



PERSONAL INJURY / LEGAL

The Skunk Test

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After working with chiropractors about how to deal with attorneys who try and take advantage of them, one of the most common comments I hear is: *I wish there were a way to know an attorney was going to screw me before I worked with them.* Well, there is; it's called the "skunk test."

1. Will the Attorney Sign Your Lien?

Your lien is your safety net. Without it, attorneys have no enforceable obligation to ensure you get paid at the end of a PI case. With a signed lien, however, the attorney is obligated to ensure you are paid out of the proceeds of the case. Until you agree to your portion of that distribution, the case cannot be completely closed.

So, if the attorney promptly sends back a signed lien, they've "passed" the first test. If they procrastinate, send it back with cross-outs or edits, or outright refuse to sign, you should consider thanking them; they have told you right upfront that they plan to screw you in the end.

2. Will the Attorney Give You the Necessary Documents / Info?



There are four things you need from the attorney every time you start a PI case. Attorneys usually get these things quickly and they should be shared with you:

- Police report
- Pictures
- Emergency-room records
- Insurance information

The police report (if there is one) will help you determine what kind of case it is and most importantly, who was determined to be at fault. If your patient was determined to be at fault, you are taking a gamble that the case will make money and that you will be paid; you might want to consider treating on a cash basis rather than on lien.

The pictures help you determine the forces involved in the accident and the mechanism of injury. You will treat the victim of a T-bone collision differently than a rear-end collision. You will also get a sense of whether the case is MIST-y (minor impact, soft tissue) or not. MIST cases are historically less valuable, so you will treat on lien accordingly.

The ER records similarly give you information about the patient's complaints right after an accident. This can help when patients come in so concerned about the body part that hurts the most, they forget to tell you about their other injuries.

Finally (and most importantly), *the insurance information* will tell you how much treatment the lien can support. Even if the defendant hasn't released their policy limits, you can and should be provided your patient's uninsured or underinsured motorist coverage limits so you can decide a treatment plan.

That is not to say you treat people with less insurance to a lesser extent than those with more; however, you should put less of your treatment on a lien in instances in which the insurance is

minimal. Remember, you can transition your patients from lien to cash at any time.

If an attorney tells you they cannot release insurance information to you, or claims they can't (or won't) give up any of these four critical pieces of information before you start treating in earnest, they are likely being dishonest. At the very least, they are forecasting their plan to keep you in the dark and cut your bill when the case is over.

3. Will the Attorney Return Your Call?

Our office has a rule: An attorney (not office staff) needs to be on the phone with the chiropractor (not office staff) within two weeks of any case referral. To be clear, no attorney should tell you how to run your case, but establishing an open line of communication is critical to ensuring everyone knows what the game plan will be, so there are no surprises when your lien comes due. If you can't get the attorney on the phone, you might be dealing with a skunk.

4. Who Is the Attorney's Chiropractor?

This one is a little tongue and cheek, but valuable in its own right. Statistically, people will have a "major back catastrophe" every 10 years. If you are talking to a 50-year-old attorney who has never seen a chiropractor, but refers his patients to chiropractors, you might be dealing with someone who is selling something they don't believe in. A lack of respect for the chiropractic profession doesn't bode well for your bill.

But all hope is not lost if you are dealing with an attorney who has never been adjusted. Invite them in for a visit "on the house." Show them your office and explain what you do there. Who knows, you might make a friend for life.

What If the Attorney Fails the Test?

The skunk test, while remarkably predictive, does beg one huge question: What happens if an attorney flunks the test? I always recommend DCs share the test with their patients and explain why each of these things is so important to a healthy relationship between attorney and doctor. Explain to them that if an attorney fails at one of these steps, they are likely to refuse to pay your lien when the case is finished. Ask your patient if they think that's fair. Then give them a choice: treat as a cash patient or find a better attorney.

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