

## Leveraging Demand Letters to Obtain Significant Settlements in Auto Accident Cases

WEDNESDAY, JUNE 2, 2021

1pm Eastern | 12pm Central | 11am Mountain | 10am Pacific

Today's faculty features:

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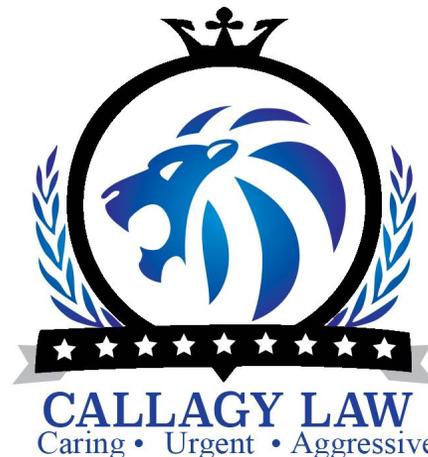
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# Leveraging Demand Letters to Obtain Significant Settlements in Auto Accident Cases

**Sean R. Callagy, Esq.**



**Hala A. Jaloudi, Esq.**

# Who Is Sean Callagy?

- One of only two attorneys to win **two** top 100 national jury verdicts between 2014-16
- Founder and owner of a multimillion 125 person law firm with offices in multiple states
- Formed a 40 person law firm at the age of 28
- Founder of UNBLINDED and its integrity based human influence formula
- National Speaker, Entrepreneur
- As a speaker, Sean has broken sales records on the largest personal development stages in the world, speaks for Disney Executives, Fox News, Legal Associations, and raised 3.4 million dollars for charity on stage last month alone



# Unblinded Results Formula



## SELF MASTERY

- 1) Why?
- 2) Physiology
- 3) Focus
- 4) Meaning
- 5) Limiting / Empowering Beliefs
- 6) Music
- 7) Content
- 8) 6 Human Needs, Values & Rules
- 9) Diet
- 10) Journaling

## INFLUENCE MASTERY

### THE 4 STEP COMMUNICATION MODEL:

1. The Creation of Emotional Rapport
2. Connecting People to their Pain and Yes Strategy
3. Creation and Conveyance of Your Unique Identity
4. Agreement Formation

### THE 4 ENERGIES:

1. Zeus
2. Goddess
3. Aspirational/Inspirational
4. Fun

### THE 10 INDISPENSABLE ELEMENTS (REMEMBER SMALLER QVC)

1. Scarcity
2. Matching and Mirroring
3. Acknowledgement
4. Love
5. Level 5 Listening
6. Emotional and Energetic Transference
7. Reciprocity
8. Power Of Questions
9. Validation
10. Triad of Congruence
11. Context
12. Contrast

## PROCESS MASTERY

- 1) Modeling
- 2) Time Blocking
- 3) The 3 Ms: Managing Through Measuring and Monitoring
- 4) Innovation and Optimization



# Who Is Hala Jaloudi?

- **Practicing Personal Injury attorney for 27 years**
- **Offered partnership in a high volume Personal Injury Firm only after 4 years of practice**
- **Declined and formed her own multimillion dollar Personal Injury law firm**
- **Settled a case for 17 million dollars after winning an argument before the Supreme Court of New Jersey**
  - **A case 5 other law firms rejected due to complexity of the issues.**
- **Tried and won numerous cases including a minimum impact soft tissue case and obtained a \$300,000 Jury Verdict**
- **Represented and obtained millions of dollars in settlements on behalf of personal injury clients**



# OUTCOME OF A DEMAND LETTER

- **To Cause the Insurance Company to settle for the policy limits as quickly as possible.**

# **Components Of An Effective Demand Letter**

- a. Presentation/Packaging**
- b. Content**
- c. Timing**

# Presentation/Packaging

*In auto accident cases, the plaintiff's demand letter is critical in setting the tone and forming first impressions with the insurance company.*



# Presentation/Packaging

- **Set the stage and frame the outcome you desire by your presentation:**
- **Details matter: Your letter should be well written, devoid of any mistakes, well thought out with intentionality, and presented in a professional and deliberate manner.**



# Presentation/Packaging

**For example, consider using a binder, tab and label demonstrative evidence, color photos, etc.**



# **Are you truly conveying your clients claim?**

**It is your opportunity to control the narrative and convey the seriousness and magnitude of your client's claim.**



# **Are you conveying your Unique Identity?**

**Equally important, it is your opportunity to showcase your confidence and ability (your opportunity to convey your unique identity) and send a message to the insurance company that you are prepared to go forward settlement or not! Strong influence mastery skills are pivotal in drafting a demand letter, which will enable you to maximize the value of your client's claim.**



# **What does the demand letter say about your client and about you?**

**This sends a message to the insurance company that not only is this a serious case, but also speaks to the quality of your work as an attorney, your preparedness, organization and potentially your skills to try the case. An important note to remember is that the insurance company is not only evaluating your client's claim but also your skills as an attorney. Use this opportunity to convey your unique identity as your client's advocate. The impression the insurance company has of you does directly impact the settlement offer they will make to your client. Insurance companies vary offers of the same or similar cases to different attorneys.**



# **What does the demand letter say about your client and about you?**

**While the case may not always settle, this is time well spent as you will have organized and prepared you case for litigation and discovery.**



