

RESOLUTION NO. 2-2020

RESOLUTION OF THE BOARD OF DIRECTORS
OF THE CENTRAL SAN JOAQUIN VALLEY
RISK MANAGEMENT AUTHORITY ESTABLISHING
LITIGATION MANAGEMENT GUIDELINES

WHEREAS, the Central San Joaquin Valley Risk Management Authority, hereinafter Authority, is a Joint Powers Authority organized and existing in accordance with the laws of the State of California; and

WHEREAS, one of the functions of the Authority is to operate a "pooled liability" and "risk sharing" program; and

WHEREAS, it is in the best interest of all members to ensure the professional, competent, consistent, and cost effective handling and management of litigation that comes within the parameters of these guidelines; and

WHEREAS, it is the intent of the Authority to allow its member cities input into the selection of defense counsel to represent them in litigated cases while recognizing that the initial decision and the ultimate authority on selected defense counsel firms or attorneys rests with the Litigation Manager; and

WHEREAS, this Resolution will be incorporated by reference into the Master Program Document outlining the duties of the Litigation Manager.

Now, therefore, be it resolved that Resolution No. 2-14 is hereby cancelled and replaced by the following:

A. Preferred Panel of Defense Counsel

When assistance of defense counsel is deemed appropriate, unless a member city seeks separate approval by the Executive Committee, the Litigation Manager shall only assign litigated claims to law firms on the Preferred Panel of Defense Counsel (Panel) or counsel who has been appointed for consideration to the Panel by the Litigation Manager pending approval by the Executive Committee. Assignment to specific Panel Counsel shall be made by the Litigation Manager after consultation with the third party Supervising Claims Adjuster and the particular member city. By accepting an assignment, Panel Counsel agrees to abide by the terms and conditions of the Guidelines set forth herein.

Any member city may nominate individual defense counsel or a defense firm to be included on the Panel. Any defense firm or individual counsel not currently on the Panel, whether nominated by a member city or independently interested in working with the Authority, shall submit a Preferred Panel Application to the Authority through the Litigation Manager. The **Preferred Panel Application ("Application")** is attached hereto as **Attachment A** and incorporated herein as though fully set forth, listing applicable information requested. The Application shall also include a completed "**Survey of Insurance**", attached hereto as **Attachment B** and incorporated herein as though fully set forth, listing applicable information with regard to Workers' Compensation and Employer's Liability, Errors and Omissions, Commercial General Liability & Property Damage, and Business Automobile Liability insurance.

The Executive Committee shall have the responsibility of approving the Panel for the Authority and adding or deleting individual counsel or firms from time to time pursuant to recommendations from the Litigation Manager and Supervising Claims Adjuster. The Litigation Manager shall create a Panel Matrix to evaluate Panel performance. The Matrix shall include certain benchmarks, including, but not limited to, communication/timeliness of reporting, quality of legal work, billing practices, compliance with the instant CSJVRMA guidelines, and facilitation of the strategic partnership between CSJVRMA, defense counsel and the member cities. The Panel Matrix shall be reviewed at the annual workshop.

Panel counsel selected must be qualified to handle the type of litigation required; i.e. police liability, general or auto liability, appellate work, etc. In the event certain defense counsel or firms have expertise in only certain areas of defense work, they shall be included on the Panel only for the handling of cases which fall within their areas of expertise.

In the event the member city has a preference for a particular defense firm or counsel other than the one selected by the Litigation Manager, this preference shall be made known to the Litigation Manager. In the event the Litigation Manager does not assign the matter to Panel counsel expressly requested by the member city, the member city shall have the right to appeal the decision to the Executive Committee. The entity shall have the right to appeal the Executive Committee's decision to the Board of Directors, whose decision shall be binding and final.

A member city may not utilize its own full-time or contract city attorney, or their staff, to handle the defense of its covered liability cases.

B. Conflicts

Panel counsel selected and the law firm to which he/she belongs must certify they have no ethical or legal conflicts which would in general disqualify them from representing any of the member cities. In addition, they shall certify they will refrain from initiating any legal action against any of the member entities of this organization either by way of complaint or cross complaint during the time that they are included on the Panel and accepting defense work from the Authority.

Furthermore, Panel counsel must disclose the existence of any potential or actual past or present conflicts. They must also disclose whether they have or are representing a party in any litigation against any member of the Authority, even if they have not previously acted as defense counsel for the particular member city being sued.

Finally, Panel counsel shall agree to disclose any special facts which would or could potentially disqualify them from representation of a particular member city, at the time of or shortly after the case assignment, or immediately upon discovery of such facts.

C. Professional/Ethical Standards

Panel counsel shall represent the interests of the Authority and its Members in a manner that upholds the highest standards of professionalism and ethics. Panel counsel shall adhere to all

federal and state laws, court rules, and professional standards in the handling of matters on behalf of the Authority and its Members.

The Authority reserves the right to terminate Panel counsel relationships based on circumstances that may impact the reputation of the Authority or its Members. Panel counsel must promptly self-report circumstances in which the ethics or reputation of Panel counsel, their Firm, or any of their employees is called into question. Reportable issues include but are not limited to the following:

1. Formal ethics complaint against any employee of the law firm filed with a court or licensing board with jurisdictional oversight of the law firm.
2. Public reprimand, censure, or other adverse decision in response to an ethics complaint.
3. Criminal charges brought against any employee of the law firm.
4. Criminal conviction of any employee of the law firm.
5. Publication of any opinion or order that raises ethical issues unfavorable to the law firm.

D. Correspondence and Pleadings

Panel counsel shall provide copies of all correspondence and pleadings to the member city, Supervising Claims Adjuster and Litigation Manager. At the outset of litigation, Panel counsel shall confirm with the member city the identity of the appropriate person(s) with whom they should communicate with regarding all aspects of litigation, including settlements. The member city shall update Panel counsel if their contact person(s) changes.

In the event there are excess reporting requirements, Panel counsel shall ascertain whether or not the case has been reported by the Supervising Claims Adjuster to the excess coverage provider. If not, Panel counsel shall report such case immediately upon assignment. After a case has been reported to one or more excess coverage providers, Panel counsel shall ensure additional copies of all correspondence and pleadings are forwarded to such excess coverage provider(s).

Panel counsel shall promptly respond to all correspondence or phone calls from the Litigation Manager and keep him or her fully advised as to the progress of each case. Defense counsel shall cooperate with the Litigation Manager in all other aspects of this Litigation Management Guideline including completing expert witness and plaintiff counsel evaluations and providing copies of motions and resource documents that pertain to the case. **Failure to comply with this, or any other section of this Resolution, may result in the reduction or rejection of legal invoices.**

E. Depositions, Trials, Arbitrations, and Hearings

Notice of depositions, trials, arbitrations, and hearings shall be sent to all parties above who are to receive copies of correspondence.

