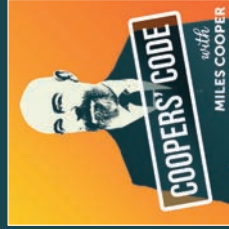


This is a newsletter prepared by lawyers to apprise folks about the law, cases, safety, and significant events. Coopers LLP has lawyers licensed in California, Oregon, and Washington state, and accepts referrals and co-counsel opportunities to better serve the plaintiff community.

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 personal injury law experts

ISSUE #7 | FALL 2025



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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.

A LETTER FROM THE COOPERS



The legal profession is defined by more than just precedent. It requires continuous learning, thoughtful strategy, and a deep commitment to those we serve. As the landscape of law and life continues to evolve, our goal remains the same: to share the distilled wisdom and innovative strategies we employ every day.

This issue of *Coopers' Counsel* focuses on navigating complexity, from mastering the strategic details of a case to charting a course through the future of our profession. We also change things up: in lieu of our standard case spotlight, Miles shares wisdom from 25 years of practicing law.

This issue's practice pointer dives into our professional imperative for fighting lien overreach, so we can better serve our clients. On the podcast front, we share our monthly explorations of all things AI, to keep colleagues apprised of this rapidly changing field. Finally, we celebrate our very own Andrea Posey's recognition by a hometown publication, the Montecito Journal.

We hope this issue provides valuable insights and sparks new ideas for your own practice. At Coopers LLP, we're passionate about helping the seriously injured, and are always open to collaborating through referrals and co-counsel opportunities. If you have a matter you'd like to brainstorm, please call or text us.

Happy hunting,

M&M

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

CAREER SPOTLIGHT

WHAT I'VE LEARNED IN 25 YEARS OF LAWYERING

Lessons from inside and outside the courtroom

By Miles Cooper

There's a danger to a column like this. Without proper introduction, it could take on an unintentionally patronizing tone. That's not the intent. My goal? Sharing wisdom that's influenced me with 25 years in practice behind me. I've benefitted from great mentors and partners, had good fortune and bad, battled addiction and nearly lost my daughter to cancer, doing a metric ton of self-work along the way. With luck, I have at least another 25 good years ahead. Every day becomes another opportunity to learn, iterate, and refine that wisdom. Some learning is in tension, forming both yin and yang. Finding the right way to embrace both creates stretch opportunities.

Know yourself

This is a lifelong endeavor. To know, love, and help others one must first know and love oneself. A good initial step, if one has not already done so, is to determine one's own driving values. There are a multitude of exercises out there to help one triangulate these. As an example, my personal values are wisdom, challenge, growth, and joy. An aside: one of my joys is working (and riding) with folks across a diverse age spectrum; these relationships drive plasticity through learning from the young and old. These values then become a frame for work, focus,

*Miles's personal values are wisdom,
challenge, growth, and joy.*



and decisions. Journal, reflect, read, and recognize that self as a constantly evolving being. A corollary to this is forgiving oneself. We all make mistakes, missteps, and misspeak. These are learning moments. Apologize, make amends to the best of one's ability, and in doing so forgive oneself and let it go. A companion to knowing oneself is establishing routines that provide good energy and bones for self-awareness. The tension here is making sure a mindless devotion to routine does not become overwhelming.

“

*Create windows for that deep work.
This means shutting off all access.
No email, no texts, no phones. Just focus.
The world will not end when one disconnects.*

”

Do less, well

Litigation life quickly becomes all-consuming. Add on the plaintiff lawyer mindset (“Yes, I’ll help you with that,”) a family, firm obligations, maintaining fitness, a hobby or three and suddenly there are 300 activity hours crammed into a 268-hour week. What’s harder than building a practice? Subtracting to just essential efforts. Recognize that an overfull mind means insufficient processing power to meaningfully strategize, think, and do deep work. A corollary? Create windows for that deep work. This means shutting off all access. No email, no texts, no phones. Just focus. The world will not end when one disconnects. The tension? Focusing on the essentials generates success. Success creates more demand for one’s time. Learn to politely say no by acknowledging one cannot take on the requested task and do a good job with what one is already doing.

For me, there is no work/life balance. Just balance. Sometimes, like the lead-up to trial and trial itself, the work becomes everything. Others, like pediatric cancer, life becomes everything (dual meaning here intended). We didn’t pick 9-5 jobs. Become comfortable with a balance fluidity, including being out of balance at points. Balance will return. That return usually requires a pendulum swing in the other direction. Take some quiet, calm, or retreat to restore energy and return fully fueled to the fight.

