

>> ALL RISE.
HEAR YE, HEAR YE, HEAR YE.
SUPREME COURT OF FLORIDA IS NOW
IN SESSION.
ALL WHO HAVE CAUSE TO PLEAD,
DRAW NEAR, GIVE ATTENTION AND
YOU SHALL BE HERD.
GOD SAVE THESE UNITED STATES THE
GREAT STATE OF FLORIDA AND THIS
HONORABLE COURT.
>> LADIES AND GENTLEMEN, THE
SUPREME COURT OF FLORIDA.
PLEASE BE SEATED.
>> GOOD MORNING, EVERYONE,
WELCOME TO THE FLORIDA SUPREME
COURT.
THE FIRST CASE ON THE DOCKET IS
AMENDMENTS TO THE RULES
REGULATING THE FLORIDA BAR.
OKAY.
OKAY.
>> MAY IT PLEASE THE COURT.
MY NAME IS JAY COHEN, A MEMBER
OF THE BOARD OF GOVERNORS OF THE
FLORIDA BAR.
I'M HEAR ON BEHALF THE
PETITIONER.
AS YOU KNOW THIS IS RULE WE
ARGUED BEFORE IN FRONT OF COURT.
WE ADDRESSED ISSUES THE COURT
RAISED JULY 2012 OPINION AND
ORDER AND AT THE LAST ORAL
ARGUMENT IN 2015.
JUST SO THAT YOU KNOW WE NOW
HAVE, WITH RESPECT TO THIS LIEN
RESOLUTION ISSUE, IN THIS
PROPOSED AMENDMENT TO 4-1.5 4-F,
4-E, THE FOLLOWING.
THE UNDERLYING LAWYER STILL
HAVING THE DUTY AND
RESPONSIBILITY TO HANDLE THE
ORDINARY LIEN RESOLUTION.
WE HAVE THE COURT, HAVING TO
APPROVE A SEPARATE OR ADDITIONAL
FEE FOR ANY EXTRAORDINARY LIEN
RESOLUTION WORK TO BE PERFORMED.
AND OTHER ONE THAT WAS RAISED BY
THIS COURT AT THE LAST ORAL
ARGUMENT, WAS THAT THE COURT IS
PERMITTED TO AD JUST THE PRIMARY

LAWYER'S FEE TO BE IN COMPLIANCE WITH THE FEE SCHEDULE SET FORTH IN 4-1.5.

>> MR. COHEN, JUST A LITTLE POINT OF PROCEDURE, 30 MINUTES HAS BEEN ALLOTTED FOR THIS ARGUMENT AND YOU HAD DIVIDED TIME 15, 15 AND THEN 30. AS AN HOUR.

>> MY TIME CERTAINLY WILL NOT TAKE--

>> WHAT I'M SAYING YOU HAVE GIVEN YOURSELF 15 AND 15 AND--

>> [INAUDIBLE]

>> SO I'M JUST TELLING YOU EACH SIDE GETS 15 MINUTES.

YOU WANT TO DIVIDE 15 MINUTES PER SAID BUT 15 MINUTES PER SAID SIDE.

WHY DON'T WE DO THIS, 15 NOW, UNTIL I INTERJECTED.

>> I DON'T NEED MORE THAN 15 MINUTES, THANK YOU.

>> ALL RIGHT.

>> SO THE PETITION THAT'S BEFORE YOU HAS NOW ADDRESSED THOSE THREE KEY ELEMENTS THAT I THOUGHT WAS IMPERATIVE TO RESPOND TO THIS COURT ON THIS NOW NEW AMENDMENT.

I WILL TELL YOU IN LOOKING AT THE COMMENTS, THERE WERE VERY FEW FILED AS YOU PROBABLY NOTICED.

OF THOSE THAT WERE FILED THERE WAS A COMMON THEM.

THE COMMON THEME WAS THE RECOGNITION OF THE COMPLEXITY OF MEDICAL LIENS AND THE RESOLUTION OF SAME WITHIN CERTAINLY THIS PRACTICE.

>> LET'S START WITH, SEEMS TO ME THE FIRST GROUP OF COMMENTS, WELL, ONE GROUP OF COMMENTS HAD TO DO WITH THE PRIMARY LAWYER HANDLING EITHER THE PERSONAL INJURY OR THE WRONGFUL DEATH CASE DOING THE LIEN AND SUB BRODATION WORK BUT ISN'T THAT WHAT HAS HAPPENED HISTORICALLY,

THAT THE PRIMARY LAWYER WOULD DO UNLESS IT WAS SOMETHING THAT WAS A LOT MORE COMPLICATED THAN THEIR EXPERTISE?

>> THAT CERTAINLY IS MY EXPERIENCE, JUSTICE AND ALSO WHAT I THINK DOES GO ON THROUGHOUT THE STATE AND I THINK THE PRIMARY LAWYER, THE UNDERLYING TORT LAWYER DOES TAKE IT UPON HIM OR HERSELF TO NEGOTIATE THOSE LIENS AS PART OF THE PRACTICE AND THAT'S WHY OUR PROPOSED RULE COVERS THAT.

I THINK THAT THE CONCERN HAS ALWAYS BEEN THE EXPANSION AND COMPLICATED MATTERS THAT INVOLVE THE OTHER TYPES OF LIENS THAT WE HAVE SEEN AS THIS BODY OF LAW HAS EXPANDED.

>> WHAT ARE THOSE LIENS? ARE THEY, YOU KNOW, THE PROBLEM IS, SOMEBODY GETS A VERDICT OR A SETTLEMENT AND IT IS \$20 MILLION.

BECAUSE THE MEDICAL BILLS WERE OUT OF SIGHT.

I'M JUST HAVING TROUBLE, STILL THE PEOPLE THAT ARE OPPOSING WHAT YOU'VE NOW, YOUR SCALED DOWN RULE DON'T THINK THAT, WHETHER THEY HAVE TO ASSOCIATE SOMEBODY, EITHER IN THEIR FIRM OR HIRE ONE OF THESE NON-LAWYERS AND SUPERVISE THEM, DEAL WITH IT.

IT IS LIKE, OH, I HAVE JUST GOTTEN YOU \$20 MILLION AND MY FEE IS GOING TO BE 40%, BUT YOU'RE GOING TO HAVE TO GO YOU KNOW, ANOTHER 10% WORTH OF, YOU KNOW TO GET THESE MEDICAL BILLS THAT ARE THE BASIS FOR THE SETTLEMENT OR THE VERDICT REDUCED.

