

# How To Effectively Market A Mass Torts Practice

LawLytics™



# Introduction

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# Panelists:

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# Dan Jaffe, Attorney & LawLytics CEO

- J.D. - 1998
- Admitted in WA & AZ
- Built practices in Seattle & Phoenix
- 100+ jury trials to verdict
- Co-founded LawLytics in 2011



# Larry Bodine, Attorney & Senior Legal Marketing Strategist

- Admitted in WI in 1981
- Sr. Legal Marketing Strategist, LawLytics
- Editor, The National Trial Lawyers
- Editor, Mass Tort Nexus
- Former Editor of Lawyers.com
- Former Editor of The ABA Journal
- Former Director of Marketing, Sidley Austin
- Legal marketing blogger



# Who Is This Session For?

Trial attorneys who want to grow their law firms to include mass tort litigation and who want to know how to market it into a prosperous new practice area to supplement a personal injury practice.

# What Is LawLytics?

LawLytics is the leading website marketing system for attorneys that helps them predictably grow their businesses without wasting money or time.

Unlike overpriced marketing companies, we protect our members from spending money on things they don't need, so they get fair value without overpaying.

Unlike low-end software, our innovative, award-winning system was built exclusively for lawyers and requires no tech experience, so our members don't struggle or miss opportunities.

# Many claimants, too few attorneys

There are **250** federal mass tort dockets with **135,000** actions, but there are many more claimants than there are attorneys to represent them.



# Do plaintiffs know they have a claim?

According to the ABA, only **10** to **20** percent of people who suffer actionable harm actually enter the mass tort litigation process.

# Opening & Marketing A Mass Torts Practice

The differences between an ordinary plaintiff  
personal injury practice and a mass torts practice

# An Ordinary Plaintiff Personal Injury Practice...

- Single event
- No economy of scale - additional case is additional work
- Multiple issues and defendants
- Local practice in many state courts
- Discovery different in each case
- Two to four-year settlement window, generates cash flow
- No uniform complaint or discovery documents

# ...Versus A Mass Torts Practice

- Many plaintiffs, same defendant
- Economy of scale
- Common issues and facts
- National practice in single federal court
- Consolidated discovery by plaintiffs or defendants
- Identical product liability claims
- Five to seven-year settlement window; long-term investment

# The Difference Between Mass Tort & Class Action

<b>Mass Tort</b>	<b>Class Action</b>
All plaintiff claims filed and tried separately	All plaintiff claims tried together in one case
Attorneys can join mass tort docket by filing their own cases. Lawyers can create a nationwide network and pool resources.	No way for other attorneys to join a class action. Case pursued by one attorney.
No court approval required to pursue lawsuit. The loss or success of a single case does not affect other cases.	Court must “certify” or recognize the class. This point is usually heavily contested. If the plaintiff loses, all the claimants lose.
Typical case: Drug maker fails to warn of severe side effects and unexpected injuries (claimants have different injuries, caused by one product or drug)	Typical case: large company overbilled all of its customers (all claimants are in exactly the same position)
Many separate cases consolidated in one court.	Many claims consolidated into one lawsuit.

# It's hard for a PI firm to distinguish itself.

Your firm may take on:

- Auto or motorcycle wrecks
- Dog bites
- Slip and falls
- Nursing home abuse
- Medical malpractice
- Dram shop...

# It's easy for a mass tort firm to specialize.

Your firm can focus on a **specific** injury by a **specific** drug or device.

# Other benefits of a mass torts practice

With the right case, it can cost as little as **\$1,500** to acquire a new client with a case that will settle for **\$300,000**.

No additional effort or cost to take on many cases.



# Settlement Examples

Vioxx	4.8 Billion
Yaz	1.8 Billion
Stryker Hip	1.3 Billion
DePuy Hip	2.5 Billion
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Total	10.4 Billion

Data Source: Mass Tort Nexus

# Marketing By Education

## **Example:**

Client knows they took a drug and had an adverse event, but doesn't know the two are related.

The patient needs to be educated on the link between the drug and the description of the injury.

