

The maps Messenger

QUARTERLY NEWSLETTER

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Getting It Done Mediation Tip #1

"What do you mean you just got a recommendation for surgery yesterday?"

"You just got the IME report two days ago?"

"Now you tell me there's a lien?"

"Where did *these* bills come from?"

If there were Ten Commandments of Mediation the first one would be "Thou shalt prepare for the mediation." Every other commandment would flow from this one. Failure to share all pertinent information unfortunately results in informational impasse from the outset. This problem can be avoided by focused preparation and timely exchange of information.

The attorneys and parties should prepare for the mediation by considering which critical facts are in dispute. The parties should exchange in a timely manner all medical reports and bills. Is Medicare involved or might it be implicated later on? What about Medicaid liens? Third party claims? Workers' compensation?

Sometimes legal issues are important to the mediation even if they are not in and of themselves determinative: prescription, attorney fees, comparative fault, immunity, punitive damages, evidentiary concerns, and legal interest.

Lastly, the participants need to consider comparable judgments and settlements in the particular jurisdiction which gives rise to the claim. The parties should contemplate the probabilities of a favorable litigation outcome, the costs associated with litigating the case, and the delays in getting the case finalized.

Remember: Preparation is the key! Or...Take Nobody and Nothing for Granted!

(Next Tip: Preparation Continued---Working with the Client and Getting to the Table!)

By: Joe Giarrusso, Jr.



Medicare Update

*The Center for Medicare & Medicaid Services (CMS)
makes it easier to get information:*

As of October 2009, CMS set up a new procedure for personal injury claimants/Medicare beneficiaries and their attorneys to obtain information regarding the extent of Medicare's conditional payments.

The Medicare Coordination of Benefits Contractor (COBC) should learn of the claim through cross references with medical bills, insurance reporting, or otherwise. Within a short time after acquiring knowledge of the claim, you will receive a "Rights and Responsibilities Letter" (RAR) from the Medicare Secondary Payer Recovery Contractor (MSPRC). If after eight weeks the claimant/beneficiary has not received the RAR, call the COBC and report the claim. This will trigger the RAR.

Within sixty-five days after the RAR, an initial "conditional payments" letter will be sent to the claimant/beneficiary. CMS has also set up a procedure to obtain conditional payment information online.

Before conclusion of the case, a copy of the proposed settlement agreement must be sent to the MSPRC. Thereafter, a final demand letter will be sent by the MSPRC. This letter contains the amount that Medicare claims must be repaid. For full details, phone numbers, addresses, and sample letters, visit www.msprc.com or contact Roger Larue at 504.831.2141 or email at rlarue@maps-adr.com

By: Roger J. Larue



Mediation Arbitration

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A Look Inside maps

Upcoming CLEs...

7:45am – 8:45am

Metairie:

3900 N. Causeway Blvd ▪ 2nd Floor

July 22, 2010: *Structured Settlements*

Speakers: Kelli C. April & Keith M. Christie

August 19, 2010: *Civil District Court Pre & Post Katrina:
A View From the Bench*

Speaker: Hon. Nadine M. Ramsey (Ret.)

Baton Rouge:

8550 United Plaza Blvd. ▪ 1st Floor

July 30, 2010: *Structured Settlements*

Speakers: Kelli C. April & Keith M. Christie

August 27, 2010: *Civil District Court Pre & Post Katrina:
A View From the Bench*

Speaker: Hon. Nadine M. Ramsey

Visit our website at www.maps-adr.com/cleces.html



Kelli C. April



Keith M. Christie



Hon. Nadine M. Ramsey (Ret.)

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*Chancellor
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Thomas M. Usdin
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New at maps...

Video Conferencing Capabilities

We now offer video conferencing technology.
We have successfully conducted two mediations using our video conferencing technology and hope to have many more.