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A Welcome Letter from Co-Chairs, Jasmine Robinson and Alexandra Maiolini

Welcome! We are excited about this 2017-2018 ABA YLD TIPS Committee year.

Our goal is to provide beneficial content to our members and encourage your participation. We hope to engage all of you in developing some of this content, and don’t forget to add it to your resume! Some of the opportunities for members to contribute content include:

- **101/102 Practice Series Articles** – The 101 Practice Series is a members-only online resource covering basic training in both substantive and practical aspects of a law practice and is an essential resource for new lawyers. These articles are shorter, typically 600 words or so. They are an easy way for you to get a publication on your bio, show others at your firm that you are developing your professional presence, and contribute to our membership. Past articles can be found [here](#).

- **Newsletter Articles** – Short articles (no more than approximately 200 words) regarding recent legal developments in our field. Our committee publishes a newsletter every quarter. The deadline to submit an article for the Winter Newsletter is January 7, 2017, so if you have an idea, be sure to submit it!

- **Teleconferences** – The committee will, from time to time, hold teleconferences where attorneys in our field discuss recent legal developments or a substantive legal issues. We will keep you up to date on upcoming teleconferences. We hope you will call in and participate. Let us know if you have any ideas on content you would like to hear. And if you want to assist in planning a teleconference or be a guest speaker, let us know that too!

We will keep you up to date throughout the year with committee newsletters, content, and other updates through email and on our webpage at: [https://www.americanbar.org/groups/young_lawyers/committees/tort_tipc.html](https://www.americanbar.org/groups/young_lawyers/committees/tort_tipc.html).

If you have any questions about the committee, how to get involved, how to submit articles, etc., please do not hesitate to contact us or any of the Vice-Chairs. We look forward to a great bar year!

Regards,

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ARTICLES

Recent Developments in Business Litigation
By Brian L. Bank, Kristen M. Bush, Michael A. Sirignano, Priscilla D. Kam, Michelle A. Bholan, Daniel Wilson, and Van Cates

The following excerpt is a reprint from the “Tort Trial & Insurance Practice Law Journal: Recent Developments in Business Litigation” survey (Vol. 52-2, Winter 2017). The complete survey provided an overview of significant cases addressing business litigation issues during the period of October 1, 2015, through September 30, 2016. Specifically, the article discussed: (1) civil Racketeer Influenced and Corrupt Organizations Act (RICO) jurisprudence addressing the complexities of pleading a civil RICO claim and the indications of a possible trend toward growing tolerance of such claims; (2) fraud and misrepresentation jurisprudence resolving circuit splits and addressing the interplay between fraud and various statutory schemes; (3) contract jurisprudence highlighting developments in the areas of contractual indemnity, subrogation, insurance, consequential damage exclusions, and confidentiality clauses; (4) fiduciary jurisprudence discussing the proliferation of employee stock ownership plan litigation and the dischargeability of certain judgments for breach of fiduciary duty in bankruptcy; and (5) remedies jurisprudence in which numerous states continue to develop varying interpretations and applications of the economic loss rule. This reprint focuses on the Civil RICO developments discussed in the complete survey and has been updated to include recent developments after the original publication.

The complete article can be found in the “Tort Trial & Insurance Practice Law Journal: Recent Developments in Business Litigation” survey (Vol. 52-2, Winter 2017) or at this link.

I. CIVIL RICO

During the past year, federal courts continued to tackle the complexities of civil RICO cases, including questions regarding the extraterritoriality of RICO, proximate cause in class action cases, and the strict pleading standards necessary to support a RICO claim.

The Supreme Court, in RJR Nabisco, Inc. v. European Community, resolved the conflict among lower courts regarding RICO’s extraterritorial application. Specifically, in RJR Nabisco—a sixteen-year-long litigation brought by the Members of the European Community against RJR Nabisco alleging a global money laundering scheme involving the sale of cigarettes, international drug trafficking, and black-market money brokers—the district court dismissed the European Community’s RICO claims as impermissibly extraterritorial. The Second Circuit reversed that decision, finding that RICO liability could attach to extraterritorial conduct under the relevant RICO predicate. The Supreme Court upheld the concept that RICO applies to some foreign racketeering activity, but reversed the Second Circuit and dismissed the RICO claims on the grounds that it was still necessary to allege and prove a domestic injury.