# CONTENT

- **Liability**
- **Injuries**
- **Treatment**
- **Impact on life/ Non-economic damages and Intangibles**
- **Economic damages and lost wages**
- **Loss of consortium**
- **Your ask**
- **Set a deadline for a response**

# LIABILITY

- **Clearly and with specificity establish your theory of liability. Even if the liability seems clear, you want to highlight that information. Emphasize information that captures the severity of the accident or any other helpful information. For example, the car was totaled, the airbags deployed, the windshield was shattered, etc.**
- **Highlight that your client was obeying traffic laws and did nothing wrong to contribute to the accident.**

# INJURIES

- **Start with the most serious injury and describe in detail.**
- **Don't forget the details that differentiate your client's pain and suffering and their circumstances from other cases.**

# TREATMENT

- **Be specific and chronological.**
- **Identify surgeries/procedures with specificity. If you have video of the procedure provide it.**
- **For significant treatment provide a timeline.**

# WHAT TO INCLUDE

- **Include all medical records, treatment notes, reports and bills.**
- **List treatment dates and forms of treatment received.**
  - **Do not leave the insurance company to guess and make assumptions.**

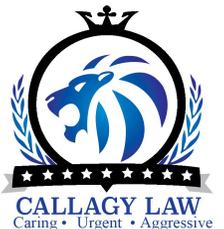
# IMPACT ON LIFE

- **A demand letter should also reframe the false conclusions of the insurance company based on their lack of information by providing facts and creating congruently unique curiosity. Unveiling the truth and maximizing the value of the client's claim.**
- **This is where you advocate and tell your client's story. It is an integral part of your demand letter. Be as detailed and specific as you can be. (You should be having a conversation with your client to obtain this information)**
- **Your client's story is unique and you want to ensure that the insurance company knows that.**



# EXAMPLES

- **Due to the right distal radius fracture, John Doe was in a hard cast for a period of... As a result my client was not able to perform the simplest of tasks such as bathing, dressing or grooming himself without help. In addition, this injury severely impacted John's emotional and psychological state, as he is no longer able to coach his son's baseball team or otherwise perform other activities he cherishes with his son including ..... which John did 2 times per week before the accident and..... which was an important family tradition John and his family having been.....**
- **Get as personal (regarding your client's life, activities and impact/enjoyment of life) as possible.**



# CAVEAT

- **Make sure you have reviewed and read all medical records in detail. You need to know your medical records better than the insurance company.**
- **Medical providers do make mistakes. You want to catch and correct these mistakes before sending the records and reports out.**
- **Make sure your reports contained the required causation and permanency language**
- **The Medical bills should be itemized complete bills.**

# ECONOMIC DAMAGES

- **Do the work and calculations: Specify the length of time, lost wages and calculations. Do the math**
- **Support by documentation: letters from employer, letter from doctor, tax returns, etc.**
- **Here you can also identify other economic damages. Money spent on services your client had to hire to care for them, the house, drive them, etc.**

# LOSS OF CONSORTIUM

- **A lot of times, attorneys don't give this the time and attention it deserves. Especially in a serious injury case, the loss of consortium claim can be significant. Tell your client's story.**

# TIME

- **When should your demand letter be sent?**
- **Sending a demand letter too early or too late may impact your settlement number and/or the length of time it will take to settle your client's claim.**

# When is it too early?

- **If your client has not had sufficient treatment and you don't know the extent of their injuries, it is too early.**
- **If you don't have most of your client's medical records, it's too early.**

# When is it too late?

- **Do not wait to send the demand letter when the statute of limitations is about to expire. You will be sending a message that you are desperate.**
- **A minimum of 6 months prior to the expiration of statute of limitations gives you some flexibility.**

# YOUR ASK

- **When appropriate, it should also provide scarcity by way of a limited window for the opportunity to settle.**
- **Ask for a response to your demand letter and provide a reasonable a time. A request for a response in 30 days is reasonable.**

# **Should you specify a settlement number?**

- **Unless, you are asking for the policy limits, do not specify a settlement demand.**

# BAD FAITH

- **Lay the groundwork for a bad faith claim.**
- **Make sure you mean what you say when you are giving the deadline.**
- **Be prepared to take the next action step if there is the deadline is not met.**

# FINAL NOTES

- **Stating the facts and circumstances of your client's claim in a congruently unique way and narrating their unique identity and story are crucial components of an effective demand letter.**

# FINAL NOTES

- **A demand letter should also set the context and use contrast to differentiate your client's claim from others.**

# FINAL NOTES

- **The process of drafting demand letters: Personal Injury practices are usually high volume; therefore, ensuring demand letters are always effective and timely requires process mastery skills. Modeling effective approaches, innovating and measuring results are key.**

# TIPS/DO'S/DON'TS

- **The time and effort you put in your demand letter may directly impact the value of your client's claim.**
  - **Do spend adequate time.**
- **Presentation matters.**
- **Read your medicals thoroughly. Not doing so may have serious consequences.**
- **Know your client's story with specificity and details.**
- **Be truthful, mean what you say, and be ready to take action.**

# CONTACT INFORMATION

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  - Hala Jaloudi - **(201) 916-0656**
- unblindedmastery.com
  - 863-862-5463
- **SAMPLE DEMAND LETTER IS ATTACHED!**

