



## 4 Day Course

### MASS TORT NEXUS FOUR DAY IMMERSION COURSE

This is **NOT A SEMINAR**, but rather, a course whose purpose is to be a step by step guide through the process of starting your highly profitable Mass Tort practice immediately.

#### **What this Course is Not Intended to Do**

This course is not intended to prepare your firm to take Mass Tort client cases to trial, apply to be lead counsel, or on a Steering Committee. It should not be the goal of any firm new to Mass Tort(s) to engage in these activities. It is simply not necessary, nor wise, for a firm new to Mass Torts to involve themselves in these complexities, to enjoy a **major return** on their investment.

#### **What this Course is Intended to Do**

Give you the information and tools as well as a step by step guide for entering the Mass Tort space with minimal investment and minimal effort. More importantly, we will teach you to do so with as little risk as possible, while achieving a Mass Tort size return on your investment... It's that simple.

Our course will not simply be a show and tell. We will actually walk you through the steps, methods and procedures, to insure that you are ready to return to your firm and launch your profitable Mass Tort practice.

## Day One

#### **Understanding the Market and Knowing Your Own Firm**

Understanding the market. A brief history of Mass Torts and Mass Tort cases from a business perspective.

The first step to Mass Tort success. Evaluating your firm's financial, human and strategic resources, as a basis for developing your launch plan into Mass Torts. Making the most of your strengths and addressing your firm's weaknesses.

Is your firm ready for Mass Torts?

*Hint: Even the smallest firms can enjoy success in Mass Torts and build on that success.*

*Knowing where to start is the key.*

#### **A Quick Review of the Basics**

What gives rise to a Mass Tort litigation?

Class Action or MDL and why it matters.

How and when MDLs are formed, the role of the Judicial Panel on Multidistrict Litigation.

Q&A Plus examples and applications.

Be the hero you know you are!



## 4 Day Course

### MASS TORT NEXUS FOUR DAY IMMERSION COURSE

# 2

#### **The First Step in Making Money is Not Losing Money**

#### **The Eight Steps For Picking the Winners in the Mass Tort Race Methods and Metrics For Success.**

##### **1. Determine the Legal Viability of the Case (LVC).**

- A. Where's the tort and who is liable?
- B. Identify all potential defendants, not just the most obvious one.
- C. Where's the mass?
- D. Is this case likely to be a Class Action or Multidistrict Litigation? What are the major differences and why it matters to your firm.
- E. Merits of the Case Liability and Causation. Sometimes it's obvious, sometimes it's not.
- F. Land mines to identify: 510k Preemption, SOL and other land mines.
- G. Methods and resources.

##### **2. Determine the Defendant(s) Financial Viability (DFV).**

**How to determine if the defendant can pay. A bankrupt defendant can ruin your day.**

- A. Methods and resources for determining DFV.
- B. When to bail out.

##### **3. Determine Potential Plaintiff Numerosity (PPN).**

- A. How to determine how many potential plaintiffs there are for any given Mass Tort case.
- B. The less fish there are in a pond, the more costly it is to catch a single fish.
- C. Methods and resources for estimating (PPN).

##### **4. Determine Potential Average Case Value (PACV).**

- A. Evaluating likely average client damages and other factors relevant to PACV.
- B. Comparing the subject case data to past similar Mass Tort case settlements and awards.
- C. Methods and resources for estimating (PACV).

##### **5. Average Cost Per Client Acquired (ACPCA).**

- A. Determine your acceptable ACPCA based on PACV.
- B. ACPCA will be lower at the beginning of the case. Acceptable ACPCA should be determined for the life of the litigation. If your early stage client acquisition efforts are below your acceptable ACPCA, then you can raise your acceptable ACPCA in later stages and remain within your Acceptable ACPCA for the life of the case.
- C. Adjusting you acceptable ACPCA over the life of a case.
- D. At some point ACPCA will reach an unacceptable range. You need to know when to pull the plug.

Be the hero you know you are!



## 4 Day Course

### MASS TORT NEXUS FOUR DAY IMMERSION COURSE

# 3

#### 6. Know Your Magic Ratio:

- A. The lower the PPN, the more expensive it is to acquire a single client.
- B. The ratio of PPN and PACV is the most important threshold metric in determining whether or not you make an investment in a case once LVC and DFV are determined.
- C. Low PPN and Low PACV is not acceptable.
- D. Low PPN and High PACV can be acceptable under certain circumstances.
- E. High PPN and High PACV is the best possible scenario.
- F. Tools and resources for using these metrics, to make investment decisions based on your firm's risk tolerance position.

#### 7. Thumbs up or Thumbs down. Make your decision to invest in a Mass Tort litigation based on the metrics above and your firms risk tolerance.

#### 8. Set goals for each Mass Tort case for which you elect to accept clients and base your plans on these goals. No one plans to fail, they simply fail to plan (Cliché Warning).

We will walk you through the above litigation evaluation process with a real world case in an open forum format.

Q&A.

## Day Two

### **Change is the Only Constant.**

### **Always Be Ready to Make Adjustments**

Once you have conducted the research to put numbers to the metrics we covered yesterday, and made a decision to invest in accepting clients for a Mass Tort litigation, it's time to take action; however, there are still a few things you need to understand before you plan and execute.