The Supreme Court agreed with the Second Circuit’s conclusion that “with respect to a number of offenses that constitute predicates for RICO liability . . . Congress has clearly manifested an intent that

1 136 S. Ct. 2090 (2016).
they apply extraterritorially.” The Supreme Court held that Congress’s incorporation of extraterritorial predicates into RICO clearly indicated its intent that RICO apply to foreign racketeering activity (to the extent the underlying predicates pleaded apply extraterritorially) regardless of the location of the RICO enterprise. RICO’s extraterritorial reach, however, is not boundless. Indeed, though the RICO enterprise need not be a domestic enterprise, it must be engaged in or significantly affect U.S. commerce. Thus, the Court held that a private plaintiff seeking to recover under RICO must allege and prove a domestic injury to its business or property even if the pattern of racketeering activity alleged is comprised of extraterritorial predicate acts. Since the European Community had waived claims for domestic injuries, the Supreme Court held that the RICO claims had to be dismissed in this case. (Notably, since the plaintiffs in RJR Nabisco waived their claims for domestic injuries, the Court declined to define what constitutes a “domestic injury” redressable under Civil RICO. As such, since the original publication of this survey, the federal district courts have adopted two separate and distinct rules in interpreting RJR Nabisco and determining what constitutes a “domestic injury.” Most federal district courts have concluded that whether a plaintiff’s injury is “domestic” depends on where the injury was suffered (the Bascuñan rule). See, Bascuñan v. Daniel Yarur ELS Amended Complaint, 2016 WL 5475998 (S.D.N.Y. 2016). However, some courts have focused on the location of the injurious conduct in determining whether the plaintiff suffered a domestic injury. See, Tatung Company, Ltd. v. Shu Tze Hsu, 217 F. Supp. 3d 1138 (C.D. California, Southern Division 2016)).

In Chevron Corp. v. Donziger, the Second Circuit upheld a complaint brought under RICO for injuries sustained as a result of fraudulent activity that took place, in part, outside of the United States. Chevron sued New York attorney Donziger, his law firm, and others alleging that they constituted a RICO enterprise which, through a pattern of racketeering activity, fraudulently procured, and conspired to procure, an $8.46 billion judgment in Ecuador against Chevron for environmental damage. In entering a judgment in favor of Chevron, the district court held, and the Second Circuit affirmed, that the defendants were in fact a RICO enterprise that was associated in fact for the common purpose of recovering money from Chevron and that the imposition of such a wrongful debt on Chevron constituted an injury to its business or property. The court noted that while many of the wrongful activities, including the predicate acts of wire fraud, money laundering, and bribery, took place in Ecuador, “the evidence at trial established that Donziger, a New York lawyer and resident, here formulated and conducted a scheme to victimize a U.S. company through a pattern of racketeering [activity that] included substantial conduct in the United States.”