F. Case Analysis and Litigation Budget

Within 60 days of retention in each case, selected Panel counsel shall complete and return the **Case Analysis Report (Attachment C)** to the Supervising Claims Adjuster. The Case Analysis Report is attached to this policy and incorporated herein as though fully set forth. Upon written request, this deadline may be lengthened or shortened at the discretion of Litigation Manager and Supervising Claims Adjuster.

To assist in the projection of anticipated estimated legal costs, a **Litigation Budget (Attachment D)** shall be completed by Panel counsel to be submitted as part of the Case Analysis Report. The Litigation Budget form is attached to this resolution and incorporated herein as though fully set forth. If Panel counsel becomes aware that the Case Analysis Report or Litigation Budget is inaccurate, Panel counsel, as soon as reasonably foreseeable, shall submit an updated Case Analysis Report and/or Litigation Budget along with counsel's recommendation for an increase or decrease, where appropriate. The Litigation Manager and Supervising Claims Adjuster will closely monitor the basis for any Litigation Budget increases. **If the Litigation Budget has been exceeded, no further payment of fees will be made until a revised Litigation Budget has been submitted and approved by the Litigation Manager.** Significant deviations from the Budget will be taken into account when evaluating Panel counsel's performance.

G. Mandatory Status, Mediation and Trial Reports

Status reports are mandatory every sixty (60) days. Panel counsel assigned to handle a matter shall prepare all status reports. Panel counsel shall only report on new developments since the previous report. Since the Case Analysis Report format is cumulative, it is not necessary to reiterate the case facts or repeat information previously reported. Upon written request of Panel counsel, the reporting diary may be extended by the Litigation Manager and Supervising Claims Adjuster. At the request of the Supervising Claims Adjuster, the Litigation Manager, any excess coverage provider or whenever there are any significant developments, Panel counsel shall provide an updated Case Analysis Report as soon as practical but not less than five (5) business days.

The Case Analysis Report, Litigation Budget and revisions thereto, and Mandatory Status Reports are critical to the CSJVRMA's ability to accurately reserve and assess each case and control costs. Failure to timely submit these reports will be taken into account by CSJVRMA's Executive Committee when evaluating Panel counsel's performance. Panel counsel's bills for legal fees and costs may not be approved unless status reports are provided on a timely basis.

The Case Analysis Report is intended to be used as the foundation and strategic map for all further reporting. By way of the reporting format, it is the intent of the Authority that reporting compliance, strategy and development of the litigation be gleaned from the current report. Therefore, it is expected the Case Analysis Report will be utilized for ALL status updates and notifications of material developments. When providing updates, prior information, even if later discovered to be incorrect, should NEVER be deleted. Panel counsel should provide updated information in a manner such that the evaluator will be able to easily identify the updates and understand their importance and relationship with previously reported information

(e.g., strike through incorrect information, new information in a different color font or highlighted. All relevant summaries (e.g., depositions or medical records)), SHALL be submitted under separate cover; information from said summaries shall only be included in the Case Analysis Report if it impacts the liability and/or damage analysis.

No later than 60 days prior to a mediation, settlement conference or arbitration and 90 days before trial, Panel counsel shall provide an updated Case Analysis Report and Litigation Budget. **Mediation briefs and trial briefs do not satisfy this requirement**, as such documents are directed to the court or other neutral evaluator and not intended to assist the Supervising Claims Adjuster or Litigation Manager in accurately assessing reserves, strategy, potential exposure or controlling costs. With regard to updating the Litigation Budget, Panel counsel must identify attorney fees and costs to date, along with the estimated fees and costs through trial. Within thirty (30) days of the conclusion of mediation, Approved Panel counsel shall complete and return a **Mediator Performance Evaluation Form (Attachment E)**.

It is expected cases will proceed to trial as expeditiously as possible. Panel counsel shall obtain the Supervising Claims Adjuster's and Litigation Manager's approval prior to continuing the trial date set by the court.

H. Calendaring

Panel counsel SHALL send the Supervising Claims Adjuster, Litigation Manager and other designated persons calendar invites for dispositive motions, mandatory settlement conferences, mediations, trial and any other events upon request. The purpose of this requirement is to ensure neither the Supervising Claims Adjuster, Litigation Manager or city personnel incur the substantial cost associated with unnecessary travel. Invites MUST be sent by the originator and SHALL NOT be forwarded. Any subsequent changes to an invite only occur if the invite is sent from the originator. When an invite from the originator is forwarded by a recipient, subsequent updates or changes will not be sent to the person to whom the invite was forwarded. **The Authority, on behalf of the Supervising Claims Adjuster, Litigation Manager and/or member city, reserves the right to bill Panel counsel for costs associated with unnecessary travel as a result of violating this policy.** Not less than a week prior to mediation, settlement conference or arbitration and thirty (30) days before trial, Panel counsel shall confirm the date with all counsel and notify the Litigation Manager and Supervising Claims Adjuster of the same.

I. Staffing

The Authority expects the designated Panel counsel to have ongoing and detailed involvement in all assigned matters. While the Authority encourages and understands that staffing and efficiency involves the use of associate attorneys on various aspects of litigated matters, the use of multiple associates often results in duplicative work and excessive time spent on tasks within a case. Consequently, the Authority expects no more than one associate attorney be assigned to the matter at the inception and should be identified in the Matter Acknowledgement Letter. Additional associates should not be involved in the litigation of the file, unless Panel counsel obtain written approval of the Supervising Claims Adjuster, after consulting with the Litigation Manager. File review or preparation by additional attorneys shall not be billed.

The use of Paralegals (as defined by Business and Professions Code, Section 6450 et. seq.) and Law Clerks (defined as a student enrolled in law school or a law school graduate who has not been admitted to practice) can be an efficient and effective approach to litigation. The Authority encourages the use of Paralegals and Law Clerks for appropriate tasks. As with associate attorneys, the matter should be staffed appropriately, so as to avoid unnecessary steps for such individuals becoming familiar with the case and issues. Paralegals and Law Clerks should be utilized when possible for routine discovery preparation, document preparation and review, document production organization, and approved research assignments when appropriate.

The Authority also recognizes that judicious use of intraoffice conferences and communications between attorneys or between attorneys and law clerks or paralegals assist in the management, analysis, and quality of representation. In the event fees are sought for the expenditure of time, only the time of the senior timekeeper should be billed. The time entry must clearly reflect the attendees at the conference and the subject of the conference. No time should be billed for intraoffice conferences between attorneys and support staff, including secretarial staff. If, in the opinion of the Supervising Claims Adjuster or Litigation Manager, the charges incurred for intraoffice conferences are unwarranted or excessive, payment for those charges may be declined and/or the authorization to bill for the time expended in such conferences may be withdrawn.

