

# Case Audit Settlement Evaluation, LLC & Dr. Frank Liberti

Present A 2.5 Hour CLE Approved Seminar

## Lessen the Necessity Of Trial In a Bodily Injury Claim

**Identifying Unfair Claim Settlement Practice Acts And Making An Effective Rebuttal To Reduce Unfair Bodily Injury Valuation And Lessen The Incidence Of The Need For Trial.**

This program is accredited as Follows:

Civil Trial Credits: 2.5

When a personal injury client entrusts their well-being into your hands, you are up against a barrage of insurance company tactics designed to contain costs by lowering the valuation of a bodily injury claim.

Despite a 2012 report released by the CONSUMER FEDERATION OF AMERICA that stated;

“computer claims software’s are now being used by all insurers and can be manipulated to produce unjustifiably low injury payments to consumers and tens of millions of dollars in illegitimate ‘savings’ for insurers”

...insurers’ are no respecters of your skill, experience or knowledge. You face “Unfair Claims Settlement Practice Acts” (UCSPA), software’s as Colossus (with now 80 versions),” Business Process Improvement” (BPI), IME’s who dispute and deny, varying opinions, violations of the Ethics Codes of the Adjuster, claims omissions and 12 Unfair Claim Settlement Practice Acts (UCSPA).

These are the cost containment measures used by insurers that have resulted in unfair, unrealistic, low settlement valuations for the injured.

It’s been stated that only 2% of bodily injury claims go to court. Insurers are fully aware of this statistic and will challenge plaintiff’s attorney to the maximum as a result.

This presentation will aid to protect your injury clients’ rights with effective methods now being used to counter unfair claims tactics and reduce the need for trial by countering the UCSPA’s with methods to:

- Reduce unfair, low settlements
- Establish the preponderance
- Eliminate varying opinions
- Win the “Greater Weight” of the evidence challenges to
- Identify the UCSPA’s
- Counter the UCSPA’s

Seminar Presentation Overview and Timed Syllabus

However, if you go to trial, we will discuss strategies to:

- Prepare your own barrage of evidence to be used against the UCSPA's of the adjuster & IME
- Draft a different (35 page) Rebuttal with interrogatories to seek the legal and factual basis for undervaluation's that adjusters are not used to encountering and can't answer truthfully
- Obtain a memorialized copy of the diary of the claim to expose UCSPA's
- Reveal key questions to ask adjusters to surface blatant lies
- Prepare Direct and Cross Exam line of medical questioning for trial
- Have the option to go to different agencies for investigation of UCSPA's

## Seminar Agenda

8:30–9:00 a.m.

Registration

9:00–9:15

**How To Determine When UCSPA's Have Undervalued a Bodily Injury Claim**

- The Value Drivers of the Personal Injury Claim
- "Decision Points" that determine settlement value
- Understanding Decision Points
- How Value Drivers and Decision Points convert into settlement dollars
- The Decision Point to Dollar Translation Percentage Multiplier Formula

9:15–9:30

**How to Prevent Unfair, Unrealistic, Lowball Settlements:**

**What You Need to Know Now**

- Why 80% of the Decision Points are routinely missing in the demand
- The most commonly missing Decision Points
- How missing Decision Points = Missing Settlement Valuation
- Making sure the Decision Points are contained within the demand

9:30-9:45

**Recognizing the 58 Decision Points to Include in the Demand**

- Medical, Administrative, Legal and Economic Decision Points
- 4 main Decision Point Categories that determine medical value
- Decision Point locator and checklist

9:45-10:15

**The 12 Unfair Claims Settlement Practice Acts (UCSPA's)**

- Superior Court order against UCSPA's
- What needs to be done to counter each of the unfair claim settlement practice acts
- A technique to save 50-75% of the time it takes to formulate a demand
- Review of a winning demand that prevents lowball settlements

10:15-10:45

### **Formulating a Rebuttal in the Presence of UCSPA's**

- Formulating the demand In the correct language, format and sequence to exchange sufficient data, interface into a Colossus claim and input added valuation in today's bodily injury claim environment
- A technique to save time to formulate a demand
- Review of a winning demand that prevents lowball settlements

10:45-11:00

### **Winning the "Greater Weight" of the Evidence Challenges**

- How to Eliminate Varying Opinions, establish the preponderance and win the greater weight

11:00–11:30

### **Making a Discovery Rebuttal**

- Rebuttals are necessary when you suspect the presence of UCSPA's
- Countering Unfair Claims Practices in your rebuttal
- Process to get the insurance company to reveal the entire factual and legal basis for their low settlement determination
- Checklist of what to include in the rebuttal
- Review of the most effective rebuttal you can make against the insurance companies' UCSPA's and claim undervaluations
- Understanding the ethics codes of the adjuster
- Citing Ethics Codes violations of an insurance adjuster in your rebuttal
- How to avoid the need for suit or rebuttal in the first place
- When it's time to file a suite

11:30-12:00

**Q&A**