

Schools Excess Liability Fund
LITIGATION MANAGEMENT MANUAL COMPARISON

DEFENSE COUNSEL	SCSRM	SAN DIEGO JPA	CSURMA
JPA has the authority to select defense counsel	Yes	Yes	Yes
Counsel shall submit all reports and billings directly to the Claims Administrator unless otherwise instructed by the JPA	Yes	Yes	Yes
Defense attorney panel review conducted every two years	Yes	Not addressed	Not addressed
Reporting legal status of claims/suits to claims administrator	30 days	30 days	As soon as possible
Claims administrator receives a copy of all written communication with the defendant with regards to the status of the case	Yes	Yes	Yes
Counsel notifies the claims administrator prior to any conference with any defendant	Yes	Yes	Yes
Requirements for Defense Counsel	<ul style="list-style-type: none"> • Bio of attorney(s) who will service account. • Familiar with public entity defenses and Civil Code procedures • Percentage of time devoted to various types of litigation • Fee schedule • E&O certificate of insurance 	<ul style="list-style-type: none"> • 3 years public entity litigation experience in those areas specific to that lawsuit • Counsel may submit vitae to the JPA if requested • Firm shall maintain E&O coverage of at least \$1 million with a deductible no greater than \$25,000 	<ul style="list-style-type: none"> • Malpractice insurance • Five years experience in the subject matter of the litigation being referenced
Defense counsel has no authority to settle cases without prior consensus of the claims	Yes	Yes	Yes

administrator and final authorization of the JPA			
Pretrial report received by claims administrator	No more than 30 days before trial	No more than 30 days before trial	At least ten days before trial
Pretrial report	Use Form	<ul style="list-style-type: none"> • Key factual and legal issues • Arguments of each party and expected counter-arguments • Facts and anticipated evidence for and against each significant argument • Comments on demeanor, appearance, and credibility of witness • Characteristics of the jurisdiction, judge and opposing counsel • Damages/potential judgement • Liability and solvency of parties • Trial/settlement strategy and recommendations • Probability of particular assessments and outcomes expressed by the use of percentages • Anticipated trial costs and expenses 	<ul style="list-style-type: none"> • Plaintiff's claims • Key facts • Strengths and weaknesses of plaintiff's claims • Strengths and weaknesses of defense • Plaintiff's potential damages • District's potential exposure if case is tried and lost • Recommended settlement figure
Form indicating the defense counsel will follow the JPA Litigation Management Manual guidelines	Not addressed	Yes	Yes
Evaluation of defense counsel?	Yes	Not addressed	Use approved list
Trial preparation guidelines	Yes	Not addressed	Yes
Preliminary	Should include facts,	Discovery outline, costs	Facts, players,

reports/evaluations of claims should include	liability, value, further investigation, strategy and target dates for completion	and associates expenses	substantive issues presented by the case, strategy, whether case should be defended or settled, dates for completion.
CLAIMS EXAMINER	SCSRM	SAN DIEGO JPA	CSURMA
Claims administrator responsibilities	Review of file content, written direction as investigation and discovery progresses, evaluation of claim severity, review of defense counsels recommendations.	Field work, discovery, legal research in excess of five hours on specific issue, defense medical examinations, motions for summary judgement, and demurrers.	Initial conference with counsel, receipt of pleadings, receipt of status reports, case valuations, billing entry details, monitor use of expert witnesses in excess of \$1,000, depositions, settlements.
Settlement offers or adjustment of claims	JPA or claims administrator	JPA or claims administrator	Counsel must get authorization from appropriate sources
Claims administrator is responsible for counsel staying within budget	Yes	Yes	Yes
District receives copies of all reports	Not addressed	Yes	Yes
BILL REVIEW	SCSRM	SAN DIEGO JPA	CSURMA
Billing are to contain an itemization of activity	Yes	Yes	Yes
Billing Itemization	<ul style="list-style-type: none"> • Claim Number • Date of Loss • Dates of service covered in the billing • A description of service rendered and by whom 	<ul style="list-style-type: none"> • Initials of the attorney or paralegal that provided service • Paralegal work is to be identified separately and billed at a predetermined rate. • Amount of time to complete the task must be broken down into tenths of hours • Billings should include a summary of the rates and hours of each attorney or paralegal at the end of the bill 	<ul style="list-style-type: none"> • Should contain a sufficient description of the tasks performed and the attorney(s) performing those tasks

		to the show the cost per individual	
Billing Frequency	Quarterly basis or more than \$1,500	30 days or \$2,000, no less than quarterly	30 days
Claims administrator is responsible for reviewing and approving all billings	Yes	Yes	Yes
Bill review guidelines for examiner	<ul style="list-style-type: none"> • Is the bill sufficiently itemized to afford a meaningful appraisal? • Check all mathematical computations • Has counsel undertaken unauthorized investigative activity? • Has there been superfluous pre-hearing discovery or unnecessary communication by counsel? • Was counsel involved in settlement negotiations without our direction? • Were paralegals used? What did they do at what rate? • Was more than one attorney used simultaneously at depositions, hearings, motions or trial? • Scrutinize costs and disbursements: general postage, secretarial help, local travel, mileage or 	Not addressed	<ul style="list-style-type: none"> • Excluded costs: word processing, secretarial overtime (unless approved by examiner), local transportation, meals, fees for any parking or other legal violations, including sanctions for failure to make any court appearance.

	<p>parking, should not be billed separately as those items are overhead and are included in the basic fee schedule or hourly rates.</p> <ul style="list-style-type: none">• Larger items of travel should be itemized• Were 'vendors' used, such as experts, investigators and were their use and fee rate specifically authorized?• If counsel leaves, review time by another should not be billed.• Did counsel adhere to the agreed fee schedule?		
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