

These SLA's apply to US Casualty cases ONLY - verify line of business with adjuster.

Activity	Communication	Ownership	Timeline
Legal Referral, Strategy Selection and Action Plan	<ul style="list-style-type: none"> <li>Claims advises Legal of referral strategy (Limited Discovery; Full Discovery; Settle; Trial) at time of referral</li> <li>Claims required to document claim file with information outlined in the Claims Initial Strategy template; Claims to provide Legal with initial resolution and litigation strategy</li> <li>Legal provides Initial Case Evaluation (ICE) <b>including verification of strategy alignment or alternate recommendation</b>, along with their recommended action plan, outline of potential motions pertaining to liability and/or damages and indicates next contact point with Claims (the detail of the evaluation will be contingent on the complexities of the case).             <ul style="list-style-type: none"> <li>When the defense expenses (fees + costs) are anticipated to exceed \$5,000 a formal litigation budget will be provided <b>** Initial budget should NOT include trial fees/costs unless firm was retained specifically as trial/appellate counsel **</b></li> <li>When defense expenses (fees + costs) are anticipated to be below \$5,000, a Cost Range Estimate will be provided and include the following:                   <ul style="list-style-type: none"> <li>Pleadings</li> <li>Motion Practice</li> <li>Paper Discovery</li> <li>Conferences</li> <li>Depositions</li> <li>Other litigation costs</li> </ul> </li> <li>Exception for AFA Program Cases: Firms will provide an estimate of litigation expenses not included in AFA pricing;                   <ul style="list-style-type: none"> <li>Claims will utilize the AFA Reference Guide for defense fees by phase/tier</li> </ul> </li> </ul> </li> <li>Claims reviews ICE and documents claim file that strategy, budget and action plan are aligned; <b>Discrepancies require discussion (verbal or written) to achieve alignment</b>, with file documentation required</li> <li>Legal to promptly advise Claims of any value changing events, docket control order/case deadlines, ongoing viability of potential/pending motions and/or other critical information developed</li> <li>Legal to promptly provide an updated budget to Claims when expected fees and/or costs change</li> </ul>	<ul style="list-style-type: none"> <li>Claims Task</li> <li>Claims &amp; Legal Task</li> <li>Legal Task</li> <li>Claims Task</li> <li>Legal Task</li> <li>Legal Task</li> </ul>	<ul style="list-style-type: none"> <li>At time of referral</li> <li>14 calendar days of referral</li> <li>30 calendar days of referral, may be extended based on complexities of the case and written agreement from Claims</li> <li>5 business days of receipt of case evaluation</li> <li>At time of event or upon receipt of information</li> <li>At time of event or upon receipt of information</li> <li>5 business days</li> <li>Within 30 days</li> </ul>
Settlement	<ul style="list-style-type: none"> <li>Legal to notify Claims if plaintiff attorney inquires about settlement</li> <li>Claims will notify Legal of settlement discussions (Legal will notify Claims if handling negotiations)</li> <li>Legal will assist with settlement when and where appropriate</li> <li>Negotiation is a Claims' task</li> <li>Legal will draft release and consult with Claims</li> <li>In the event that Claims settles the case and/or prepares/submits the release to the Plaintiff attorney, Claims will notify Legal of the details and provide a copy of the release</li> <li>Should Claims receive the executed release, they will forward a copy to Legal</li> <li>Legal will file any necessary closing paperwork and will follow up for the executed release as needed</li> </ul>	<ul style="list-style-type: none"> <li>Legal Task</li> <li>Claims Task</li> <li>Legal Task</li> <li>Claims Task</li> <li>Legal Task</li> <li>Claims Task</li> <li>Claims Task</li> <li>Claims Task</li> <li>Claims Task</li> <li>Claims Task</li> <li>Legal Task</li> </ul>	<ul style="list-style-type: none"> <li>5 business days</li> <li>Within 30 days</li> </ul>

