

Litigation Review

Help Me Help You: 3 Things Your Attorney Needs to Successfully Defend Your Insured

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When a new case first comes in from one of my clients, there are certain pieces of information that facilitate my initial investigation. Of course, when a lawsuit is the first notice of loss, everyone is starting the defense with little to no information to pass along. However, in most instances, the client has received some essential information before the claim becomes a lawsuit and finds its way to my desk. Here is what I am looking for right away:

- 1) **Accurate contact information** for the named insured and the tortfeasor, if different. This would include at least a phone number and a physical address. Most files come to me with the name and address of the named insured, but being able to pick up the phone, call the tortfeasor and explain the process and our respective roles in it is invaluable. And if the tortfeasor is not the named insured, I need the contact information for both. I need to speak with the actual tortfeasor first, but it is always good to have the contact for the named insured in case the tortfeasor is less than responsive.
- 2) **Plaintiff's demand letter**, if available. The entire demand package will be useful eventually, but seeing Plaintiff's narrative explanation of how this inci-

dent allegedly occurred and the nature, duration and extent of the claimed injuries allows me to quickly get a feel for the case and what Plaintiff's theme is or may become. I do not form any final opinions from Plaintiff's demand letter, but this early snapshot of what Plaintiff's counsel thinks is important is always enlightening.

3) **The Police Report/Incident Reports.** This is the first recorded accounting of the event that leads to the lawsuit. You can learn a lot from the police officer's narrative, the description of speed, injuries, distractions, vehicle damage, citations, etc. Incident reports likewise provide valuable information about the initial injuries, statements about the event and key witnesses. The Police Report/Incident Reports will assist in the initial telephone conversation with the tortfeasor.

As a general rule, the more information the better, but on day one, if I have these three pieces of information, I know I can hit the ground running when a new suit arrives. This will assist in early case evaluations, overall case efficiency and intelligent communication with the carrier about a case strategy.

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