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2 Id. at 2099 (quoting European Community v. RJR Nabisco, Inc., 764 F.3d 129, 133 (2d Cir. 2014)).
3 Id. at 2102–05. The Court affirmatively held that § 1962(b) and (c) apply extraterritorially, but declined to address the extraterritorial reach of § 1962(a)—the unlawful use of income derived from racketeering activity—or § 1964(d)—RICO’s conspiracy provision. The Court indicated, however, that § 1962(a) would require domestic use of the racketeering income while § 1962(d)’s extraterritoriality tracks that of the provision underlying the alleged conspiracy.
4 Id. at 2105.
5 Id. at 2106–11.
6 Id. at 2111.
7 2016 U.S. App. LEXIS 14552 (2d Cir. 2016).
8 Id. at 144–53.
9 Id. at 153–55.
10 Id. at 151 (quoting Chevron v. Donziger, 974 F. Supp. 2d 362, 588 (S.D.N.Y. 2014)).
The Second Circuit also addressed the scope of the federal courts’ authority to grant equitable relief to a private RICO plaintiff—an issue that the Supreme Court has yet to decide and on which the circuit courts are split. In adopting the Seventh Circuit’s reasoning in National Organization for Women, Inc. v. Scheidler,\(^{11}\) the Second Circuit affirmed the district court’s order enjoining the Chevron defendants from enforcing the Ecuadorian judgment, holding that the civil remedies provision of RICO does not limit the authority of federal courts to grant equitable relief based on the nature or identity of the plaintiff.\(^{12}\) The court noted that interim relief, such as a restraining order pending final adjudication, was not available to private persons under RICO, but quoted the Seventh Circuit approvingly, which stated that affording private plaintiffs equitable relief is consistent with Congress’s intent to “encourage civil litigation to supplement Government efforts to deter and penalize” RICO activity.\(^{13}\)

Federal courts addressed RICO proximate cause issues in a number of class action cases this year, with differing results. In Torres v. S.G.E. Management, LLC,\(^{14}\) the plaintiffs brought a civil action under RICO alleging that Stream Energy, through its multi-level marketing program, Ignite, as well as a number of other defendants, operated a fraudulent pyramid scheme. The plaintiffs alleged that the fraud caused them financial losses. The district court certified a class of plaintiffs who lost money participating as independent associates (IAs) in Ignite’s program. The Fifth Circuit initially vacated class certification after interlocutory review, but then granted rehearing and affirmed certification of the class after en banc review.\(^{15}\)

In Torres, the court focused on the narrow issue of whether the plaintiffs may prove RICO causation through common proof such that individualized issues will not predominate at trial. RICO affords a private right of action only to plaintiffs who can show that they have been injured “by reason of” a violation of RICO’s criminal prohibitions.\(^{16}\) The defendants in Torres argued that this causation element requires individualized proof, defeating class certification. The Fifth Circuit disagreed, noting that the defendants’ opposition to class certification was at odds with recent decisions emphasizing that RICO claims predicated on mail and wire fraud do not require first-party reliance to establish that the injuries were proximately caused by the fraud.\(^{17}\) Thus, the plaintiffs merely needed to show that their losses were caused “by reason of” the defendants’ operation of a pyramid scheme as opposed to a lawful multi-level marketing program.\(^{18}\)

In affirming the district court’s certification of a class, the Fifth Circuit concluded that if the plaintiffs prove that the defendants operated a fraudulent pyramid scheme, a jury may reasonably infer from the plaintiffs’ payments to join as IAs that they relied on Ignite’s implicit representation of legitimacy, when in fact it was a fraudulent pyramid scheme and, thus, individualized issues of causation would not predominate.\(^{19}\)

\(^{11}\) 267 F.3d 687 (7th Cir. 2001), rev’d on other grounds, 537 U.S. 393 (2003).


\(^{13}\) Id. at *162, 164–65 (quoting Nat’l Org. for Women, Inc., 267 F.3d at 698).


\(^{15}\) Id. at *2–3, *9–10 (citing Torres v. S.G.E. Mgmt., LLC, 805 F.3d 145 (5th Cir. 2015), rev’d en banc, 2016 U.S. 17746 (2016)).

\(^{16}\) Id. at *12.

\(^{17}\) Id. at *13.

\(^{18}\) Id. at *17.

