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XClaim: Bringing Innovation and Value to Insurance Claims Litigation

**A WEBINAR BROUGHT TO YOU BY:
GOWLINGS**

June 13, 2012



Insurance-Canada.ca

Speaker: Ralph D'Angelo, senior counsel Gowlings

Sponsor: Gowlings

Moderator: Doug Grant, Insurance-Canada.ca

Technical Moderator: Joe Golobic, Insurance-Canada.ca



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Gowlings: Redefining the lawyer-client relationship

What if you could combine experienced insurance litigators with powerful claims management software that lets you manage every aspect of your litigation portfolio online . . . all for a fixed fee?

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Ralph D'Angelo,

Senior counsel, Gowlings



**XCLAIM
BRINGING INNOVATION AND
VALUE TO INSURANCE CLAIM
LITIGATION**



Insurance Industry Today

- **Highly Competitive**
- **Highly Consolidated**
- **Striving to Develop Competitive Advantages**
- **Promoting Efficiencies / Cost Effectiveness**
- **Turn to Innovation to Drive Value**

Friction Points in Legal Counsel Relationship With Insurers

- **High Cost of Legal Services**
- **Counsel Inefficiencies Rewarded**
- **Lack of Transparency in Relationship**
- **Document Management Challenges**
- **Unwillingness To Do Subrogation Recovery Work**

Other Challenges for Insurance Industry

- **Need for real-time, reliable metrics**
- **Compatibility of insurer's IT systems with service provider's IT systems**
- **How to Keep Today's Tech Savvy Work Force Engaged**

The XClaim Initiative

- **History**
- **Gowlings Leading the Way**

XClaim On-Line Portal

Defence File

- Home Page
- File Listing Page
- Matter Info Tab
- Litigation Tab
- Log Entries Tab
- Reminders Tab
- Expenses Tab
- Documents Tab

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Demo Insurance Company



Fill in one or more of the fields below to filter list

Sep 27, 2011

Client

Claim No.

Insured's Name

Active

☒

All 

Subrogation 

Defence 

Client Contact / Adjuster

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Demo Insurance Company



File Listing - Subrogation and Defence Files

[*Click header to sort the list](#)

[New Search](#)

Claim No. *	File No.	Matter	Subro.	Def.	Lawyer	Loss Type	Status	Prov.	Synopsis
C1858566	H88888	Trinity v. Cop	☒	☐	Ralph D'Angelo	General Liability	Active	ON	Pleadings--Claim issued ...
A556790	334509	Smith v. Jones	☒	☐	Ralph D'Angelo	Auto Policy Breach	Settled	ON	Judgment signed on 20-Apr-09
H82971587	H922222XCL	Professi ats Spyro	☐	☒	Ralph D'Angelo	Auto Third Party ...	Settled	ON	Mediation memo from ...
A45698678	H944444XCL	Olympia ats Juno	☐	☒	Ralph D'Angelo		Settled	ON	Judgment signed on 15-Mar-11
A1852963	H911111	Murray v. Dome	☒	☐	Ralph D'Angelo	Property Loss	Settled	ON	Judgment signed on 20-Jan-11
H234234	H234234	Litigation	☒	☐	Mark D. Tamminga		Active	ON	No activity taken
J1987558/	H900000XCL	Jabot ats Ashby	☐	☒	Ralph D'Angelo	General Liability	Active	ON	In Abeyance on 24-Apr-11
H98765432	H955555XCL	Gilligan ats Ginger	☐	☒	Ralph D'Angelo	Auto Third Party ...	Settled	ON	Doc Exchange--3rd Pty ...
B96385274	H933333XCL	Genoa ats Citi	☐	☒	Ralph D'Angelo	Auto Third Party ...	Settled	ON	All Discoveries completed ...
A5963822	H900000	Earth v. Moon	☒	☐	Ralph D'Angelo	General Liability	Settled	ON	Pleadings--Claim issued
P8741258	H977777XCL	Black ats White	☐	☒	Ralph D'Angelo	General Liability	Settled	ON	All Settled on 24-Sep-10
C2356891	H988888XCL	Bick ats Yellow	☐	☒	Ralph D'Angelo	Auto Third Party ...	Settled	ON	Mediation--25-Jun-08
A1212842	H921345XCL	Bergeron	☐	☒	Ralph D'Angelo	Auto Third Party ...	Active	ON	All Discoveries completed ...
C234908	H125679	Audi ats Mazda	☒	☐	Ralph D'Angelo	Uninsured Auto	Active	ON	Doc Exchange--Plaint ...
P8794863	H911111XCL	Amour ats Flowers	☐	☒	Ralph D'Angelo	General Liability	Settled	ON	All Settled on 08-Jan-10
C1234567	H999999XCL	Amazon ats Zebra	☐	☒	Ralph D'Angelo	Auto Third Party ...	Settled	ON	All Settled on 22-Dec-09

