



309:Quality Review of Firms

Ronna F. Ruppelt

House Counsel Process Leader

Progressive Insurance Company

Mark K. Stephens

Vice President, Legal Services

CNA Risk Management

Faculty Biographies

Ronna F. Ruppelt

Ronna F. Ruppelt is house counsel process leader for Progressive Insurance Company. Her responsibilities include the development, implementation, and oversight of all quality, training, and technological initiatives for Progressive's house counsel organization.

Ms. Ruppelt has held a variety of positions at Progressive, both in the claims legal and corporate law departments. For several years prior to joining Progressive, Ms. Ruppelt was an insurance defense litigator at Reminger & Reminger Co., LPA in Cleveland.

She is a member of the Ohio State and Cleveland Bar Associations, Ohio Association of Civil Trial Attorneys, DRI, and ACCA. In her local community, Ms. Ruppelt currently serves as an executive officer of the Solon Councils of PTA and as a multiyear member of the Solon City Schools strategic planning committee.

Ms. Ruppelt received a BS from Kent State University and is a graduate of The Cleveland-Marshall College of Law.

Mark K. Stephens

Mark K. Stephens is vice president, legal services group for CNA Insurance where he is responsible for the oversight, direction, and strategy for staff and panel counsel representing CNA insureds in commercial, risk management, and specialty lines business units. CNA Insurance has staff counsel in 30 offices in 18 states with more than 200 lawyers and over 500 approved panel attorneys worldwide. Mr. Stephens provides strategic litigation management direction for staff and panel attorneys nationwide.

Prior to joining CNA Insurance, Mr. Stephens was deputy general counsel with the United States Small Business Administration in Washington, DC. He was also in private practice handling litigation in Washington, DC and Pennsylvania.

Mr. Stephens was deputy editor-in-chief of the *Ohio Northern Law Review* and also was listed in *Who's Who Among American College Students*. He is vice chair of ACCA's Insurance Staff Counsel Committee. Mr. Stephens is a member of the Defense Research Institute and a participant in its insurance roundtable.

He received his BA, *cum laude*, from Indiana University of Pennsylvania and his JD from Ohio Northern University.

Quality Review of Firms

Ronna F. Ruppelt, Esq.
House Counsel Process Leader
Progressive Insurance

Analysis of Claims Litigation Outside and House Counsel

- Both held to the same objectives
- Both evaluated with the same criteria

Criteria Used To Evaluate Counsel Performance

Categories of Performance

- Service
- Quality

Service

Process-related issues

- Analysis of pend time between key activities and over life of whole matter
- Reporting – timeliness, frequency, methodology
- Handling cases consistent with the client's and Progressive's particular needs and requirements
- Billing efficiency
- Overall cost, including disposition cost

Quality

Substantive Legal Representation

- Ability in the handling of the matter.
- Effectiveness of the legal strategy.
- Excellent legal and non-legal written and oral communications.

Quality Components

- Initial Activities
- Legal Work
- Strategic Development
- Analysis And Evaluation
- Moving The Case To Conclusion
- Utilizing Resolution Opportunities
- Client Communications
- Claims Communications
- File Documentation
- Support Staff Activities

Use of Technology To Evaluate Both Service and Quality

- Lotus Approach Database
- Lotus Notes Database
- Electronic Billing
 - Use of UTMBS ABA/ACCA Task Codes
- Client Surveys

Lotus Notes Database

Lotus Approach Database

Electronic Billing



Selecting, Managing and Evaluating Counsel

ACCA Staff Counsel Committee

Mark Stephens
VP Legal Services
CNA
October 8, 2003

Overview

- Selecting and evaluating counsel is critical to the success of any corporation.
- Money, Performance and Communication.
- Various methods and strategies will be reviewed and discussed.
- Determine volume, expertise, time and method for making the right decisions and evaluations.
- Expectations and Reviews of Counsel must be aligned.

Selecting Counsel

What are your needs?

Geographical?

Technical Expertise?

- *Can you stratify the need and volume?*
- *Use technology to help streamline the process, improve data accuracy and increase productivity.*
- *Get control of the litigation process and reduce the spend rate on legal costs.*
- *Improve your knowledge management capability.*
- *Attract, select, develop and retain great lawyers.*

Litigation Management Initiatives

- *Increased Communication with Counsel*
- *National Trial Calendar*
- *Suit Resolution Plans and Budgets*
- *Case Evaluations*
- *Large Loss Emphasis*
- *Avoid Surprises*

COMMUNICATION

- Set expectations for how often and minimum communication.
- Lawyers should be told to be substantive and summarize in one paragraph.- Avoid long summaries.
- Identify next steps in the litigation.
- Does the information change the evaluation?
- Is there a plan or theme?

Technology and Performance

- Litigation management is a core concept of any large corporation.
- Utilize tools and technology to help you measure budgets, performance and the case.
- Provide Counsel with feedback and comparison to competitors.
- Stratify and separate results by activity, damages and jurisdiction - Worker's Compensation, Products Liability, Bodily Injury, Automobile.
- Avoid the anecdotal selection of Counsel.
- Obtain the firm results for age, indemnity, fees and trial experience.

No Magic Bullets

- ***Determine your needs and resources.***
- ***Can technology help?***
- ***Do you need to do an on site review?***

Kemper Litigation



Determine Need

- Specialization
- Location

Terms of Engagement (expectations)

- Guidelines
 - Billing format
 - ABA coding
 - Frequency
 - Appropriate charges/costs
 - Level of work performed

Benchmarking Performance

- Establish Metrics
 - Average life of a file
 - Comparative
 - Legal cost per file
 - Overall cost per file
 - Average closed

Average Life of File

- Type
- Complexity
- Locale
- Comparison with other counsel

Litigation Department Complexity Codes

- 1 = MINIMAL
Cases with a substantial likelihood of exposure between \$0 and \$30,000
- 2 = AVERAGE
Cases with a substantial likelihood of exposure between \$30,000 and \$75,000
- 3 = COMPLEX
Cases with a substantial likelihood of exposure above \$75,000
- 4 = EXCEPTIONAL
Cases involving intensive work on files with little or no exposure. Such a rating requires prior written RLO approval

Average Legal Cost per File

- Type
- Complexity
- Locale
- Comparison with other counsel

Average Loss Cost per File

- Type
- Complexity
- Locale
- Comparison with other counsel

Audit

- **Guidelines**
 - Establishing standards of performances
 - Quality
 - Timeliness
 - Relationships with client
 - Supervision – (oversight)

Audit

- **Initial reports**
 - Pleadings
 - Motions
 - Discovery
 - Depo Reports
 - Status Reports
 - Pre-trial Reports
 - Pre-trial Evaluation
 - Post-trial Reports









