



# Get the Edge in High-Stakes Claims Litigation

**Leaving your litigation strategy to chance is risky business**

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Workers' compensation and liability claims can be difficult to manage. When these claims enter litigation, they can become even more unpredictable and costly. Sometimes claims litigation can seem like a gamble: you hire a good attorney and hope for the best. But the stakes are too high to rely on chance. Consider this: claims involving attorneys are nearly eight times costlier than those without attorneys,<sup>1</sup> and 14 percent of a workers' comp loss goes to legal defense or containment.<sup>2</sup>

Insurers are under increasing pressure to control litigation costs. But how can they tip the odds in their favor?

## Choosing attorneys is an inexact science

Claims litigation can be complex, as it involves various nuances such as lost time. In fact, litigation rates more than triple for claims involving lost time. To navigate these unique challenges, you need the right counsel. But choosing the right counsel isn't a simple task either. How do you know if an attorney is good? Is hiring a major law firm worth the cost? Where do you start your search?

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For most insurers, there's no scientific approach to choosing counsel. They either hire a firm they've used in the past because of familiarity, choose someone based on a recommendation, or select an attorney with whom they have a good rapport.

But these factors can be subjective and not based on hard evidence. Without data to support a decision, insurers are just rolling the dice.

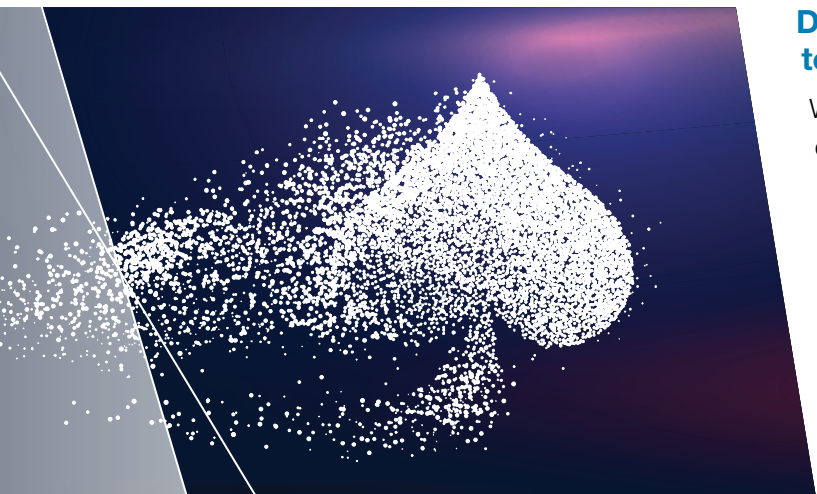
## Legal data: An ace in the hole

Data is a vital part of business strategy across all industries. According to Accenture, 80 percent of insurance executives report their organizations are increasingly using data to drive critical and automated decision making at scale.<sup>4</sup> Data analytics has proven to help insurers streamline processes, detect fraud, reduce expenses and losses, and develop claims strategies. Yet, few insurers are using data to drive litigation decisions.

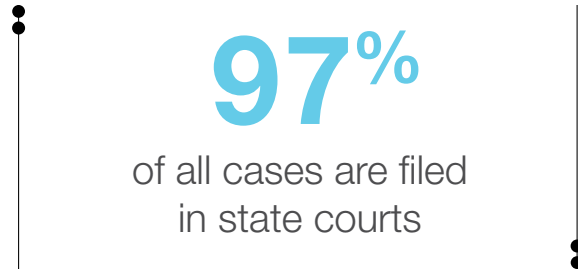
Legal data can provide tremendous value. Imagine getting insights into an attorney's win rate by case type and jurisdiction. Beyond selecting counsel, legal data can reveal how a case result may vary from state to state or even in different parts of a state.

## Data transparency is key to litigation insights

While insurers have been slow to leverage legal data, there's a larger issue in play. The legal system has lacked transparency with its data, making it a challenge for companies to collect and organize data to inform their litigation strategy.



And it's understandable: Across the United States, over 41,000 cases are filed every day in over 3,100 state and county courts, which accounts for 97 percent of all cases. Additionally, each of these courts structure their data differently. Normalizing that data so it can be analyzed to provide useful information is a challenge. However, the right innovative tools can provide insurers transparency into that data.



### Legal analytics is a game changer

Legal analytics makes sense of legal data and can help insurers get an edge in claims litigation. Just like data analytics helps insurers manage claims and improve decision making, legal analytics applies analysis to court data to help insurers improve litigation results.

These types of tools mine and aggregate data from past court cases to discover trends and predict future case outcomes based on quantitative and qualitative data. With legal analytics, insurers can analyze how an attorney fairs in front of a particular judge or against opposing counsel, how a judge is likely to rule on a case, and how long a case will likely take to litigate.

Armed with this information, insurers can develop a litigation strategy based on objective analysis instead of unreliable methods. The results are profound and can help insurers make better decisions on whether to settle or go to trial and which legal motion will likely succeed. This helps insurers control litigation costs and improve their bottom line by employing better strategies that lead to better resource management.

### Quality data fuels predictive analytics

The quality of an analytics program is only as good as the data available to analyze. Foundational to data quality is the quantity. Simply put: more data means better algorithms.

That's why legal analytics is so powerful: the court system stores large sets of historical data, with case records going back decades, and new information is added daily. As more data is analyzed, a legal analytics solution becomes even better at predicting outcomes.





### Stack the odds in your favor

Claims litigation doesn't have to be a gamble. With the right tools, insurers can develop the right strategy and manage claims cases with confidence.


Premonition captures  
more than 500,000 cases  
a day and holds  
**87%**  
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Premonition, the world's largest litigation database, helps you create a winning legal strategy. It captures more than 500,000 cases a day and holds 87 percent of all cases filed in the United States. Premonition provides unprecedented legal information and analysis at the state and local level.

[ISO Claims Partners has integrated Premonition](#) data and legal analytics into its suite of services. This innovative litigation tool is available to insurers through [wcNavigator®](#) and [Liability Navigator®](#), augmenting ISO Claims Partners' leading analytics platforms with legal insights and guidance.

## For more information, contact

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## About the Authors

**Robert Lewis** is president of ISO Claims Partners, a leading provider of Medicare compliance and analytic solutions for many of the world's largest insurance companies, third-party administrators, and Fortune 1000 companies.

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## Endnotes

1. <http://riskandinsurance.com/litigation-tripled-lost-time-claims/>
2. [https://www.iii.org/sites/default/files/docs/pdf/insurance\\_factbook\\_2017.pdf](https://www.iii.org/sites/default/files/docs/pdf/insurance_factbook_2017.pdf)
3. <http://riskandinsurance.com/litigation-tripled-lost-time-claims/>
4. <https://insuranceblog.accenture.com/insurers-rely-on-data-but-how-much-do-they-trust-their-data>

## Additional Sources

<http://riskandinsurance.com/litigation-tripled-lost-time-claims/>

## ISO Claims Partners

is uniquely positioned to help you achieve compliance and cost savings with our legal, medical, and technology expertise.

### INSIGHTS

- Data from more than 1 billion industrywide claims
- The largest number of successful Medicare submissions in the industry
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- Industry-leading OCR and text-mining capabilities

### ADVOCACY

- The industry's largest and most experienced team of legal and medical MSP compliance experts
- Customized, flexible solutions based on your risk management strategy
- On-site file consultation and pickup

### RESULTS

- Improved claims outcomes and loss ratios
- Expedited settlements
- Mitigated risk and settlement consistency