#### **Understanding the Phases of Mass Tort Litigation.**

- A. Emerging Phase: Most unsigned potential clients exist at this phase; however, the risk of total loss of investment is at its highest point.
- B. Litigation Phase: Once a litigation moves into the litigation phase the pool of unsigned clients has diminished and ACPCA is higher; however, some risk factors will have been eliminated.
- C. Settlement Phase: Once a litigation reaches the settlement phase, the majority of potential clients have been signed and ACPCA is at its highest. Almost all risk factors have been eliminated.

How to determine what phase a litigation is in and how to use that information to make smart business decisions.

## Be the hero you know you are!



## 4 Day Course

### MASS TORT NEXUS FOUR DAY IMMERSION COURSE



Understanding the inverse relationship between the average cost per client acquired and financial risk across the life of a Mass Tort litigation.

Examples of risk mitigation strategies used by successful Mass Tort firms.

The stock portfolio approach to client acquisition and litigation diversity for risk mitigation.

A. Hedging.

B. Multiple Litigation Diversification.

C. Multiple Phase Portfolio Development.

Q&A.

#### **Work Smarter Not Harder**

Entering a Co-Counsel agreement and referring your clients to a major player in a Mass Tort can be a smart move, especially for a firm new to Mass Torts.

The 4 things you need to consider when entering Co-Counsel agreements and referring clients.

**1. The litigation stage at which you negotiate your Co-Counsel agreements can affect your ROI in a major way.**

A. How and when to negotiate Co-Counsel deals and refer your clients for maximum ROI.

B. How to pick a firm to Co-Counsel with, what matters and what doesn't.

C. Negotiating Co-Counsel Agreements for Maximum ROI, the what, where, who and most importantly the when.

**2. Write your own Co-Counsel agreement.**

A. The terms of your Co-Counsel agreement are important.

B. Your Co-Counsel agreement determines your ability to protect your client and your firm's interest, after you refer your cases to another firm.

C. Why you need to keep accurate records of the clients you refer, do not count on the firm to whom you referred your clients to look out for your interests. Even the most honest firms can make mistakes.

D. Why your firm's name and the percentage of the legal fees your firm collects ALWAYS needs to appear in the client retainer agreement.

**3. Never give up the right to be informed and participate in the settlement process for your clients.**

**4. The dirty little secrets of how Mass Tort settlements actually work, which we will not put in print but will cover today.**

Qualifying and accepting clients for any given Mass Tort case.

Be prepared to qualify clients before you initiate your marketing plan.

How to create a qualified client questionnaire to insure you sign quality cases.

How and when to update your qualified client questionnaire.

We will actually create a sample qualified client questionnaire from a real world Mass Tort case.

Q&A.

Be the hero you know you are!



## 4 Day Course

### MASS TORT NEXUS FOUR DAY IMMERSION COURSE

# 5

## Day Three

### **It's Time To Retain Clients**

### **You're Ready to Start Acquiring Clients for Your Chosen Mass Tort Litigation(s). What's Next?**

#### **Funding your Mass Tort launch.**

How to leverage your firm's current assets to fund a Mass Tort client generation campaign.  
Where to get the money?

Proven techniques and methods for generating Mass Tort client leads and converting the leads to qualified cases.

National television advertising on a budget, the tricks of the trade.

Q&A.

Real world examples of successful Mass Tort client generation campaigns.

Converting your Mass Tort leads that qualify, into retained clients. Best practices.

The importance of "E Signing" and the one call close.

Other tips vital to lead conversion.

Buying Leads: Beware of the lead generation offer that sounds too good to be true.

When it makes sense to outsource client acquisition and retention.

Acquiring and evaluating medical records in Medical Mass Torts. A client isn't really qualified until the medical records prove it.

What you need to know about HIPPA.

Why it may make sense to outsource medical record retrieval and review.

Q&A.

## Be the hero you know you are!



## 4 Day Course

### MASS TORT NEXUS FOUR DAY IMMERSION COURSE



#### Day Four

We will use the methods taught in days one through three, to evaluate the current and ongoing Mass Tort litigations in which your firm may wish to participate. This will be a chance to apply what you have learned, as well as prepare you to move quickly into launching your Mass Tort practice.

Who's who in Mass Torts? The cliché of who you know is as important as what you know. It applies to the Mass Tort space in a major way. We will cover who the major players in the Mass Tort space are today and you may even get a chance to meet some of them.

The agenda for the afternoon of the final day will be determined by the attendees. We want to insure that all attendees leave the workshop ready to launch their Mass Tort practice. Our experts will be available for one on one interaction, small group conversations and entire group input, in a true university round table fashion.

#### **How To**

How to fund your entry into Mass Torts without getting hosed.

How to acquire clients in the most cost effective matter.

The most important metric. Cost Per Client Acquired.

#### **Getting the Client to the Door is as Important as Getting Them through the Door**

How to cost effectively generate clients.

How to mitigate risks.

Now that you're in the game, play to win!

The day to day of running a successful Mass Tort firm.

Staying abreast of emerging Mass Torts, as well as ongoing cases, especially the ones in which you are already involved.

Referring... "Working Smarter vs Working Harder."

Knowing when the pond is dry.

Training your staff.

What to outsource.

Lead Generation... if it sounds too good to be true...

Be the hero you know you are!