\(^{19}\) Id. at *37–39.
The Third Circuit reached a similar conclusion regarding the proximate cause element of RICO claims in *In re Avandia Marketing*. There, the plaintiffs—a proposed class comprised of third party payors of health care benefits—brought RICO claims against a drug manufacturer that allegedly concealed significant health risks associated with several of its Type II diabetes drugs. The manufacturer argued that the plaintiffs could not establish proximate cause because the intermediary doctors and patients were actually the ones to rely on the defendants' misrepresentations. The court, relying on the Supreme Court’s decision in *Bridge v. Phoenix Bond and Indemnity Co.*, held that “if there is a sufficiently direct relationship between the defendant’s wrongful conduct and the plaintiff’s injury . . . a RICO plaintiff who did not rely directly on a defendant’s misrepresentation can still establish proximate causation.” The court noted that the plaintiff payors were the primary intended victims of the drug manufacturer's fraud and their economic injury was a foreseeable and natural consequence of the fraud regardless of whether the payors themselves relied on the misrepresentations. Thus, at least at the pleading stage, the plaintiff payors' alleged injuries were sufficiently direct to satisfy the RICO proximate cause requirement.

In contrast, in *Sergeants Benevolent Ass’n Health and Welfare Fund v. Sanofi-Aventis U.S. LLP*, the Second Circuit affirmed the denial of class certification based on the plaintiffs’ failure to prove causation through generalized proof. In *Sergeants Benevolent*, the plaintiff health-benefit plans brought RICO claims against a drug manufacturer alleging that it concealed risks of an antibiotic drug that caused the plaintiffs to pay for prescriptions that would have otherwise not been written. The court noted that reliance on the alleged misrepresentation is not an element of a RICO mail fraud claim, but that the plaintiffs’ theory of injury in most RICO mail fraud cases will nevertheless depend on establishing that someone—whether the plaintiffs themselves or third parties—relied on the defendant’s misrepresentation.

That is because reliance will typically be a necessary step in the causal chain linking the defendant’s alleged misrepresentation to the plaintiffs’ injury: if the person who was allegedly deceived by the misrepresentation (plaintiff or not) would have acted in the same way regardless of the misrepresentation, then the misrepresentation cannot be a but-for, much less proximate, cause of the plaintiffs’ injury.

According to the Second Circuit, “[b]ecause proving causation will ordinarily require proving reliance, and because of the difficulty of proving reliance using ‘generalized proof’ . . . it is quite difficult, though not impossible, to certify a class in a RICO mail fraud case.”

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21 *Id.*
22 *Id.* at 645.
24 *In re Avandia Mktg.*, 804 F.3d at 643.
25 *Id.* at 645.
26 *Id.*
28 *Id.*
29 *Id.* at 87 (citing *Bridge v. Phoenix Bond & Indem. Co.*, 553 U.S. 639, 658–59 (2008)).
30 *Id.*
The Second Circuit thus found that the district court’s grant of summary judgment to the defendant on the plaintiffs’ RICO claims was sound.\textsuperscript{31} The district court had first denied the plaintiffs’ motion for class certification, relying on the Second Circuit’s decision in \textit{UFCW Local 1776 v. Eli Lilly & Co. (Zyprexa)},\textsuperscript{32} holding that the individual decisions of prescribing physicians thwarted the plaintiffs’ effort to prove class-wide causation using generalized proof. The Second Circuit held that the proof offered by the plaintiffs did not differ in any meaningful way from that offered by the Zyprexa plaintiffs, and therefore the district court did not abuse its discretion in denying class certification.\textsuperscript{33} 

The Eleventh Circuit in \textit{Bryan Ray v. Spirit Airlines, Inc.} also addressed the RICO proximate cause requirement in a putative class action suit against an airline, noting that there must be some direct relation between the RICO violation and the injury.\textsuperscript{34} The plaintiffs in \textit{Bryan Ray} alleged that Spirit Airlines conducted an enterprise through a pattern of racketeering activity (including mail fraud and wire fraud) when it concealed and misrepresented airfare and user fees on its website as government-imposed taxes.\textsuperscript{35} The plaintiffs essentially argued that merely purchasing a ticket and paying an unlawful passenger usage fee amounted to reliance on Spirit’s fraudulent conduct. The Eleventh Circuit disagreed, noting that the plaintiffs’ argument only established a potential injury, but did not establish that the plaintiffs sustained injury as a direct result of Spirit’s claimed fraudulent misrepresentations.\textsuperscript{36} Among other failings, the plaintiffs pled nothing even remotely suggesting that they—or anyone else—would have acted differently had Spirit been clearer in its presentation and description of the passenger usage fee.\textsuperscript{37} 