AND SO I KNOW YOU'RE THERE, HERE FOR THE BAR, BUT JUST FOR THE PEOPLE THAT ARE STILL OPPOSING THIS, WHAT AM I MISSING? WHAT'S HAPPENED IN 20 YEARS THAT

HAS CHANGED SO THAT A INJURED PERSON AND MORE INJURED THEY ARE THE MORE THE MEDICAL BILLS, THAT WOULD NOT HAVE THEIR LAWYER INSURE THAT THOSE LIENS ARE TAKEN CARE OF BEFORE THE MONEY IS DISBURSED?

>> THE LAWYER HAS THAT OBLIGATION.

AS A MATTER OF FACT UNDER BAR RULES A LAWYER CAN NOT DISPERSE UNTIL THERE IS SATISFACTION OF WHOEVER HAS A LIEN AGAINST THOSE PROCEEDS.

REMEMBER THOSE LIENS ARE ONLY AGAINST PROCEEDS OF RECOVERY. NOT AGAINST A PERSON'S HOME OR ASSETS OR ANYTHING OF THAT NATURE.

SO THE UNDERLYING LAWYER DOES THAT OBLIGATION.

WHAT HAS OCCURRED THOUGH THE COMPLEXITY WITH MEDICARE AND MEDICAID AND TRICARE.

>> OKAY, SO IT IS MORE COMPLEX BUT IT IS NOT, IS IT REALLY LIKE, ARE WE GOING TO HAVE SPECIALIZED LAWYERS IN MEDICARE LIENS?

I DON'T GET WHAT COULD, IF IT'S A REPETITIVE ISSUE, ERISA, MEDICARE, WHAT WOULD BE FOR A PERSONAL INJURY LAWYER-- ERISA. YOU'RE ALL PRETTY SMART AND KNOW HOW TO GET THE BIG VERDICTS TO FIGURE IT OUT OR ASSOCIATE SOMEONE IN YOUR FIRM OR WHATEVER AND PAY THEM?

>> I RECALL WHEN I PRACTICED PERSONAL INJURY THE TREND BACK THEN WAS TO HIRE NURSES. EVERY PERSONAL INJURY FIRM SUDDENLY HAD A REGISTERED NURSE WOULD COME IN AND DO MEDICAL RECORDS AND DO A REPORT. THAT BECAME A FAD.

WHY, IN THIS WORLD WITH THESE HEALTH INSURANCE AND HEALTH LIENS AND MEDICAID LIENS AND SO ON AND ON ARE SO COMPLEX, WHY

NOT DO THE SAME?

I MEAN THE FIRM HAS ALREADY
TAKING 40% OF THE FEE, PLUS
COSTS, WHATEVER THAT MAY MEAN.
IF THERE IS A TRIAL, THERE WILL
BE AN APPEAL, SO YOU HAVE
APPELLATE FEES.

AT THE END OF THE DAY WE HAVE TO
THINK ABOUT THE CONSUMER,
DON'T WE?

>> THAT'S WHY I'M HERE, I'M
REALLY HERE FOR THOSE CONSUMERS.
I'M HERE FOR THOSE FOLKS WHO
DON'T NECESSARILY HAVE THAT SAME
LAWYER WITHIN THAT SAME FIRM
THAT HAS THE SAME RESOURCES THAT
YOU AND JUSTICE PARIENTE JUST
TALKED ABOUT.

WHETHER IT'S A FIRM THAT HANDLES
THESE THINGS INSIDE AND HAS THAT
EXPERTISE WITHIN THE CONFINES OF
THEIR OWN FIRM OR THEIR OWN
INTELLECT AND THEIR OWN ABILITY,
THAT'S FINE BUT JUSTICE, IN ALL
FAIRNESS, THERE ARE MANY LAWYERS
THROUGHOUT THE STATE OF FLORIDA
WHO PRACTICE IN THE PERSONAL
INJURY AND WRONGFUL DEATH FIELD
AND ARE SOLE PRACTITIONERS AND
DON'T HAVE THE SAME WHEREWITHAL.

>> SO THEY SHOULD SHARE THEIR
FEE.

THEY DON'T EARN THEIR CONTINGENT
FEE.

YOU KNOW, WE KNOW, REFERRAL
LAWYERS, RIGHT?

THEY GET A PERCENTAGE AND
THEY'RE SUPPOSED TO DO
SOMETHING.

THE REALITY IS THAT MAKE SURE
THEY-- I GUESS HERE'S MY
CONCERN.

IS THAT ARE WE TALKING ABOUT
THAT WHEN WE SAY EXTRAORDINARY,
IS THAT GOING TO BECOME THE
ORDINARY?

SO THAT WHEN YOU MENTION
MEDICARE, OR ERISA, THAT NOW, A
LAWYER WILL GO TO THE JUDGE AND
SAY THAT IS EXTRAORDINARY?

SO IS THERE A DEFINITION TO INSURE THAT WHAT IS, THAT WHAT YOU'RE SAYING COULD BE EXTRAORDINARY WHICH IS MEDICARE, WE WOULD SAY, NO, THAT'S ORDINARY.

ERISA IS ORDINARY AND, I DON'T KNOW ABOUT THE MASS TORTS, OKAY? BUT I'LL LEAVE IT TO THE MASS TORT LAWYERS TO FIGURE THAT ONE OUT.

>> RIGHT.

THAT'S WHY WE ADDRESSED THAT ISSUE.

THAT'S WHY WE WORKED VERY HARD IN OUR PROPOSED AMENDMENT THAT INCLUDES AND INCORPORATE AS DEFINITION OF EXTRAORDINARY LIEN SERVICES BUT--

>> IS THE GIST OF THE COMMENTS RECEIVED REALLY, I GUESS I READ THEM AS REALLY WANTING THIS FIELD TO BE A LOT MORE OPEN THAN THESE RULES WOULD ALLOW.

AM I READING IT WRONG?

IS THERE A WHOLE, IS THERE A GROUP OUT THERE WHO WANTS TO HAVE THIS, AS A FIELD, THAT THEY CAN PLOW WITHOUT ANY JUDICIAL OVERSIGHT?

>> WELL, IT'S ALREADY HAPPENING. THERE IS A FIELD OUT THERE AND THERE ARE SPECIALTY COMPANIES AS WELL AS LAWYERS WHO DEDICATE THEIR PRACTICE TO THIS, IF I CAN USE THAT FIRM OF COTTAGE INDUSTRY OF LIEN RESOLUTION. IT HAS BECOME COMPLEX, WHEN WE DEFINE EXTRAORDINARY LIEN SERVICES WE INCLUDED IT WENT BEYOND, AS YOU WILL NOTE FROM THE RULE, THE IMPASSE OF ORDINARY RESOLUTION AND IT WENT INTO WHERE SOME FILING HAS TO TAKE PLACE WHICH COULD INCLUDE LITIGATION.