Along with balancing imbalance, tap into life’s ebb and flow. Surf the sets. The universe creates patterns and energy. There will be times when momentum grabs us — everything around pops off. That’s go time. Use that energy to make effortless forward motion. Then there are periods when the momentum not only dies but it feels like one’s fighting the sea just to stay in place. Fighting wastes energy. Surrender, reflect, retool, and rest. That momentum will return, and with rest one will be ready.

Social studies

With momentum’s ebb and flow the ego side can find oneself making comparisons to others. Don’t. It only brings misery. There will always be those more and less successful, regardless of how one defines success. The tension: without making deleterious comparisons, pick skilled adversaries. Greatness comes through challenge. Whether competing for business or competing in the courtroom, competition with talented opponents raises the bar.

Along the way, develop and maintain some deep friendships. Arthur Brooks talks about deal friends and real friends in his must-read *From Strength to Strength*. Real friends transform the quality of one’s life. Maintaining deep friendships with a busy practice and family can be very hard. Making the regular effort to keep that friendship flywheel spinning makes the later decades worth living, and far less lonely.

Halftime

What lessons does the second half hold? Stay tuned for the wisdom update column, due in 25 years in the Fall 2050 issue.

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.

Note: for those who’d rather watch than read, a version of this article was recorded for the Coopers’ Code podcast. **Watch the full episode on YouTube.**



PRACTICE POINTER

FIGHTING LIEN OVERREACH

The hidden tax on client recovery

By Miles Cooper

Here's an uncomfortable truth about personal injury practice: liens often get paid out of net settlements after attorney's fees and costs. This creates a perverse incentive structure. Negotiating liens aggressively doesn't increase a law firm's profit by a single penny. Every dollar saved goes directly to the client. Yet this is precisely why fighting lien overreach matters: every dollar saved goes directly to the client. That's why the top plaintiffs' firms become lien reduction strategy experts. It's our professional duty. And for those who like crossword puzzles, chess, and reading the tax code, it is thrilling work.

The top plaintiffs' firms become lien reduction strategy experts.



Subrogation companies understand this dynamic perfectly. Companies like The Rawlings Company, Carelon, and Optum have built business models on the assumption that overworked attorneys will simply roll over and pay whatever is demanded. They provide minimal legal support for their reimbursement claims, betting that the path of least resistance wins. For them, it's a numbers game. For our clients, it's the difference between financial recovery and financial ruin.

The Kaiser paradigm shift

The recent takeover of Kaiser Permanente's lien recovery by The Rawlings Company reveals just how aggressive these tactics have become. Historically, Kaiser's liens were handled by Equian, who notably did not pursue recovery from uninsured or underinsured motorist claims. This wasn't kindness on the part of Kaiser. It was legal reality.

Enter The Rawlings Company, apparently winning the Kaiser contract by promising to extract blood from stones. They now aggressively pursue UM and UIM recoveries, arguing that plan language alone creates enforceable rights. But saying it doesn't make it so. The law hasn't changed just because the subrogation company has.

The legal ammunition

When Rawlings or similar companies assert overreaching liens against UM/UIM coverage, they're hoping we won't know the law. But Courts have been clear. *Boston Mutual Ins. v. Murphree*, 242 F.3d 899 (9th Cir. 2001), cuts to the heart of the matter: "Given the functional differences between these coverages, no reasonable insured would expect that the plan's coordination clause, which at most implicates other first party medical coverage, could possibly apply to UIM coverage."

Similarly, *St. Paul Fire & Marine Ins. Co. v. Murray Plumbing & Heating Corp.*, 65 Cal.App.3d 66 (1976), provides additional support for challenging these overreaching attempts. Armed with these authorities, we've consistently achieved dramatic reductions, often paying only token amounts to fully satisfy liens that initially demanded tens of thousands.

The medical payments strategy

There will be times that the health plan has a legitimate lien claim. Here's a sophisticated approach that doubles the benefit for clients. Under California Civil Code § 3040, health insurance plans must reduce their liens

for attorney's fees and costs. After securing this reduction, use Medical Payments coverage to satisfy the lien. If you've recovered policy limits, the auto insurer cannot seek reimbursement on the Medical Payments lien.

Even if the auto insurer attempts subrogation on the Medical Payments coverage, you can reduce that lien for fees and costs as well. This creates a double reduction, minimizing the client's total reimbursement obligation through strategic sequencing of payments and reductions.

