

New Year's Resolutions Revisited: Some to Review and Some New

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By Christian Petrucci

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Last year at this time, this space was dedicated to some suggestions with respect to New Year's resolutions applicable not only to the practice of law, but specifically to the claimant's workers' compensation bar. Like all resolutions, some died Jan. 3; others live on. Either way, it is always a good idea to take stock of one's practice at the beginning of each year. Therefore, some possible New Year's resolutions that come to mind, in no particular order, are as follows:

- Return client phone calls in a timely manner. Whenever I hear of someone who is disgruntled with his attorney, almost invariably the reason is that the client's lawyer refuses to return phone calls. This is the single biggest complaint of the represented. If you have ever had the occasion to be represented by an attorney, you will quickly see why. I would venture to say that clients are almost happier remaining in constant communication and losing a case than being repeatedly blown off and winning. (I said "almost.") Consequently, resolving in this new year to return client phone calls promptly (or at all) should be of the utmost priority.
- Return colleagues' phone calls in a timely manner. Related to the previous resolution is the promise to return phone calls to fellow attorneys within a reasonable amount of time. There is nothing more frustrating than making repeated phone calls to a professional, only to be ignored. It is even a greater issue if the multiple phone calls are returned at 5 p.m., the evening before the hearing or deposition that prompted the phone call in the first place. So much can be resolved through timely communication. Even if the attorney's ninth call regarding the status of settlement negotiations or when the case will be accepted seems like an unnecessary annoyance, it is better to return the phone call and clarify things in less than a minute. (That's six minutes to you, if you know what I mean.)
- Be on time for hearings and depositions. One afternoon, I had the occasion to walk into a hearing in the Northeast after the designated time for the hearing. While the judge was unconcerned and understanding of whatever caused the tardiness, she wrote down the reason I had given and declared: "Forty-three." I asked 43 what? She proceeded to read 43 distinct excuses for untimeliness given to her that day. Needless to say, the practice of workers' compensation is high-volume and often requires multiple appearances at the same time in different locations. Nonetheless, phone calls and letters to judges and opponents can go a long way to resolve conflicts. Barring the unforeseen, resolving to be on time should be on everyone's resolution list.
- Join the Philadelphia Bar Association's workers' compensation section. While this is a holdover from last year, the Philadelphia Bar Association remains America's oldest chartered metropolitan bar association. It would not be redundant to remind readers that this nonprofit, voluntary membership organization serves 13,000 members and serves the profession and the public by promoting justice, professional excellence and respect for the rule of law. Workers' compensation practitioners can attend monthly luncheons for CLE credit that serve to bring the practitioner up to speed on hot topics. The bar and the workers' compensation section get their revenue primarily from the dues of members. Please resolve this year to join and visit the bar association's Web site at www.philadelphiabar.org.
- Submit all briefs in a timely manner. While this is also a holdover, it remains the most pressing of problems with the practice of workers' compensation law and will most likely perpetually be on the top of any legal New Year's resolution list. The submission of the briefs remains the single biggest factor in determining the amount of time a case will take from the filing of the petition to a final decision. Consequently, resolving in this new year to follow all briefing schedules should be of the utmost priority. Given the emphasis of the powers that be on shortening the amount of time required for a decision and the constant tinkering with the act and the special rules of practice and procedure to achieve that result, the best way to ensure that your livelihood remains unmolested by needless, future legislation is to submit briefs in a timely manner. That will ensure the wheels do not squeak.

- Lobby for increased settlement authority. This bonus resolution is actually for the defense bar. Think of how many more cases could be settled if the claimant's demands were simply met in full. The backlog in the system would be gone and you could be ready to take on more work. OK, if I did not get a smile out of you, perhaps I have another suggestion for a resolution. ...

These resolutions offer mere suggestions for a better 2009. Whether these are concerns for the reader or not, a resolution is a good way to improve one's way of practicing law. He who aims for nothing, invariably hits his target. I, for one, resolve again to start writing articles for *The Legal* before they are due!

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