

# PICCO™

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## (Personal Injury Client Care Optimiser)

### Think about your plaintiff PI files...

Because instructions to settle typically come with a rush, nearly every personal injury file becomes exposed to risks. The typical risks faced are:

- Failing to protect your client's interests by inadvertently agreeing an "in hand" figure that is outside of your firm's obligations under Queensland's PIPA legislation
- Not properly advancing your client's interests by inadvertently agreeing an "in hand" figure that fails to properly take account of refunds due to Medicare, Workcover, and other third parties with legitimate claims against settlement monies
- Not having a robust audit trail of the exact expected distribution of settlement funds as explained to the client when taking settlement instructions based on "in hand" advice given to the client (Are your settlement figures scratched in a hand written note on the file, or worse still, perhaps they don't even exist on the file?)
- Inappropriately accounting for all the professional fees, office expenses, and disbursements on each matter
- Inappropriately accounting for GST
- Inappropriately calculating / applying your Client Agreement uplift factors in respect of both Care & Consideration and speculative risk margin where applicable
- Having a "gap" between what the author explains to the client and the actual final account received by the client... in other words, giving the client "surprises" they would prefer not to receive

- Having relatively inexperienced people supervising the entitlement calculations with the risk that the client's interests are not properly protected?

**If your clients are ever exposed to any or most of these risks, you should think about using PICCO™.**

## What is PICCO™?

**PICCO™ (Personal Injuries Client Care Optimiser)** is an electronic settlement calculation and negotiation tool developed by *dci lyncon* for use by plaintiff personal injury law firms. Its **primary benefit** is the facilitation of client protection through a powerful, structured, and uniform settlement process.

It achieves this through the power it gives authors to conduct settlement discussions faster, more accurately, using client-friendly language, and with more flexibility, authority and accountability. In an instant, they can translate figures being floated by the insurer or the client into a funds distribution model that automatically generates warnings if the client's legal entitlements are not being met.

The model also has **secondary benefits** through its automatic generation of a Confirmation of Settlement statement, which saves time and therefore cost to the client, and ensures consistency with the solicitor / client settlement discussions.

**PICCO™** is particularly suited to large plaintiff firm environments where settlements decisions are being made on a daily basis by a wide range of people. The model acts as a strong self-management tool – giving authors the autonomy and job satisfaction of being able to run their claim files right through to completion, but with an inbuilt rigour that ensures the decisions delegated to them are exercised legally and contractually the right way.

The model is set up on a Microsoft Excel platform as a workbook. It is very intuitive and easy to use, with colour coding signifying specific expectations of the user in specific places and convenient learn-as-you-go instructions and explanations at each step. There are nine pages in the base model workbook. These are:

- √ **PICCO (the model)**
- √ **Q & A (a guide for phone conversations)**
- √ **Settlement Guide**
- √ **Guide to Colour Coding**
- √ **Guide to In-Office conferences**
- √ **Guide to Out-of-Office conferences**
- √ **Licensee individual settings**
- √ **License for use**
- √ **User warnings and caveats**

If the settlement and client instruction notes on your PI files are characterised by illegible, incoherent handwritten notes on loose sheets of lined paper, **PICCO™** will be a revelation.

**PICCO™** provides a pathway to greatly improved discipline in the running and documentation of PI settlements. It works on a default setting that always generates a RECOMMENDED in-hand settlement figure that is consistent with the client's and the firm's entitlements under the Client Agreement and under the law. In this way, the effects of risky "*that seemed like a fair figure at the time*" author decisions are removed from the equation. However, should the firm wish to accommodate greater author discretion in settlement negotiations, the model has individual licensee settings that can be adjusted for this purpose.

## **CUSTOM DESIGNED MODELS**

**PICCO™** can be modified to suit the idiosyncrasies of different legal firms. The base model is designed principally for within the Queensland PIPA framework. This can be adjusted to accommodate bulk / class actions, multiple litigation lenders, non-PIPA claims, and the like.

Once we understand your firm's procedures, we are also able to design in additional features like Guidelines for Final Account.