THESE MATTERS ONLINE RESOLUTION ARE LITIGATED ALL THE TIME.

>> I KNOW BUT AGAIN, WOULD YOU AGREE MOST LIKELY THESE MORE

COMPLEX ISSUES COME UP, MORE MONEY THAT HAS BEEN PAID OUT BY MEDICAL PROVIDERS?

>> I THINK, YES, IN THIS CONTEXT THEY COME OUT--

>> \$5000 SETTLEMENT OR 10,000. SO WE'RE REALLY TALKING ABOUT THE HIGHER END CASES WHERE THE FEES ARE WELL-EARNED BUT THEY'RE HUGE.

AND AGAIN, MAYBE THAT CHANGED. MAYBE THAT DOESN'T, THERE ISN'T A MILLION DOLLAR FEE ANYMORE BUT I, YOU KNOW, APPARENTLY SEE THAT THAT'S NOT THE CASE.

SO THAT'S WHERE I'M CONCERNED ABOUT THOSE THAT OPPOSE IT, THAT IT IS THEIR, WE STILL, I SEE IT AS PART OF THEIR OBLIGATION. YOU MENTIONED OTHER LAWYERS IN A COTTAGE INDUSTRY.

WHAT I SEE IS THERE WAS SOMEBODY FILED WHO IS A NON-LAWYER AND SAYS THEY REGULARLY RESOLVE THESE LIENS AND THEY CHARGE A FEW HUNDRED DOLLARS FOR RESOLUTION.

DID YOU SEE THAT COMMENT?

>> I DID SEE THAT COMMENT.

>> THEY SAID FIVE OR \$600?

>> I DID SEE THAT.

>> THERE WAS A LAWYER WHO SAID WELL, IF I HAVE TO GO TO COURT I WILL PAY THAT 5 OR \$600 OUT OF MY FEE.

ARE WE, WITH THESE COTTAGE INDUSTRY NON-LAWYERS, WE'RE CERTAINLY NOT TALKING ABOUT THEM BECAUSE THAT WOULD BE SOMETHING THAT THE LAWYER HAS TO SUPERVISE, CORRECT?

>> CORRECT.

>> OKAY.

SO WOULD THAT BE SEEN AS A COST OR IS THAT SOMETHING THAT COMES OUT OF THE LAWYER'S FEE?

>> WELL, YOU RAISE ANOTHER GREAT ISSUE AND THAT IS IF THAT IS GOING ON AND IT IS DEALT WITH AS A COST, IS THERE AN ARGUMENT

ABOUT FORM OVER SUBSTANCE?
THAT THE COST IS REALLY ANOTHER
ELEMENT OF AN ATTORNEY'S FEE AND
OUGHT TO GET ADDED BACK IN?

>> HAS THE BAR LOOKED AT THAT
ISSUE?

>> YES.

THAT'S WHY WE'RE PROPOSING IT IN
THIS CONTEXT WITH RESPECT WHO WE
CAN REGULATE.

AS YOU KNOW THE FLORIDA BAR AND
THE SUPREME COURT CAN ONLY
REGULATE THOSE THAT ARE LAWYERS
WITH RESPECT TO BAR RULES.

>> WHOEVER HIRES THAT PERSON,
WHY CAN'T THE BAR HAVE A, PART
OF THIS RULE, THAT THAT'S
PROHIBITED COST TO ADD ON TO THE
CLIENT'S, DEDUCTED FOR THE
CLIENT'S RECOVERY?

>> THIS COURT DEFINITELY HAS THE
ABILITY TO DO THAT FROM THE
LAWYERS END I UNDERSTAND, BUT
WHEN YOU RAISE SOME OF THE
ISSUES CONCERNING COSTS, BELIEVE
ME, JUSTICE PARIENTE, FROM MY
EXPERIENCE, YOU'RE NOT TALKING
ABOUT, YOU KNOW, A FEW HUNDRED
DOLLARS IN COSTS WHEN YOU'RE
DEALING WITH SOME OF THE LARGER
LIENS YOU REFERENCED.

IN ADDITION TO THAT IT'S THOSE
VERY, SOMETIMES SMALLER LIENS
THAT CREATE THE MOST DIFFICULTY.
WHEN I PUT TOGETHER, WHEN WE,
THE BAR, PUT TOGETHER THE
SPECIAL LIEN COMMITTEE WE HAD
THE PLAINTIFFS BAR REPRESENTED,
THE DEFENSE BAR REPRESENTED OF
THE WE HAD MEDIATION
REPRESENTED.

WE HAD LIEN RESOLUTION
REPRESENTED AND EVERYONE OF
THOSE PARTIES RECOGNIZED,
ESPECIALLY THE MEDIATORS, THE
DIFFICULTY IN GETTING CASES
RESOLVED BECAUSE OF THE PROBLEMS
ASSOCIATED WITH LIENS.

>> LET ME ASK YOU, THERE IS A
PROVISION FOR EXTRAORDINARY LIEN

AND SUBROGATION LAWYERS.
THESE WOULD BE ADDITIONAL LEGAL
FEES, RIGHT?

>> IF WITH COURT APPROVAL,
CONSENT OF THE CLIENT, IT MEETS
THE QUALIFICATIONS, YES, SIR.

>> WHAT IS THE INTERPLAY OF THAT
WITH THE LIMITATIONS PROVIDED IN
ARTICLE I SECTION 26 THAT, THERE
ARE LIMITATIONS ON THE
CONTINGENCY FEE, WHICH CAN BE
WAIVED, AND THEN THERE ARE
CERTAIN NOTICES REQUIRED I ABOUT
THE BAR WHICH HAS BEEN
PREVIOUSLY APPROVED BY THE COURT
FOR THAT WAIVER, WHAT IS THE
INTERPLAY OF THESE ADDITIONAL
FEES IN THE CONSTITUTIONAL
PROVISION IN ARTICLE I, SECTION
26?

>> WELL I THINK THAT IN THE
EVENT COMPLY IN CONCEPT WITH
THAT, YOU COULD OBTAIN THE SAME
WAIVERS THAT ARE OBTAINED AT
THIS POINT, OR ALTERNATIVELY,
THEY MUST BE IN COMPLIANCE WITH
EVERY ASPECT.

WE EVEN TALK ABOUT THAT IN THIS
PROPOSED AMENDMENT TO THE RULES.
WE TALK ABOUT BEING A COMPLIANCE
WITH EVERY BAR AND LAW IN
FLORIDA CONCERNING FEES.