J. Telephonic Appearances

Unless approved in advance, if available, Panel counsel must utilize telephonic appearance options for routine case management appearances further than 25 miles from counsel's office, including Case Management Conferences, ADR Reviews and Status Conference. With respect to appearances at motion hearings where the client is not either seeking or opposing the motion, appearances outside of the 25 mile radius from Panel counsel's office should be limited to telephonic appearances when available. Telephonic appearances are neither expected nor desirable for appearances at motion matters in which the client is the moving party or the opposing party. Arrangements for telephonic appearances should be made allowing for sufficient time in advance to avoid "rush" charges. The Litigation Manager may approve personal appearances at routine case management proceedings if requested in writing by Panel counsel. If such permission is granted, the written authorization must be attached to the invoice.

K. Fees, Costs and Billings

All bills for legal services and related costs shall be submitted monthly, within thirty (30) days after the end of the month in which the services were rendered. The final bill must be identified as such and submitted within forty-five (45) days of dismissal or last fee incurred. Separate invoices shall be submitted for legal fees and expenses. Expenses and advanced costs should be clearly identified, and submitted as a separate "Expense" invoice. Invoices for legal services shall utilize standard **Uniform Task Base Management System (UTBMS) Litigation Codes (Attachment F)** for each time entry. Each task should include both an L-Code, and an activity code (A-Code). Each discrete entry on an Expense invoice should include an E-Code. The billing system used, manually or time management/billing software, must be capable of

generating an Excel format export of the invoice or time record, for use of the Authority in analyzing litigation data.

Where more than one professional is involved in the same work project, such as writing a brief or summarizing documents, the details in the invoice should make it clear why the other person or persons' input was necessary. A summary by each professional providing services during that billing period, showing (i) the total time spent by that professional, (ii) the billing rate for that professional, (iii) the position of that professional (e.g., partner, associate, paralegal), and (iv) the total charges for that professional should be included. With regard to lengthy projects which continue over months (e.g., motion for summary judgment), the total fees and disbursements for the specific project must be included in the invoice. Total fees and disbursements from the inception of the case to date should be included on each invoice.

The following expenses must be approved by the Supervising Claims Adjuster after consulting with the Litigation Manager or, if appropriate, by the Litigation Manager before being incurred:

1. Experts – whether investigative (consulting) or testimonial;
2. Independent/approved/qualified medical or psychiatric examinations;
3. Outside investigators;
4. More than one attorney at meetings, interviews, depositions, hearings, appearances or other like engagements;
5. Travel out-of-town or outside designated area for investigation – e.g. for depositions, meetings with expert witnesses, etc;
6. Filing of cross-complaint, counter-claims;
7. Research in preparation for the filing of demurrers and motions;
8. Voluntary settlement conferences or ADR methods;
9. Co-defendant cost sharing agreements;
10. Preparation, and filing of demurrers, motions or any writ or appeal;
11. Videotaped depositions;
12. Expenses expected to exceed \$500.00, including copying expenses; and/or
13. Legal research projects expected to exceed four (4) hours.

Panel counsel shall not bill for duplicate services performed by more than one person unless specifically authorized by the Supervising Claims Adjuster, or if appropriate, the Litigation Manager. **There shall be no block billing, vague or non-descriptive task entries accepted for payment.** All charges for expenses shall be based on actual costs. No blanket charge for office expenses, administrative charges, or the like shall be accepted for payment.

The assigned Panel counsel submitting the bill is responsible for the content of the bill and will work directly with the Supervising Claims Adjuster or Litigation Manager in resolving any problems or answering any questions.

Panel counsel **rates per hour** or per project shall not exceed the amount approved by the Executive Committee as set forth in **Attachment G**. Rates per hour or per project within the approved rate will not be increased without at least ninety (90) days advanced written notice to the Litigation Manager and the Supervising Claims Adjuster, and only after receiving approval from the Executive Committee and written permission for such rate change from the Litigation Manager.

Invoices for legal fees and costs may be rejected for reasons, including but not limited to, the following:

1. The hourly rate exceeds the rate per hour approved by the Executive Committee;
2. Failing to submit a Litigation Budget and/or provide timely updates when a submitted Litigation Budget is no longer accurate;
3. Failing to obtain authorization for expenses as required in the Litigation Management Guidelines;
4. Blocked billing. Block billing is the practice of assigning a one-time charge to multiple tasks. An example looks like this: "August 5, 2017: Telephone conferences with client regarding deposition. Prepare for deposition. Travel to and attend deposition. 7.00 hours";
5. Excessive fees for form or standardized documents. The Authority recognizes that the use of Judicial Council form pleadings, as well as modification of pre-existing pleadings, is a standard practice and a cost-saving measure. However, the time billed should not exceed the actual time expended in preparation of the document. Accordingly, time entries for the following documents should not exceed ".1" without prior authorization from the Litigation Manager:
 - a) *Form Interrogatories*;
 - b) *Notice of Entry of Order*;
 - c) *Supplemental Interrogatory*;
 - d) *Supplemental Demand for Inspection of Documents*;
 - e) *Demand for Exchange of Expert Witness Designation*; and/or
 - f) *Notice of Deposit of Jury Fees*.
6. "Chipping". Chipping is the practice of dividing two related tasks that typically take fewer than six minutes, then splitting them into separate entries and billing each task separately. An example of chipping would be the receipt of a brief email, and a short attachment, when the total time for review of both is fewer than six minutes, then billing the email as one entry of ".1" and the attachment as another ".1" entry;

7. Routine cover correspondence accompanying enclosures;
8. Duplicative work by multiple attorneys;
9. Fees or Costs that were incurred in violation of the policies or procedures set forth in this document;
10. Failing to submit billing in a timely manner; and/or
11. Fees or costs are excessive, not reasonable or necessary, as deemed by the Litigation Manager after consulting with the Supervising Claims Adjuster.

Notwithstanding other guidelines or direction, without prior written approval, which shall accompany the invoice, the following out-of-pocket expenses are not acceptable and shall not be billed to or paid by the Authority:

1. Secretarial/clerical functions including scheduling (regardless of who performs them);
2. Time devoted to preparation of bills including accompanying cover letters;
3. Time devoted to bill dispute resolution including accompanying cover letters;
4. Time devoted by a second attorney to become familiar with a file due to the assigned attorney's unavailability, or due to internal firm staffing;
5. Charges for Westlaw or LexisNexis research;
6. In-House Photocopies;
7. Volume copying done by outside vendors;
8. Scanning;
9. Data entry & storage;
10. Courier service charges (i.e. messenger services, overnight delivery — FedEx, UPS, etc.);
11. Telephone and fax;
12. Mobile devices and data charges;
13. File opening and closing activities;
14. Completion of conflicts checks;
15. Storage and retrieval of files (on-site or off-site);
16. Any markups or surcharges added by the law firm including interest;
17. File organization and maintenance, including filing, tabs, creating of notebooks and Binders;
18. Indexing pleadings, discovery, medical records and correspondence;
19. Bates numbering;
20. Routine scheduling of depositions and meetings;

21. Proofreading documents;
22. Personal local transportation or parking (within twenty-five (25) miles of the firm's closest office);
23. Books, Subscriptions, Educational expenses;
24. Docket systems (such as PACER);
25. Professional associations;
26. Bar dues;
27. Local transportation expenses (mileage within twenty-five (25) miles of the firm's closest office);
28. Commuting expenses including parking and after hours transportation;
29. Local meals (no meal charges when travel is completed in a single day);
30. Entertainment;
31. Rent;
32. Furniture;
33. Employee salaries including overtime;
34. Typing and word processing;
35. Office supplies;
36. Research concerning basic aspects of the Code of Civil Procedure, California Rules of Court, Federal Rules of Civil Procedure, the Local Rules of Court for either California Superior Courts or Federal District Courts, or filing procedures in any court;
37. Completion of Attorney self-evaluations;
38. Insurance; and/or
39. Intraoffice conference billing by more than one timekeeper.