Activity	Communication	Ownership	Timeline
Time Limit Demands/Offers of Judgment	<ul style="list-style-type: none"> <li>Legal will notify and provide copies of any time limited demands or offers of judgment to Claims and the insured client</li> <li>Claims will notify and provide copies of any time limited demands to Legal</li> <li>Adjuster to receive a direct e-mail with support documents; Legal to forward documents to Claims Imaging inbox</li> </ul>	<ul style="list-style-type: none"> <li>Legal Task</li> <li>Claims Task</li> <li>Legal Task</li> </ul>	<ul style="list-style-type: none"> <li>Same day or next business day if received after hours</li> </ul>
Investigation Activity	<ul style="list-style-type: none"> <li>Update after activity is completed, highlighting impact on strategy (anything completed by Claims or Legal outside of the normal discovery through the court systems i.e., hospital trace, ISO search, social media search)</li> <li>Legal will update Claims indicating any impact on strategy, or no impact if appropriate, and will indicate the next touch point</li> </ul>	<ul style="list-style-type: none"> <li>Claims and/or Legal Task</li> <li>Legal Task</li> </ul>	<ul style="list-style-type: none"> <li>10 business days</li> </ul>
Written Discovery	<ul style="list-style-type: none"> <li>Legal identifies appropriate written discovery including tailored non-standard discovery to strategically defend the claim</li> <li>Legal to forward written discovery to claims imaging inbox as soon as possible</li> <li>Legal provides discovery received to Claims with: <ul style="list-style-type: none"> <li>Discovery summary, including medical records, with a level of detail appropriate to the complexity of the case;</li> <li>Analysis of discovery outlining its impact to the case and current case strategy;</li> <li>Recommendation on next steps;</li> <li>If Plaintiff's responses are incomplete, Legal to outline what is missing and next steps to pursue (i.e., Motion to Compel)</li> </ul> </li> <li>If Plaintiff Counsel asserts that our discovery responses were incomplete, Legal to provide Claims with outline of the additional information/documentation demanded</li> <li>Legal to obtain medical &amp; non-medical records, whether thru authorization or subpoena, unless otherwise agreed upon by Claims. Legal will forward records order confirmation page (from vendor site) to Claims for review &amp; to ensure all agreed facilities/providers were included</li> <li>Claims reviews discovery, including medical records, and posts summary of new information gleaned and/or indicates missing items to claim file. Notes items necessary for case evaluation and thoughts on next steps (IME, IMR, mediation, etc.)</li> <li><b>Claims &amp; Legal collaborate on any necessary changes to the Strategy and/or Action Plan; Changes require file documentation by Claims</b></li> </ul>	<ul style="list-style-type: none"> <li>Legal Task</li> <li>Legal Task</li> <li>Legal Task</li> <li>Legal Task</li> <li>Legal Task</li> <li>Legal Task</li> <li>Claims Task</li> <li>Claims &amp; Legal Task</li> </ul>	<ul style="list-style-type: none"> <li>5 business days</li> <li>5 business days or sooner</li> <li>10 business days</li> <li>5 business days</li> <li>5 business days to send order/acknowledge receipt</li> <li>14 calendar days of receipt</li> <li>14 calendar days with documentation at time of discussion</li> </ul>
Motions to Compel	<ul style="list-style-type: none"> <li>Legal to communicate expected date of receipt of response to written discovery</li> <li>Legal will file motions to compel overdue discovery. When necessary, Legal will discuss and align with Claims on when motions to compel are not advised; local custom and practice is a factor in this motion practice</li> </ul>	<ul style="list-style-type: none"> <li>Legal Task</li> <li>Legal Task</li> </ul>	<ul style="list-style-type: none"> <li>10 days after filing of discovery</li> <li>10 business days of discovery responses being overdue</li> </ul>

