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# Litigation Management Protocols

## Workers Compensation

### **Published by Shared Practices - Content and Development**

This document (which should be read as a whole) is not intended to be a complete summary of Liberty Mutual Insurance's claims handling practices and standards. The application of any information within this document will depend on specific facts, circumstances and applicable law. Each claim must be considered on its unique and individual merits. Federal, State and Local statutes, regulations and other laws governing claims handling are to be reviewed and adhered to; in the event that this document may conflict, the applicable law shall govern. The investigation and evaluation of a claim will vary depending on the complexities of the facts and circumstances. Proper claim handling does not necessarily require complete adherence to this document. This document does not address all potential claim scenarios, so if there are any questions regarding this document, or its application to a specific claim, please consult with Claims Management or Liberty Mutual Commercial Insurance's legal counsel. This information is Proprietary and Confidential. Do not copy, disseminate, transmit or provide to any person or entity outside of Liberty Mutual Insurance without express written consent.



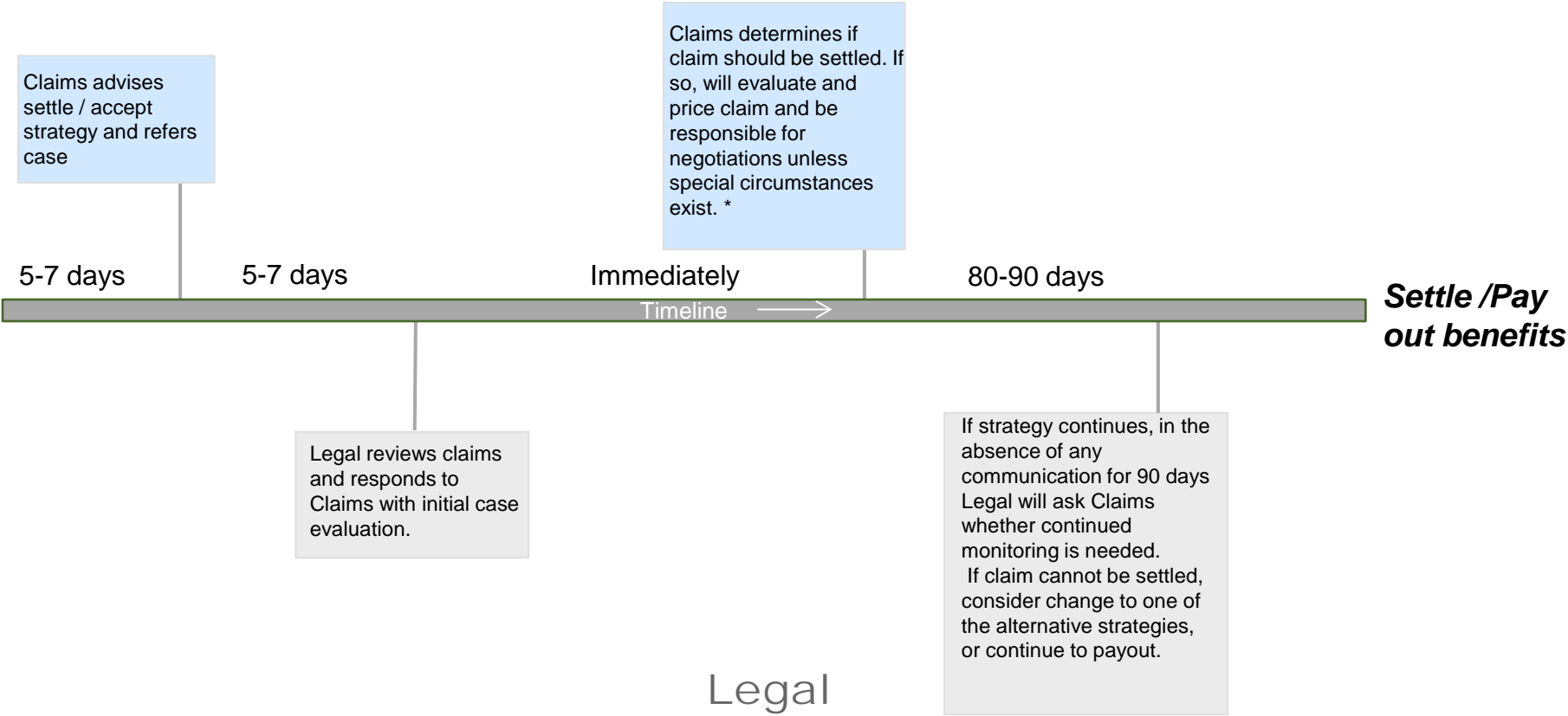
# Litigation Management Protocols - Notes