L. Expert Retention Requests

With regard to the approval of experts or medical examiners, Panel counsel shall submit an **Expert Retention Request form (Attachment H)** attached hereto and incorporated herein as though fully set forth herein. The Expert Retention Request should be submitted in stages as according to the anticipated need of Panel counsel. The Authority may not pay for expert fees that have not been authorized in advance. Once approved, Panel counsel shall issue the expert a confirming retention request letter which substantially provides the following:

It was a pleasure discussing the issues involved in the above entitled case. We are pleased to inform you that the Central San Joaquin Valley Risk Management Authority (Authority) has agreed, on behalf of the City of [Name of Member City], to retain your services as an expert in this matter. In

accordance with our discussion, the Authority requires us to confirm a budget for expert consultations. At this time, you have been pre-approved for [Number of Preapproved Hours] hours [(\$approved amount)] to perform an initial investigation and assessment. We anticipate that your initial investigation and assessment will include, but is not limited to, [Nature and scope of assigned initial investigation assessment] and a preliminary oral assessment of your findings.

The Authority will only provide payment for pre-approved services. Thus, if, after you commence your review, you determine that [Number of Hours Approved] hours is an insufficient amount of time to conduct a necessary investigation and assessment, you must contact me before you commence any work beyond the approved [Number of Hours Approved] hours. Again, without further pre-approval, the Authority will not pay for any services you perform beyond the instant pre-approved for [Number of Preapproved Hours] hours [(\$approved amount)].

Using the format above, a confirming retention request letter shall be sent to an expert each time the Request is modified and approved. Within thirty (30) days of the conclusion of a matter or discovery of substantive information, Panel counsel shall complete the **Defense Expert Witness and/or Plaintiff Expert Witness Evaluation(s), Attachments I and J**, respectively, attached hereto and incorporated herein as though fully set forth herein.

M. Confidential Information

Panel counsel must take steps to protect Authority claim information from unauthorized access, acquisition, disclosure, loss, destruction or damage, including ensuring that hard copy and electronic materials are transmitted and stored in an appropriate fashion including the use of encryption or other similar technologies when appropriate. Panel counsel must limit access to member city information to only those individuals who have a business need to access member city information. Panel counsel must inform the member city promptly if there is any unauthorized access, acquisition, disclosure, loss, destruction or damage of member city information.

N. Record Retention

Except as otherwise provided by federal and state law, Panel counsel shall maintain assigned litigated case records for not less than seven (7) years after the litigation is concluded, two (2) years for non-litigated cases and ten (10) years for claims involving Medicare set asides or for which provisions for future medical has been agreed upon related to Medicare.

O. Performance Evaluation and Exit Analysis

Within thirty (30) days of the conclusion of a case, defense counsel shall complete and return the **Self Performance Evaluation form (Attachment K)** to the Supervising Claims Adjuster with a copy to the Litigation Manager. The purpose of this form is to assess the performance of defense counsel, the retained experts and consultants, opposing counsel and the general

handling of the case. The failure to provide this Self Performance Evaluation form may delay payment of any outstanding invoices due from defense counsel.

P. Audit of Defense Firms

The Litigation Manager and the Supervising Claims Adjuster shall periodically review the Case Analysis Report, the Mandatory Status Reports, the Litigation Budget, the Self Performance Evaluation form, and any legal billings and, if necessary, make recommendations to the Executive Committee concerning the possible removal of a particular defense attorney or defense firm from the Panel. A member city may appeal an adverse decision to the Executive Committee which shall make the final determination on the recommendation of the Litigation Manager and the Supervising Claims Adjuster.

From time to time, the Litigation Manager and/or the Supervising Claims Adjuster may elect to conduct audits of the litigated files being monitored by the Authority including billings for legal services being performed by the assigned defense firm or individual defense attorney. The Litigation Manager reserves the right to order an independent legal bill audit if in his or her discretion, the billings do not comply with these Litigation Management Guidelines or are excessive or unwarranted. Payment of any invoices shall not constitute a waiver of the Authority's right to seek reimbursement of any inappropriate or excessive billings disclosed by an independent audit or otherwise. If an independent legal bill audit is ordered, the Executive Committee, with input from the Litigation Manager and the Supervising Claims Adjuster, shall determine who shall pay for the legal bill audit.

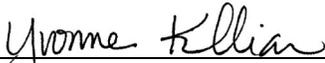
This Resolution was adopted by the Board of Directors at a regular meeting of the Board on the 26th day of June 2020, by teleconference via the Webex platform. The meeting was held in accordance with Government Code Section 54953(b) and was conducted under Governor Gavin Newsom's Executive Order N-25-20, by the following vote:

AYES	<u>48</u>
NOES	<u>0</u>
ABSTAIN	<u>0</u>
ABSENT	<u>6</u>



PRESIDENT, BOARD OF DIRECTORS

ATTEST:



BOARD SECRETARY

Attachment A

Preferred Panel Application

APPLICATION FOR CENTRAL SAN JOAQUIN VALLEY RISK MANAGEMENT AUTHORITY PANEL OF DEFENSE COUNSEL

I. INTRODUCTION

This Application has been created to facilitate consideration of an attorney and/or law firm for inclusion on the Preferred Panel of Defense Counsel (Panel) for the Central San Joaquin Valley Risk Management Authority (Authority). Inclusion of a law firm on the Panel is at the discretion of the Litigation Manager, after consultation with the third party Supervising Claims Adjuster, and subject to approval by the Executive Committee. The Authority is a statewide joint powers authority (JPA), and a risk sharing pool created to provide broad coverage for *general liability* at reasonable rates for its city members. The program now covers 54 cities throughout the Central San Joaquin Valley. The Authority provides a full Litigation Management program to help reduce the cost of defending against covered claims. A Panel has been created to identify and limit the number of defense firm partners that are best qualified to handle the defense of public entity claims and committed to working in concert with the Authority Litigation Manager and within the Authority litigation management guidelines. Panel Counsel selection is an ongoing process, and firms are added and removed based on the Authority's current need. Placement on the Panel is not a guarantee of case assignment. Placement on the Panel does not create a contractual or property right.

