

DESCRIPTION

With 98% of civil personal injury cases settling prior to the filing of litigation, and another 98% of those settling prior to trial, demand letters are critical to your success as a plaintiff lawyer. Yet, the topic is almost never discussed in CLEs, and is rarely discussed amongst lawyers. Many lawyers' demand letters fail to address the full extent of their clients' injuries, fail to address factors of substantial value to insurers, fail to support the damage claims, and/or lack sufficient detail to get the compensation that should be offered to the client. Some demand letters are so ineffective they are simply ignored by the adjuster.

A formula for success in many types of personal injury cases does exist, and to get the best settlement outcome for your clients, you need to know how to write effective demand letters that will get better settlement offers. In this program, you will learn how to tailor demand letter using that formula for success. Using that formula will pay itself back in your first few cases and continue to do so for the remainder of your practice.

AGENDA

FRIDAY, SEPTEMBER 22

#	7:00 A	BREAKFAST BUFFET		
1	8:00 A	Welcome & Introductions	Lisa Carper	
2	8:15 A	Where Science Meets Settlement: Understanding Claims Evaluation Software	Aaron DeShaw Charlette Sinclair	<i>70% of insurance companies use some type of bodily injury software to assess your client's injuries. DeShaw and Sinclair will review and compare the major bodily injury software products</i>
	10:00 A	COFFEE BREAK		
3	10:15 A	Preparing for an Effective Demand Package	Charlette Sinclair	<i>Specific information and factors are required in order to trigger claims evaluation software. Sinclair will discuss best practices for you and your staff to prepare a file for an effective demand package, starting with intake, including gathering records and preparing treatment summaries.</i>
4	11:00 A	Setting Reserves: Understanding and Substantiating Injuries	Aaron DeShaw	<i>The importance of helping the insurers set appropriate reserves early in your representation cannot be overstated. To do so requires that you first understand your client's injuries and second, that you substantiate those injuries to the insurer.</i>
	12:00 P	LUNCH (ON YOUR OWN)		
5	1:30 P	Know the Rules of the Game: Examining the Top Value Drivers	Charlette Sinclair Aaron DeShaw	<i>Tailoring your demand letter to the specific product used by the insurer is key to drafting an effective demand letter. Sinclair and DeShaw will discuss what you need to know about each of the top five value drivers in claims evaluation software, including Injuries/Diagnoses, Permanent Impairment, Duties Under Duress, Loss of Enjoyment of Life, and Prognosis.</i>
	3:00 P	SNACK BREAK		
6	3:30 P	Demand Letter Best Practices: Reviewing Additional Factors and Formats	Aaron DeShaw Charlette Sinclair	<i>DeShaw and Sinclair will review the additional factors that may impact claim value, including special investigation units, minor impact designations, and the litigation history of the lawyer or firm. The pair will also review what to avoid in demand letters as well as when to use a specific demand letter structure to most benefit your client (including the one-page demand, the policy limit demand, the first party demand, the traditional analysis (for insurers not using claims software), and the bad faith demand.</i>
	5:00 P	WELCOME RECEPTION		
	7:00 P	END OF DAY 1		