Activity	Communication	Ownership	Suggested Timeline
Depositions	<ul style="list-style-type: none"> <li>Legal notifies Claims of scheduled depositions</li> <li>Legal contacts Claims prior to the deposition to discuss strategy, where necessary. Legal summarizes the call via email to be posted to the file</li> <li>Legal advises of any change in deposition schedule, the reason for the change and any case impact</li> <li>Claims to provide Legal any specific questions or issues to be addressed in depositions, if necessary (verbal or written)</li> <li>Legal provides Claims with summary of deposition including impact to strategy and further handling recommendations</li> </ul> <p><b>Legal contacts Claims, either by phone or email, after each impactful deposition to discuss case and strategy implications (verbal contact when deemed necessary by Claims and Legal). These contacts, whether verbal or written, require file documentation by Claims</b></p>	<ul style="list-style-type: none"> <li>Legal Task</li> <li>Legal Task</li> <li>Legal Task</li> <li>Claims Task</li> <li>Legal Task</li> </ul> <p><b>Claims &amp; Legal Task</b></p>	<ul style="list-style-type: none"> <li>10 business days of receipt of notice of scheduled deposition</li> <li>Minimum 5 business days prior to scheduled deposition</li> <li>Upon notice</li> <li>2 business days prior to depo</li> <li>10 business days upon completion, or 5 business days if there is a deadline such as a PFS, TLD, discovery end date or if something discussed could materially change the case strategy</li> <li>5 business days with documentation at time of discussion</li> </ul>
Experts	<ul style="list-style-type: none"> <li>Joint ownership of expert selection between Claims and Legal is expected</li> <li>Legal will recommend either a specific expert to utilize, or a specific type of expert to utilize. In congested litigation venues, Legal may list several experts in order of preference</li> <li>If neither Claims or Legal has a recommendation, both are required to review available resources and reconvene to finalize expert selection</li> <li>Claims will then use its vendor tool, where SSIs allow, to retain the agreed upon expert</li> <li>Joint ownership is also expected on defining what questions we are asking the expert to address, what information should be provided to the expert (medical records, photographs, estimates, other expert reports, etc.), and whether we are requesting a written or verbal report; Legal will contact claims to confer</li> <li>Claims schedules IMR/IME when needed and provides scheduled date to Legal; In the appropriate case and where agreed upon with Claims, Legal will take lead</li> <li>Legal advises Claims on expert disclosure deadlines and provides status of scheduling orders</li> <li>Expert report/communication is to be sent to Legal directly from vendor to protect work product privilege, if applicable</li> <li>Recipient of expert report shares copy with partner department for review</li> <li><b>Legal reviews expert report and provides Claims with <u>summary of report</u>, outlining case impact and next steps; Legal schedules call as necessary. Claims is required to document the file following the verbal/written discussion with Legal</b></li> </ul>	<ul style="list-style-type: none"> <li>Claims and Legal Task</li> <li>Legal Task</li> <li>Claims And Legal Task</li> <li>Claims Task</li> <li>Claims and Legal Task</li> <li>Claims Task</li> <li>Legal Task</li> <li>Legal or Claims Task</li> <li>Claims &amp; Legal Task</li> </ul>	<ul style="list-style-type: none"> <li>Upon request legal will provide expert recommendation in 5 business days</li> <li>5 business days</li> <li>5 business days</li> <li>Upon request</li> <li>5 business days</li> <li>Upon receipt of scheduling order</li> <li>5 business days</li> <li>5 business days with documentation at time of discussion</li> </ul>
Scheduling Orders	<ul style="list-style-type: none"> <li>Legal to provide claims with copies of all scheduling orders, highlighting trial date, discovery cutoff date, expert designation dates and dates for dispositive motions; Legal to update Claims on any scheduling changes</li> </ul>	<ul style="list-style-type: none"> <li>Legal Task</li> </ul>	<ul style="list-style-type: none"> <li>5 business days of receipt or sooner if deadline requires</li> </ul>