II. APPLICATION REQUIREMENTS

A. Biographical Information

1. Firm Resume which includes:
 - a. Firm name and year formed
 - b. Identify the primary contact person for the Firm
 - c. Office locations in California
 - d. Total number of attorneys in the Firm
 - e. Total number of paralegals and/or support staff
2. A narrative of the Firm's experience in public sector employment liability litigation.
3. A list and the professional biographies of the Firm's attorneys who would be assigned to work on Authority matters.
4. A list of clients for whom similar services have been performed by the proposed attorneys. The following must be included for each client:

- a. Name, address, and phone number of contact person
 - b. Overview of services performed
 - c. Number of years providing services
5. A list of three public entity references from the Law Firm’s list of clients.
- B. Law Firm Philosophy – A description of the Law Firm’s philosophy in litigation, including a description of the Law Firm’s strategy and approach to defending a claim it is assigned.
- C. Law Firm Technology – A description of the Law Firm’s technology capabilities, including but not limited to, ability to send online documents, time tracking software, access to online research, including identification of electronic research providers.
- D. Information Protection – A description of the Law Firm’s controls to preserve confidentiality and integrity of information belonging to the Authority and its members.
- E. Conflicts of Interest – A description of the nature and extent of the Law Firm’s representation of plaintiffs in personal injury matter.
- F. Malpractice Litigation Claims – Applications shall identify any and all malpractice suits or suit arising out of the Law Firm’s or its attorneys practice of law, including resolution of the same.
- G. Fees and Costs – Applications shall include the Firm’s hourly fees for Associates, Partners/Shareholders, and Of Counsel for work to be completed and a list of the expenses the Firm will seek reimbursement from the Authority.

Questions concerning this Application as well as the completed Application should be directed to:

Melissa L. McDonald, Litigation Manager
Central San Joaquin Valley Risk Management Authority
1750 Creekside Oaks Drive, Suite 200
Sacramento, California 95833
(916) 606-6778
melissa.mcdonald@sedgwick.com

Attachment B

Survey of Insurance

**CENTRAL SAN JOAQUIN VALLEY RISK
MANAGEMENT AUTHORITY
PANEL COUNSEL SURVEY OF INSURANCE**

INSURANCE REQUIREMENTS

To be considered for the CENTRAL SAN JOAQUIN VALLEY RISK MANAGEMENT AUTHORITY (CSJVRMA) Approved Panel of Defense Counsel (Panel), law firms or individual counsel submitting an application shall agree to maintain insurance pertaining to the activities associated with the scope of services as set forth in the Litigation Management Program Guidelines to which this is an attachment. Specifically, law firms or individual counsel will be required to obtain, at their own cost and expense, the insurance coverages set forth below for the duration of its placement on the Panel and shall provide evidence of such insurance to the CSJVRMA prior to commencing first assignment and annually thereafter. The minimum coverage is as follows:

- *Workers' Compensation Insurance* as required by the Labor Code of the State of California with statutory limits and Employer's Liability insurance not less than \$1,000,000 per accident and/or disease.
- *Errors and Omissions Liability (Legal Malpractice)* - not less than \$1,000,000 per claim.
- *Commercial General Liability & Property Damage* - not less than \$1,000,000 per occurrence for bodily injury, personal injury and property damage. If Commercial General Liability insurance or other form with general aggregate limit is used, either the general aggregate limit shall apply separately to this project or the general aggregate limit shall be twice the required occurrence limit.
- *Business Automobile Liability* - not less than \$1,000,000 per accident for bodily injury and property damage.

Please complete and return this form at your earliest convenience.

Firm Name: _____ **Completed By:** _____

1. General Liability Yes ___ No ___ Amount: _____

Deductible or S.I.R.: _____ Claim/Occurrence Basis: _____

Carrier or Provider: _____

Aggregate (If Applicable): _____

Would you be willing to extend coverage to the Pool? Yes ___ No ___

By way of: Certificate _____ Endorsement _____

2. Professional Liability Yes ___ No ___ Amount: _____

Deductible or S.I.R.: _____ Claim/Occurrence Basis: _____

Carrier or Provider: _____

Aggregate (If Applicable): _____

3. Workers' Compensation Yes ___ No ___ Amount: _____

Deductible or S.I.R.: _____ Claim/Occurrence Basis: _____

Carrier or Provider: _____

Aggregate (If Applicable): _____

4. Automobile Liability Yes ___ No ___ Amount: _____

Deductible or S.I.R.: _____ Claim/Occurrence Basis: _____

Carrier or Provider: _____

Aggregate (If Applicable): _____

Would you be willing to extend coverage to the Pool? Yes ___ No ___

By way of: Certificate _____ Endorsement _____

Attachment C

Case Analysis Report Form

**CENTRAL SAN JOAQUIN VALLEY RISK MANAGEMENT
AUTHORITY**

CASE ANALYSIS

This report is to be received by the Member, the TPA’s Supervising Claims Adjuster, the Litigation Manager (and if applicable the excess carrier(s)) within 60 days of claim/suit transmittal. It is expected that this report will be utilized for ALL status updates, notification of material developments. When providing updates, prior information, even if later discovered to be incorrect, should NEVER be deleted. Counsel should provide updated information in a manner such that the evaluator will be able to easily identify the updates and understand their importance and relationship with previously reported information (e.g., strike through incorrect information, new information in a different color font or highlighted). All relevant summaries (e.g., depositions or medical records) should be submitted under separate cover; information from said summaries should only be included if it impacts liability.

To: (The Responsible Attorney is expected to know who should be included in the communications, including Member contacts):

From/Responsible Attorney: (Unless otherwise agreed to in writing, the Panel Counsel assigned)

Date of Assignment/Report: (This should also be progressive and never deleted so we can track reporting compliance)

LAWSUIT AND CLAIM INFORMATION	
Date Assigned:	
AIMS Claim No.:	
CARMA Claim No.	
Excess Claim No(s). and Date(s) reported:	
Plaintiff(s) DOB/Age/MSA:	
Date of Loss:	
Date of Claim:	
Date(s) and type of Response to Claim(s):	
Claim Demand:	
Case Caption (include all plaintiffs):	
Court/County	
Case No.	
MSC date(s):	
Mediation date(s):	
Initial and continued trial dates:	
Assigned Judge:	

Excess notification required? Yes ___ No ___

If yes, notified, provide date of notification, excess contact information.

Represented Party(s), including SIR:

Insurance:

Other insurance policy(ies) of other parties:

(Provide name of insurer, type of policy and limits.)

Is indemnification or contribution available? Yes ___ No ___

If so, against whom?

Is there any additional information or documentation needed to preserve evidence or establish defenses? Yes ___ No ___

If so, please delineate.

Status of pleadings:

(Include date of service of complaint and list of recommendations (e.g., demurrer, motion to strike, summary judgment, etc.).)

Does the complaint conform to the claim? Yes ___ No ___

If not, in what respect does it differ?