Total Hits = 16
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Document(s) 1 To 16 of 16 matching your request.

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XClaim[™]
litigation management

Record Detail - File / Parties InformationReturn to File Listing | New Search

Claim No. H82971587Matter Professi ats SpyroFile No. H92222XCLProv. ONContact Name Test ContactFile Type Defence

Matter InfoLitigationLog EntriesRemindersExpensesDocuments

Parties

Party Name	Counsel's Name	Dism./Disc.	Plaint	Def	3rd Party	Uninsured	Def Cross	Def Cross	Insured
Alberto Professi			☐	☒	☐	☐	☐	☐	☒
Sam Spyro			☐	☒	☐	☐	☐	☐	☒
William Princeton			☒	☐	☐	☐	☐	☐	☐

Your Legal Team

Lawyer	Ralph D'Angelo	Phone	905 540-7116	☒	EEmail:	ralph.dangelo@gowlings.com
Legal Assistant	Elizabeth Smith	Phone	905 540-8208	☒	EEmail:	Elizabeth.Smith@gowlings.com
Clerk	Elizabeth Smith	Phone	905 540-8208	☒	EEmail:	Elizabeth.Smith@gowlings.com
Paralegal		Phone			EEmail:	

Status

Started Sep 20, 2008

Synopsis

Mediation memo from Alberto Professi--25-Sep-10
Mediation memo from Sam Spyro--25-Sep-10
Mediation memo from William Princeton--21-Sep-10
Mediation memo from William Princeton--12-Sep-10
Mediation memo from Alberto Professi--
Undertakings and refusals (Moving Pty: William Princeton)--

Status Settled

Comment

Action Details

Action Track	Standard	Loss Type	Auto Third Party Liability	Limitation	Dec 24, 2010
File received	Sep 15, 2008	Loss on	Dec 25, 2008		
Initial Opinion	Sep 30, 2008	Policy Limit	\$1,000,000.00		
Target	\$0.00	Excess Limit?	☐	Absolute Liability?	☐

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Record Detail - Litigation

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Claim No. H82971587	Matter Professi ats Spyro	File No. H922222XCL	Prov. ON	Contact Name Test Contact	File Type Defence
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Matter Info

Litigation

Log Entries

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Pleadings

Court File No. 08-12349

Claim Issued: Sep 16, 2008
Served Sep 17, 2008

Waiver granted Sep 18, 2008
Waiver expiry Nov 18, 2008
Initial Lawyer Contact Oct 22, 2008

Notice of Intent Served Sep 23, 2008
Defence Served Nov 2, 2008

Court Hamilton

☐ Crossclaim ☐ Counterclaim ☐ 3rd Partyclaim

Disc Plan Drafted Jul 21, 2009
Disc Plan Signed Aug 30, 2009
Discoveries Scheduled Aug 5, 2010
All Discoveries Done Aug 16, 2010

Judgment
All Litigation Done Feb 28, 2011

Process

Parties Name	Plant	Def	3rd Party	Unsep	Def CrossC	Def CrossC	Issued	Aff of Docs	Discovery Done	Under takings	UTs unsat	Ref unsat	Offers	# Offers
Alberto Professi	☐	☒	☐	☐	☐	☐	☒	12/05/2011	16/08/2010	View	2	0	View	2
Sam Spyro	☐	☒	☐	☐	☐	☐	☐	15/07/2009	05/08/2010	View	9	1	View	1
William Princeton	☒	☐	☐	☐	☐	☐	☐	11/07/2010	11/08/2010	View	6	2	View	0

Motion

Moving Party	Motion Type	Respondent	Hearing	Result
Alberto Professi	Compelling attendance at discoveries	William Princeton	18/06/2009	Granted
Sam Spyro	Rule 30.10 motion for production from non-parties	William Princeton	05/02/2010	Not Granted
William Princeton	Undertakings and refusals	Alberto Professi	19/03/2010	Granted