- Protocols are designed to describe roles played by Legal and Claims, along with recommended timeframes for action for both parties
- Special Service Instructions (SSIs) with commercial accounts should be observed and synchronized with these protocols
- Timeframes contained in this document are recommended. Individual state requirements (such as notification of hearing dates) may require we adapt to local requirements.

**As circumstances change, claims and counsel may consider moving from one strategy to another.**

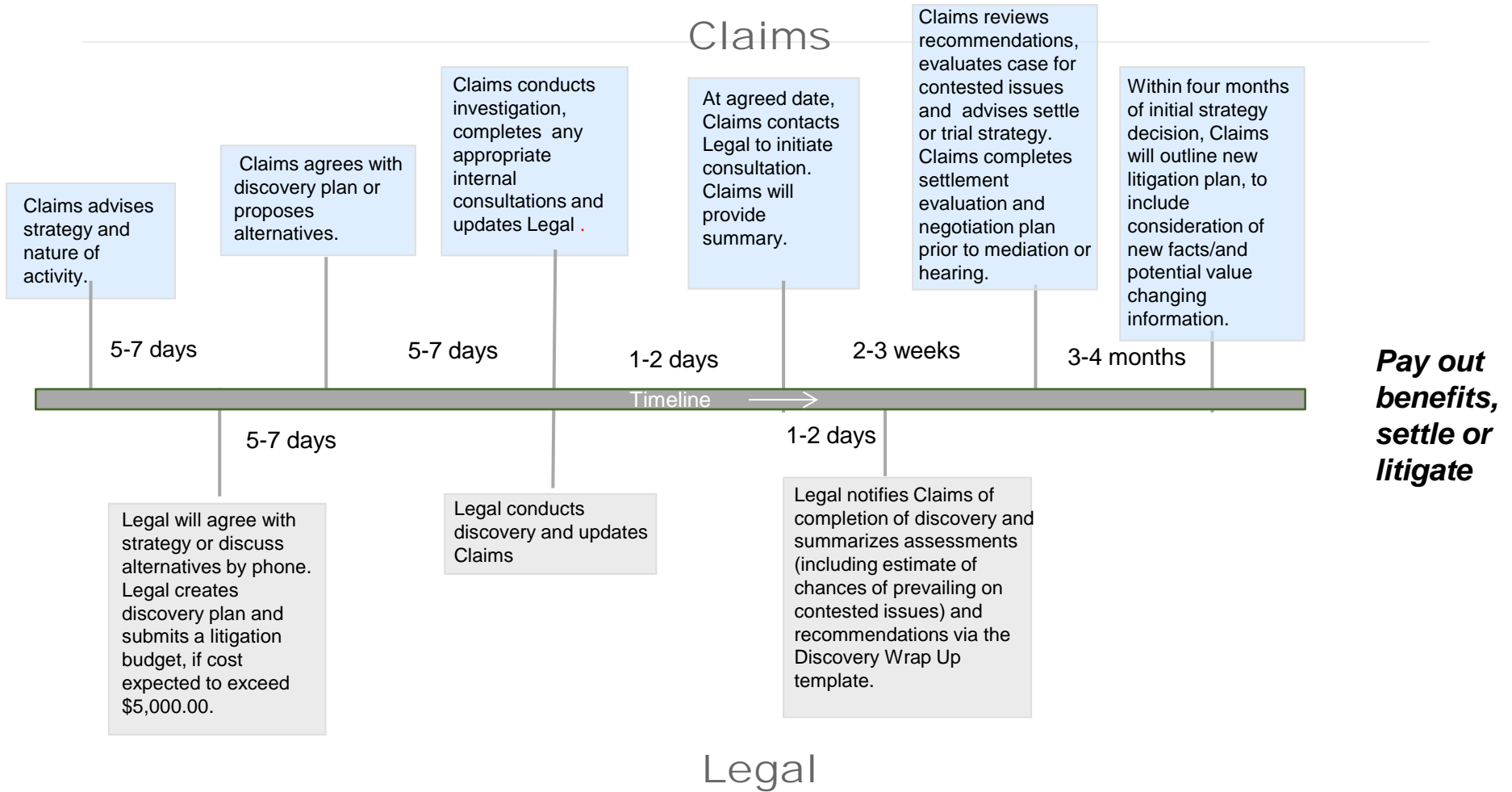
# WC Settle Strategy

## Claims



\*If special circumstances exist and Legal conducts negotiations, Claims to provide settlement authority & fact-based negotiation plan.