Turning causation issues into solutions

The tough medical causation problem. Your experts are on board, and you feel confident in prevailing, but it's a pain point in the case that's being exploited by the other side. If the jury believes the defense's experts, a large chunk of the medical damages are ripped from the case. The case settles, but then the subrogation company comes knocking at your door for a slice of your client's pie. This is where Coopers has learned to hold the lien analysts to their burden and turn the defense experts into our witnesses. We employed this strategy recently in a battle over a self-funded ERISA lien. The lien was reduced, substantially, putting more money into our client's pockets.

The professional imperative

Every firm faces the same economic reality: time spent fighting liens is time not spent on new cases or fee-generating work. But this is where professional responsibility diverges from profit motive. When a subrogation company counts on our exhaustion or indifference, they're betting against our clients' interests.

The next time a subrogation representative confidently asserts a lien, remember that their confidence often stems from experience with attorneys who won't push back. The more of us who push, the better it is for our whole practice (not to mention our clients). Fight back. Know the law. Challenge the overreach. It fulfills our fundamentals: maximizing recovery for those who've trusted us with their cases.

Expert assistance

Sometimes there are liens that are too large and too complicated even for the most competent plaintiffs' firms. Fortunately, there are a number of firms that specialize in reducing these complicated liens. Their granular knowledge of matters like self-funded ERISA plans can make a big differ-



There are a number of experts for hire that specialize in reducing complicated liens.

ence, and are worth hiring to help in the right situation. These firms are also generous with their learning, teaching CLEs and sharing templates, meaning supporting them yields new research and knowledge shared across the bar in the fight to reduce liens.

The bottom line

Subrogation companies have turned lien recovery into an industry built on intimidation and legal overreach. They profit from complexity and count on attorney fatigue. But when we push back with legal authority and strategic thinking, these paper tigers often fold.

COOPERS' CODE

LEGAL AI UPDATES

Our new monthly podcast feature

AI is here – and we're here to help you separate the hype from what's real and relevant to the profession.

In these monthly panel conversations, Miles sits down with Shahrad Milanfar and Marshall Cole to unpack how artificial intelligence is reshaping law practice, from hallucinated case law to deep structural shifts in how we train lawyers, value work, and assign risk.

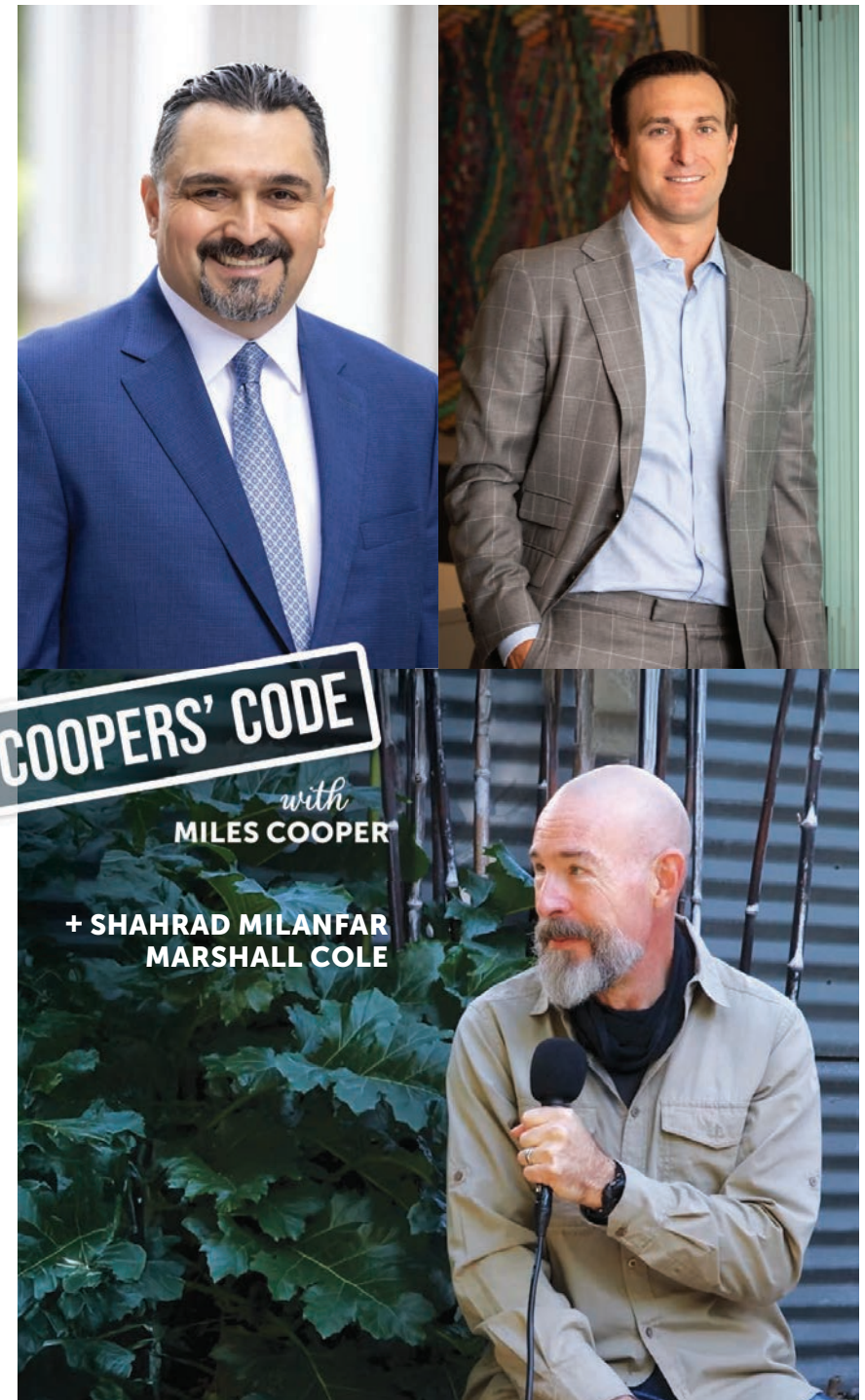
They debate courtroom ethics, generational divides, speculative agent futures, and the subtle ways technology is already changing everything from billing to judgment. These are grounded, informed explorations of what's coming, and how the legal world can either adapt – or get automated out of relevance.

