

## Founder's Forum – Resource Allocation

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In the last issue of the *Subrogator* I wrote about the benefits of having people work in your office who go above and beyond the call of duty. These valuable team players are very important when dealing with “large subro.” Larger and more complex subrogation claims share one unique characteristic: There is no end to the amount of work you can put into a case. I compare it to a law school exam. There was no logical end to the amount of preparation you could put in. There is always more that can be done. Having said that, in the real world we are limited by both time and financial factors.

In the last year, I have spent a large part of my time on two cases that have over ten experts involved on each file. Even with that fire power it seems that every day a new issue comes up where we could employ the services of yet another expert. We have made the decision that no more money will be spent on experts. You just have to draw the line somewhere. The lesson that jumps out at me from both of these cases is how important it is to try to figure out in advance which experts you really need and which you can live without. It is not always possible to do it in advance since new facts often dictate the direction of the file. This experience has also reinforced something I know only too well. There is nothing more important in a large case than making sure the experts you hire are good, qualified and know how the game is played. A great way to blow your budget is to start out with a bad expert and then have to play catch-up with new talent.

One of the fun parts of dealing with large cases is the budgets that come with them. However in many insurance companies and law firms, the staff size is not increased to handle these large dollar amount files. Most insurers bring in legal help early in large complex cases for not only expert consultation but also for the manpower. We all know the importance of early investigation as it relates to spoliation. We also know that these early investigations require a lot of time and often many people. People need to be at the site, while others may be doing legal research or factual investigation. A team of people are really necessary, in many cases, to get the case off the ground and on the right foot. The lawyer is often in the best position to manage the file. When I am placed in this role, I am usually working with the subrogation professional at the insurance company assigned to the file. We talk on a regular basis about exactly what is happening and where things are headed.

The management of the team is one of the most professionally rewarding functions of working on complex cases. The team includes people in my office - ranging from other attorneys to paralegals, law clerks and secretaries. Outside of the office the team includes the subrogation professional and the front line adjuster working on the case. In many large cases it also includes upper level management at the insurance company who take an interest in the case. In addition, the insured and their key employees or family members play an important role. Finally, experts, investigators and consultants all weigh in. These people often work independently but at key times need to be brought together to connect the pieces of the puzzle. Deciding who comprises the team and coordinating their efforts are crucial decisions. The resources allocated to the file in terms of money and personnel all go a long way to determine whether the subrogation effort will be successful.

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