness or problem in a small to medium valued case is a pre-existing injury involving the same area of the body. If your client's injury pre-existed the subject incident, you have the difficult burden of establishing the extent of any aggravation and its causal relationship to the incident. In twenty years of practice in personal injury law, I find this to be the most often-used attack by insurance adjusters.

On the other hand, if your client had a pre-existing injury and recovered from that injury, you must establish that a whole new injury took place and that it was caused by the subject incident. Again, the burden is quite difficult. Let me cite some examples.

EXAMPLE ONE: Our client injured her back in a prior automobile collision in 1989. The injury required physical therapy, two visits to a neurologist, and a number of visits to an osteopathic physician. The client settled with the appropriate insurance carrier and two years later was involved in the subject accident. In the second collision, she sustained an injury to her back once again, and treated with the same osteopathic physician and neurologist for approximately two years before coming to our office. Her medical bills were significant. The neurologist felt that our client had a herniated disc, but concluded that the condition was not caused by the subsequent collision. Despite this finding, the client put a significant value on her case due to her ongoing complaints and the substantial number of physical therapy and osteopathic treatments. Her demand was in excess of \$100,000. The insurance carrier, one of the more conservative in the country, offered \$20,000 and indicated the possibility of going to binding arbitration with a high of \$35,000 and a low of \$10,000. It was the carrier's opinion that the pre-existing injury minimized the value of the client's subsequent injuries.

When we recommended that the client go to arbitration, hoping that we could convince the carrier to agree to a high of \$45,000, the client took her case to another law firm. She was unwilling to recognize the significance of her pre-existing condition.

EXAMPLE TWO: A woman in her early 30's had experienced prior back problems for several years and had consulted with an osteopathic physician, a chiropractor, an orthopedic specialist, and a neurologist. All of the medical procedures confirmed the presence of a chronic back problem including a "facet syndrome" at one of the vertebral levels. In May 1992, she re-injured her back while at work. She thereafter received workers' compensation benefits, including payment of medical bills, for approximately six weeks. She also received physical therapy treatments and her primary doctor released her to return to work in late June 1992.

Approximately one month later, she was rear-ended at low speed while stopped in traffic. She returned to the prior treating doctor who prescribed more physical therapy and a significant number of diagnostic tests. Between July 1992 and July 1993, she was seen at least 15 times, underwent exten-

§521.1.1 Sample: Plaintiff's Motion for Protective Order

NOW COMES the Plaintiff, by and through counsel, who moves for a Protective Order pursuant to the State Rules of Civil Procedure Rule 26(c) regarding Interrogatories Propounded by the Defendant and Requests for Production of Documents. Plaintiff's Motion is based upon the following grounds:

1. On or about September 10, 199___ the Plaintiff sustained personal injuries as a result of a rear end collision with the Defendant.

2. Counsel for the Plaintiff communicated with the insurance carrier for the Defendant between the date of the automobile collision and the date on which suit was filed in this case, to wit: October 20, 199___ . As a result of communication between Plaintiff's counsel and the insurance carrier, substantial information was forwarded to representatives of the Defendant.

3. By date of November 23, 199___ the Defendant has propounded 84 interrogatories with numerous subparts containing as many as a dozen additional questions within the numbered interrogatories. The cost and effort to retype the 26 pages of single-spaced questions would be an enormous and pointless clerical exercise for the Plaintiff's representative to endure.

4. In lieu of responding to said interrogatories the Plaintiffs have served affidavits on the Defendant which summarize in detail the nature and extent of their injuries, and the circumstances of the rear end collision, together with information concerning employment and medical history. Business counsel was also provided with the entire medical report and medical bill package of the Plaintiff with a medical authorization form allowing the Defendant to obtain whatever information deemed necessary in this relatively minor case.

5. The interrogatories propounded to the Plaintiff were obviously issued from a word processor and were not drafted to conform to the particular facts of the within case. The effort necessary to copy said questions and answer them would constitute an extraordinary burden out of proportion to the nature and extent of the claims asserted in this action.

6. For obvious reasons, the Plaintiff objects to answering such interrogatories on the grounds that they are overly broad, oppressive, unduly burdensome, and expensive to respond to. Furthermore, the information sought exceeds the reasonable bounds of relevancy and the information sought is not reasonably calculated to lead to the discovery of admissible evidence.

7. This motion is based upon the provisions of Rule 26(c) of the State Rules of Civil Procedure and upon the affidavits which have been filed in this case.

WHEREFORE, the Plaintiff prays for a Protective Order that the Defendant's Interrogatories of November 23, 199___ be quashed or in the alternative limited by this Honorable Court, that the affidavits under oath be allowed as substitution for answers to such interrogatories and for such other and further relief as this Honorable Court deems just and proper.

Dated:

Attorney for Plaintiff

Ellsworth T. Rundlett III is a personal injury trial lawyer with 30 years of experience. He is the former president of the largest county bar organization in the State of Maine, and a former member of the Board of Governors of the Maine State Bar Association.

Mr. Rundlett is a past president of the Maine Trial Lawyers Association, and former state delegate of the Association of Trial Lawyers of America. He is a diplomate of the National College of Advocacy, has been certified as a civil trial specialist by the National Board of Trial Advocacy since 1991, and is a member of the Board of Trial Advocates.