Activity	Communication	Ownership	Timeline
Settlement Conference/ADR/Mediation	<ul style="list-style-type: none"> <li>Legal to notify Claims of proposed Settlement Conference/ADR/Mediation dates, and any changes to the scheduled dates</li> <li>Legal to provide pre-Mediation (event) report, with strategy recommendations and most likely outcome</li> <li><b>Claims and Legal will discuss strategy for event; Claims is required to document the file with the verbal/written pre-mediation discussion with Legal</b></li> <li>Following event, Legal to provide summary containing settlement details or an outline of remaining pre-trial events</li> <li>If settlement was not reached, <b>Legal and Claims will discuss post-mediation summary, next steps and ownership of remaining action items; Legal will summarize the call in writing as requested by Claims. Claims is required to document the file with the verbal/written post-mediation action plan with Legal</b></li> </ul>	<ul style="list-style-type: none"> <li>Legal task</li> <li>Legal Task</li> <li>Claims and Legal Task</li> <li>Legal Task</li> <li>Claims and Legal Task</li> </ul>	<ul style="list-style-type: none"> <li>5 business days after receipt of scheduling</li> <li>2-4 weeks prior to event</li> <li>5 business days after receipt of report</li> <li>5 business days or sooner if required to meet deadlines</li> <li>10 business days with documentation at time of discussion</li> </ul>
Pre-Trial Conference/Hearings	<ul style="list-style-type: none"> <li>Legal to notify Claims of any Pre-Trial Conference or Hearing dates and any changes to those scheduled dates</li> <li>Claims and Legal will discuss strategy for conference if needed; Legal to provide Claims any submissions.</li> <li>Legal to summarize, as appropriate, pre-trial conference and findings and provide recommendations for next steps; if there are unknowns at the time of the pre-trial discussion/report then Legal will update Claims as they develop</li> <li>Legal will collaborate with Claims to identify action items and agree on who is responsible for completion of each.</li> </ul>	<ul style="list-style-type: none"> <li>Legal task</li> <li>Claims and Legal Task</li> <li>Legal Task</li> <li>Claims and Legal Task</li> </ul>	<ul style="list-style-type: none"> <li>5 business days after receipt of scheduling</li> <li>2 weeks prior</li> <li>5 business days</li> <li>10 business days</li> </ul>
Trial Prep	<ul style="list-style-type: none"> <li>Legal submits final trial plans <ul style="list-style-type: none"> <li>Legal will provide information: <ul style="list-style-type: none"> <li>On the jurisdiction</li> <li>Any prior similar case jury verdicts</li> <li>Jury pool</li> <li>Judge issues</li> <li>Details on outstanding pre-trial motions, expected results, and impact</li> </ul> </li> </ul> </li> <li>Legal provides detailed Pre-Trial report. On a case reserved at \$25,000 or lower, Pre-Trial report will be streamlined</li> <li><i>Claims reviews report and clarifies details with Legal as needed prior to review with Claims Leadership; Claims is required to document the file with Legal's pre-trial plan/recommendations/next steps</i></li> <li>If strategy is to proceed to trial, <i>Claims schedules Pre-Trial Call with Legal and all parties needed to provide trial authority (on applicable cases)</i></li> </ul>	<ul style="list-style-type: none"> <li>Legal Task</li> <li>Claims and Legal Task</li> <li>Claims Task</li> </ul>	<ul style="list-style-type: none"> <li>2 months prior to trial</li> <li>2 months prior to trial</li> <li>10 business days after receipt of report</li> <li>30-45 days prior to trial</li> </ul>
Trial	<ul style="list-style-type: none"> <li>Claims and Legal discuss trial developments highlighting impact to strategy</li> </ul>	<ul style="list-style-type: none"> <li>Claims and Legal Task</li> </ul>	<ul style="list-style-type: none"> <li>Claims and Legal to agree prior to Trial on cadence and method of communication</li> </ul>

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\*USRM expectations vary greatly\*

# Appendix A: Property Auto Liability (PAL) Pre-Trial Report

<b>PAL Defense Counsel Pre-Trial Report</b> <b>Claim #</b> <b>Adjuster</b> <b>Date</b> <b>Prepared by</b> <b>Trial Date</b> <b>Court</b>  The trial plan should be a succinct summary of the whole case. When it is read by Claims and insureds, there should be no doubt that Counsel has a total grasp of the facts, issues, witnesses, etc. The plan should convey that Counsel, in concert with his/her client, has a blueprint as to how the case will be presented at trial.		<b>Assessment:</b>  Venue:      Jurisdiction:  Settlement status (last demand, last offers):  Pre-trial motions, motions in limine and chances of success:  Pre-judgment interest? Yes <input type="checkbox"/> No <input type="checkbox"/> Calculation?  Post-judgment interest? Yes <input type="checkbox"/> No <input type="checkbox"/> Calculation?  Verdict potential (insured and all parties).  Statutory caps (if any):  Settlement potential and recommended strategy (if applicable):  What are your proposed jury instructions? Is plaintiff likely to agree? What will the jury see on the verdict form?
<b>Impact Reporting</b>	<b>Analysis</b>	
Trial Strategy:		
Trial Plan Overview:	Facts of the case and how they will be presented at trial, including expected witnesses and testimony:	
Liability:		Other: Has the Insured/Defendant and/or Excess/Umbrella carrier been advised of all demands and offers? Their reactions? Duty owed to Excess/Umbrella carrier? Should an appeal be necessary, what are the rules of the court? Number of days to file Post-Trial Motions, number of days to appeal, potential costs of appeal, cost of appeal bond (or will available policy coverage be acceptable)? Other issues, concerns and comments
Damages:		Expense Estimate: Updated expense estimate through trial. If the previous estimate is still applicable, there should be an affirmative statement to claims acknowledging that the previous budget is still viable.

# Appendix B: Cost Range Estimate Example

(Applicable on cases < \$5000 in anticipated expenses)

- Pleadings - Prepare Answer, 1 hour @ \$150
- Motion Practice – Prepare Motion to Compel Discovery, .8 hour @ \$150
- Paper Discovery - .5 hour @ \$150
- Conferences – Prepare and attend pre-trial conference @ 4.5 hours @ \$150
- Depositions – Plaintiff and defendant, 7 hours @ \$150
- Other litigation costs – IME exam and report
- Anticipated incurred costs prior to trial prep - \$2070