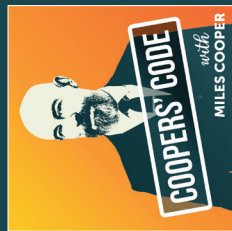


This is a newsletter prepared by lawyers to apprise folks about the law, cases, safety, and significant events. Coopers LLP has lawyers licensed in California, Oregon, and Washington state, and accepts referrals and co-counsel opportunities to better serve the plaintiff community.

## FREE MCLE CREDITS

Available on select Coopers' Code episodes



Several of our podcast episodes have been approved by the State Bar of California for MCLE credit — all you have to do is listen and fill out a form afterward.



Scan the QR code to go to  
our YouTube playlist.



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# COOPERS' COUNSEL

Stories, case studies, and practice pointers  
from consumer law experts

ISSUE #5 | SPRING 2025



  
**COOPERS LLP**  
TRIAL LAWYERS

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Coopers LLP helps seriously injured people and accepts referrals and co-counsel opportunities from lawyers. We excel in strategizing. Have a matter you'd like to brainstorm? **Call or text us at 866-912-2789.**

Coopers LLP has lawyers licensed in California, Oregon, and Washington state, and can affiliate with local counsel on matters where Coopers can make the difference.

**Visit us at [coopers.law](https://coopers.law).**

Cover: Military strategist and philosopher Sun Tzu. Courtesy of Wikimedia Commons.

## A LETTER FROM THE COOPERS



Why is this issue focused on pre-litigation and our commitments to insurance adjusters? To quote Sun Tzu, **"The supreme art of war is to subdue the enemy without fighting."**

Adjusters make critical decisions in cases, and we're committed to helping them make the right ones. This involves "pre-litigation," shorthand for cases where we haven't filed a lawsuit yet. In Pre-lit, we gather records, fine-tune investigations, and typically submit a demand package to the adjuster before we file. This helps adjusters set reserves. Increasing reserves later can be hard, so providing detail to set a high number is key. It can also get the case settled, particularly when damages exceed policy limits.

Our Pre-lit practice excels at extracting maximum value while keeping costs low for clients. If we don't settle, we use an early Formal Offer to Compromise, allowing us to go to trial, shift the costs to the defense when we can beat that Formal Offer number, and still get great results. If you're a firm that refers cases, consider sending us a test.

We'll look at two referral cases: one that secured policy limits through good lawyering, and another that creatively turned a workplace injury into a civil case with expanded insurance coverage. We also meet Ian Tate, one of our newer Pre-lit case managers.

Enjoy, learn, and let us know what you think. Got a case? Reach out so we can collaborate!

*Happy hunting,  
M&M*

*Miles B. Cooper, Maryanne B. Cooper, and everyone at Coopers LLP*

## CASE SPOTLIGHT

# \$4M+ INDUSTRIAL INCIDENT SETTLEMENT: UNCOVERING HIDDEN LIABILITY

## Exclusive remedy, no OSHA citations, and other challenges

The hum of the factory floor, a constant companion for years, turned into a nightmare on April 6th, 2021. For a hardworking father of eight, a routine graveyard shift became a life-altering tragedy. He was a forklift operator, but like many in his position, he was also expected to keep the massive, aging machinery running. A simple, 30-second fix, a task he'd performed countless times, ended with his hand crushed inside the machine by thousands of pounds of force.

His injuries were catastrophic. Fractures, dislocations, and crush injuries ravaged his right hand, wrist, and forearm. The following eight months were a relentless cycle of agonizing procedures: tissue removal, pins, skin grafts, tendon repairs, even a muscle transplant from his back. Despite the



best efforts of surgeons, complications mounted, with infections, bone failures, and crippling pain. Ultimately, his right arm was amputated below the elbow.

