

INSURANCE

E-Discovery Readiness, Management and Compliance

Representative E-Discovery Engagements and Services

- Board of Director Reports and Disclosures
- Business Process Analysis and Design
- Business Strategies
- Compliance Services
- Computer Forensics
- Data Optimization and Management
- Industry Best Practices
- Information Lifecycle Programs Services
- Litigation Support and Expert Testimony
- Process and Data Mapping
- Risk Assessment and Management
- Technology Strategy, Optimization and Management

FTI Consulting is known globally for its award-winning Ringtail® software and its Acuity™ managed review service and Predictive Discovery solution. Our tools and methodologies help clients streamline the entire e-discovery process, providing a single point of accountability.

Electronic discovery amendments to the Federal Rules of Civil Procedure and ongoing court interpretations have made electronically stored information a significant feature of complex litigation and regulatory investigations. New technology for enterprise content and storage management and e-Discovery are powerful tools for handling electronically stored information (ESI) preservation and discovery. Yet developing and executing a defensible and robust process for compliance within an insurance enterprise requires a holistic approach.

Unique Challenges within the Insurance and Reinsurance Industry

As one of the most regulated, complex and competitive industries, insurers and reinsurers face unique electronic discovery and compliance challenges. In responding to direct litigation, the industry is confronted by the myriad of enterprise and legacy systems and data requirements unique to actuaries, underwriters, policy and claims management, distribution, finance, accounting, risk management, auditing, and human resources. Especially problematic to these challenges is ESI associated with:

- E-mail among internal staff, company agents and policyholders that are used to communicate policy and claims information throughout the insurance product lifecycle
- Documentation related to actuarial decision-making under the proposed principles- based approach
- The complexity and magnitude of external and internal data flowing into, and out of the many disparate models supporting the needs of underwriting, pricing, financial and risk management

Note: Many models are based on older and proprietary systems that may impede efforts to locate and evaluate potentially responsive data. In addition, widespread use of spreadsheets to maintain data and develop certain models potentially hinders the ability to track and audit modifications and the integrity of formulas over time.

E-Discovery Readiness, Management and Compliance Services

Addressing the specialized needs of the insurance industry requires teams with a thorough understanding of insurance operations and the technology that supports e-discovery readiness objectives.

Our professionals—nationally recognized thought leaders with diverse corporate, legal and technical backgrounds—apply their valuable practical experience in helping our insurance industry clients cope with the risks posed by discovery of ESI within complex technology and business environments. In addressing ESI, we consider all facets of the information lifecycle, from content creation to storage and retrieval, information technology, and records management, as well as the needs of corporate management, and in-house and outside counsel.

Readiness

Our Readiness consulting services include assessing client needs, and developing strategies, policies, and programs to help ensure that clients are prepared for e-Discovery contingencies. Our deliverables include:

- Proactively identifying the custodians and sources of ESI, and factors related to ESI creation, communication, retention and potential mining for discovery purposes—a process often referred to as “data mapping”
- Incorporating this ESI roadmap into a Systems Overview document that can be used as a basis for assessing electronic discovery obligations and approaches, as well as in Rule 26(a)(1) initial disclosures and Rule 26(f) “meet-and-confer” discussions
- Developing clear and specific litigation hold and collection policies and procedures
- Developing policies and procedures for executing and complying with functions within the e-discovery lifecycle phases— preservation, collection, processing, review and production—and dealing with outside vendors and counsel as part of this process
- Analyzing the cost and burden of discovery of ESI sources for potential Rule 26(b)(2)(B) accessibility
- Developing strategies and manuals for handling discovery planning conferences and 30(b)(6) depositions on IT, retention or electronic discovery topics
- Identifying new technology or changes in the existing IT environment to facilitate e-discovery and compliance, without diminishing operational efficiency, including email archiving, enterprise search, storage systems, and data integration strategies

- Integrating the company’s records management approach and aligning document retention and computer use policies with electronic discovery requirements

Management

The complexity of modern discovery and the dire consequences of mishandling the discovery process require active and expert management. We can alleviate internal resource burdens, reduce risks and provide peace of mind while controlling costs. Our experience in the electronic discovery process is unparalleled.

Compliance

Our clients regularly face the most demanding and complex data retention and production requirements, driven primarily by regulatory entities and the expectations of rating agencies and other oversight bodies. Compliance also involves monitoring and enforcing corporate policy. Compliance and enforcement of these document retention policies is essential, since non-compliance and non-enforcement presents a greater legal risk than not having any policies.

A truly comprehensive ESI approach requires time, resources and constant vigilance. Because specific policies, procedures, practices and systems for ESI preservation are not dictated in the Federal Rules of Civil Procedure, the organization has an opportunity to establish a process best suited to its unique needs. FTI Consulting has the expertise to help clients of any size tailor their ESI program to meet those needs. Using FTI Consulting comprehensive strategies, counsel is assured that a well-planned, system-wide ESI preservation and discovery process is in place.

Insurance Practice Service Capabilities

Our specialized services are described in the following brochures.

- Actuarial Services and Consulting
- Business Intelligence and Advanced Analytics
- Claims Engineering and Risk Management
- ESI Readiness, Management and Compliance
- Governance, Regulatory and Compliance
- Intellectual Property Services
- Litigation and Dispute Resolution
- Operational Risk and Emergency Management
- Pension Consulting
- Performance Excellence
- Risk and Exposure Management
- Strategic Advisory

Visit the FTI Consulting Insurance website to download our brochures, articles and white papers:
<http://www.fticonsulting.com/industries/insurance.aspx>



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CRITICAL THINKING
 AT THE CRITICAL TIME™

About FTI Consulting

FTI Consulting, Inc. is a global business advisory firm dedicated to helping organizations protect and enhance enterprise value in an increasingly complex legal, regulatory and economic environment. FTI Consulting professionals, who are located in all major business centers throughout the world, work closely with clients to anticipate, illuminate and overcome complex business challenges in areas such as investigations, litigation, mergers and acquisitions, regulatory issues, reputation management and restructuring.

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