

# JOHN H. FISHER, P.C.

Providing Clear Answers to Complex Medical Malpractice Questions

## Our Rules of Engagement for Referrals

**PURPOSE:** To make expectations clear to lawyers who refer cases to us.

### Introduction

We would not be in business without your referrals and we are grateful that you entrusted your client's case to us.

We have 3 basic beliefs about lawyer referrals:

- #1:** You will not hear, "We didn't know you referred it", from our firm.
- #2:** Once a client has been identified in our case management system (Trialworks) as having been referred by you, any future case which that client, or the clients family members or friends, may refer also counts as a referral from you, even if they contacted us directly.
- #3:** Since we only handle medical malpractice and catastrophic injury cases, we refer all clients back to the referring attorney for all other legal matters.

Our Rules of Engagement are intended to lay out exactly what you can expect from us as well as your rights as our referral partner.

### RULE #1: CONTACT WITH CLIENT

Clients referred to John H. Fisher, P.C. shall be contacted within 24 hours of the referral.

John H. Fisher, P.C. shall notify our referral partner that we either:

1. Contacted client and declined,
2. Contacted client and the potential is "under consideration", or
3. Unable to contact client.

If the client is declined, John H. Fisher, P.C. shall send written correspondence (i.e., print letter sent via regular mail) stating that John H. Fisher, P.C. decline to pursue the case and a copy of such correspondence shall be sent to our referral partner.

For cases that are "under consideration", we will need more information to evaluate the case. Usually this means that we will need to review the medical records and/or consult with a physician. Cases are moved to "under consideration" in our case management system if we do not decline the case after the initial contact with the client.

If we are unable to contact client, the client did not respond to our phone calls and/or emails.

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## RULE #2: OUR CASE EVALUATION

In almost all cases, "Under consideration" cases will be evaluated by John H. Fisher AND a physician who is board certified in general surgery. The evaluation of "under consideration" cases involves a review of the medical records and a face-to-face meeting between John H. Fisher and the physician/surgeon.

For "under consideration" cases, you will receive an email specifying the work done on the case. In most cases, our email update will specify that we:

1. Obtained the medical records,
2. Reviewed the records with a physician/surgeon, and
3. Our expert's opinion regarding the merit of the case.

With our Case Evaluation, you will be able to address the specifics of the case with your client and the reasons that we are continuing to evaluate the case or have declined the case.

## RULE #3: RETAINER AGREEMENT

Upon acceptance of a case (i.e., a decision has been made to file a lawsuit), you will receive a Retainer Agreement and a Memorandum Concerning the Division of the Fee.

John H. Fisher, P.C. shall enter into a retainer agreement with the client which complies with the New York Rules of Professional Conduct. Our retainer agreement is attached. The Retainer Agreement will specify that the case was referred to us by you and that you will share in the division of the legal fee.

The division of the legal fee will be specified in the Memorandum Concerning the Division of the Fee, and a signed copy will be attached to the client's Retainer Agreement. Our Memorandum Concerning the Division of the Fee is attached.

## RULE #4: STATUS OF THE LAWSUIT

For cases that we accept for litigation, you will be notified when:

1. Summons and complaint are filed,
2. Trial date is scheduled, and
3. Settlement or Judgment

Upon your request, we will provide you with a compact disc ("CD") that contains the complete case file, including the pleadings, discovery responses and demands, deposition transcripts and internal memoranda. Alternatively, we will send the entire case file to you via Dropbox.com.

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## RULE #5: MALPRACTICE INSURANCE POLICY

Upon request, we will provide you with a copy of our malpractice insurance policy.

## RULE #6: SETTLEMENT

John H. Fisher, P.C. will contact our Referral Partner before finalizing the settlement to confirm expenses and liens.

Upon settlement, a copy of the Settlement Statement signed by the client approving the settlement shall accompany the settlement check. The Settlement Statement will reflect the attorneys' fees, disbursements, liens and the client's net recovery.

## **AGREED:**

JOHN H. FISHER, P.C.

\_\_\_\_\_ **Dated:** \_\_\_\_\_

John H. Fisher