

Litigation Management Service

Unfortunately, today's corporate world is full of litigation – clients suing the firm for alleged service failings, competitors suing the firm for supposed infringements, regulatory authorities suing the firm for actual or presumed regulatory failings, service providers suing the firm on contractual matters – and the firm suing most of these external parties for different reasons as well. Many of these cases may take months, if not years, to complete the legal process and some even give rise to further lawsuits.

Litigation cases typically have a unique lifecycle of their own – they may start as a complaint, then escalate into the lodging of litigation at court, the first the firm knows may be when a subpoena is served on the firm or some risk event such as a fraud or a credit default may have occurred which gives rise to litigation. As the "Basel II" definition of operational risk includes legal risk, increasingly firms are also incorporating litigation data into their operational risk management programmes and reports.

This implies that the firm will need to be able to use common language in classifying litigation to enable the data to be used in the operational risk environment, as well as to link litigation cases to key risk indicators (KRIs), actual losses suffered or to more forward looking views on risk and exposures. Further, as many litigation cases can become extremely complex, with cases moving from court to court, numerous motions and actions, key dates by which certain events need to be completed, the need to record various decisions, comments and occurrences, as well as enormous loads of relevant documentation to be tracked, the firm needs to organise and manage its litigation programmes carefully and consistently.



RiskBusiness' Litigation Management Service has been designed in conjunction with the legal departments of a number of our clients to manage exactly this kind of situation, providing both independent case management functionality for the legal experts and the ability for the implications and results to be incorporated into the operational risk management programmes and reports of the firm overall.

The Litigation Management Service allows for the definition of the relevant judicial system(s) which the firm has to manage, with different levels of court (municipal, tribunal, high, appeal, etc.) being user definable, as well as the individual courts themselves. Facility is available to import legal structures is available. The legal unit can also define the various forms of law which may give rise to cases, such as civil, criminal, constitutional, etc., as well as the various stages of proceedings and status which cases will be subjected to.

Facility is available for the firm to be plaintiff, defendant or respondent, as well as to manage co-defendant and co-respondent roles. The specific legal entity involved as well as any specific business entity and/or individual can also be recorded. Facility is available to identify clients on either a named or anonymous basis.

Where a litigation process starts with the firm being served with a subpoena, the full ability to record the subpoena details is provided, along with the ability to define key dates and events, with calendar entries being generated and a user-by-user or case-by-case calendar also being available to monitor.

The overall functionality of the Litigation Management Service includes:

- Ability to define judicial systems as required for the firm and its operations, accompanied by customisable parameters to employ terms and structures used within the firm's legal area.
- Ability to manage both cases brought against the firm and those brought by the firm against third parties, as well as cases where the firm is one of several parties to the case. It includes facility to indicate specific business entities involved in the case, as well as individual members of staff, if relevant.
- Facility to record a case from inception – subpoena stage – to completion, with detail of every proceeding, every action and every decision in between.
- The option to attach and manage all forms of case-related documentation and tasks or actions which arise from the case, with comprehensive and unlimited notes and comments capability.
- Facility to assign cases to authorised external lawyers to litigate on behalf of the firm, with the ability to record resultant charges and fees and to manage the billing authorisation process.
- Diary functionality by lawyer, by case, by court or by date, for a user defined number of days forward.
- The option to record specific risk-related information against each case and to generate operational risk events directly from the case, maintaining a link between the case and the resultant risk events, where used in conjunction with the RiskBusiness Internal Loss Data Service.
- Facility to record details of any accounting provisions raised against the case.
- The ability to link audit reports or findings to the case, where used with the RiskBusiness Internal Audit Service.
- Facility to view both completed and current litigation cases against the firm's risk profile, where used in conjunction with the RiskBusiness Risk Profiling Service.



The RiskBusiness Litigation Management Service is a web-based service, available either as a component of the RiskBusiness RiskIntelliSet™ or standalone and uses PKI-technology to safe-guard the firm's data. The Service also accepts file uploads in XML and spreadsheet formats to assist in data interchange with courts or external lawyers.

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