Outcome of any pre-litigation events to date (including claims, investigations, meetings, hearings, etc.):

Event Type	Scheduled/ Anticipated Date	Outcome/Comments

Currently planned or scheduled litigation events (including meetings, motions, hearings, depositions, etc.):

Event Type	Scheduled/ Anticipated Date	Outcome/Comments

Status of settlement negotiations:

CCP 998 Value: The City expects Approved Panel counsel to provide a realistic CCP 998 offer prior to incurring expert costs.

Rule 68 Value: The City expects Approved Panel counsel to provide a realistic Rule 68 offer at the outset of litigation and prior to incurring attorney fees or costs or allowing plaintiff’s counsel’s fees and cost to increase without consequence.

	PARTY	AMOUNT	DATE	COMMENTS
Informal Demand(s)/Offer(s)				
RULE 68 Offer(s)				
CCP 998(s)				

Overall Theme to be presented by Defense Counsel:

Discovery and other Deadlines Currently Known:

Anticipated Trial Date if not resolved:

Probability of going to Trial:

Trial Counsel/Firm for Plaintiff:

(Provide name, location, bar number and describe firm size, background, specialization, trial experience, available resources, and general appraisal of capability)

I. STATEMENT OF FACTS (A succinct and realistic recitation of facts is expected. Counsel should identify key facts as well as points of dispute.)

II. LIABILITY (Counsel should provide an overview of the allegations, causes of action, and burden of proof. Early evaluation of liability exposure is desired, and should reflect likely outcome based on available information with respect to all parties. Counsel should provide recommendations to mitigate the liability exposure. All relevant summaries (e.g., depositions or medical records) **must be submitted under separate cover**; information from said summaries should only be included if it impacts liability.)

III. INJURIES/DAMAGES (An overview of injuries and damages is expected. Counsel should identify key damage facts and points of dispute.)

Special Damages:

	Past – Claimed	Future – Claimed	Comments & Evaluation
Medical Expenses			
Lost Wages			
Other			

General Damages:

(Include pain and suffering; scarring/disfigurement, loss of business interruption/opportunity, loss of consortium, property damages, etc.)

Punitive Damages:

(Counsel should identify the party(s) that punitive damages are sought against, along with supporting allegations.)

IV. ISSUES

(Counsel should identify issues that impact the resolution or handling of this.)

V. EVIDENTIARY ISSUES (Counsel should provide an overview, assessment and recommendations regarding any unique evidentiary issues that are expected to impact the resolution or handling of this case.)

VI. CASE EVALUATION & SETTLEMENT VALUE

(Based on the information in the case to date, counsel should state the values in the case – ranges may be used. If the evaluation changes over the course of litigation, the reasons for the modification should be clearly identified in the report. “TOO EARLY TO DETERMINE” is not an acceptable response.))

What is the pure exposure value (based on information to date)? \$ _____
(OVERALL) \$ _____ (CLIENT)

Pure Exposure Value: Most probable full jury value of alleged injury (accepting all that is alleged as true) without consideration of coverage, liability, comparative negligence, credibility of parties, contribution and/or other affirmative defenses/factors. This value is based on a reasonable jury’s award.

What is the Settlement Value (based on information to date)? \$ _____
(OVERALL) \$ _____ (CLIENT)

VII. RECOMMENDED NEXT STEPS (Counsel should provide a list of recommended Action Items and the rationale for each. These items will form the basis of the next status report with the Supervising Claims Adjuster and/or Litigation Manager.)

In executing and returning this analysis, you are warranting that you have read and will comply with the Authority’s Litigation Management Guidelines and that there are no known legal or ethical conflicts in your representation of defendant in this case.

Signed: _____ Date: _____

Attachment D

Litigation Budget

CENTRAL SAN JOAQUIN VALLEY RISK MANAGEMENT AUTHORITY
DEFENSE COUNSEL LITIGATION BUDGET

This report is to be received by the Member, the TPA’s Supervising Claims Manager, Litigation Manager and if applicable excess carrier(s)) within **60 days** of claim/suit transmittal. When providing updates, prior information, even if later discovered to be incorrect, should **NEVER be deleted**. Counsel should provide updated information in a manner such that the evaluator will be able to easily identify the updates and understand their importance and relationship with previously reported information (e.g., strike through incorrect information, new information in a different color font or highlighted. If increases to the budget become necessary, Counsel must provide an explanation for the same.

To: (The Responsible Attorney is expected to know who should be included in the communications, including Member contacts):

From/Responsible Attorney: (Unless otherwise agreed to in writing, the Panel Counsel assigned)

Date of Assignment/Report: (This should also be progressive and never deleted so we can track reporting compliance)

LAWSUIT AND CLAIM INFORMATION	
Date Assigned:	
AIMS Claim No.:	
CARMA Claim No.	
Excess Claim No(s). and Date(s) reported:	
Plaintiff(s) DOB/Age/MSA:	
Date of Loss:	
Date of Claim:	
Date(s) and type of Response to Claim(s):	
Claim Demand:	
Case Caption (include all plaintiffs):	
Court/County	
Case No.	
MSC date(s):	
Mediation date(s):	
Initial and continued trial dates:	
Assigned Judge:	

Members of the Firm you anticipate will be working on the case and their hourly rate:

INITIAL CASE ASSESSMENT

Initial Case Review	___	hours x	___	/hr = \$
Meetings with relevant City employees	___	hours x	___	/hr = \$
Responsive Pleadings	___	hours x	___	/hr = \$
Communications with AIMS	___	hours x	___	/hr = \$
Communications with Plaintiff's counsel	___	hours x	___	/hr = \$
Initial Case Assessment	___	hours x	___	/hr = \$

Total Estimate for Initial Case Assessment: \$ _____

NON-EXPERT DISCOVERY

Written Discovery

Prepare Form Interrogatories	___	hours x	___	/hr = \$
Prepare Special Interrogatories	___	hours x	___	/hr = \$
Prepare Production Requests	___	hours x	___	/hr = \$
Respond to π 's Form Interrogatories	___	hours x	___	/hr = \$
Respond to π 's Special Interrogatories	___	hours x	___	/hr = \$
Respond to π 's Production Requests	___	hours x	___	/hr = \$
Review, analyze and summarize π 's responses	___	hours x	___	/hr = \$

Depositions

(Counsel should identify all anticipated deponents)

Prepare for deposition of π (s)	___	hours x	___	/hr = \$
Attend for deposition of π (s)	___	hours x	___	/hr = \$
Pre-deposition meetings with City witnesses	___	hours x	___	/hr = \$
Attend deposition of City witnesses	___	hours x	___	/hr = \$
Prepare deposition summaries	___	hours x	___	/hr = \$

TRIAL

Attend ___ day trial	___ hours x ___/hr = \$
Witness attendance at Trial	___ hours x ___/hr = \$
Communications with AIMS	___ hours x ___/hr = \$