# WC Discovery/Investigation Strategy

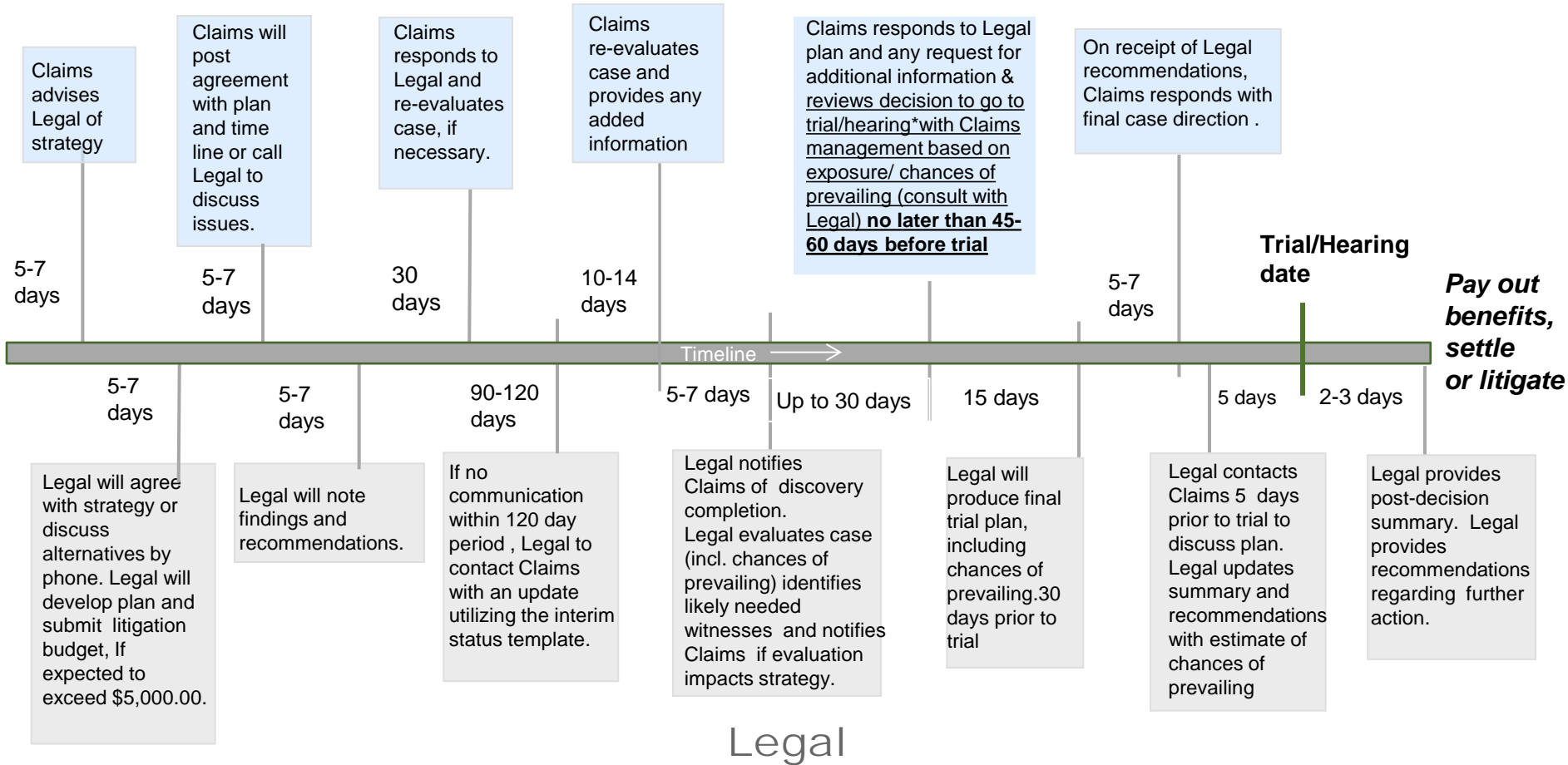


***As circumstances change, claims and counsel may consider moving from one strategy to another.***

# WC Deny/Trial Strategy

**As circumstances change, claims and counsel may consider moving from one strategy to another.**

## Claims



\*The terms “trial”, “conference” or “hearing” used interchangeably given jurisdictional differences.

# Recommended Response Times\*

Activities	Type of Communication	Suggested timeline
<b>Strategy Selection</b>	<i>Claims advises strategy or change in strategy</i>	5-7 days
	<i>Counsel agrees or recommends another strategy</i>	5-7 days
	<i>Claims agrees or contacts to discuss</i>	5-7 days
<b>Evaluation</b>	<i>Legal completes initial review of claim and provides evaluation.</i>	5-7 days
<b>Investigation Activities</b>	<i>Claims re-evaluates strategy once investigation complete</i>	5-7 days
<b>Discovery</b>	<i>Claims re-evaluation of claim on receipt of discovery/deposition</i>	14 days
	<i>Legal recommendations on completion of discovery</i>	5 days after completion of discovery
<b>Settlement</b>	<i>Claims to respond to request from Counsel for status if no activity within 120 days.</i>	5-7 days
	<i>Approved settlement document or orders to be provided to Claims for payment</i>	2 days
<b>Pre-trial Preparation</b>	<i>Claims to review decision to try/final hearing with internal management based on the exposure of the claim file and chances of prevailing (consult with Legal). Consulting with Legal, identify witnesses or experts required for trial, if applicable.</i>	45-60 days prior to hearing
	<i>Trial or hearing plan provided by Legal .</i>	30 days before trial
	<i>Claims response to trial plans Legal discussion with Claims</i>	5-7 days 5 days before trial
<b>Post-Trial</b>	<i>Legal provides summary of trial with recommendations for further action</i>	2-3 days
