

MATTHIESEN, WICKERT & LEHRER, S.C.

ATTORNEYS AT LAW

AUGUST 2018 SUBROGATION NEWSLETTER

Tautology And The Art Of Listening

We only hear half of what we listen to. Perhaps that's why most people instinctively use tautology when they write or speak. Tautology is the use of different words to say the same thing or repeating the same thing twice, often in the same sentence. Most people don't even know they're doing it. Tautology clutters otherwise simple communication. It doesn't diminish clarity, but it should be avoided in formal writing and speaking. Insurance and subrogation professionals communicate for a living and should be aware of one of the most common mistakes made in professional and interpersonal communication. [Read More....](#)



Non-Standard Auto Insurance Subrogation

Even non-standard auto insurers enjoy getting checks in the mail. The effective subrogation of Med Pay, PIP, UM/UIM, and collision claims by non-standard auto insurers means money coming into a segment of the insurance industry that historically has been better at paying it out. The reasons this segment has been somewhat subrogation-challenged are many but is emphasized by the fact that the non-standard auto insurance market is highly-specialized, geographically-segregated, and transaction heavy. It's time for non-standard auto carriers to aggressively step up their subrogation game and pursue those responsible for causing losses and claims so they can return those claim dollars to the carriers that paid them and insureds who desperately need them. [Read More....](#)

SUBROGABLE: Is It Or Isn't It A Word

We are just as guilty as everyone else. Words matter, and in our industry, they are our tools. Therefore, using the right words would seem to be a priority. This article will set the record straight on whether subrogable is or isn't a word and addresses a handful of insurance terms that are most often misused and misinterpreted as well. [Read More....](#)



Arizona Reverses Itself On Post-Settlement Trials

Work Comp Third-Party Settlement Not Subject to *Aitken* Reduction. On August 2, 2018, the Arizona Supreme Court overruled the Court of Appeals with regard to settlement situations. No longer is an employee able to settle without notice to the workers' comp carrier and quickly seek a court determination of the employer's percentage of fault. [Read More....](#)

Verdicts and Settlements

Attorney **Eric Goelz** recently handled a worker's comp lien wherein the employee wasn't pursuing a third-party recovery based upon area attorneys refusing to handle the case telling him the entire amount would be taken by the lien. He was interested in a recovery but, upon the advice of his prior counsel, wasn't willing to assist. We directly secured his cooperation and entered a Joint Prosecution Agreement.

After filing, we obtained a policy limits settlement of \$100,000. MWL continues to make effective use of Joint Prosecution Agreements to garner the cooperation of unrepresented employees in workers' comp subrogation third-party cases across the country. In most states, it provides the employee with an incentive to invest their time in helping us, provides an opportunity for a future credit, avoids the empty chair defense at trial, and puts a human face to an otherwise faceless subrogation claim. Subrogation requires using all tools at your disposal.



Join MWL for a Webinar on the Complete Guide to Selecting, Hiring, and Using the Right Experts in Subrogation Cases

Gary L. Wickert will be presenting a MWL webinar on "*The Complete Guide to Selecting, Hiring, and Using the Right Expert in Subrogation Cases*" on September 25, 2018 from 10:00 – 11:30 a.m. (CDT). MWL webinars are free to attend and are open to all who want to attend. To learn more about this webinar or to register for it, click [HERE](#).

Time Travel For The Insurance Industry

See [HERE](#) for a provocative 60-second video explaining why Matthiesen, Wickert & Lehrer views the handling of your subrogation claims - large and small - as time travel for the insurance industry. We help turn back the hands of time and attack the enemy of our industry - claims - utilizing our experience and expertise. Check it out!



Matthiesen, Wickert & Lehrer, S.C. Launches A Subrogation Support Network Group In LinkedIn!

We welcome you to join our LinkedIn **Subrogation Support Network** Group! It is a community managed by Matthiesen, Wickert & Lehrer, S.C., that offers insurance professionals a place to interact, discuss subrogation insurance-related topics and issues, ask subrogation questions, and keep abreast of new developments and/or changes in the subrogation law for all 50 states. If you would like to join this LinkedIn group, please click [HERE](#).

Follow Matthiesen, Wickert & Lehrer, S.C. on Facebook, LinkedIn, Twitter, and YouTube!

We are asking our clients and friends to help us expand our social media presence by following our firm's **LinkedIn**, **Facebook**, **Twitter**, and **YouTube** pages. The legal face of insurance litigation in

our industry seems to change almost daily. Following our social media pages will assist you in keeping up-to-date and informed on developments and changes in the law that effect the industry, which is key to obtaining the best results.

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MATTHIESEN, WICKERT & LEHRER, S.C.

Wisconsin ✦ Louisiana ✦ California

Phone: (800) 637-9176

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