SATURDAY SEPTEMBER 23

	7:00 A	BREAKFAST BUFFET		
7	8:00 A	Backing Your Position: Using Visual Aids in Demand Letters	Aaron DeShaw Charlette Sinclair	<i>Your demand letters should not be limited to words alone. As the saying goes, a picture is worth a thousand words. Using medical illustrations, graphics, timelines, videos and animations will more effectively impart the impact of the incident in question on your client's life. In addition, using medical literature and civil jury instructions will further substantiate your position.</i>
8	9:15 A	After the First Round: Negotiation Strategies and Demand Letters within Litigation	Aaron DeShaw Charlette Sinclair	<i>You've written an effective demand letter and received a first offer from the insurance company. DeShaw and Sinclair examine effective negotiation strategies after that first offer as well the use of demand letters within litigation.</i>
	10:00 A	COFFEE BREAK		
9	10:15 A	Demand Letters in Trucking Cases	Morgan Adams	<i>With each specific practice area comes unique criteria and considerations. In this session, Morgan Adams reviews the best practices for demand letters in trucking cases.</i>
	12:00 P	LUNCH (ON YOUR OWN)		
10	1:30 P	Tap the Power of Morality and Emotion for Your Case: How Neuroscience Can Help or Hurt	Sean Gamble	<i>Regardless of the software used, the other side is a human being—for now, at least. A demand can be empowered by moral foundations theory and the neuroscience of emotions. Mr. Gamble explains what these are and offers practical advice for applying the research to your strategic advantage.</i>
11	2:15 P	Play the Strongest Hand You Have—When You Have it: Demand Letters in Med Mal and Product Liability Cases	Sean Gamble	<i>Although case preparation is more like carpentry than poker, we are in Las Vegas: even a weak poker hand can yield good results with the right approach and timing. This session will show the benefits of framing and timing in medical malpractice and products liability cases. This can yield a master template for any personal injury or wrongful death demand.</i>
	3:30 P	SNACK BREAK		
12	4:00 P	Your Ace in the Hole: Best Practices for Gathering and Organizing Information	Matt Powell	<i>Matt Powell offers practical advice to implement procedures, processes and strategies to best prepare you and your office to gather the information needed to present a demand package that maximizes settlement offers for your clients.</i>
	5:30 P	END OF DAY 2		

ACCREDITATION INFORMATION

GENERAL CREDIT: 13 HOURS AND 45 MINUTES (825 MINUTES).

APPROVALS (STATE COURSE NO):

British Columbia: 12.25 general credits
Colorado: 17 general credits (759944)
Delaware: 13.8 general credits (TRI09222017WRIT1)
Florida: 16.5 general credits (1706204N)
Georgia: 13.8 general credits
Illinois: 13.75 general credits
Indiana: 13.3 general credits (221839)
Iowa: 13.75 general credits (270532)
Kansas: 15.5 general credits (140003)
Mississippi: 13.8 general credits
Missouri: 16.5 general credits
Montana: 13.75 general credits
Nebraska: 12.25 general credits
Nevada: 13.5 general credits
North Carolina: 13.75 general credits
Ohio: 13.75 general credits (000368441)
Oregon: 13.75 general credits
Pennsylvania: 13.5 general credits (264694)
South Carolina: 13.75 general credits (177179)
Texas: 13.75 general credits (928011060)
Virginia: 12 general credits (NEE2223)
Washington: 13.75 general credits (1046525)
NALA: 13.75 general credits

ELIGIBLE FOR CREDIT UNDER RECIPROCITY, NO PRE-APPROVAL, OR OUT OF STATE RULES:

AB, AK, AZ, CA, CT, HI, ME, NH, NJ, NY

APPLICATIONS IN PROCESS:

None

DENIALS:

None

PRESENTERS



AARON DESHAW

- Principal, DeShaw Trial Lawyers
- CEO and Owner, Trial Guides LLC
- Executive Board Member, Brain Injury Alliance of Oregon
- Author, *Colossus: What Every Trial Lawyer Needs to Know* (out of print)
- Author, *Colossus: What Every Physician Needs to Know* (out of print)
- J.D., Willamette University College of Law
- Pepperdine University College of Law (London, England)
- D.C., Western States Chiropractic College
- B.S., Willamette University

Admissions: Oregon, Washington

Dr. Aaron DeShaw, Esq. has individually, and in cooperation with other law firms, obtained settlements and verdicts for his clients in excess of \$1 Billion. He is the leading author in the U.S. about Colossus, the computer assessment program used by most auto insurance companies for evaluating personal injury claims. DeShaw is author of three books, and is featured in multiple professional education videos on the topics of traumatic injuries and insurance.