Total Estimate for Trial, including Expert Fees & Costs: \$ _____

GRAND TOTAL: \$ _____

Attachment E

Mediator Performance Evaluation Form

Mediator Evaluation

(To be completed by counsel and returned within 30 days
of the completion of mediation)

To: (The Responsible Attorney is expected to know who should be included in the communications, including Member contacts):

From/Responsible Attorney: (Unless otherwise agreed to in writing, the Panel Counsel assigned)

Date: (This should also be progressive and never deleted so we can track reporting compliance)

LAWSUIT AND CLAIM INFORMATION	
Date Assigned:	
AIMS Claim No.:	
CARMA Claim No.	
Excess Claim No(s). and Date(s) reported:	
Plaintiff(s) DOB/Age/MSA:	
Date of Loss:	
Date of Claim:	
Date(s) and type of Response to Claim(s):	
Claim Demand:	
Case Caption (include all plaintiffs):	
Court/County	
Case No.	
MSC date(s):	
Mediation date(s):	
Initial and continued trial dates:	
Assigned Judge:	

Have you previously used this mediator? Yes No.

Result: settled; partially settled; impasse; open to further negotiations

Brief overview of negotiations. _____

Were you ___ satisfied ___ neutral ___ dissatisfied with the services rendered by the mediator in this matter? Please elaborate. _____

Were you ___ satisfied ___ neutral ___ dissatisfied with the mediator’s understanding of the facts of the case? Please elaborate. _____

Were you ___ satisfied ___ neutral ___ dissatisfied with the mediator’s understanding of the legal issues in this matter? Please elaborate. _____

Were you ___ satisfied ___ neutral ___ dissatisfied with the mediator’s ability to move the process along? Please elaborate. _____

Were you ___ satisfied ___ neutral ___ dissatisfied with the mediator’s facilities and amenities? Please elaborate. _____

Did you have concerns about the mediator’s impartiality? ___ Yes ___ No. Please elaborate. _____

Would you use the mediator again? ___ Yes ___ No. Please elaborate. _____

Attachment F

UTBMS Litigation Codes

UTBMS Litigation Codes

Litigation Code Set

L100 Case Assessment, Development and Administration	A100 Activities
L110 Fact Investigation/Development	A101 Prepare for
L120 Analysis/Strategy	A102 Research
L130 Experts/Consultants	A103 Draft/revise
L140 Document/File Management	A104 Review/analyze
L150 Budgeting	A105 Communicate (in firm)
L160 Settlement/Non-Binding ADR	A106 Communicate (with client)
L190 Other Case Assessment, Development Administration	A107 Communicate (other outside counsel)
L200 Pre-Trial Pleadings and Motions	A108 Communicate (other external)
L210 Pleadings	A109 Appear for/attend
L220 Preliminary Injunctions/Provisional	A110 Manage data/files
L230 Court Mandated Conferences	A111 Other
L240 Dispositive Motions	E100 Expenses
L250 Other Written Motions and	E101 Copying
L260 Class Action Certification and Notice	E102 Outside printing
L300 Discovery	E103 Word processing
L310 Written Discovery	E104 Facsimile
L320 Document Production	E105 Telephone
L330 Depositions	E106 Online research
L340 Expert Discovery	E107 Delivery services/messengers
L350 Discovery Motions	E108 Postage
L390 Other Discovery	E109 Local travel
L400 Trial Preparation and Trial	E110 Out-of-town travel
L410 Fact Witnesses	E111 Meals
L420 Expert Witnesses	E112 Court fees
L430 Written Motions and Submissions	E113 Subpoena fees
L440 Other Trial Preparation and Support	E114 Witness fees
L450 Trial and Hearing Attendance	E115 Deposition transcripts
L460 Post-Trial Motions and Submissions	E116 Trial transcripts
L470 Enforcement	E117 Trial exhibits
L500 Appeal	E118 Litigation support vendors
L510 Appellate Motions and Submissions	E119 Experts
L520 Appellate Briefs	E120 Private Investigators
L530 Oral Argument	E121 Arbitrators/mediators
	E122 Local counsel
	E123 Other professionals

Attachment G

The hourly not-to-exceed rate for Panel of Defense Counsel is established this 27th day of March 2020, at \$265, effective July 1, 2020.

Attachment H

Expert Retention Request Form

CENTRAL SAN JOAQUIN VALLEY RISK
MANAGEMENT AUTHORITY
EXPERT RETENTION REQUEST
NAME OF EXPERT

The Authority is extremely interested in assuring the quality of expert evaluation and testimony for its legal matters. Please complete this evaluation and return it to the Litigation Manager.

To: (The Responsible Attorney is expected to know who should be included in the communications, including Member contacts):

From/Responsible Attorney: (Unless otherwise agreed to in writing, the Panel Counsel assigned)

Date: (This should also be progressive and never deleted so we can track reporting compliance)

LAWSUIT AND CLAIM INFORMATION	
Date Assigned:	
AIMS Claim No.:	
CARMA Claim No.	
Excess Claim No(s). and Date(s) reported:	
Plaintiff(s) DOB/Age/MSA:	
Date of Loss:	
Date of Claim:	
Date(s) and type of Response to Claim(s):	
Claim Demand:	
Case Caption (include all plaintiffs):	
Court/County	
Case No.	
MSC date(s):	
Mediation date(s):	
Initial and continued trial dates:	
Assigned Judge:	

Type of Expert:

CV obtained/attached: ___ Yes ___ No

Why is the expert needed?

1. **Upcoming trial/mediation/MSC:**
2. **Investigation:**
3. **Damages:**

Explain above: (Counsel should provide a detailed explanation as to what we hope to gain from this expert, including a general appraisal of capability and experience).

Phase I – Investigation/Oral Reporting

Tasks:

(Counsel should identify the specific assigned tasks and anticipated time to perform the same (e.g., “review of medical records and oral opinion regarding the same ≈ 13 hours @ \$650/hour).

hours @ \$ = \$

Estimated Amt: \$ _____

Approved: _____

Phase II – Written Report

Tasks:

hours @ \$ = \$

Threshold granted: \$ _____ **Approved:** _____

Phase III – Additional Work (if needed)

Tasks: (Counsel should identify the specific assigned tasks and anticipated time to perform the same).

hours @ \$ = \$

Estimated Amt: \$ _____ **Approved:** _____

Phase IV – Depo Prep

Tasks: (Counsel should identify the specific assigned tasks and anticipated time to perform the same).

hours @ \$ = \$

Estimated Amt: \$ _____ **Approved:** _____

Phase V – Trial Prep and Testimony

Tasks:

(Counsel should identify the subject matter(s) for which they anticipate the expert will provide testimony, along with an analysis regarding how the testimony impacts liability and any concerns regarding the admissibility of the expert at trial).

hours @ \$ = \$

Estimated Amt: \$ _____ **Approved:** _____

Attachment I

DEFENSE EXPERT EVALUATION FORM

**CENTRAL SAN JOAQUIN VALLEY RISK MANAGEMENT
AUTHORITY DEFENSE EXPERT WITNESS – Evaluation
(One per expert)**

(To be completed by counsel and returned within 30 days
of the completion of the trial and/or case)

The Authority is extremely interested in assuring the quality of expert evaluation and testimony for its legal matters. Please complete this evaluation and return it to the Litigation Manager.