## **Specific PICCO™ Benefits**

### **1. Primary - for the client**

- √ Increased protection that legal fees will not inadvertently be overcharged
- √ Increased speed and accuracy in getting answers to "in hand" settlement questions
- √ The ability to accurately model a wide range of "settlement sum" scenarios so each client is fully informed of the ramifications of their settlement instructions
- √ A plain English explanation of exactly where all the funds from the settlement are being applied and why
- √ A more professionally managed settlement process
- √ Consistency between the discussions between client and solicitor and the final account / sum received by the client
- √ Time and cost savings through automatic generation of Confirmation of Settlement correspondence, and related documents if required
- √ A powerful structural tool that provides additional discipline for solicitors / clerks in managing the client's entitlements pursuant to the clients' claims

## 2. Secondary - for the plaintiff law firm

- √ Full reconciliation of the distribution of proceeds as between legal fees, disbursements and "in hand" payments on every single file
- √ Near-to elimination of the professional risks of inadvertent overcharging
- √ Guaranteed picking up of post-negotiations WIP on every file (avoiding the client confusion that arises when this is not part of the initial "in hand" estimates)
- √ Flexible firm-specific settings for post-negotiations WIP pickup
- √ Automated prompts and warnings to authors when an in-hand figure is greater / equal to / less than that which will ensure the client's and the firm's entitlements in respect of settlement monies are consistent with the law and the client agreement
- √ A reliable settlement tool that can be used consistently across the whole PI team on all files – aids in performance comparability
- √ Flexible firm-specific settings that allow licensee-defined degrees of author delegated limits outside of simple optimisation
- √ Learn-as-you-go explanations and colour coding on the model, making it extremely easy and intuitive for first-time users
- √ The capacity to review alternative proposed settlements in an instant, showing the effect upon the firm's fees position and the client's "in hand" position
- √ Portability – can be used easily on a laptop in out-of-office settlement conferences
- √ A consistent file record of the authors' process of securing settlement instructions (no more illegible unsigned scraps of lined paper!)
- √ Protection and password security features on the firm's control model and all user-issued models
- √ Simple easy-to-follow recommendations on in-office and out-of-office settlement conferences
- √ Author training and assistance
- √ Capability to fine-tune the model to accommodate specific processes of individual firms

## How do I access PICCO™?

This is done through a licence agreement with the model's owner and the payment of a per settlement royalty for its use. There is no limit to the number of people within the licensee's firm who can concurrently use the model while working on that particular firm's PI business.

Potential licensees are able to conduct an initial commercial trial subject to normal undertakings regarding use and acknowledgement of the licensor's intellectual property rights.

## What does my firm get for its licence? <sup>1</sup>

Your firm gets access to the use of the model across all its PI teams.

Your firm's major benefit is likely to be reduced contractual and legal risk across all your PI files.<sup>2</sup> The corollary of this is better client outcomes.

Because PICCO is used to advance the client's interests, you may elect to classify the royalty fee on each matter as a disbursement. You should take legal advice on this matter.

PICCO™ can be used at your premises, or at other premises where settlement conferences are being conducted.

There is no limitation to the number of times it is used, provided it is used in applications relating to the licensee's own PI business.

This means that in any matter, you can use the model to test any number of settlement scenarios at various milestones for no additional cost.

We provide Partners' / Managers' training in the model's operations, default settings and optional settings.

We provide an initial training program for your PI team, at the commencement of the commercial trial; reasonable interaction during the trial for clarifications; and an end-of-trial review meeting, and a further training session if required.

## What do I do next?

If you would like a demonstration of PICCO™, contact Dr Peter Lynch at dci lyncon, through the 'Contacting Us' details at [www.dcilyncon.com.au](http://www.dcilyncon.com.au)

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<sup>1</sup> The above benefits are only a general description for the purposes of this brochure. Exact details of the respective obligations of licensor and licensee are contained in the Licence Agreement.

<sup>2</sup> The recommended starting point is to conduct a sample audit of recent PI settlements compared with the firm's entitlements under its client agreement and the statutory provisions. Such an audit establishes (a) the quality of settlement management practices currently being employed, and (b) the prevalence or otherwise of undercharging and overcharging of professional fees. Dci lyncon can provide an estimate for undertaking this work on your behalf.