Presently, more than 90% of Aaron's cases involve traumatic brain injuries, with the remainder of his personal injury cases being catastrophic injuries such as quadriplegia, spinal cord injuries, amputation, and wrongful death cases. He has extensive experience doing jury trials on complex medical injury cases. Known for his unusual frontal attack of defense medical witnesses' opinions, his cross-examination of one witness uncovered the "doctor's" lack of an M.D. degree. Other defense doctors simply refuse to show up to testify against his clients.

He is also a father, musician, and photographer.

WEBSITES

<http://deshawlaw.com/>

LINKEDIN

<https://www.linkedin.com/in/aaron-deshaw-9a901975/>

TRIAL GUIDES

<https://www.trialguides.com/authors/aaron-deshaw/>

NOTABLE PUBLISHED WORKS

- Mastering Motor Vehicle Cases (DVD and CD sets)
- Mastering Personal Injury Cases (Physician DVD set)
- Anatomy of a Personal Injury Lawsuit, 4th Ed. (Multi-book set)
- Traumatic Injuries (DVD set)
- Working with Chiropractors on Auto Cases (CD/DVD set)
- Colossus: Understanding Auto Insurance Claims (Physician DVD)
- Colossus: Maximizing Auto Settlement Values (Legal DVD)
- Colossus: The Legal Forms CD
- Colossus: The Physician Forms CD
- Increasing Value on Neck Injury Cases (CD/DVD set)
- Overcoming "Minor Impact" Defenses in Auto Cases (CD/DVD set)
- Procedure & Billing Denials: What Every Physician Needs to Know (out of print)



MATT POWELL

- Principal, MattLaw
- Board Certified Civil Trial Lawyer, Florida (since 2007)
- Board Certified Civil Trial Lawyer, National Board of Trial Advocacy (2010)
- Author, *Motorcycle Riders Guide*
- J.D., Florida State University College of Law
- B.S., Criminal Justice, University of Central Florida
- A.A, University of Florida

Admissions: Florida, Missouri, US District Court for the Middle District of Florida, United States Court of Appeals for 11th Circuit, and the Supreme Court of the United States

Matt first practiced law with a prominent insurance defense firm in Tallahassee, Florida. The firm represented over 20 insurance companies and defended negligent drivers and doctors. During that time, he learned the methods, techniques and strategies that insurance companies use to reduce the amount of money they pay to people and families who have been injured or killed in accidents or by neglect.

After learning these methods and techniques, he decided to stop representing insurance companies. He left the insurance defense law firm and opened his own law firm to represent individuals. Matt has practiced in the historic landmark building known as the Hutchinson Mansion on Plant Avenue in Tampa since 1989.

Matt primarily represents people with catastrophic injuries and wrongful death cases, but he also continues to be involved in smaller litigation cases as co-counsel with young lawyers. He is regularly in trial representing people injured in auto, truck, medical malpractice, defective products, birth injury, negligent security and other types of cases. He is known for using innovative methods for demonstrating injuries, including in "minor impact" cases.

WEBSITES

<http://mattlaw.com/attorneys/matt-powell/>

LINKEDIN

<https://www.linkedin.com/in/mattlawtampa/>

ACHIEVEMENTS

- AV rated by Martindale-Hubbell
- Florida Super Lawyers

NOTABLE PUBLISHED WORKS

- *Motorcycle Riders Guide*



MORGAN ADAMS

- Principal, Law Offices of Morgan Adams and Seattle Truck Law, PLLC
- Board Certified in Trial Advocacy (Tennessee, Georgia, and Washington)
- Lieutenant Colonel, United States Marine Corps (Retired)
- J.D., Georgia State University College of Law
- B.S., Bowdoin College

Admissions: Georgia, Tennessee and Washington

Morgan Adams earned his reputation as “The Truck Accident Lawyer” by successfully taking on the nation’s biggest trucking, bus, and insurance companies. The firm’s expertise in truck accident litigation is well known and the firm is frequently hired by other lawyers to maximize results for clients in these tragic cases. He has represented clients in these tragic wrecks in 34 states. Over the years Adams’ truck accident firm has grown to include a west coast office in Seattle, WA and east coast office in Chattanooga, TN. The firm typically represents clients in cases involving spinal injuries, brain injuries, amputations and wrongful death.