Finally, in \textit{Empress Casino Joliet Corp. v. Balmoral Racing Club, Inc.}, the Seventh Circuit addressed the pattern of racketeering requirement in its latest encounter with a dispute between casinos and the horseracing industry that arose from former Governor Rod Blagojevich’s corruption scandal.\textsuperscript{38} There, the plaintiff casinos alleged that the defendants, members of the horse racing industry, traded a $100,000 campaign contribution to Blagojevich for his signature on a bill that imposed a 3 percent tax on the casinos that was placed into trust for the benefit of the horseracing industry.\textsuperscript{39} In 2014, the Seventh Circuit addressed the proximate cause element of the plaintiff casino’s RICO claim, finding sufficient evidence to survive summary judgment on the claim that the governor agreed to sign a 2008 

\textsuperscript{31} Id. at 97. 
\textsuperscript{32} 620 F.3d 121 (2d Cir. 2010). 
\textsuperscript{33} Sergeants Benevolent Ass’n Health & Welfare Fund v. Sanofi-Aventis U.S. LLP, 806 F.3d 71, 90–91 (2d Cir. 2015). The court noted that a class of plaintiffs may be able to prove class-wide causation based on first-party reliance without individualized inquiry if circumstantial evidence strongly infers that all class members relied on an alleged misrepresentation. “Such an inference may be available if, for example, the class members all faced ‘the same more-or-less one-dimensional decision making process,’ such that the alleged misrepresentation would have been ‘essentially determinative’ for each plaintiff.” Id. at 88 (quoting Richard A. Nagareda, \textit{Class Certification in the Age of Aggregate Proof}, 84 N.Y.U. L. REV. 97, 121 2009)). 
\textsuperscript{34} 2016 U.S. App. LEXIS 16269 (11th Cir. 2016) (citing Williams v. Mohawk Indus., Inc., 465 F.3d 1277, 1287–88 (11th Cir. 2006); Hemi Grp., LLC v. City of New York, 559 U.S. 1 (2010)). 
\textsuperscript{35} Id. at *1–3. 
\textsuperscript{36} Id. at *15–16. 
\textsuperscript{37} Id. at *18–19. 
\textsuperscript{38} 831 F.3d 815 (7th Cir. 2016). 
\textsuperscript{39} Id. at 820.
bill pursuant to a quid pro quo agreement.\textsuperscript{40}

In 2016, the Seventh Circuit again became involved after a jury found for the casinos on all counts and awarded them more than $25 million in damages, which was trebled under RICO’s civil damages provision to $75 million. The court, however, held that the jury did not have legally sufficient evidence to support a verdict finding a conspiracy to engage in a pattern of racketeering, since the scheme was limited and had a “natural ending point.”\textsuperscript{41}

In Empress Casino Joliet Corp., the court noted that continuity is “centrally a temporal concept” and that the continuity requirement ensures that RICO targets long term criminal conduct—not one-off crimes.\textsuperscript{42} Although the plaintiff casinos relied on the theory of “open-ended” continuity and the threat of repetition, the court found that the evidence did not demonstrate a threat of repetition—and instead stated that the case was about one quid pro quo agreement to exchange one campaign contribution for Blagojevich’s signature on one bill.\textsuperscript{43} The court thus reversed the district court’s denial of the defendant racetracks’ motion for summary judgment on the RICO claim, but affirmed judgment in favor of the plaintiff casinos on their state law claims.\textsuperscript{44}

While pleading and proving RICO claims remains difficult, as the Second Circuit reiterated in Chevron, the object of RICO was to encourage civil litigation to supplement the government’s efforts to deter and penalize RICO activity, which seems indicative of a trend toward increased acceptance of civil RICO claims.