Mediation / Pre-Trial

Mediation Nov 3, 2010

Pre-Trial Jan 27, 2011

Listed for trial Dec 20, 2010

Trial

☐ Voluntary ☐ Mandatory

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Claim No. H82971587	Matter Professi ats Spyro	File No. H922222XCL	Prov. ON	Contact Name Test Contact	File Type Defence
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Add New

Key Logs

Show All

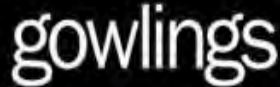
Search Log

Date	By Whom	Log
Jul 3, 11 - 16:38	xclaim	****Settled 14-Feb-11
Mar 8, 11 - 16:05	mitchech	Assignment Court is scheduled for March 11 2010. Our paralegal, Chris, is on notice to attend to set the trial date. We estimate the time for trial to be two weeks. It is a non-jury matter and hopefully all counsel can agree to have the matter heard in June. Once the trial date is set, we may wish to consider amending our outstanding offer with respect to costs. I don't think they will received damages more than what is offered but we may wish to reword to incorporate contributory negligence of co-defendant (apply discount) and place cost consequences as we start to prepare for trial.
Mar 8, 11 - 15:58	mitchech	Elizabeth, Can you confirm when Assignment Court is. Thanks. Cherie
Mar 8, 11 - 15:58	mitchech	Offer served Feb 14th
Mar 8, 11 - 15:57	mitchech	Attended pre-trial; numbers appear to be in range slightly higher than offered a mediation; We have instructions to make an offer to settle based on the judge's recommendation less 15% which should be contributed by the co-Defendant
Mar 8, 11 - 15:57	mitchech	Trial Record received; put student on notice to attend Assignment Court;
Mar 8, 11 - 15:55	mitchech	We attended on the mediation today. We could not agree to settle this matter. Co-Defendant continues to be unwilling to make any contribution towards settlement
Mar 8, 11 - 15:55	mitchech	mediation finalized; please pull attachments and serve
Mar 8, 11 - 15:54	mitchech	Cherie, Please set up mediation memo
Mar 8, 11 - 15:53	mitchech	Counsel have suggested Mediation at shared cost; mediator has dates available in Oct and Nov
Mar 8, 11 - 15:52	mitchech	Professi's answers to undertakings served
Mar 8, 11 - 15:52	mitchech	clarification of undertaking re policy limits requested
Mar 8, 11 - 15:51	mitchech	Spyro's answers to undertakings
Mar 8, 11 - 15:51	mitchech	receipt and review of package from client
Mar 8, 11 - 15:50	mitchech	Requests for undertakings sent to client
Mar 8, 11 - 15:50	mitchech	Following discoveries, we agreed to the following timetable: Respond re refusals with 30 days Answers to undertakings within 90 days Matter to be set down by Nov 30, 2010
Mar 8, 11 - 15:50	mitchech	We now have everyone's productions; pleadings brief drafted
Mar 8, 11 - 15:50	mitchech	We still need co-defendant's productions FOLLOW UP
Mar 8, 11 - 15:50	mitchech	Examinations booked Aug 5, 11 and 16, 2010
Mar 8, 11 - 15:47	mitchech	Email from Frapporti, Louis to Mitchell, Cherie on May 17, 2010 15:18, Subject: Professi Can you please let me know that status of booking examinations in this matter. Louis Frapporti
Mar 8, 11 - 15:43	mitchech	tc from from insurer advising pre-payment of records approved and cheque being forwarded;
Mar 8, 11 - 15:41	mitchech	draft AOD sent to insured with AOD production request letter;
Mar 8, 11 - 15:40	mitchech	Plaintiff's AOD requested
Mar 3, 11 - 16:06	mitchech	Statement of Defence Served
Mar 3, 11 - 13:35	mitchech	Elizabeth Defence good to go. Please serve same
Mar 3, 11 - 13:34	mitchech	defence drafted not served pending response from/ Dan Rosenkrantz re: insurance coverage issue
Mar 3, 11 - 13:28	smithel	Notice of Intent served September 23, 2008
Mar 3, 11 - 12:15	mitchech	Elizabeth, We have been retained on behalf of Professi; please prepare NOI. Thanks
Feb 25, 11 - 14:18	xclaim	****File started on February 25, 2011