But the physical devastation was only part of the story. This was a man who lived for his family, a father who coached his kids' teams and never missed a school event. Now, he couldn't even hold his youngest child, just a year old. The loss of his hand robbed him of his livelihood, his independence, and his identity. He faced not only physical pain but also the painful weight of depression, PTSD, and the emotional distress of losing everything he held dear. His partner, once his equal, became his caregiver, shouldering the burden of their large family.

The Coopers team knew this was more than just a case; it was a fight for a family's future. They understood the complexities of the law, the limitations of workers' compensation, and the daunting challenge of holding a large manufacturer accountable. They refused to be deterred.

The legal battle was fierce. The manufacturer, with their experts, argued that the machine was safe, blaming the victim. The Coopers team meticulously investigated, challenging every assumption, leaving no stone unturned. They navigated the labyrinth of product liability law, tracing the machine's



history through multiple owners over 30 years, despite modifications that muddied the waters. They even chased down a long-defunct distributor, a two-person operation now run by an elderly man with dementia, to uncover crucial evidence.

The employer, surprisingly, didn't point fingers. They laid the blame squarely on their employee, claiming he'd been properly trained. This was an uphill battle against OSHA's findings and the weight of company documentation.

The Coopers team faced another critical challenge: inadequate insurance. The manufacturer and distributor's policies were far from sufficient to cover the devastating losses. Yet, they persevered. They fought for every dollar, leveraging every legal avenue, refusing to back down. They knew their client's future depended on it.

In the end, Coopers secured a \$4,050,000 settlement. This included the maximum payout from the manufacturer and distributor's insurance, along with a significant contribution from the employer and related companies. It was a testament to the Coopers team's unwavering dedication, strategic acumen, and ability to attack problems in unconventional ways.

**Prosecuting attorneys:** Kimberly Wong, Maryanne Cooper, Miles Cooper, and Robert Igleheart of Coopers LLP.



Kimberly Wong, Maryanne Cooper, Miles Cooper, and Robert Igleheart.

**Have you been injured due to someone else's negligence?** If you or a loved one has been involved in an accident resulting in serious injury or wrongful death, Coopers LLP is here to help. Contact our experienced personal injury attorneys today for a free consultation.  
[coopers.law](http://coopers.law) | 866-912-2789 | [hello@coopers.law](mailto:hello@coopers.law)

## PRACTICE POINTER

# ATTITUDE ADJUSTMENT: 10 COMMITMENTS TO EMPOWER ADJUSTERS

## Collaborating to improve results and the practice

By Miles Cooper

Long ago, the carriers decreed that there would be adjusters, and their treatment would be anything but just. Pilloried, demeaned, and occasionally demoted from above. Snapped at and sneered at by lawyers and those civilians unfortunate enough to have to deal with them directly. It's a thankless job. "When I grow up, I want to be an unappreciated claims adjuster," said no one, ever. But perhaps it's time to write down claims presentation commitments to live by, in order to civilize, expedite, and maybe, just maybe, humanize the process.



## 10 Commitments to Adjusters

- 1 Cultivate Professionalism:** Acknowledge that mutual respect is fundamental to effective claims resolution. Refrain from responding to difficult interactions with further antagonism.
- 2 Initiate Clear Communication:** Begin the claims process with a direct introduction, establishing a clear line of communication.
- 3 Provide Comprehensive Documentation:** Facilitate efficient review by delivering all relevant documentation (police reports, medical records, etc.) at the earliest opportunity.
- 4 Ensure Organized Presentation:** Submit well-organized documentation, such as medical records in chronological order and itemized billing statements, to streamline the evaluation process.
- 5 Disclose Pertinent History:** Proactively furnish pre-incident medical records to provide a complete understanding of the claimant's condition.
- 6 Maintain Accountability:** Acknowledge and promptly address any lapses in professional conduct in communications.
- 7 Deliver Timely Updates:** Provide adjusters with updated records and billing information without requiring specific requests, ensuring a current file.
- 8 Facilitate Informed Evaluation:** Submit demands promptly upon compilation of all necessary information and offer supplemental information as needed, including opportunities for pre-litigation medical examinations or client meetings.
- 9 Explore Alternative Resolution:** When settlement authority is a challenge, offer to participate in pre-litigation mediation to assist in achieving a resolution.
- 10 Direct Communication Appropriately:** When communicating claim handling concerns to the insured, focus on the carrier's actions and avoid personalizing criticisms of the adjuster.

