

DOES CASE DISBURSEMENT FUNDING MAKE SENSE?

A White Paper for Law Firms Fighting Nursing Home Negligence & Abuse



CASE DISBURSEMENT FUNDING FOR ATTORNEYS

Litigation attorneys, such as those specializing in nursing home negligence, may have thousands or even millions of dollars tied up in case disbursements. As your caseload grows and the cases have not yet settled, the time in getting to settlement or verdict can effect your firm's essential cash flow.

Funding litigation expenses on your own can be detrimental to the success and growth of your business as it limits the amount of cash you have available.

Case disbursement funding can be the solution to maximizing your firm's cash flow. Without the adequate amount of capital available, your firm is at a disadvantage.

WHY USE YOUR OWN CAPITAL?

As an attorney, you know all too well how quickly overhead costs and case disbursement expenses add up. Prosecuting a nursing home abuse or negligence case can take up an enormous amount of time and resources. Well funded insurance companies spare no expense when it comes to legal representation and they will do everything in their power to defend their case. As your practice grows, firms turn to using their own money or lines of credit to cover these expenses. The litigation process is often delayed. Meanwhile your money is tied up for years in case disbursements, essentially providing your clients with an interest free loan and not earning you any money. This does not make good business sense.

Case disbursement funding allows you to turn your case disbursements into working capital. It gives you the freedom to take advantage of growth opportunities.

MAINTAINING A POSITIVE CASH FLOW

Case disbursement funding helps attorneys maintain their cash flow and eliminate financial risk. Funding is used to cover expenses associated with litigating a case including court fees, medical reports, and expert witness fees for trial.

Unlike traditional types of lending, case disbursement funding is non-recourse. If you don't win your case, you don't owe anything. Repayment is made at the conclusion of the case from the client's share of settlement or verdict. There are no monthly interest or principal payments, as well as no upfront processing fees or minimums.

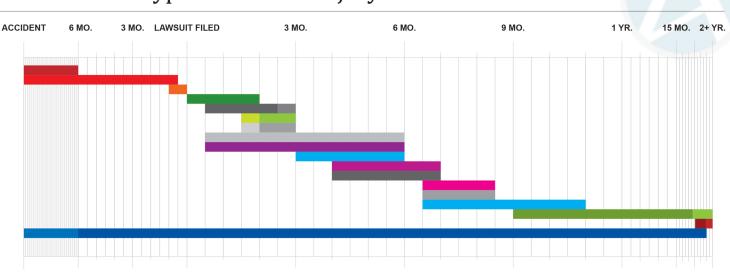
Case disbursement funding gives you the freedom to make your capital work for you.

CONCLUSION

If out of pocket expenses are effecting your bottom line, case disbursement funding could be the solution you are looking for. Maintaining a positive cash flow will result in more cases, better service to your clients and more profits to your firm.



Timeline of a Typical Personal Injury Lawsuit



- 1 Medical Recovery; Attorney Research The victim decides whether to hire a law firm, and/or which firm to hire. This process can take as little as a few days, or may take months. In California, all lawsuits must be filed within two years of the date of the accident. This is called the "statute of limitations."
- 2 Initial Accident Investigation by Attorney The police report of the accident is obtained and the firm conducts its own investigation; eyewitnesses are interviewed.
- Settlement Negotiations The insurance company typically tries to settle the case before the victim hires an attorney; negotiations proceed all the way through trial.
- Preparation of Lawsuit If the victim feels that the defense settlement offer is not adequate, the law firm conducts its final preparation of the lawsuit.
- Lawsuit Filed; Defendant(s) Served The courts typically require papers get served on the defendants 30 60 days from the date when the lawsuit is filed.

- Defendant(s) Respond The defense has 30 additional days from date of service to file its response. It's common for defendants to ask for an additional 15-day grace period.
- Written Questions Questions are sent out by both parties within 60 days of the lawsuit. Each side gets assistance from its attorneys and typically has 35 days to respond.
- Defense Medical Examination It's common for the defense to require the victim to be examined by one of its own doctors. An attorney should be present during these examinations.
 - 11 Oral Depositions Both sides ask questions of key persons in the case. Attorneys for the defendant(s) interview victims and witnesses, and the plaintiffs attorneys depose the defendant(s). Although a deposition is less formal than court testimony, a court reporter is present and statements made can be used at trial. Depositions require a great deal of preparation by both sides.
- Hiring + Investigation by Expert Witnesses If the case has still not settled, expert witnesses are hired by both sides to present their respective sides of the case.

- Disclosure of Expert Witnesses Both sides are required to disclose the names of their expert witnesses to each other, as well as the subject of their testimony.
 - Depositions of Expert Witnesses Both sides conduct additional depositions of expert witnesses.
 - Mediation If negotiations are still unsuccessful, the court typically orders a settlement conference conducted by a retired judge—a skilled, neutral third party. The mediator reviews the case and the parties continue negotiations. Mediation usually lasts one day and occurs between nine and 18 months into the process; complex cases sometimes require two separate days of mediation
- Trial Trials usually take between four days & two weeks Simple non-jury trials can take as little as one day, but complex cases can take as long as two months. Jury deliberations can take a few hours to several days.
- Disbursement of Recovery Funds Any financial recoveries are typically disbursed to the victim within 30 days of a jury verdict or successful mediation.

This timeline is intended to convey general information only. The reader should not rely upon anything here as legal advice applicable to a particular case or circumstance Should you have any questions as to your individual situation, please make an inquiry to GJEL Accident Attorneys.

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Clara Panzini, Account Manager

I work directly with attorneys and paralegals providing pre and post settlement litigation financing. I also provide case disbursment funding for personal injury attorneys to help them manage their cash flow. Please contact me for more information.

1-888-696-6449 | cpanzini@absolutelegalfunding.com

