



On Trial:
Your Litigation Support Partner

Introduction

Companies are aggressively seeking proven ways to reduce allocated claims and litigation expenditures while increasing efficiencies. To meet these objectives, vendors that provide litigation support services, such as record retrieval, record analysis, and court reporting services, must streamline delivery of these services to provide them faster and at a lower cost. They must have state-of-the-art technology, national coverage, and cost reporting systems to not only provide companies with more efficient services but be able to do it at a reduced cost. The right vendor can achieve as much as a 30% reduction of expenses without sacrificing quality or speed.

This paper provides the tools you need to evaluate your potential litigation support service provider partner and ensure you are receiving the best service at the most efficient cost. It will also introduce you to The MCS Group, a proven leader for litigation support, and a partner to thousands of attorneys that prepare for discovery every day.

The qualities of the “right” provider of Litigation Support Services

Although complete accurate records are essential to legal proceedings and insurance claims, not all vendors offer the options customers need to expedite legal proceedings. The right litigation support service provider should be:

- Customer-focused
- An industry leader, involved in the legal community
- Secure, with military-grade encryption that assures confidentiality of records
- Thoroughly familiar with the local, regional and national legal requirements and regulations
- Ahead of the learning curve; always innovative
- Able to provide 24/7 access to documents anytime, anywhere
- Transparent with process measures to assure accuracy and speed
- Feature-rich, with technology that streamlines Discovery
- Able to provide specific, timely, cost-reporting in order to track and manage related expenditures.

The **right** litigation support service vendor should have **state-of-the-art technology, comprehensive national understanding** of the litigation and trial preparation processes, and **exceptional customer service** in order to truly become the trusted partner to the litigation team and the companies that engage their services.

The right litigation support service provider should be able to deliver a 30% cost savings.

Vendor managers should insist on seeing the ROI documented.



What's the ROI?



Litigation support services providers should provide a substantial savings of both time and money. When choosing a vendor, look for one that can provide a detailed savings report. That report should contain a representation of what you currently pay for litigation support services and how that compares to their rates.

To determine your own rate of savings, examine your **current annual spend** against how many jobs that represents. That determines your average price-per-job, which then allows you to understand your average-per-invoice budget spends. Use the same process with your vendor. The difference is your **return on investment**.

Those rates should be significantly lower than your current expenditure. In fact, many companies should realize a 30% reduction in costs by partnering with a vendor that provides efficient comprehensive litigation support. The following chart is an example of potential cost savings:

Compare Costs:

Current In-house Billable Time (Attorneys/Paralegals)

Record Retrieval Activity:

- Prepare legal documents/file with court/mailling assignment _____ @ 30 minutes
- Follow-up calls and status check _____ @ 35 minutes
- Advance check for provider fees _____ @ 15 minutes
- Record review upon receipt _____ @ 25 minutes
- Upload to electronic format _____ @ 15 minutes

Total time: 2 hrs. @ \$50/hr paralegal time
= \$100 billable time
(Assuming 5 requests per file) **=\$500 billable time per case**

Litigation Support Vendor

Flat-rate pricing @ \$40 per request by vendor

5 record assignments in example provided \$200.00 total vendor charges

Billable time (current in-house) \$500.00

Total Cost Savings: \$300.00

% Cost savings: 60%

Annualized Savings:
(500 Files x \$300 Savings/File) \$150,000.00 Annual Savings

Cost-comparison figures are representative; actual figures will vary per company.

Criteria for Record Retrieval: Getting it Right the First Time

It starts with a successful process. The right vendor will provide an instant, comprehensive, and user-friendly system that improves your record retrieval and helps you redirect staff efforts toward more lucrative tasks.

Make sure your record retrieval vendor can provide the following services:



The Ordering Portal

Online requests should be simple to file and should speed the retrieval process.

Also, a good portal will contain:

- Special authorization forms that are required by various entities across the country
- Automatically populated form fields



Real-time Status

Customers should have access to all current status information and explanations for each record.

There should be a way for customers to:

- Inventory their records
- Check request status
- Communicate via email with customer service who is an established point of contact and who responds within one hour to any request.



Interactive Repository

The repository should be more than just a vault for documents. Customers should be able to:

- Create working copies
- Grant time-sensitive, password-protected access
- Bookmark, Annotate, Highlight, Tag and OCR records
- Upload your own files to vendor repository for authorized collaboration
- Share emails with vendor without leaving the vendor portal
- Maintain HIPAA and other relevant regulatory compliance

Criteria for Record Analysis Services

Your litigation support vendor should also be able to provide expert record analysis and summaries of essential information from medical records.

Depending on a customer's specific needs, record analysis services can be outsourced domestically or, for more significant cost savings, internationally. Your vendor should be exploring the cost basis for each option and offering you a choice.