Morgan Adams is a past chair of the American Association for Justice’s Trucking Litigation Group (TLG) and the first and only recipient of the TLG Lifetime Achievement Award. He has repeatedly been selected as a Mid-South and Top 100 Super Lawyer; is a member of the Belli Society, Taos Group, Multi-Million Dollar Advocates Forum; and is AV rated by Martindale-Hubbell.

WEBSITES

<https://www.truckwreckjustice.com/about-morgan-adams/>

LINKEDIN

<https://www.linkedin.com/in/morgan-adams-82983750/>

ACHIEVEMENTS

- AV rated by Martindale-Hubbell
- Member, Multi-Million Dollar Advocates Forum
- Mid-South Super Lawyers, Top 100 Tennessee multiple years
- Lifetime Achievement Award, American Association for Justice Truck Litigation Group
- Largest Verdict Against an Individual DUI Defendant (Tennessee) \$9.25 Million, Volz v. Davis (2012)

NOTABLE PUBLISHED WORKS

- Author, Chapter: “Negligence Per Se” in Truck Accident Litigation in **Truck Accident Litigation**, 3rd Edition (ABA)

SEAN GAMBLE



- Associate Attorney, Friedman Rubin
- Member, Brain Injury Alliance of Washington
- Eagle Member, Washington State Association for Justice
- English Instructor (formerly)
 - Lake Washington Technical College (2006)
 - University of Washington (2006)
 - Tibetan Government-in-Exile (India, 2003)
 - Yokohama City Board of Education (Japan, 2000 – 2002)
 - Feng Chia University (Taiwan, 1996-1997)
- J.D., University of Washington School of Law
- M.A., Candidate, Counseling Psychology, Pacifica Graduate Institute, Santa Barbara (2019)
- B.A., History, and B.S.Ed., Secondary Education, *summa cum laude*, Ohio University

Admissions: Washington State Courts, the United States District Court for the Western District of Washington, and the United States Court of Appeals for the Ninth Circuit

Sean helps traumatically-brain injured clients by holding accountable the wrongdoers who caused the injuries. Sean prosecutes brain injury cases in Washington and across the country in teamwork with other attorneys. He co-manages the firm's library on TBI science and research.

In addition to brain injury cases, Sean has worked on a variety of matters involving maritime law, aviation law, insurance bad faith, nursing home abuse and neglect, medical malpractice, burn trauma, and toxic exposure.

Super Lawyers has named Sean a Washington Rising Star, 2015-2017. This is an honor limited to 2.5 percent of attorneys practicing in Washington. Sean is an Eagle member of the Washington State Association for Justice. He is also a member of the American Association for Justice.

Sean joined Friedman | Rubin in 2009 after graduating from the University of Washington School of Law. The law is his second career after years as an English instructor in different countries.

WEBSITES

<http://friedmanrubin.com/attorneys/partners/sean-i-gamble/>

LINKEDIN

<https://www.linkedin.com/in/sean-gamble-6ba0634/>

ACHIEVEMENTS

- Biked solo across the United States
- Spent time traveling and living on six continents
- 2015-17 Super Lawyers Rising Star List

NOTABLE PUBLISHED WORKS

- Gamble, S.J. (2016, November). Guide for Improving Client Communication and Outcomes. [Review of book Coaching Your Client, by Arezou Kohan.] Trial News, Washington State Association for Justice, vol. 52-3, page 5.
- Gamble, S.J. (2017, April). How and Why Plaintiffs Should Not Be Alone with Defense Examiners. Trial News, Washington State Association for Justice, vol. 52-8, pages 17-18.



