

PI FAX & Email ALERT

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CAN ATTORNEYS REWRITE LIENS?

A common question we often see involved a DC in the Inland Empire. Dr. C did not understand why the PI attorney ruthlessly cut his fee by 60% without any explanation.

We asked to see the lien. Sure enough, the lien was the problem. Unfortunately, the DC didn't notice a one word revision the attorney inserted above his signature.

This Riverside attorney on Brockton Ave, wrote in instead of the standard language that he, the attorney, does hereby "agree" to honor all the terms, he inserted the word "partially" agrees. Partially is a weasel word. It means all or nothing.

This one word change gave all power to the attorney to pay what he wanted to the DC.

Is this legal?

Certainly, in America both parties in a contract [your PI lien] can negotiate. When you send a form lien to the attorney, he can rewrite any portion of it. It is up to you to agree with the revision or not.

If you SAY NOTHING then the courts will believe you agreed to the "new" language in the PI lien.

Is it moral? No. But it's legal.

Practice Tip: When an attorney changes a lien it is always bad news.

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For previous issues of PI Email Alert

WORK COMP / PI CROSS OVER

Brandon Reitinour was hit by a car, as a pedestrian, while at work. His leg was fractured. He received emergency and orthopedic care. Thereafter Brandon got care from his chiropractor.

The questions from the chiropractor is:

1. Does the patient or the chiropractor have a choice to which insurance to claim: w/comp or PI?

In consultation with the patient's attorney you can choose either insurance to make a claim. However consider the following:

- Workers comp is radically reduced in reimbursement to only 24 visits and are late payers;
- The owner of the car, the 3rd party, is also liable to your patient and is responsible for your total bill.
- If there is sufficient insurance with the 3rd party, the patient would be entitled to more than 24 visits, with documentation.
- PI generally pays faster than W/Comp, but you are dependant on the PI attorney;
- Remember there is NO MED PAY in w/comp cross over cases, as the w/comp is substituted for the med pay.

ANNOUNCEMENT ; COMING THIS MAY A 2 DAY ADVANCED PI SEMINAR WITH HOWARD ROSS AND SHAWN STEEL

For the first time Ross and Steel tackle 8 solid hours of nothing but Advanced PI for CE credit.

May 2006 Palm Springs.