>> SO IF THERE ARE TO BE
EXTRAORDINARY ADDITIONAL LEGAL
SERVICES, ARE THOSE TO BE
INCLUDED IN THE AMOUNT THAT'S TO
BE WAIVED?

OR THAT'S TREATED TOTALLY
SEPARATELY?

>> I THINK IT WOULD BE TREATED
TOTALLY SEPARATELY BY THAT
LAWYER, BECAUSE AGAIN, WE HAVE
USE AD COMMON THEME WITH RESPECT
TO THIS ISSUE AND THAT IS, A
SEPARATE AND DISTINCT CONTRACT,
NOT AN ADD-ON FEE.

>> WOULD THE CLIENT HAVE
EXPECTATION THESE WOULD BE
RESOLVED AS PART OF A INITIAL
REPRESENTATION OR NO.

>> I THINK THE CLIENT COULD HAVE THAT EXPECTATION.

THAT'S WHY AGAIN IN THIS PROPOSED AMENDMENT WE PROVIDE FOR THE FULL DISCLOSURE AT THE OUTSIDE-- AT THE OUTSET OF THE CONTRACTUAL RELATIONSHIP BETWEEN THE CLIENT AND THE PRIMARY LAWYER.

IT HAS TO BE DISCLOSED.

IT HAS GOT TO BE ACKNOWLEDGED.

AT ANOTHER POINT IN TIME WHEN THE EXTRAORDINARY LIEN SERVICES ARE PROVIDED CLIENT HAS TO AGREE AND CONSENT.

>> IS THAT NOTIFICATION SEPARATE AND APART FROM THIS WAIVER DOCUMENTS THAT GO TO THE CLIENT?

>> I CAN ONLY TELL YOU IN MY PRACTICE IF THAT WOULD OCCUR, IF THAT WOULD OCCUR I WOULD HAVE THAT LAWYER HANDLING THE SEPARATE LIEN NEGOTIATIONS HAVE THE SAME DOCUMENTATION EXECUTED CONCERNING THE WAIVER THAT I DO IN THE UNDERLYING CASES FOR EXAMPLE, MEDICAL MALPRACTICE.

>> SO YOU HAVE TWO SEPARATE WAIVERS?

THE FIRST IS THE WAIVER OF THE INITIAL REPRESENTATION.

ONCE THEY'RE INTO IT, YOU GO, OH, WE HAVE TO HAVE SOMEBODY ELSE, AND THEN THEY GET TO SIGN ANOTHER WAIVER, TWO SEPARATE WAIVERS AT TWO SEPARATE TIMES?

>> NO, REMEMBER, UNDER OUR PROPOSAL THAT POTENTIAL FOR HANDLING EXTRAORDINARY LIEN RESOLUTION IS DISCLOSED AND ACKNOWLEDGED IN THE ORIGINAL CONTRACT.

SO THERE WOULDN'T BE ANY SHOCK OR SURPRISE TO THE CLIENT.

>> SO THOSE TWO WAIVERS ARE SIMULTANEOUSLY EXECUTED?

>> THEY COULD BE OR THEY COULD BE SEPARATE AND DISTINCT WITH THE NEW, SEPARATE FEE.

>> OKAY.

>> I WANTED TO WARN YOU THAT
YOU'RE DOWN TO 1:40.

I DON'T KNOW IF MR. HART WANTED
TO SAY ANYTHING.

YOU'RE DOWN TO 1:35.

I WANTED TO SAY THAT FIVE
MINUTES AGO.

>> LET ME END ON THIS NOTE.

I POINTED OUT ONE ASPECT, THAT
THE SPECIAL LIEN COMMITTEE
CONSISTING OF ALL THE SO-CALLED
VESTED INTERESTS WERE IN UNIFORM
AGREEMENT CONCERNING THE NEED
FOR THIS, FOR THIS MODIFICATION
AND AMENDMENT.

IN ADDITION THE BOARD OF
GOVERNORS OF THE FLORIDA BAR HAS
CONSISTENTLY, UNANIMOUSLY
SUPPORTED THIS PROPOSITION AND
THIS CHANGE.

RECENTLY, THOUGH, AT THE RECENT
VOTE CONCERNING THIS PROPOSITION
THAT'S BEFORE YOU TODAY, IF YOU
WOULD NOTE FROM YOUR MATERIALS,
IT WAS A 27-11 VOTE BY THE BOARD
OF GOVERNORS.

-- 27-SEVEN TEEN VOTE.

I DON'T WANT ANYONE TO BE MISLED
BY THE VOTE.

THE BOARD OF GOVERNORS SUPPORTED
100%.

THE 17 OBJECTED ON BASIS ONLY
HAVING THE UNDERLYING TORT
LAWYER, THE PRIMARY LAWYER'S FEE
ADJUSTED BY THE COURT BUT THE
BRC, THE BAR RULES COMMITTEE
UNANIMOUS, NOT UNANIMOUSLY THEY
APPROVED THAT, BECAUSE THEY
RECOGNIZED WHAT WAS THE COMMENTS
OF THIS COURT AT THE LAST TIME
OF ORAL ARGUMENT AND I THANK YOU
VERY MUCH FOR YOUR TIME.

>> 22 SECONDS.

IF YOU WANT TO SAY ANYTHING?

>> GOOD MORNING YOUR HONORS.

MAY IT PLEASE THE COURT.

MY NAME IS SYLVIUS VON SAUCKEN,
I REPRESENT THE GARRETT
RESOLUTION GROUP A LEGAL SUPPORT
SERVICES COMPANY THAT PROVIDES

COMPLEX ADMINISTRATION AND LIEN
RESOLUTION SERVICES TO ATTORNEYS
BOTH IN FLORIDA ACROSS THE
COUNTRY.

>> THEY'RE NON-LAWYERS?

>> NON-LAWYERS, YOUR HONOR, YES.
I THANK THE COURT FOR PRIVILEGE
OF SPEAKING BEFORE THE COURT AS
PART OF THE OHIO BAR.

WITH ME IS MAJOR HARDING OF
OLLING McMULLEN.

THE PROPOSED RULE 4-1.5, 4-E.
WE DON'T HAVE CONCERNS AS THE
BAR PROPOSED SEEKS TO REGULATE A
CONDUCT WITH RESPECT TO LAWYERS.
WITH RESPECT TO LIEN RESOLUTION
IT'S A COMPLEX FIELD AND THERE
MAY IN FACT BE INSTANCES WHERE
AN EXTRAORDINARY SITUATION
OCCURS.

