

**PRESENTED AT**

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**What I Had to Learn  
(and What I Wish I'd Been Taught)**

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## What I Had to Learn (and What I Wish I'd Been Taught)

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## Full Disclosure

- Represent your client, advocate for the positives, and advise of the negatives.
  - Don't be afraid to be the "bad guy."
  - It's hard to tell the one paying the bill that they may be wrong.
- Win in the office – prepare and educate the client on all aspects of the case.
- Remember, both sides think they are right. However, someone will be right and someone will be wrong.



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## “Paper Your File”

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- Document what you did and why.
- Document client consent.
- Set client expectations appropriately.
- Document communication re: risks and benefits.



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## Analyze Before You Finalize – Big Picture

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- Know the coverage issues before pleading.
- Running to file is a bad idea—evaluate before proceeding.
- Emphasize the facts that provide coverage.
- Play chess, not checkers.
- Know where your case is going, not just where it is.



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## Properly Pleading

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- Not every case is the same.
- Not every case has the same causes of action.
- Not every case has the same defenses.
- If possible, know the entire file before you file the pleading.



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## Special Exceptions

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- Purpose of filing?
- Consider what effect it will have on coverage/defense of claim. You may not care, but your client does.
- If on the defense side, be careful that your actions don't result in no defense for your client. Otherwise, have you really done your client a service?



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