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Due*	Date Completed	By Whom	Description
Aug 3, 2011	Aug 3, 2011	ralph d'angelo	
Mar 15, 2011	Mar 25, 2011	cherie mitchell	Have we received reponse to offer - yes file all settled
Jan 10, 2011	Mar 8, 2011	cherie mitchell	Pretrial Jan 27 11 - fu on service ours; have we received Pre-trial of all parties
Oct 10, 2010	Mar 8, 2011	elizabeth smith	Status of Undertakings?
Aug 30, 2010	Mar 8, 2011	ralph d'angelo	Discovery report due in 10 days
May 17, 2010	Mar 8, 2011	cherie mitchell	Schedule Examinations
Jul 25, 2009	Mar 8, 2011	cherie mitchell	fu on copy of Kaplan's IME report
Jun 30, 2009	Mar 8, 2011	ralph d'angelo	AOD sworn?
Feb 5, 2009	Mar 8, 2011	cherie mitchell	Are pleadings complete
Dec 2, 2008	Mar 8, 2011	cherie mitchell	fu on receipt of client's AOD productions
Oct 30, 2008	Mar 8, 2011	lou a. frapporti	fu on client's approval of draft SOD
Sep 23, 2008	Mar 8, 2011	cherie mitchell	serve & file NOI
Sep 20, 2008	Mar 8, 2011	cherie mitchell	confirm date of sevice of claim

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XClaim - [Expenses]

File Edit Insert Records Window Help

Matter Info Litigation Expenses Reminders Log Entries Dockets Documents Create Docs Exit to List

File # H922222XCL Professional's Spyro Claim # H82971587 Claim \$0.00 To Rex Online

Defence expenses

\$5,000.00 Ttl Def Expense Add Defence Expense

Amount	Paid on	Paid To	Type
\$1,000.00	24-Mar-11	Mitchell and Associates	Surveillance expert
\$2,500.00	23-Mar-10	Bob Seger Reconstruction	Accident reconstruction
\$1,500.00	03-Nov-08	Share of Mediation	ADR

Record: 1 of 3

Legal Fees

HST Disbursements Non-HST Disbursements

Description	Date	Amount	HST	PST
Interim Bill	25-Nov-08	\$1,357.00	\$176.41	
Interim Bill	21-Mar-08	\$2,300.00	\$293.00	
Interim Bill	30-Jun-08	\$5,327.00	\$692.51	

Record: 1 of 3

Plaintiff Payments

\$400.00 Ttl Plaintiff Payments Add Plaintiff Payment

Amount	Paid on	Paid To	Type
\$300.00	24-Mar-10	Pl Sol	Family Doctor's CNR's
\$100.00	21-Jan-07	Pl Sol	Hospital Records

Record: 1 of 2

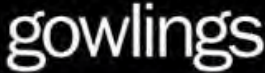
Settlement payment \$500,000.00

Totals

Defence Expenses		Plaintiff Payments	
Total legal fees	\$8,984.00	Settlement payment	\$500,000.00
HST on legal fees	\$1,167.92	Plaintiff payments	\$0.00
PST on legal fees	\$0.00	Ttl Plaintiff payment	\$0.00
Total legal disb	\$609.35		
HST on legal disb	\$60.50		
FEES & DISB	\$10,821.77		
Defence Expense	\$15,821.77		
Ttl Def expenses (incl legals)	\$15,821.77		

Defence Expenses as % of Plaintiff Payments 3.16%

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Document Name*	Document Date	Doc Type
Rental Car Invoice		Insurer File
Car Damage		Investigation--Producible
Plaintiff's Medicals & Accident Report		Medicals
Intersection 2		Investigations
Intersection		Investigations
Offer to Settle	Feb 24, 2011	Pleadings
Status Notice	Oct 4, 2010	Pleadings
Trial Record	Dec 10, 2010	Pleadings
Transcript with markings		Miscellaneous
Discovery Transcript - Plaintiff	Aug 10, 2010	Miscellaneous
Co-Defendant's Defence	Mar 29, 2010	Pleadings
Statement of Claim	Sep 11, 2008	Pleadings
Letter serving Defence	Nov 3, 2008	Correspondence
Professional Statement of Defence	Nov 3, 2008	Pleadings
Notice of Intent to Defend	Sep 23, 2008	Pleadings

