

eXposure Manager (X^m)

Strength of Case Predictions

Introduction

Insured Strength of Case prediction is an evaluation of evidentiary facts surrounding a case in such a way as to quantify the potential to get a favorable jury verdict, with reasonable compensation for the claimant, given the exposure estimate developed by Claim Representative (CR) using the VMG X^m liability tool. In this context, a case is deemed strong with a higher predicted score and hence a higher potential for favorable jury verdict, and deemed weak with a lower predicted score and a lower potential for a favorable jury verdict.

Therefore, the case resolution strategies employed by the CR should be predicated upon the magnitude of the Insured Case Strength Predicted Score. The higher the Insured Case Strength Predicted Score, the greater the rigidity with which CR should defend the settlement offer. On the other hand, the lower the Insured Case Strength Predicted Score, the more flexible the CR should become in settling the claim out of court through negotiation, mediation or arbitration.

Sequential Case Strength Predictions

For Direct Claims, where Plaintiff is not represented by an attorney, Case Strength predictions will be strictly based on the evidentiary facts and witness qualifications gathered by the CR. Should witnesses supporting Plaintiff be better qualified as witnesses than those supportive of the Insured, the Insured case strength becomes relatively weaker. Conversely, the Insured case strength becomes relatively stronger if its witness qualifications are better than those of Plaintiff.

Should Plaintiff be represented by an attorney, then CR evaluation of Plaintiff's attorney qualifications conducting jury trials becomes critical. An experienced trial lawyer could somewhat offset weaker aspects of a plaintiff's case in obtaining claimant favorable jury verdicts. In the event the case goes into litigation, the evaluation of Defense Attorney qualifications also becomes critical to assess relative strength of case.

For cases in litigation, the Defense Attorney handles cases in phases, with Case Strength Evaluation Templates completed at the end of each phase. Insured Case Strength Predictions and case resolution options are updated at the end of each stage, with go-no-go decision to the next stage. This process allows the CR to take to trial only stronger cases that could result in favorable jury verdicts.

Case Strength Normalization

The focus in estimating Strength of Case is to offset favorable factors mitigating accident severity by the unfavorable factors defining negligence. In addition, predictive scores are adjusted for information source importance, witness and attorney qualifications, and phased Defense Attorney evaluations. The predicted Insured and Claimant Case Strength Scores are normalized, so that they add to 100%. Case strength bands will enable case resolution strategies which preclude taking all litigated claims to trial.