# Effective Educational Marketing: A Website

- Symptoms and side effects
- Types of injuries caused by the drug or device
- FDA warnings
- New medical research
- Medical options to treat the adverse event

# Effective Educational Marketing: A Website

Example 1: 3M Bair Hugger Forced Air Warming Products

# Effective Educational Marketing: A Website

Example 2: IVC blood clot filter

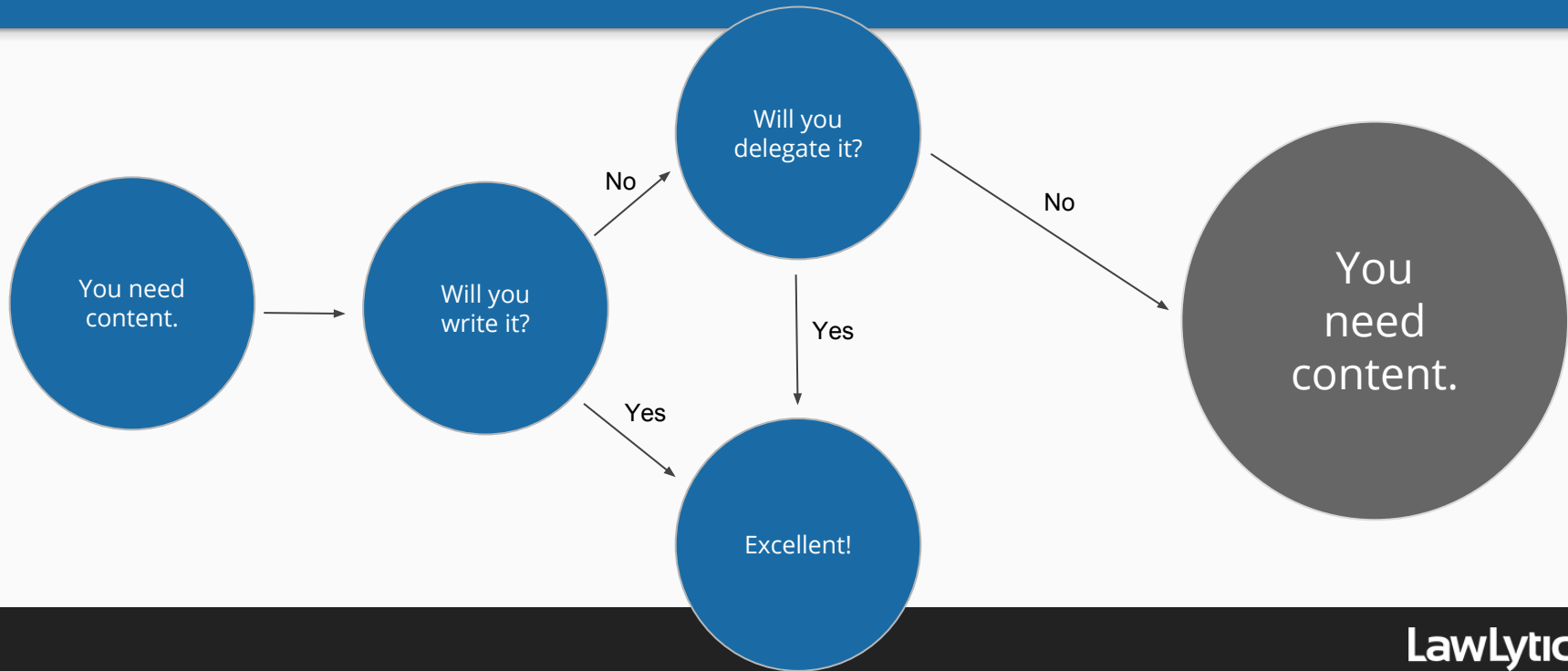
# Effective Educational Marketing: A Website

Example 3: Talcum Powder

# Effective Educational Marketing: A Website

A website is more efficient than traditional advertising, disposable advertising or purchasing leads.

# The Content Problem...





# Marketing Your Mass Torts Practice

How LawLytics can help mass torts lawyers

# Q & A

Submit questions via the GoToWebinar Control Panel

# Thanks For Attending

**Email:** [info@lawlytics.com](mailto:info@lawlytics.com)

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