Check out our playlist below to learn more about topics we've already covered, including:

- California Judicial Council AI rules
- Biases in LLMs (Large Language Models)
- Strategies for evaluating new tools
- Adoption strategies
- HIPAA-compliant tools

... and much, much more. Subscribe to our podcast to stay current on this rapidly evolving subject.

Use the QR code to go directly to the playlist.



TEAM STORY

ANDREA POSEY IN THE MONTECITO JOURNAL

A passion for the profession



We are incredibly proud to celebrate our very own Partner, Andrea G. Posey, on her recent feature in the Montecito Journal's "She Means Business" issue, which shines a light on remarkable women who are making a difference in their professions and communities.

For those who don't know, Andrea's legal career began in insurance defense. She was inspired to shift her focus to representing injured individuals by a personal family tragedy: the loss of her cousin in a distracted driving incident.

Her unique perspective gained from working both sides of the courtroom, in addition to her creativity and tenacity, makes her an invaluable asset to our firm.

Andrea handles some of Coopers LLP's most challenging cases, including wrongful deaths, catastrophic injuries, and complex product liability claims. She is a true champion for our clients, consistently going above and beyond to ensure they feel supported during their most vulnerable times. As she puts it, "I try to always make sure that my clients feel like I've taken the burden... You focus on your recovery, and let me take on the heavy lifting."

In her fourth year with Coopers LLP, Andrea has not only found a firm that mirrors her values but has also contributed significantly to our progressive environment. We are proud to have three female partners, and Andrea encourages more women to enter the litigation field. Her accomplishments are a testament to her hard work, empathy, and strong legal acumen. Congratulations to Andrea on this well-deserved recognition.

COMMUNITY

SPEAKING ENGAGEMENTS

Giving back by teaching

The consumer lawyer community is vibrant, giving, and dynamic as we all want to effect change to protect our communities and get the best results for our clients. A common thread lately: people want to know more about generative artificial intelligence and how it is impacting the practice. Because we want to stay ahead of this curve we've been doing

deep dives into AI, and sharing what we've learned with the broader community. Want us to speak at your next conference? Let us know at info@coopers.law.



Miles Cooper: Placer County Bar Association MCLE Conference

On September 5th, Miles Cooper presented with legal malpractice attorney (and regular Coopers' Code co-host) Marshall Cole at the Placer County Bar Association's 2-day MCLE Conference, educating attendees about generative AI in the legal field.

Miles Cooper: ADC 66th Annual Meeting

On December 12th, Miles will be presenting at the Association of Defense Counsel's 66th Annual Meeting with Marshall Cole and Shahrar Milanfar. They'll be discussing the effective and ethical use of AI from investigation through trial.

For more information, visit the ADC website (www.adcnc.org/annual-meeting).