

10 RULES FOR BUILDING A SUCCESSFUL PLAINTIFFS' PERSONAL INJURY PRACTICE

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Is it really possible for the small or solo personal injury practice to thrive—or even survive—in an age of fierce competition? With the right approach, the answer is definitely “yes.”

A REVIEW of law practice management articles will reveal a wealth of useful advice. If you want to know how to manage billing, there's an article in print or online somewhere. If you need to know what to look for in a professional liability policy, it's been covered. Want some advice on law firm technology? You don't really to ask if that's been covered, do you?

MAKING IT SMALL • But in all of this advice, you are likely to get the impression that, more than anything, size and money make all the difference. While it's true that a big firm has advantages in terms of staffing and resources that a small or solo practice does not, it is still possible, even in the current environment, for the small plaintiffs' personal injury firm to suc-

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ceed and thrive. Discussed below are 10 rules for making it a reality.

1. Develop A Niche That Centers Around Doing What You Love

It is increasingly difficult to be a jack-of-all-trades in the legal profession. Not only is it difficult to keep abreast of all of the various nuances of several areas of law, but it is also more difficult to establish a name for one's self. Just as name brand recognition prevails in the marketplace of material goods, the same can be said for lawyers. Therefore, it is advisable to specialize in one or two niche sub-specialties within the law. For example, while most referring attorneys can identify a dozen or more lawyers who handle general personal injury cases, it is easier to remember the one or two attorneys who sub-specialize in a particular type of personal injury case.

I always found medicine fascinating. So, when it was time to pick a niche within personal injury law, I focused on medical malpractice and other health law-related cases. Over the years, I have further refined my niche. Now I focus on birth injury medical malpractice cases and failure-to-diagnose cancer cases. This doesn't mean I refuse to take other medical malpractice or personal injury cases. However, when someone has a birth injury case, the goal is that they will think of my experience in the area and refer the case to me. One unexpected byproduct of developing a niche is that the very same attorneys with whom I compete for "general" personal injury cases may be the best sources of referring particular types of personal injury cases to me that they feel are beyond their expertise.

The potential niche areas are endless. Some examples include MIST cases (minor impact, soft tissue cases), motorcycle cases or trucking cases (just to name a few niches). Newly developing niche fields in my community include

Anti-SLAPP (Strategic Lawsuits against Public Participation) cases and mold. Let your creativity and self-knowledge of what you love be your guide in choosing niche areas.

How to Do It

By attending numerous seminars, reading voraciously, and plaguing experienced colleagues with questions; one is able to master a niche area. At first, take just one or two cases within your new niche area. Consider bringing in experienced co-counsel and splitting the fees on the cases just so that you can learn the substantive area of law.

Once you are comfortable with the niche, identify yourself with the niche throughout your marketing. Write articles and volunteer to speak at seminars on your area. Create a website focused on your area. In sum, promote yourself through the niche area of law that you choose.

2. Level The Playing Field: Use Listservs

Back in the day before the Internet, large firms had a competitive edge because they pooled information and knowledge. This edge is long gone. With the use of listservs, one can easily communicate with lawyers practicing in the same field of law.

As a plaintiffs' attorney, I belong to four useful listservs all of which serve similar but different purposes. These listservs are the ABA/TTIPS listserv (particularly useful to my area of expertise is the Medicine & Law Committee) as well as the three consumer lawyer listservs relevant to my practice (ATLA, my state bar consumer attorney listserv and my city's local consumer attorney listserv).

The uses for the listserv are limitless. I can find out who has tried cases against opposing attorneys or in front of a judge I am assigned to on a particular case. I can find experts, ob-

tain sample motions, pool research, get practical advice, and even have my cases evaluated. All for free as long as I belong to the sponsoring organization.

With the use of listservs, I am no longer a member of a small firm. I now have the power of thousands of lawyers' collective wisdom.

3. Use Technology

The cost of computer hardware and software is now so cheap that expense should no longer be a barrier to automating your office. It is also inexpensive to link all computers in a local area network ("LAN"). Potential office uses of computer technology include software for case management, document management, financial management, and online research.

There are many systems on the market and you must decide which is right for your firm based on budget, goals, and intended usage. Unfortunately, many software programs are sophisticated and require ongoing training and support. Many systems have free downloads for trial runs. Consider trying various systems before making a commitment.

Free Stuff!

As an alternative to expensive and difficult-to-run software, consider some of the low- or no-cost options available on the Internet. Yahoo has a free password-protected calendar system that is simultaneously available to multiple users at any computer location. In addition, through Yahoo, you can store files, pay bills, store photos, and have your client address book all online for little or no cost.

Online Research

The advantages of online research cannot be overestimated. Free legal research can be easily found at <http://www.findlaw.com/>, not to mention cheaper than ever access to

Westlaw and LexisNexis through special plans available to solo/small firms. Free medical research of medical abstract articles can be conducted at <http://www.ncbi.nlm.nih.gov/pubmed/>. Low-cost general medical research is available through www.mdconsult.com. For minimal cost, play investigator on your own and locate people, assets, litigation, and criminal histories through <http://www.accurant.com/> and <http://www.knowx.com/>.

Scanners

Consider buying either a scanner or a copier that also scans documents. Scanners have increased significantly in power and speed while prices have fallen. Either consider going paperless or burn documents onto a CD-ROM for easy access and a back-up system.

Graphics Tools

When all is said and done and the time for trial is at hand, quality graphics, PowerPoint presentations, anatomy visuals and videos, animations, time-line charts, video depositions and more are available online. Most software has free demonstrations available.

A visit to the exhibit hall at the ABA convention can probably give you access not only to a pocketful of freebies, but also help you find cutting edge technology. Check it out!

4. Get Rated

An "AV" rating in Martindale Hubbell can do wonders for your firm's business. Not only is the rating a benchmark that eases the minds of savvy consumers looking for an attorney, but it also is a signpost used by many attorneys when identifying a lawyer to whom to refer potential clients.

Generally, it takes years to get an "AV" rating. In the meantime, consider registering with the better business bureau or becoming an American Association of Retired People