

Dealing with difficult insurance adjusters can be tough. As a personal injury plaintiff's attorney, you're trying to get your client's medical bills paid off, pay the attorney's fees, and then still have enough left to get a decent chunk of money in your client's pocket. □□With certain cases, you're not necessarily always trying to hit the jackpot; sometimes you're just trying to get the deal done. On the other hand, you can be dealing with a difficult adjuster who doesn't want to offer enough money to make that happen. □□Either the adjuster doesn't think the liability in the case is strong enough to warrant a decent offer, or he/she doesn't think the injury is bad enough (or even related to the accident at hand). Oftentimes it feels like there is little the plaintiff's attorney can do to persuade the adjuster differently. It is quite frustrating to want only to close the deal and make everybody happy but not be able to do that. □□In reality though, there is a lot the plaintiff's attorney can do to persuade the adjuster to be reasonable. Oftentimes simply picking up the phone and making a call can go a long way towards persuading the adjuster to compromise. □□Insurance adjusters get tons of calls from attorneys every day. They are taught to low ball these attorneys with minimal offers. Some of the attorneys (and their clients) will accept; some won't. The attorneys who don't accept seem to inevitably receive minimally increased offers the next time around. □□Some of them (and their clients) will accept this second round; some won't. The cycle continues. Attorneys and plaintiffs who refuse to accept low ball offers appear to do better in the long run than those who capitulate too easily. □□So often just picking up the phone, making a call to the adjuster and reiterating the refusal to accept an unreasonable offer can help get things moving in the right direction. Adjusters are much more reasonable with attorneys who make it evident they intend to persevere. □□Also, many times when a new attorney takes over a case, he or she can make progress with settlement negotiations that an old attorney might not have been able to make. □□Just hearing a new name on the file can sometimes prompt adjusters to take a new attitude with negotiations, possibly trying to start things off on the right foot with a better offer. Sometimes things have gotten so bogged down with the previous attorney that any change can do good. □□Plaintiff's attorneys who work with partners can utilize this tactic. Attorneys handling cases with settlement negotiations that

have come to standstills can hand these cases to their partners or associates to try to break new ground. □□ Another factor plaintiff's attorneys can try to take advantage of is the threat of litigation. Insurance adjusters do not like being sued. It does not look good to a boss or supervisor if every case an adjuster handles goes into litigation. □□ Consequently, adjusters want to settle cases before litigation oftentimes just as badly as attorneys. Drafting a complaint and sending it to the adjuster can oftentimes work wonders for settlement negotiations.

□□ Plaintiff's attorneys can tell adjusters that they are filing (but not serving) their complaints, all in the hope that this will spur negotiations in the right direction. If not, the complaint will be served on the adjuster's insureds. □□ Also, attorneys who reassign files to their partners or associates (as recommended above) can tell adjusters that they are handing the case to a new attorney to litigate. When the new attorney first reaches out to the adjuster, he/she can tell the adjuster that he/she would like to talk settlement one more time before filing a case. □□ This can go a long way towards encouraging difficult adjusters to be more reasonable. Again, adjusters do not want their files to go into litigation anymore than plaintiff's attorneys do. If they believe the files are on the verge of going into litigation, they oftentimes become much more reasonable in terms of settlement negotiations. □□ Plaintiff's attorneys dealing with difficult adjusters should also not ignore the power of portraying their own clients as having high expectations. □□ Telling the adjuster that the client wants a big windfall can make the adjuster feel like he or she and the attorney are on the same team, trying to settle the case for a reasonable amount. The adjuster may feel that if he or she can give the attorney a reasonable offer, the attorney will go back and try to convince the client that the deal is in his or her best interest. □□ Trusting that the attorney is trying to do this can, again, help make the adjuster much more reasonable in terms of offers. The adjuster may actually want to help the attorney move things along.

All of the above insights have been developed during the practice of Fort Lauderdale personal injury attorney Anthony Quackenbush, Esq. □□ If you've been injured anywhere in Florida and would like the aid of an experienced personal injury attorney who knows how to deal with insurance adjusters,

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