To: (The Responsible Attorney is expected to know who should be included in the communications, including Member contacts):

From/Responsible Attorney: (Unless otherwise agreed to in writing, the Panel Counsel assigned)

Date: (This should also be progressive and never deleted so we can track reporting compliance)

LAWSUIT AND CLAIM INFORMATION	
Date Assigned:	
AIMS Claim No.:	
CARMA Claim No.	
Excess Claim No(s). and Date(s) reported:	
Plaintiff(s) DOB/Age/MSA:	
Date of Loss:	
Date of Claim:	
Date(s) and type of Response to Claim(s):	
Claim Demand:	
Case Caption (include all plaintiffs):	
Court/County	
Case No.	
MSC date(s):	
Mediation date(s):	
Initial and continued trial dates:	
Assigned Judge:	

	YES	NO
Have you used the expert before?		
Was the expert qualified to testify in this matter? (If not, please provide details below and provide any relevant documents.)		
Was the witness dressed in a professional manner?		
Was the demeanor of witness professional and appropriate?		
Did the witness appear to be prepared and organized?		
Was testimony presented in an impartial manner?		
Was the scientific nature of the testimony presented in a manner that you, the evaluator, could understand?		
Was the scientific nature of the testimony presented in a manner that the jury could understand?		
Did the witness speak clearly and loudly enough to be heard by the jury and the other court officials?		
Did the witness speak to the jury at appropriate times?		
Were answers given by the witness responsive to the questions?		
Did the witness present clear and accurate testimony without volunteering unnecessary and unsolicited information?		
Did the witness remain calm throughout the testimony regardless of any adversarial approaches?		
Did Plaintiff’s Counsel uncover any information that was used to discredit the expert? (If so, please provide details below and provide any relevant documents.)		
Were any inaccuracies in the expert’s qualifications uncovered during litigation? (If so, please provide details below and provide any relevant documents.)		
Did Plaintiff’s counsel demonstrate that the expert said something different in another lawsuit involving similar facts? (If so, please provide details below and provide any relevant documents.)		
Would you use the witness again?		

Please provide any additional relevant information, including but not limited to any post-trial juror feedback:

Attachment J

PLAINTIFF'S EXPERT EVALUATION FORM

**CENTRAL SAN JOAQUIN VALLEY RISK MANAGEMENT
AUTHORITY PLAINTIFF EXPERT WITNESS – Evaluation
(One per expert)**

(To be completed by counsel and returned within 30 days
of the completion of the trial and/or case)

The Authority is extremely interested in assuring the quality of expert evaluation and testimony for its legal matters. Please complete this evaluation and return it to the Litigation Manager.

To: (The Responsible Attorney is expected to know who should be included in the communications, including Member contacts):

From/Responsible Attorney: (Unless otherwise agreed to in writing, the Panel Counsel assigned)

Date of Assignment/Report: (This should also be progressive and never deleted so we can track reporting compliance)

LAWSUIT AND CLAIM INFORMATION	
Date Assigned:	
AIMS Claim No.:	
CARMA Claim No.	
Excess Claim No(s). and Date(s) reported:	
Plaintiff(s) DOB/Age/MSA:	
Date of Loss:	
Date of Claim:	
Date(s) and type of Response to Claim(s):	
Claim Demand:	
Case Caption (include all plaintiffs):	
Court/County	
Case No.	
MSC date(s):	
Mediation date(s):	
Initial and continued trial dates:	
Assigned Judge:	

CSJVRMA

Attachment J – Plaintiff’s Expert Evaluation Form

Page 2

	YES	NO
Have you had prior experience with the expert?		
Was the expert qualified to testify in this matter? (If not, please provide details below and provide any relevant documents.)		
Was the witness dressed in a professional manner?		
Was the demeanor of witness professional and appropriate?		
Did the witness appear to be prepared and organized?		
Was testimony presented in an impartial manner?		
Was the scientific nature of the testimony presented in a manner that you, the evaluator, could understand?		
Was the scientific nature of the testimony presented in a manner that the jury could understand?		
Did the witness speak clearly and loudly enough to be heard by the jury and the other court officials?		
Did the witness speak to the jury at appropriate times?		
Were answers given by the witness responsive to the questions?		
Did the witness present clear and accurate testimony without volunteering unnecessary and unsolicited information?		
Did the witness remain calm throughout the testimony regardless of any adversarial approaches?		
Did you uncover any information that was used to discredit plaintiff’s expert? (If so, please provide details below and provide any relevant documents.)		
Were any inaccuracies in the expert’s qualifications uncovered during litigation? (If so, please provide details below and provide any relevant documents.)		
Did you demonstrate that plaintiff’s expert said something different in another lawsuit involving similar facts? (If so, please provide details below and provide any relevant documents.)		

Please provide any additional relevant information, including but not limited to any post-trial juror feedback:

Attachment K

Self-Performance Evaluation

CENTRAL SAN JOAQUIN VALLEY RISK MANAGEMENT AUTHORITY

Self-Performance Evaluation

(To be completed by counsel and returned
within 30 days of the date file is closed)

Covered Party _____ Date Prepared _____
Date of Loss _____ Claim Number _____
Plaintiff(s) _____

Were you ___ pleased ___ satisfied ___ dissatisfied with the way reserves were maintained throughout the case history? Please elaborate. _____

Were you ___ pleased ___ satisfied ___ dissatisfied with your projection of fees and expenses to resolve the litigation? Please elaborate. _____

Were you ___ pleased ___ satisfied ___ dissatisfied with your initial assessment of additional and timely investigation needed to preserve evidence and prepare the case for litigation? Please elaborate. _____

Were you ___ pleased ___ satisfied ___ dissatisfied with your initial analysis as to motions and cross actions incidental to a successful conclusion of the case? Please elaborate. _____

Were you ___ pleased ___ satisfied ___ dissatisfied with the outcome of this matter? If satisfied or dissatisfied, please elaborate as to how the outcome could have been improved, and what you could have done to improve the outcome. _____

Do you have any suggestions which would improve the future professional, ethical, orderly, competent and cost-effective handling of defense litigation? Please elaborate. _____

Were you ___ pleased ___ satisfied ___ dissatisfied with one or more of the experts utilized? If so, please elaborate. _____

How would you assess plaintiff(s) counsel's performance during the course of the proceedings?

___ superior ___ average ___ below average Please elaborate. _____

Defense Firm _____

If more space is required to respond to any requested information, please asterisk the same and attach an additional sheet or sheets to the evaluation form.

Prepared By _____