I WOULD BE HAPPY TO ANSWER ANY
QUESTIONS WHAT WE CONSIDER
EXTRAORDINARY VERSUS ORDINARY
BUT WHAT WE'RE SEEKING TODAY IS
A CLARIFICATION IN THE ORDINARY
COURSE OF LIEN RESOLUTION IS THE
MODERN PRACTICE FOR FLORIDA
ATTORNEYS TO SEEK HELP WITH
RESPECT TO ASPECTS OF LIEN
RESOLUTION NON-LAWYERS CAN
PROVIDE.

>> JUST A REGULAR LIEN, ANY
LIEN?

>> JUST A REGULAR LIEN.

FOR EXAMPLE, WITH RESPECT TO A
MEDICARE REIMBURSEMENT CLAIM--

>> YOU SAY, MEDICARE YOU WOULD
SAY IS ORDINARY OR
EXTRAORDINARY?

>> I WOULD SAY MEDICARE IS
ORDINARY IF A ATTORNEY HAS A
LIEN RESOLUTION EXPERT WHO CAN
GET THEM THROUGH THE PROCESS.

>> WHAT, SO YOUR ISSUE IS, IS
THIS PROHIBITING A LAWYER IN
FLORIDA FROM HIRING ONE OF YOUR
NON-LAWYER PEOPLE?

>> IT'S NOT REALLY THAT ISSUE.
WE DON'T OPPOSE--

>> CAN I ASK YOU THIS?

IS THIS THE ONE WHERE YOU CHARGE ABOUT FIVE OR \$600 FOR YOUR SERVICES?

>> A FLAT FEE, YES, YOUR HONOR.

>> WHICH IS UNDER A THOUSAND DOLLARS?

>> YES, YOUR HONOR.

SO THIS, OKAY.

IS THAT THEN, TO YOUR KNOWLEDGE, IF A LAWYER-- SOUNDS LIKE SOMEBODY I WOULD WANT TO USE, SOMEBODY WHO DOES IT ALL THE TIME, PAYS THE 5 OR \$600 IS THAT A COST THAT COMES OUT OF THE CLIENT'S RECOVERY OR DO THEY ABSORB THAT?

>> IT DEPENDS, IF THE ATTORNEY HAS IN THEIR CONTINGENT FEE ARRANGEMENT THAT THEY PROVIDED DISCLOSURE TO THE CLIENT IN ADVANCE, IF THEY NEED TO RESOLVE A LIEN AND NEED HELP FROM EXPERTS TO RESOLVE THE LIEN, THAT COULD BE CONSIDERED A COST.

>> PERHAPS I'M MISSING SOMETHING, BECAUSE WHAT I'M HEARING, ARGUMENTS MADE AND THESE LIENS, MEDICARE, MEDICAID, WHATEVER, HEALTH INSURANCE LIENS, PARTICULARLY, THAT THEY BECOME SO COMPLEX A LAWYER PRACTICING LAW 30 YEARS CAN'T DEAL WITH THEM YET YOU HAVE PEOPLE THAT CAN DO THAT FOR 500 BUCKS?

I DON'T UNDERSTAND HOW HARD IT CAN BE.

THAT MUST TAKE YOU AN HOUR.

>> THAT'S A GREAT QUESTION, JUSTICE LABARGA.

PART OF THE REASON WE CAN DO THAT, THIS GOES BACK TO JUSTICE PARIENTE'S QUESTION TO MR. COHEN EARLIER, THE LIEN RESOLUTION PROCESS HAS CHANGED.

WHAT HAS CHANGED IT IS MORE ABOUT THE DATA EXCHANGE AGREEMENTS.

IT IS EFFECTIVELY AND QUICKLY WHAT LIENS NEED TO BE RESOLVED.

IT IS ABOUT USING
TECHNOLOGY-ENABLED COMPANIES TO
HELP ATTORNEYS GET THE THROUGH
THE PROCESS QUICKLY.

I WILL GIVE YOU ONE QUICK
EXAMPLE.

TO IDENTIFY WHEN A MEDICARE
ENROLLED BENEFICIARY--

>> MEDICARE WHAT?

>> I'M SORRY, MEDICARE ENROLLED
BENEFICIARY, TAKES 65 TO 90 DAYS
TO FIND OUT THE QUESTION, YES OR
NO IS MR. VON SAUCKEN--

>> NO LONGER ON THE HOSPITAL
RECORD, HOSPITAL BILLING, YOU
HAVE NO IDEA WHO PAYS THE BILL?

>> THAT IS A GREAT QUESTION,
JUSTICE LEWIS.

THERE MAY IN FACT BE A BILL THAT
SAYS MEDICARE PAID THE BILLS.
WHAT IT MIGHT NOT SAY IS WHETHER
IT IS MEDICARE PART A, PART B,
PART C, PART D.

STANDARD OUTPATIENT CARE, SURE
IT WOULD SAY THAT BUT IF YOU
HAVE HUMANA, MEDICARE PART C WHO
PAYS THE BILLS IT NOT QUITE
INSIDE ALL OF THOSE RECORDS.

TO GET BACK--

>> DOESN'T BY THE TIME THE CASE,
CERTAINLY RESOLVING IT,
EVERYBODY ENDS UP KNOWING WHO IS
PAID WHETHER IT'S MEDICARE,
WHETHER IT IS WORKERS' COMP, SO
I THINK WHAT YOU'RE HELPING US
SEE, MAYBE IS THAT IT'S COMPLEX
ONLY BECAUSE IT'S, IT IS, NOT IN
THE LEGAL SENSE BUT IN THE
MORASS OF THE WAY EITHER
MEDICARE WORKS OR THESE OTHER
COMPANIES AND SO YOU'VE GOT
PEOPLE, AND WHETHER IT TAKES
THEM \$50 AN HOUR FOR 10 HOURS,
BECAUSE THEY'RE NOT LAWYERS, TO
HELP A LAWYER, THAT SOUNDS LIKE
SOMETHING A LAWYER WOULD WANT TO
DO.

SO AGAIN, ARE YOU CONCERNED THAT
THIS RULE WILL
PREVENT LAWYERS FROM

HIRING YOUR FIRM?

>> NOT AT ALL, JUSTICE PARIENTE.

>> SO YOUR CONCERN IS WHAT?

>> OUR CONCERN WE BELIEVE A COMMENT TO THE PROPOSED RULE IS IN ORDER BECAUSE WHEN YOU'RE TALKING ABOUT LIEN RESOLUTION, AND THE RULE DEALS WITH ATTORNEYS WHO HANDLE ORDINARY LIEN RESOLUTION AND ATTORNEYS WHO MAY NEED TO HANDLE EXTRAORDINARY LIEN RESOLUTION, OUR POINT LIEN RESOLUTION INVOLVES ATTORNEYS HIRING NON-ATTORNEYS TO GET THROUGH THE PROCESS.

