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**11/14/17 – Proponent Testimony for S.B. 148**

Chair Uecker, Vice Chair Wilson, Ranking Member Thomas, and members of the committee, I thank you for the opportunity to testify as a proponent of Senate Bill 148.

Accident victims and their families deserve to be protected against intrusive and insensitive attorney and non-attorney solicitation. The letters start to flood in almost immediately after someone has been involved in a car accident. It started as only one or two lawyer solicitation letters, now it is not uncommon for an accident victim to receive over a dozen. Unfortunately, these letters are increasingly accompanied by aggressive phone calls, text messages, and even people coming to the accident victim's front door.

Ohio's well-intentioned law making accident reports public record has enabled and spawned this unsavory practice. This Bill will give accident victims the option to say "NO" to these intrusive and increasingly aggressive solicitations.

I realize this is not making me very popular with the dozen or so of Ohio personal injury law firms that are sending out solicitation letters to people involved in car accidents around the state. But, I'm speaking out on this issue for two reasons: (1) it is damaging and demeaning to the legal profession and fosters a harmful "ambulance chasing" impression that tarnishes all lawyers and erodes public trust,

and (2) as a lawyer whose job it is to help those who have been injured by the negligence of others, I believe it is simply wrong to hassle people who have just been involved in car accidents and that this shameful practice is harming innocent and vulnerable people in this state every day.

I want to be clear; stopping direct solicitation by non-lawyers is just as important, as proxy groups are developing to bypass rules that prohibit attorneys from directly soliciting business from or “cold-calling” accident victims. It has come to this point – Ohio has a problem with ambulance chasing. And if nothing happens to fix it, the problem will continue to grow.

While it started with lawyer solicitation letters, the practice has morphed into something much more aggressive and harmful. People injured in car accidents in Ohio can now expect to receive a dozen or so attorney solicitation letters and telephone calls from chiropractors or creatively named “victim accident services” shops suggesting that their case will have less value if they do not make an appointment today. If the accident victim cannot drive, they will send a car to pick them up and take them to their appointment. These callers are aggressive and will call repeatedly until the accident victim relents and sets an appointment. In some instances, the chiropractor has actual attorney fee agreements on hand in their office; there are even instances when the lawyer will be waiting in another room to meet with the victim once the chiropractor gets them to agree to speak to a lawyer. It is predatory and at a time when these people are vulnerable.

Recently, a putative class-action lawsuit was filed against an Ohio law firm with offices in every major city in Ohio, including right here in Columbus. The Complaint, largely based upon internal e-mails obtained from a former attorney, alleges that the law firm entered into kickback schemes involving a network of chiropractors. The Complaint alleges that the law firm joins forces with chiropractors who cold-call car accident victims, and offer them free transportation to a chiropractic clinic, where the chiropractor will then recommend the law firm as “our attorneys” and sign the clients to fee agreements on site. The Complaint alleges that the chiropractor will then provide treatment to the accident victims and will assert a lien on any recovery the injured party may obtain.

All of this is enabled by accident reports being public record. The ability to quickly and cheaply access these accident reports online has created forbidden fruit that is too tempting for some injury lawyers to pass up. Senate Bill 148 can put a stop to this unsavory practice.

Chair Uecker, Vice Chair Wilson, Ranking Member Thomas, and members of the committee; I again thank you for the opportunity to testify as a proponent of SB 148 and would be glad to answer any questions you have.