Everyone here is committed to successfully resolve our clients' claims, and to do so civilly and ethically. Should you ever feel any one of us has cut corners or been out of line, know that we take these commitments very seriously and I personally want to know about your concerns. That's why every introductory letter has my mobile phone number. We may not become best friends throughout the process. But if we've done our job

properly, you'll appreciate our commitment, our candid evaluation, and the respect we showed you during the process. Our approach doesn't change when the case shifts into litigation, and every commitment we make to adjusters extends equally to defense counsel as well.

Regardless of religious beliefs, our delicate dance was masterfully put in *A Lawyer's Prayer to St. Thomas More*: "...so that today I shall not, to win a point, lose my soul." Words to live by.



Portrait of Sir Thomas More by Hans Holbein the Younger Courtesy of Wikimedia Commons.

“  
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”

*A version of this article originally appeared in Plaintiff magazine, where Miles has written his monthly Back Story column for almost 15 years. Interested in Plaintiff and its coverage? Read more at [plaintiffmagazine.com](http://plaintiffmagazine.com).*

## CASE HIGHLIGHT

# POLICY LIMIT FOR POST-INCIDENT INJURIES

## A momentary lapse leads to lifelong pain

A bike never stands a chance against a car, and for its rider, the aftermath of a collision can be a long, arduous journey back to standing on one's own two feet.

Redwood Road is a crucial artery in Castro Valley, CA connecting its downtown to Hayward. On a typical morning, amidst the rush of commuters, Defendant Driver made a split-second decision that would forever change the life of Jane Doe, a scientist, mother, and cyclist on her way to work.

For two decades, Jane had followed the same route to her job, her bicycle an extension of her active spirit. Equipped with a helmet and lights, she was a lawful and familiar presence on that road. But as she approached the intersection, Defendant Driver, heading northbound, made an abrupt left turn, cutting directly into her path. The collision was unavoidable. Jane was thrown from her bike, landing hard on the unforgiving asphalt.



*What followed was a grueling journey to recovery.*

In the immediate aftermath, adrenaline masked the true extent of Jane's injuries. Her resilience and commitment to her job drove her to initially dismiss her pain. But as the shock wore off, the reality of her situation became undeniable, forcing her to seek medical attention.

What followed was a grueling journey of recovery. Physical therapy sessions became a constant, aimed at restoring her strength and mobility. Just as she began to see a glimmer of hope,

a devastating fall at Lake Tahoe, triggered by the instability caused by the initial collision, led to a cascade of new injuries and setbacks.

Jane's life, once defined by an active career and a love for physical pursuits, was now constrained by pain and limitations. The joy she found in biking, Zumba, yoga, and her community at the local athletic club was replaced by the frustration of physical restrictions and the emotional toll of chronic pain.

This case isn't just about the collision; it's about the ripple effect of negligence. Defendant Driver's failure to yield the right-of-way set in motion a chain of events that led to severe, life-altering consequences for Jane.

We were prepared to demonstrate in court the full extent of Jane's economic and non-economic damages, including substantial medical expenses, lost wages, and the immeasurable cost of pain, suffering, and diminished quality of life.

### The Result:

Through diligent pre-litigation work, determined advocacy, and a compelling presentation of Jane Doe's suffering, we successfully secured the full policy limit of \$500,000 from Defendant Driver's insurance company. This outcome, while it cannot undo the harm inflicted upon Jane, provides her with the means to access ongoing care and a measure of security for her future.