A frequent lecturer, Mr. Rundlett has spoken on the topics of "Achieving Optimal Recovery in Personal Injury Cases," "Winning in Court," and "Settling Cases." His articles have appeared in ATLA's TRIAL magazine and various state lawyer publications.

He practices with Childs, Rundlett, Fifield, Shumway & Altshuler in Portland, Maine.

Book Review Excerpt from Lawyers Weekly USA

"This book is almost a Do-It-Yourself Kit for personal injury cases, and is the latest example of the superb job that James Publishing is doing in providing lawyers with one-stop practice aids.

"Approximately one-half of the book is dedicated to the period of time prior to the commencement of suit, which can be the most critical interval for achieving a good result. Perhaps the most popular section will be "Factors to Consider in Accepting Small Personal Injury Cases," which provides the ultimate bottom-line analysis to fit every prospective case that might walk through your door (and with checklists for every conceivable area of personal injury liability).

"It is the fear of nearly every small firm that, once suit is filed, you will immediately be barraged with discovery requests from the defense, which is usually a big firm or an in-house legal department of a giant corporation. Rundlett rides to the rescue by providing us with a lengthy section chock-full of techniques to limit discovery abuse by defense attorneys.

"Other lawyers will feign insult over the spoon-feeding approach of the author (and James Publishing in general). But others will rejoice in it. In this reviewer's opinion, all the forms, checklists, and sample correspondence are much appreciated. They aren't replacements for original legal work, but are very valuable as templates that provide a well-researched starting place that can be tailored to reflect the exigencies of the particular case."

Litigation tactics and forms designed for small cases

**(800) 440-4780 or
www.jamespublishing.com**

Yes, send me one copy of *Maximizing Damages in Small Personal Injury Cases* with an invoice for \$99 plus shipping. I may return the book within 30 days if not satisfied. Send me annual updates on the same 30-day review basis. I may cancel the update service at any time.

Copyright © 2007 James Publishing

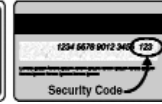
Four Easy Ways to Order...

MAX6c

MAIL: James Publishing, Inc. / P.O. Box 25202 / Santa Ana, CA 92799-5202 PHONE: 800-440-4780 FAX: 714-751-2709 INTERNET: www.jamespublishing.com

Prepay and save \$7.98 shipping

- Check enclosed for \$99 (CA residents add \$7.18 sales tax / Make check payable to James Publishing / U.S. funds only)
- Charge \$99 to my credit card: Visa Mastercard AMEX



Invoice option

(I do not wish to take advantage of the free shipping offer)

- Bill firm \$106.98 (shipping included)
- Bill me the same

Card #: _____ Exp. Date: _____ 3(or 4)-digit security code: _____

Please complete all blanks, providing a street address for your office.

Printed Name: _____

Firm Name: _____

Office Address: _____ Suite: _____
(not residence)

City, State, Zip: _____

Telephone: (____) _____ Fax: (____) _____

Bar #: _____ E-mail: _____

Signature: _____

SETTLE SMALL CASES FOR MORE

Maximizing Damages in Small Personal Injury Cases will teach you dozens of proven techniques for obtaining top dollar in small cases. For example:

Settlement

- ▼ 14 negotiating techniques that really work. \$445
- ▼ Insurance carrier negotiating tactics and how to deal with them. \$450
- ▼ How to minimize the impact of independent medical examinations. \$458.4
- ▼ 18 steps to evaluation of a small personal injury case. \$466
- ▼ 16 mediation preparation tips guaranteed to lead to settlement. \$474.1
- ▼ How to deal with unreasonable insurance adjusters and carriers. \$490.2

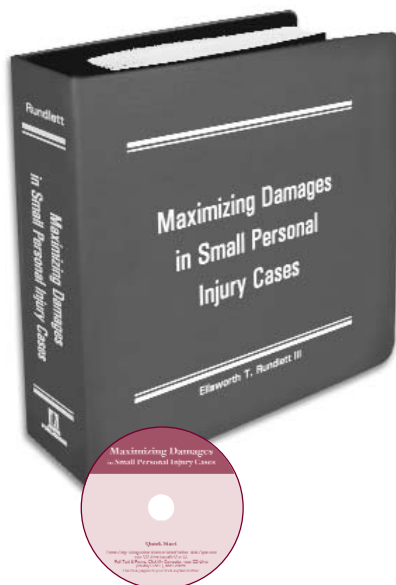
- ▼ How to deal with nominal property damage impacts. \$512.7
- ▼ 23 tips on how to deal with large chain store cases. \$131.3
- ▼ Strategies for maximum discovery at minimal cost. \$522

Trial

- ▼ The 30 most common objections in small-case trials. \$664.1
- ▼ Techniques to avoid in openings and closings. \$643, 684
- ▼ Topics that are prohibited in closing argument and how to get around them. \$682
- ▼ 37 trial tips from jurors. \$685

Commencing suit

- ▼ 9 major case weaknesses to consider before filing suit. \$512
- ▼ 14 defense tactics you need to know about before filing. \$513



Over 75 checklists for: damages, liability, interview, investigation, evaluation, deposition, settlement, and witness examination. Plus discovery and trial motions, interrogatories, requests for admission and production, motions in limine, settlement letters and more.

Details inside...