>> THIS IS AREA WHERE ACTUALLY NON-LAWYERS MAY DO BETTER JOB-- LIKE YOU TALK ABOUT TAX LIENS AND THE ADDS GO, HEY, WE CAN GET YOU YOUR TAX-- THEY'RE NOT LAWYERS I'M ASSUMING AND YOU'RE GOING WOW, HOW DO I GET A BIG TAX LIEN RESOLVED?

AND SO, WOULDN'T YOU THEN SAY, AND, WHAT IS THE PRACTICE IN OTHER STATES, THAT THAT COST, IF THE LAWYER CHOOSES TO EMPLOY YOUR FIRM OR FIRMS LIKE YOU, THAT CHARGE A REASONABLE AMOUNT--

>> RIGHT.

>> THAT THAT SHOULD BE ABSORBED, NOT IN THE FEE THAT THE LAWYERS IS CHARGING, NOT AN EXTRA COST TO THE TO THE CLIENT?

>> IT CERTAINLY COULD, YOUR HONOR.

>> WHAT HAPPENS, HOW ABOUT OTHER STATES?

WHAT HAPPENS IN ALL THE OTHER STATES?

>> SO, FOR EXAMPLE, NEW YORK, PRODUCED AN ETHICS OPINION THAT DEALT SPECIFICALLY WITH THE QUESTION OF WHETHER LIEN RESOLUTION COULD BE A COST OR WHETHER IT NEEDED TO BE DIFFERENT OR A FEE AND NEW YORK PROVIDE AD SERIES OF GUIDELINES

AND THOSE GUIDELINES ARE
REMARKABLY CONSISTENT WITH ABA
OPINION 8451 WHICH DEALT WITH
THE GENERAL CONCEPT OF
OUTSOURCING.

>> IS IT YES OR NO?

IS IT OR ISN'T IT?

>> THE ANSWER IS YES IN
NEW YORK, YES IN OHIO, YES IT
CAN BE TREATED AS A COST WITH
PROPER DISCLOSURE AND FOLLOWING
THE RULES THAT THE ATTORNEYS
FOLLOWS.

>> WHAT CONCERNS ME WITH THAT,
YOU MAY REPRESENT A GROUP THAT
HAS REASONABLE FEES FOR DOING
THIS BUT WHAT ABOUT THE GROUP OR
PERSON WHO CHARGES A LOT MORE
FOR THIS KIND OF RESOLUTION AND
YOU STICK IT INTO THE COST
CATEGORY AND IT'S THE PERSON
WHO'S INJURED WHO'S ENDING UP
PAYING THESE EXTRAORDINARY
AMOUNTS OUTSIDE OF, YOU KNOW THE
ATTORNEYS FEES?

>> JUSTICE QUINCE, THAT IS A
GREAT QUESTION, JUST AS THE BAR
PROVIDES A WAY TO REGULATE THE
REASONABLENESS OF FEES, IF AN
ATTORNEY HAS HIRED OUR COMPANY
OR SOME OTHER COMPANY TO HELP
THEM WITH ORDINARY LIEN
RESOLUTION, THE ATTORNEY
MAINTAINS DIRECT OVERSIGHT AND
RESPONSIBILITY.

>> SO YOU'RE SAYING-- LET ME
JUST STOP YOU FOR A SECOND.
YOUR GROUP JUST DOES ORDINARY
LIEN RESOLUTION THINGS?

>> WHAT WE'RE SAYING, YOUR
HONOR, JUST BECAUSE IT IS ERISA
OR MEDICARE OR MEDICAID LIEN
DOES NOT MEAN IT IS
EXTRAORDINARY.

>> OKAY.

>> IT MEANS IT IS COMPLEX AND
OUR GROUP HANDLES COMPLEX LIENS.

>> IT SOUNDS LIKE WHAT IS IN THE
EYE OF THE BEHOLDER WHAT IS
EXTRAORDINARY.

>> WHAT THE, THE QUESTION I HAVE IS, ARE SOME OF THESE LIENS, ARE HE, DO THEY REQUIRE THERE BE A HEARING BECAUSE YOU CAN'T WORK THEM OUT?

>> IN SOME CASES.

>> ADMINISTRATIVE HEARING SOMEPLACE?

>> YES.

>> LET'S SAY THAT YOU'RE HIRED, YOU'RE SOME GUY IN NORTH CAROLINA WHO DOES THESE THINGS OR GEORGIA OR FLORIDA, WHEREVER, AND YOU TRIED TO WORK OUT THIS LIEN, YOU TRIED TO NEGOTIATE IT AND YOU CAN'T DO IT.

SO, ARE THEY GOING TO WANT TO FIGHT THIS, WHAT DO YOU DO THEN? DO YOU GO BACK TO THE LAWYER WHO REFERRED YOU TO THE CASE OR DO YOU HAVE TO HIRE ANOTHER LAWYER?

>> ABSOLUTELY WE GO BACK TO THE ATTORNEY SUPERVISING OUR PROCESS.

>> WHAT DOES HE OR SHE DO? HIRE SOMEONE WHO IS AN EXPERT TO TRY THOSE?

>> IN SOME CASES, YES.

>> NOW WE HAVE THE FEE TO YOU TO TRY TO SETTLE IT.

NOW A SECOND FEE TO SOMEONE TO LITIGATE IT?

>> A MINORITY OF CASES EXAMPLE YOU'RE LOOKING AT PERHAPS IS MEDICARE REIMBURSEMENT CLAIM THAT UPON GETTING A FINAL NUMBER FROM MEDICARE IS NOT IN THE CLIENT'S BEST INTERESTS, AND THERE ARE FOUR LEVELS OF APPEAL THAT WOULD LEAD TO ADMINISTRATIVE LAW JUDGE HEARING.

>> THAT IS LITIGATION.

SO THAT'S, IS THAT THE HIRING OF THIS LAWYER WHO IS EXPERT LITIGATING THESE THINGS ADMINISTRATIVELY?

IS THAT A COST THAT THE LAWYERS IS GOING TO CHARGE TO THE CLIENT

OR DOES THAT COME OUT OF
LAWYER'S FEE, THE INITIAL
LAWYER?

>> I'M NOT SURE I UNDERSTAND THE
QUESTION.

>> WHO PAYS FOR THIS LAWYER?

>> WHICH LAWYER, YOUR HONOR?

>> WHOEVER IS GOING TO LITIGATE
THE CASE, IN CASE YOU CAN'T
SETTLE IT?

>> NOT NECESSARILY A LITIGATION.
IT IS AN ADMINISTRATIVE LAW.