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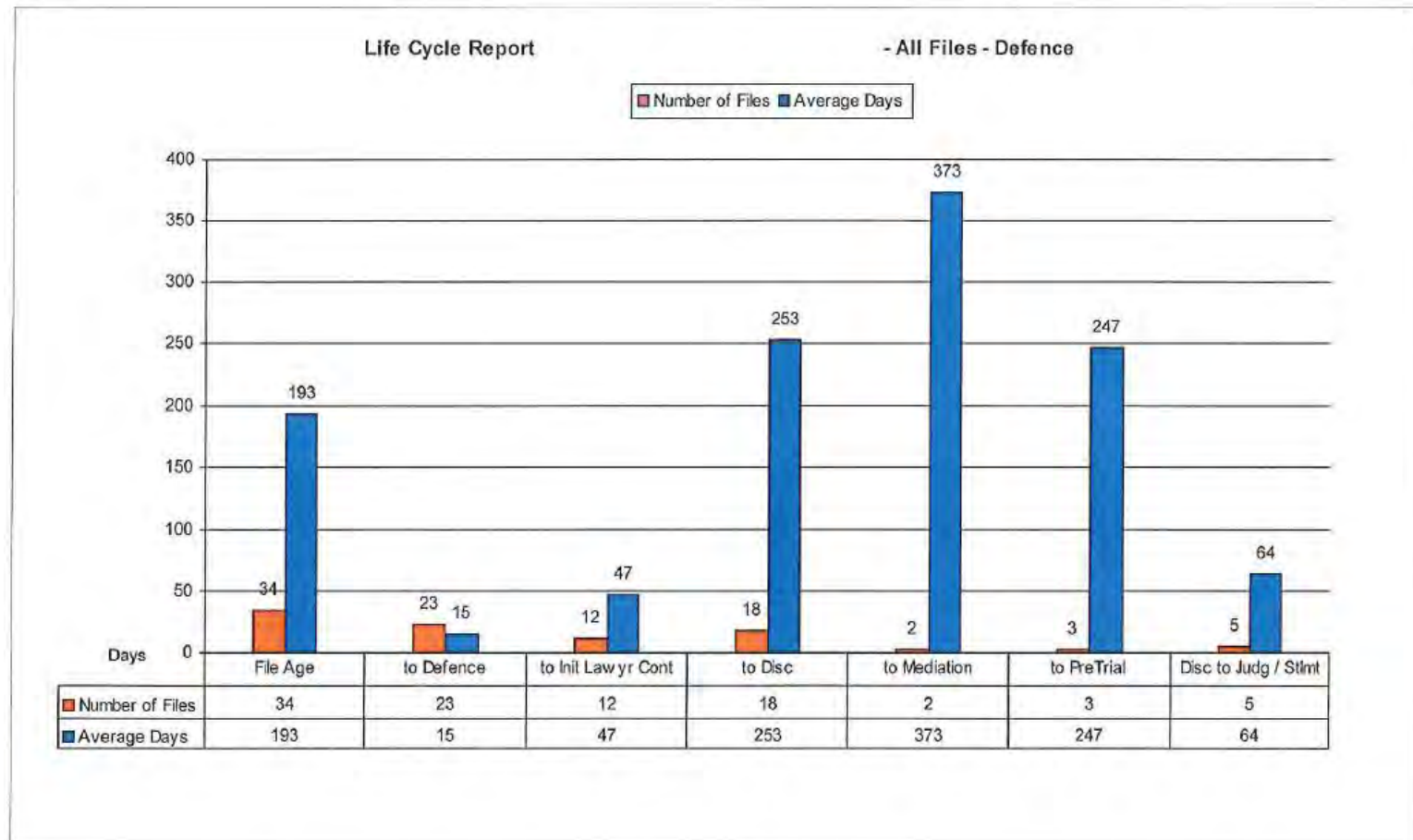
Subrogation Recovery File

- **Tailored for Recovery**
- **Interest Calculator**
- **Post-Judgment Execution**