COOPERS' CODE 

# CELEBRATING 100 EPISODES

Insights from the man, the myth, the lawyer



*Miles takes a turn in the hot seat.*

Way back in early 2023, Miles Cooper began recording his podcast, Coopers' Code. The original intent was to share knowledge collected from years of practicing law, packaged into easily shareable lessons — practical pointers and strategies for legal professionals.

Over time, Coopers' Code expanded its scope, attracting prominent figures in law and beyond, and becoming a platform for in-depth discussions on a wide range of topics. The podcast has evolved from a focus on nuts-and-bolts advice to engaging with influential voices in the legal field, sharing their personal stories and timeless wisdom.

The 100th episode is a special occasion that turns the tables on the host. Instead of Miles Cooper conducting the interview, he becomes the interviewee. This unique format — requested by many of our guests in particular — offers listeners a chance to gain insights into Miles Cooper's own experiences, perspectives, and the driving forces behind the podcast itself. With nothing off the table, Miles answers crowd-sourced questions, including:

- If you could interview one person, dead or alive, who would it be?
- Where do you see the legal field going?
- What's something about you people would be very surprised to learn?
- What are the best and worst-case scenarios for the legal field with regards to AI?

So grab a cup of tea, take a mindful breath, and enjoy this milestone episode of Coopers' Code.



Use the QR code to go directly to the episode.

## TEAM STORY

# MEET IAN TATE

## From Records Clerk to Case Manager



In early 2023, a recent college graduate embarked on a job search, seeking an entry-level position in the legal field. The goal was to find an environment where dedication and skills could translate into professional growth and a sense of purpose beyond mere number-crunching. “I wanted a career that felt worthwhile for myself and those that I was working for,” Ian explains.

That search led to Coopers LLP, where the role of Records Clerk presented an opportunity to enter the industry. The firm’s culture and values aligned with Ian’s own aspirations.

The journey at Coopers began in May 2023, with responsibilities centered on the meticulous collection and maintenance of case-related records, including medical and law enforcement documents. This involved a blend of internal communication within the firm and external communication with medical providers, law enforcement agencies, and occasionally client employers.

The transition to Case Manager emerged organically, driven by both the firm’s need for an additional team member in that role and Ian’s expressed desire for advancement. The firm’s emphasis on internal growth, highlighted during the initial interview process and reinforced through interactions with colleagues like Tim Michael (then a Case Manager, now a Pre-Lit Manager) and Shareholder Maryanne Cooper, signaled that such ambitions were attainable. Ian notes, “The internal development of talent at Coopers has been emphasized since my earliest communications.”

To facilitate this transition, a part-time Case Manager role was created in late November/early December 2023. This allowed for a gradual assumption of case management duties while simultaneously fulfilling Records Clerk responsibilities, pending the hiring of a full-time replacement. The new role was particularly appealing because of the opportunity to hone



*Ian helping at a Coopers LLP community event, the Supermarket Street Sweep.  
Photo: Erik Mathy / @erikmathy*

writing and negotiation skills and to cultivate professional communication and relationship-building abilities with a diverse range of individuals, including clients, insurance adjusters, and experts.

The learning curve was steep. While formal training was provided, much of the development as a Case Manager was experiential. “Though there was, of course, much dedicated training involved, a considerable portion of my work/learning/growth as a case manager has happened through learning by doing,” Ian recalls. The collaborative environment at Coopers, particularly within the pre-litigation team, proved invaluable. Guidance from Pre-Litigation Managers, along with experienced Case Managers, contributed significantly to Ian’s progress.

Ian’s journey from Records Clerk to Case Manager exemplifies the firm’s commitment to nurturing talent and providing opportunities for growth. Through dedication, collaboration, and a focus on client communication, Ian has quickly become a valuable member of the pre-litigation team. His early successes, including significant settlements and effective lien negotiations, demonstrate his commitment to achieving the best possible outcomes for clients. As Ian continues to develop his skills and expertise, he remains focused on the core values that first attracted him to Coopers: a dedication to meaningful work and a commitment to serving both clients and the firm.