>> BUT YOU DON'T DO THAT?
THAT WOULD BE PRACTICING LAW,
RIGHT?

>> NO.

>> YOU HAVE TO HIRE SOMEONE TO
DO THAT?

>> WE DON'T DO THAT.

WE SERVE AS EXPERTS IN THAT
INSTANCE THE ATTORNEY MAINTAINS
RESPONSIBILITY OVER THAT APPEALS
PROCESS.

AGAIN WHAT ERR ASKING FOR TODAY
IS JUST--

>> I THINK THE QUESTION WAS
THOUGH, WHO, IF THE LAWYER HAS
TO GET ANOTHER LAWYER TO DO THAT
ADMINISTRATIVE HEARING, OR
WHATEVER IT ENDS UP BEING, WHO
PAYS THAT SECOND LAWYER FOR THAT
ADMINISTRATIVE HEARING, THAT
APPEAL, WHATEVER?

>> SO, JUSTICE QUINCE, ALL I CAN
DO IS ANSWER FROM MY EXPERIENCE.
IN MY EXPERIENCE HAVING DONE
THIS FOR 15 YEARS, THAT DOESN'T
HAPPEN.

WHAT HAPPENS IS--

>> WHAT DOESN'T HAPPEN?

>> ANOTHER ATTORNEY IS NOT HIRED
TO LITIGATE FOR A MEDICARE BILL.

>> ALL CASES ARE SETTLED THEN?

>> NO.

WHAT ENDS UP HAPPENING IS, IF
THERE IS AN ADMINISTRATIVE
REMEDY AFTER IN THE CASE OF
MEDICARE, FINAL DEMAND, THE
ORIGINAL ATTORNEY WHO WE'VE BEEN
WORKING WITH THE ENTIRE TIME

TAKES ON THAT RESPONSIBILITY AND WE SHOW THEM HOW IT NEEDS TO BE DONE.

>> OH, I SEE.

SO YOU SERVE AS A, SORT OF CONSULTANT TO THAT, TO THE ORIGINAL LAWYER TRYING TO GET THROUGH THIS ADMINISTRATIVE PROCESS?

>> THAT--

>> SO YOU END UP SUPERVISING THE LAWYER.

>> WE DON'T END UP SUPERVISING THE LAWYER.

>> THAT IS WHAT YOU SAID.

WE'RE THE EXPERTS IN THIS. LAWYERS DON'T KNOW ANYTHING ABOUT IT.

WHAT IS WRONG WITH THE CONCEPT OF REQUIRING LAWYERS TO KNOW SOMETHING?

>> THERE IS NOTHING WRONG WITH THE CONCEPT.

AS A MATTER OF FACT, YOUR HONOR, ONE OF THE PRINCIPLES OF OUTSOURCING TO NON-LAWYERS, A LAWYER MUST MAINTAIN COMPETENCE UNDER RULE OF 4.1.

IN ORDER TO MAINTAIN COMPETENCY THEY HAVE TO BE UPDATED ON CHANGES IN THE RULES.

WHAT I WANT TO MAKE SURE THE COURT UNDERSTANDS, CHANGES TO THE RULES ARE NOT ALWAYS LEGAL CHANGES.

THEY'RE OFTEN TIMES POLICY CHANGES.

YOU DON'T EVEN KNOW WHO TO TALK TO AT MEDICARE UNLESS YOU GOT THE MEMO THAT SAID THEY CHANGED AS OF OCTOBER 5th, 2015, SET UP A DIFFERENT DIVISION TO DEAL WITH WORKERS' COMP CASES AS OPPOSED TO LIABILITY CASES THAT INFORMATION IS CRITICAL TO DO TWO THINGS. TO INSURE THE LIEN, THIS IS KIND OF WHERE WE STAND, FROM DATE OF INJURY TO DATE OF SETTLEMENT TO DATE OF PAYMENT, IF AN ATTORNEY

DOES NOT IMMEDIATELY START TO LOOK AT THE LIEN RESOLUTION ISSUE, BY THE TIME THEY SETTLE A CASE OR BY THE TIME THEY RECEIVE A JUDGMENT, IF THEY HAVEN'T FIGURED OUT WHAT THE LIEN IS OR HOW TO RESOLVE IT, IT WILL EXPAND THE TIME FOR CLIENT TO RECEIVE ANY MONEY FROM A SETTLEMENT FOR OR A WRONGFUL DEATH CASE.

AND WHAT WE DO, WE CRUSH THAT TIMELINE BY KNOWING WHAT THOSE PROCEDURAL RULES ARE AND HELPING THE ATTORNEY TO CIRCUMNAVIGATE THE COMPLEXITIES NOT OF THE LAW, THE COMPLEXITIES OF HEALTH CARE AS IT RELATES TO BILLING AND AS IT RELATES TO REPAYMENT.

>> LIEN LAW IS LAW, IT IS NOT A MATTER OF A HOSPITAL WANTS TO DO.

IT IS A MATTER IN FLORIDA OF ORDINANCES AND-- ORDINANCES AND CASE LAW INTERPRETATION.

>> I UNDERSTAND.

>> IT IS NOT A POLICY KIND OF DECISION.

>> SO MEDICARE REGULARLY ISSUES POLICY DICTA THAT ARE--

>> WE HAVE IN FLORIDA OTHER THAN MEDICARE LIENS.

>> SURE.

>> WE HAVE VERY ACTIVE HOSPITAL LIEN LAW CASE, THAT IS MOST COMMON YOU RUN INTO.

YOU ALSO RUN INTO THE ONES INSURANCE COMPANIES HAVE SUBROGATION PROVISIONS IN THEIR POLICIES.

>> ABSOLUTELY.

>> I DON'T KNOW WHETHER YOU USE MEDICARE OR MEDICAID, ONE OR THE OTHER FOR THE OLD FOLKS OR FOR INDIGENTS AS THE DRIVING FORCE TO DRIVE ALL OTHER LIENS THAT OCCUR IN FLORIDA.

>> TO THE EXTENT YOU MIGHT HAVE COMPLEXITY WHERE YOU HAVE DUAL ENTITLED BENEFICIARY MEDICARE

COULD DRIVE THE ULTIMATE MEDICAL LIEN RESOLUTION RESULT BUT OUR POINT IS NON-LAWYER COMPANIES WILL HELP THE LAWYER IN ORDINARY LIEN RESOLUTION, WHICH IS NOT EXTRAORDINARY, JUST COMPLEX. MAKE SURE THE PROCESS IS SHORTER.

MAKE SURE THE CLIENTS GET PAID MORE QUICK I PROVIDE THAT VALUE-ADD.