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\textsuperscript{40} Id. at 821. The Seventh Circuit reversed in part, holding that there was enough to survive summary judgment on the claim that the governor agreed to sign a 2008 bill, but not a 2006 bill, in exchange for a bribe. See Empress Casino Joliet Corp. v. Johnston, 763 F.3d 723 (7th Cir. 2014).

\textsuperscript{41} Empress Casino, 831 F.3d at 827.

\textsuperscript{42} Id.

\textsuperscript{43} Id. at 825.

\textsuperscript{44} Id. at 836.
Data Breach Standing: Recent Decisions Show Growing Circuit Court Split
By Dominic Spinelli

It is often said that experiencing a data breach is not a question of if but when. As we have seen in recent years, data breach litigation is just as inevitable. As companies struggle to deal with data breaches, courts have also struggled to deal with the issue of standing in data breach litigation.

A key battle in data breach litigation is whether plaintiffs have alleged a sufficient injury-in-fact to support standing under Article III of the Constitution. Plaintiffs typically allege that the increased “risk of future harm,” such as future fraudulent charges or identify theft, satisfy the injury-in-fact requirement. The United States Supreme Court has held that to establish an injury-in-fact, a plaintiff must show that he or she suffered “an invasion of a legally protected interest” that is “concrete and particularized” and “actual or imminent, not conjectural or hypothetical.” Spokeo, Inc. v. Robins, 136 S. Ct. 1540 (2016). With respect to the “risk of future harm,” the Supreme Court has stated that the “threatened injury must be certainly impending to constitute injury-in-fact” and plaintiffs must show a “substantial risk that the harm will occur.” Clapper v. Amnesty International, 133 S. Ct. 1138 (2013).

A series of recent rulings shows a significant circuit split as to whether an increased risk of future harm is sufficient to support Article III standing. Most recently, in August of 2017, the D.C. Circuit held that the plaintiffs’ “plausibly alleged a risk of future injury that is substantial enough to create Article III standing.” Attias v. CareFirst, Inc., 2017 WL 3254941 (D.C. Cir. Aug. 1, 2017). The D.C. Circuit concluded that the combination of information that the plaintiffs had alleged had been stolen, which included social security and credit card information, “make up, at the very least, a plausible allegation that plaintiffs face a substantial risk of identify fraud.” The Court further noted that it is “much less speculative – at the very least, it is plausible – to infer that [the hacker] has both the intent and ability to use that data for ill.” In addition to the D.C. Circuit, the Sixth, Seventh, and Eleventh Circuits have held that an increased risk of future harm is sufficient to support standing. See, e.g., Lewert v. P.F. Chang’s China Bistro, Inc., 819 F.3d 963 (7th Cir. 2016); Resnick v. AvMed, Inc., 693 F.3d 1317 (11th Cir. 2012); Galaria v. Nationwide Mut. Ins. Co., 663 Fed. Appx. 384 (6th Cir. 2016). On the other hand, the Second and Fourth Circuits have held that allegations of nothing more than an increased risk of future injury do not support standing. Whalen v. Michaels Stores, Inc., 2017 WL 1556116 (2d Cir. May 2, 2017); Beck v. McDonald, 848 F.3d 262 (4th Cir. 2017).

Given the circuit split and increasing frequency of data breach litigation, it is likely the Supreme Court will need to address this issue that has important implications for corporate liability for data breaches.

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Tips for Taming the Beast Docket
By Jasmine F. Robinson

Most attorneys manage a docket of a limited number of cases, but then there are some who handle a limitless docket of hundreds of cases. If you find yourself among those that tackle heavy dockets, it can seem like daunting, untamable beast at times. If you have to attend a meeting, or prep a case for trial, or take a week of vacation, you quickly feel like you are behind and that the work is catching up to you. I will share some tips to help you tame the beast before it gets you.