CHARLETTE SINCLAIR

- Director, Auto Claim Experts
- Formerly Visual Media Consultant, High Impact
- Formerly Brand Representative, Trial Guides
- B.S., Criminology and Criminal Justice, Portland State University

Charlette Sinclair is a legal consultant helping law firms interested in improving case outcomes for their clients. She pioneered a series of demand letter templates that help lawyers trigger software such as Colossus while serving as Director for Auto Claim Experts, a consulting firm for auto injury lawyers and physicians.

WEBSITES

<http://autoclaims.net/>

LINKEDIN

<https://www.linkedin.com/in/charlettesinclair/>

PUBLISHED WORKS

- Tracy Morgan Tragedy Should be a “Wake-up” Call (Article)

EDUCATIONAL MATERIALS*

- Adams, Morgan. Examples of Demand Letters in Truck Accidents: time limited demand, mediation demand and spoliation of evidence demand. (2017). 55 pp
- Computer Sciences Corporation. "Colossus 8.0 Assessment for General Damages." (2009) 4 pp
- DeShaw, Aaron. "Attorney as Factor" (2017) 1pp
- DeShaw, Aaron. Presentation, "Claim Maximization Model Demand Letters." (2017) 20 pp
- DeShaw, Aaron. "Doctor as Factor" (2017) 1 pp
- DeShaw, Aaron. "Improving Your Demand Letters 2017 Demand Letter CLE Lecture Notes." (2017) 14 pp
- DeShaw, Aaron. "Negotiating with Insurers using Colossus." (2017) 4 pp
- DeShaw, Aaron. Presentation, "Overcoming Minor Impact Defenses in Auto Cases." (2017) 12 pp
- DeShaw, Aaron and Charlette Sinclair. "Where Science meets Settlement: Understanding Software Claims Evaluation." (2017). 10 pp
- DeShaw, Aaron. Presentation, "Understanding Spinal Injury Cases." (2017) 16 pp
- DeShaw, Aaron; Charlette Sinclair and Tyler Komarnycky. "Using Visual Aids in Your Demand Letter." (2017) 10 pp.
- Gamble, Sean. Presentation, "Tap the Power of Morality and Emotion." 35 pp
- Gamble, Sean. Presentation, "Play Your Strongest Hand—When You Have It." 35 pp
- Kilpatrick, Tiffany and Michael Smith. LinkedIn Conversation re: Claims Adjuster Environment. (unknown) 1 pp
- Leslie, Roger. "Clearing the Path to Patient's Medical Records." **Trial Magazine** (May 2016). pp 28-34
- Powell, Matt. "Intake Form Example" (2017). 7 pp
- Powell, Matt. "Your Ace in the Hole: Best Practices for Gathering and Organizing Information." (2017). 7 pp

EDUCATIONAL MATERIALS CONTINUED*

Sinclair, Charlette. "Client Responsibilities." (2017). 1 pp

Sinclair, Charlette. "Letter to Adjuster Setting Reserves." (2017) 1 pp

Sinclair, Charlette. "Duties Under Duress Index." (2017) 5 pp

Sinclair, Charlette. "Loss of Enjoyment Life Index." (2017). 8 pp

Sinclair, Charlette. "Preparing for An Effective Demand Package." (2017). 3 pp

Sinclair, Charlette. "Rivermead Post Concussion Symptoms Questionnaire." (2017) 1 pp

Sinclair, Charlette. "Sample Demand Letter with Images." (2015) 5 pp.

U.S. Dep't of Health and Human Services, Office of Civil Rights. "Health Information Privacy Complaint" and instructions. 14 pp.

U.S. Dep't of Health and Human Services, Office of Civil Rights, "Individuals Rights Under HIPAA to Access their Health Information."
www.hhs.gov/hipaa/for-profionals/privacy/guidance/access/index.html (last accessed August 14, 2017) 35 pp.

**Presenters will be adding educational materials and revising these drafts until the presentation date*