NEW YORK AND OHIO TREAT THAT AS A COST.

ALL WE'RE ASKING TODAY THIS AMENDMENT ALSO TAKE INTO CONSIDERATION THAT WHEN YOU'RE SETTING UP A SEPARATE RULE FOR LIEN RESOLUTION THAT YOU LOOK HOW LIEN RESOLUTION IS BEING DONE TODAY.

IT IS BEING DONE BY LAWYERS HIRING COMPANIES LIKE OURS AND OTHER COMPANIES TO HELP THEM WITH THE ORDINARY AND WE DON'T OPPOSE THE CONCEPT IF THERE IS TRULY IS AN EXTRAORDINARY LIEN WE BELIEVE THE BAR GOT IT RIGHT.

WE BELIEVE ANOTHER ATTORNEY-->> WITH WOULD BE, FROM YOUR KNOWLEDGE SINCE YOU SAID IT IS NOT EXTRAORDINARY, IT IS MORE COMPLICATED-- ANYONE THAT TRIES TO CALL BLUE CROSS-BLUE SHIELD TO FIND OUT WHERE YOUR MONEY IS KNOWS WHAT YOU'RE TALKING ABOUT.

>> ABSOLUTELY.

>> NOTHING TO DO WITH THE LAW, ACTUALLY GETTING THROUGH TO A REAL PERSON SOMETIMES.

SO WHAT IS IT THAT WOULD BE EXTRAORDINARY BASED ON YOUR KNOWLEDGE AND EXPERIENCE?

>> I WOULD FOLLOW WITH WHAT THE BAR HAS ESTABLISHED.

EXTRAORDINARY WHERE YOU REACHED AN IMPASSE AND YOU NEED A LEGAL REMEDY AS OPPOSED TO A NON-LEGAL OR ADMINISTRATIVE PROCESS.

>> BUT YOU JUST, BUT YOU JUST SAID THAT'S WHERE IT SHOULD GO

BACK TO THE ORIGINAL LAWYER?

>> UNDERSTOOD.

I'M SAYING IN OUR PRACTICE IT GOES BACK TO THE ORIGINAL LAWYER BUT WE ARE IN SUPPORT OF THE BAR'S RULE.

>> THANK YOU.

>> THANK YOU, YOUR HONORS.

>> YOU HAVE ABOUT 26 SECONDS BUT I WILL GIVE YOU A MINUTE.

>> MY ONLY COMMENTS WITH RESPECT TO THAT I THINK WHAT YOU'VE HEARD IS NOT NECESSARILY A DISAGREEMENT AS THE ROLE OF THESE LIEN RESOLUTION COMPANIES AND WHAT WE'VE BEEN TRYING TO DO AS THE BAR.

WHEN THE LIEN RESOLUTION COMPANY, WHO DOES A FINE, A FINE JOB IN THOSE INSTANCES IN WHICH THERE CAN BE A RESOLUTION RUNS INTO THAT ROADBLOCK, THAT WAS RACED, RUNS---

>> IS IT A COST THOUGH?

>> THERE IS ANOTHER COST, THEY HAVE TO HIRE ANOTHER LAWYER.

>> WHEN YOU GET, IF YOUR FIRM HIRES ONE OF THESE COMPANIES, IS THAT ADDITIONAL COST TO THE CLIENT?

>> MY CONTRACT CALLS FOR THAT BUT I HAVE NOT BEEN IN THE SITUATION IN MY PRACTICE SINCE YOU'RE ASKING WHERE I HAVE ENGAGED THOSE SERVICES.

>> BUT YOUR CONTRACT SAYS THAT THAT WOULD BE A COST TO THE CLIENT?

>> THAT IT WOULD BE A COST IF I DID BUT I DON'T.

>> SEEMS TO ME THAT BOTH CONCERNS SEEM TO BE THIS COMPANY CHARGES 5, \$600 TO GUIDE YOU GUYS THROUGH THAT MORASS AND THE QUESTION IS, I DON'T THINK WE HAVE A PROBLEM WITH THAT BUT WHAT IF ANOTHER COMPANY CHARGES \$10,000, THAT IS BILLED TO THE CLIENT.

SEEMS TO ME IF THE ATTORNEY

COVERS THAT OUT OF HIS FEE, HE WOULD BE MORE DILIGENT MAKING SURE THOSE PRICES DON'T INCREASE EXPONENTIALLY?

>> I THINK THAT'S A GREAT POINT. I WILL TELL YOU, JUSTICE PERRY, IF I KNEW I COULD HIRE GARRETT SON FOR 500-DOLLARS OR \$300 ON EVERY SINGLE CASE ALL THE WAY THROUGH THE END OF THE LITIGATION AND MY CLIENT GETS BENEFIT OF THAT, THAT'S THE FIRST THING I WOULD BE DOING. BUT THAT'S NOT WHERE IT ENDS WHEN YOU RUN INTO THESE ROADBLOCKS AND YOU NEED TO FILE EITHER IN ADMINISTRATIVE PROCEEDING OR CIRCUIT COURT A RESOLUTION OF LIEN. ANOTHER LAWYER IS NEEDED AND NECESSARY.

>> I THINK THAT, ONE OF THE MASS TORT LAWYERS SAID, OH, WELL, IF YOU'RE GOING TO HAVE THIS RULE I WILL PAY THE FIVE \$600 MYSELF. THAT IS WHAT STARTED THIS. IT IS UNDERSTANDING IT MAY BE WE'RE CROSSING ABOUT COMPANIES LIKE THIS UNDER THE PROPER SUPERVISION OF A LAWYER, CAN ACTUALLY HELP IN A ECONOMICAL WAY, AND I THINK IF IT'S BILLED AS A COST, WE'RE BACK TO THAT THE CLIENT HAS TO PAY. WE'RE NOT REALLY DOING, MAYBE THE BAR ALL AGREES BUT WE'RE HERE FOR THE CLIENTS AND I KNOW YOU ARE TOO, MR. COHEN.

>> EXACTLY, JUSTICE. THAT'S WHY I HAVE NO OBJECTION TO THE SERVICES THEY PROVIDE AND IN MANY INSTANCES THEY PROVIDE WONDERFUL SERVICES. I'M HERE BECAUSE OF WHAT'S NEEDED AND NECESSARY DOWN THE ROAD FOR THE BEST INTERESTS OF THE CLIENT AND THE CLIENT ENDS UP WITH A CONTINGENCY FEE THAT REDUCES THAT, THAT REDUCES WHAT THEY WOULD HAVE HAD TO PAY OUT

ON A LIEN.
IT'S A WIN, WIN, WIN.