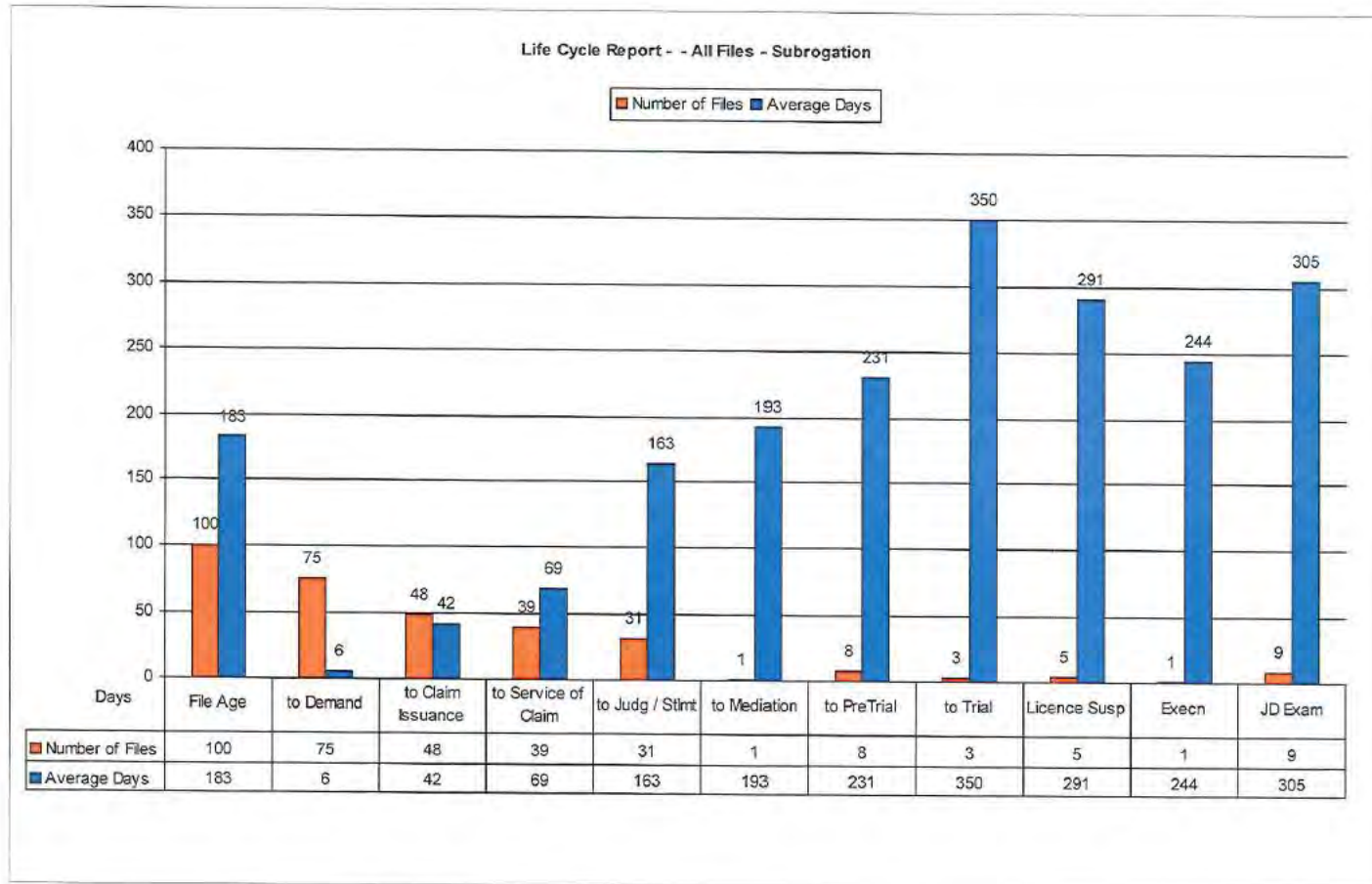
Driving Value and File Handling Efficiencies – Other XClaim Features

- **Facilitating File Auditing / Monitoring of Legal Counsel**
- **Dedicated Insurance Litigation Experienced Staff**
- **Real Time Claims Portfolio Data / Metrics is Available**

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Alternative Fee Structures

- Traditional and Non-Traditional Billing Methods
- Phase Billing
- Capped Legal Fees
- Hourly Rate
- Contingency Fee
- Combination of Above
- One-Time Photocopying Charge

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Please submit your questions by writing them in the Question window. Ralph will answer as many as time allows.





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For your attention