#1. Create Templates – Templates save time. If you generally file the same petition or answer, serve similar discovery requests and responses, file the same five motions, and draft specific letters, then you should create templates. A template will prevent you and your team from having to constantly set up a document. It will also assist your staff in knowing how you write, so you spend less time editing. Once your templates are completed, you simply change or add language to finalize the document. You have easily saved 30 minutes to 1 hour of your day.

#2. Do Like Things Together – It is more time consuming to jump from one task to a very different task. If you have 5 petitions to draft, 5 sets of discovery to review, 5 summaries to send out, and emails to respond to, do not jump from petition to discovery back to petition and then to a summary. Complete one set of tasks because its allows you to work efficiently and bill your time accurately. After you have finished one task, then tackle the next. Now it is almost impossible to only focus on one task with so many deadlines and distractions, but as much as you can, do like things to together.

#3. Train Your Team– Take the time to train your team members. Your team members will not know the policies or your preferences. Training is time consuming on the front end but time saving on the back end. If you spend 6 months training, you will have a team that works efficiently for years.

#4. Delegate – So you trained your team members, now you have to trust them and delegate work. The hardest part of maintaining a heavy docket is managing the work load. If you do not delegate tasks to your team, you will work nonstop and never accomplish enough. Determine what tasks are best suited for your paralegal, legal assistant, and administrative assistant; then delegate.

#5. Run Reports – I quickly learned the importance of running reports. You will not remember the status of 200 cases, but you can run a report and get summary in a matter of seconds. Depending on the database used by your employer, you can run reports on the number of cases assigned to you, the last activity performed in each case, the last date a case was reviewed, the time billed and money spent on a case, and the status of a case.

#6. Learn Your Craft and Move Fast – Learn what is important to your client and how to communicate with them. Learn to look for key words and scan documents so you do not waste your time doing work that should be delegated. Attend CLE’s and take the opportunity to speak with other attorneys and find out what works for their office. Learn your area of practice well. Practice perfecting your work and then practice doing it faster.

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NEWS AND ANNOUNCEMENTS

The Basics of ERISA Teleconference

On November 9, 2017 at 12 EST, in conjunction with the YLD Health Law committee, we will host a Basics of ERISA Teleconference. This teleconference will provide an overview of the Employee Retirement Income Security Act (ERISA), including a review of its origins, purposes, and key principles and a discussion of different areas of health law practice where ERISA issues may be encountered.

Registration and Call-in Information Coming Soon

No-Fault Insurance Anti-Fraud Litigation Webinar

The Center Professional Development and Tort Trial and Insurance Practice Section are sponsoring a webinar called “No-Fault Insurance Anti-Fraud Litigation: An Overview.” The webinar will explain how to:

- Classify the type of fraud, and identify avenues for further investigation when approached by a client with a suspected case of no-fault insurance fraud;
- Evaluate potential causes of action, develop them into a legally-sufficient complaint, and defend that complaint against a dispositive motion; and
- Formulate a discovery strategy, justify the need for various types of discovery to the court, and leverage that discovery to obtain a favorable settlement or prove your client’s case at summary judgment or trial.

The webinar is on October 25, 2017 from 1:00 pm – 2:30 pm EST. Sign up here!

Publish Your Article With YLD TIPS!

YLD TIPS is a great opportunity to be a published. If you have an idea for an article and are interested in authoring an article for future newsletters, please contact Dominic Spinelli at dspinelli@peabodyarnold.com.

If not a newsletter article, consider publishing a 101 Practice Series Article with the YLD TIPS Committee. The 101 Practice Series Articles are specifically geared toward the young lawyer. These articles provide other young attorneys practical information and training in both substantive and practical aspects of law practice. 101 Practice Series Articles can include tips, lists, bullet points, examples, good quotes, lively writing, and other techniques to facilitate the readers’ grasp of information. Do not underestimate how your experience can help other young lawyers.

If interested, please contact Dominic Spinelli at dspinelli@peabodyarnold.com.