

## DECEMBER 2020 SUBROGATION NEWSLETTER

### The Adventures of Subrogation Investigation



One of the appealing aspects of working in the subrogation industry is that cases come in all sorts of shapes and sizes. Some involve clear liability, others involve a very complicated piece of machinery, but no case sticks out more than those darned, “he said, she said” cases. The thoroughness of your early investigation efforts will have the greatest impact on your ability to successfully resolve a claim down the road. Save your future self the trouble and go through the

steps of a thorough investigation during the beginning of a claim. You will thank yourself when your subrogation investigation efforts make proving a case elementary. [Read More....](#)

### Virginia Trial Judge’s Order Fuels Rumor That Carrier Has No Lien for Lump-Sum Workers’ Comp Settlement

An obscure and unpublished circuit court order from Buckingham County, Virginia, is being circulated by trial lawyers across the Old Dominion State for the proposition that a workers’ comp carrier is not entitled to subrogation for or reimbursement of any amounts it “voluntarily” pays as compensation pursuant to a lump sum settlement of the workers’ comp claim for future benefits. The order created quite a stir because it appears to contradict many years of established Virginia workers’ compensation subrogation law and provide injured employees with the ability to reduce liens which included compromised workers’ compensation claims. [Read More....](#)



### Florida Hospital Liens



Nothing in life is free. The common saying is especially true for medical services. Most states provide hospitals with unique statutory ways of ensuring that they are reimbursed for the services they provide—especially in the case of patients without health insurance. In general, public policy dictates that this medical care is important to our overall society – so it is also important for a hospital to be able to ensure that it is reimbursed for health care services it

provides. Hospital liens are also often referred to as “health care provider liens” or “medical liens.” Every state handles them differently; and Florida is no exception. [Read More....](#)

### Merry Christmas and Happy New Year!!!

Matthiesen, Wickert & Lehrer would like to thank our clients and local counsel for a wonderful year and wish you all a Merry Christmas, Happy Hanukkah, and a blessed Holiday Season. Regardless of what Christmas means to you, we hope your Christmas is full of holiday cheer shared with family and friends. For us at Matthiesen, Wickert & Lehrer, S.C., Christmas is just the beginning – a simple, yet wonderful reminder of Christ’s humble beginning as a human child in this world. It’s only a beginning because His birth merely set the stage for the power, glory, and salvation that would be revealed in His life, death, and resurrection come Easter morning. An important part of the holiday season is remembering those who make the holidays meaningful to us. We would like to wish you and your family all the happiness and prosperity this Season can bring and may it follow you throughout the coming year!



### Verdicts and Settlements

**Lee Wickert** recently settled a file in which a young kid lost a leg, and our client (insurer) had a \$588,000 lien (involving Paradigm payments), and we needed a big future credit. Plaintiff’s counsel was attempting to take his fee “off the top” or take his fee off of the gross third-party settlement. We advised him it was unethical in Texas to take his fee off the gross recovery instead of after the insurer’s lien had been repaid – as Texas work comp law requires. Everybody at the mediation disagreed with us until Lee dug out the ethics opinion which Gary Wickert had requested from the Supreme Court back in 2003. Texas State Bar Comm. on Ethics, Op. No. 549 (Aug. 2003) (This opinion was issued by the State Bar of Texas at the request of Gary L. Wickert). The total third-party settlement was \$3.4 million. Our client received a 100% recovery of their workers’ comp lien totaling \$588,816 and a \$650,000 future credit This 100% recovery was made despite the fact that Texas allows plaintiff’s counsel to seek a 1/3 reduction on the workers’ comp carrier’s lien. The future credit is far in excess of what our client needed to cover the future medical payments for the injured worker.



### 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!



### Join MWL's LinkedIn Subrogation Support Network Group!

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](#).

### We Are Social | Follow Us

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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