<b>Settlement Demands</b>	<i>Claims respond to Legal or claimant with regard to settlement demand</i>	5-7 days

\* Where jurisdictional law or regulations require more stringent timelines they will prevail.

# WC Tasks and Owners

Task	Responsible Department
<b>Obtain Record Release/Authorization</b>	<b>Claims</b> (Legal can be involved in special limited circumstances)
<b>Summarize Medical Records</b>	<b>Claims and Legal</b> <ul style="list-style-type: none"> <li>• Claims documents relevance, as received</li> <li>• Legal to complete “Discovery/Impact Summary” template</li> </ul>
<b>Summarize Interrogatories/Discovery</b>	<b>Legal</b> <ul style="list-style-type: none"> <li>• Using “Discovery/Impact Summary”</li> </ul>
<b>Locating Witnesses/Insured</b>	<b>Claims</b>
<b>Arrange IMEs/AMEs</b>	<b>Claims</b> <ul style="list-style-type: none"> <li>• Consultation with Legal available on request. May be appropriate where complex medical or legal issues exist. Claims retains responsibility to arrange IME/AME.</li> </ul>
<b>Negotiation</b>	<b>Claims</b> <ul style="list-style-type: none"> <li>• Claims may request Legal conduct negotiations based on evaluation and negotiation plan devised by Claims. Claims to document discussion of negotiation plan with Legal and include specific value range, target and strengths/weaknesses.</li> </ul> <b>Legal</b> <ul style="list-style-type: none"> <li>• Legal to document negotiation process and results.</li> </ul>
<b>Settlement Documentation</b>	<b>Claims</b> <ul style="list-style-type: none"> <li>• Secure MSA (where applicable) and assure all issues addressed</li> </ul> <b>Legal</b> <ul style="list-style-type: none"> <li>• Completion of settlement agreement to include Medicare interest.</li> </ul>



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