Make sure your vendor can do the following:

- Provide expert testimony
- Coordinate Independent Medical Exams (IMEs)
- Confirm treatment side-effects
- Seek alternative causation/identify other risk factors
- Add hot linking for quick reference
- Include bookmarking to navigate through records
- Identify potential expert witnesses
- Provide free online case synopsis
- Summarize, organize, index and paginate records
- Identify and apply multidisciplinary standards of care
- Provide med-a-word of definitions

Criteria for Record Analysis Services (cont.)

Make sure the process review document for Record Analysis encompasses the following:

- **Description of Services**

- Medical record review and summary services
- Supplementary services

- **Definitions**

- Process
- Process owner
- Process implementer
- Process supplier
- Certification process

- **Process Steps**

- **Quality Control**

- Quality steps
- Internal pre-delivery checklist
- Audit

- **Samples**

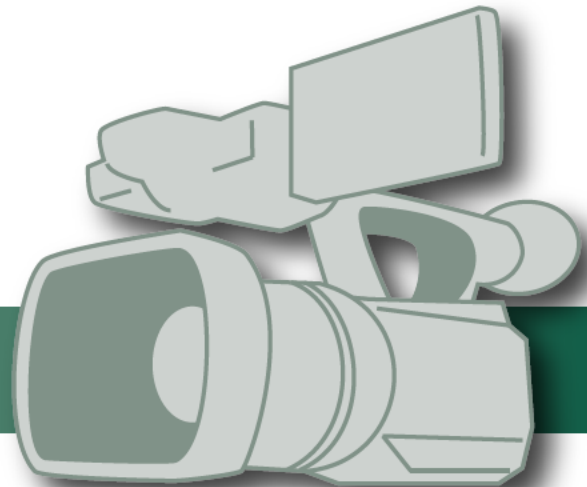
- Data format
- Missing records report
- Sample delivery email
- Sample summary
 - Admission report
 - History and physical report
 - Office visit records
 - Consultation report
 - Operative report
 - Lab report
 - Follow-up visit
 - Radiology report
 - Discharge report



Criteria for Court Reporting Services

To ensure the proper selection of your court reporting vendor, it is necessary to ensure that a vendor can provide the following services:

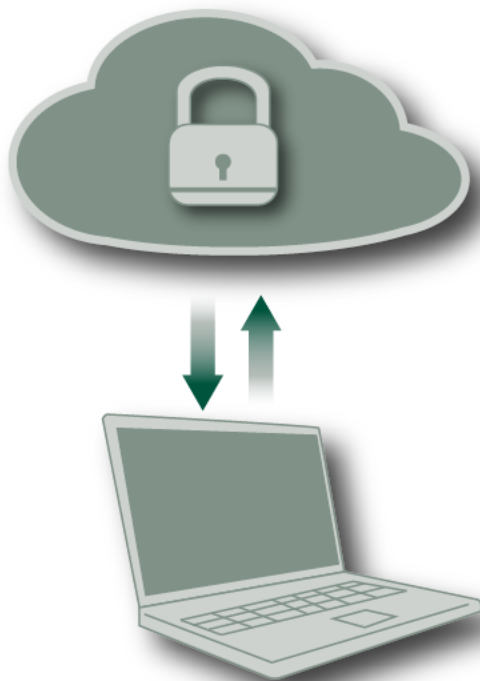
- Scheduling – Domestic/International
- Real-time Reporting
- Trial Director Training & Preparation
- Transcription Services
- Video Duplication
- Video Conferencing
- Video/Text Synchronization
- Video Deposition
- Translation Services
- Conference Rooms



Criteria for Information Technology

To maintain the highest standards of confidentiality and security in your document management process, it is important to demand from your service provider that they provide written documentation outlining their Data Security Policy for the following:

- HIPAA compliance
- Access to data 24/7 with no additional licensing fees
- Unique access account identifier or user ID with associated password
- Encryption software to protect personal health information (PHI) or personally identifiable information (PII), both at rest (inside the vendor's database) and in transit (while downloading and uploading from the vendor's portal)
- Firewall configuration
- Anti-virus protection
- Daily back-up policy
- Employee security training program
- Business Continuity Plan for corporate and hub offices
- Intrusion Detection System (IDS)
- Server Hardening practices
- Server/Workstation Patching methodology
- Security incident reporting (in case of a breach)
- Proof of recent security audit conducted by a 3rd party
- Application Penetration (Pen) testing
- Physical Security standards followed, such as SSAE16 or ISO27001
- Outline of security levels of physical site(s) providing service



Criteria for Risk Management

Assessing risk is extremely important when evaluating the possibility of outsourcing claims or litigation support activity. As a result, it is important to obtain a certificate of insurance from your prospective vendor to ensure they have the proper insurance coverage for the following policies and associated limits of liability with each:

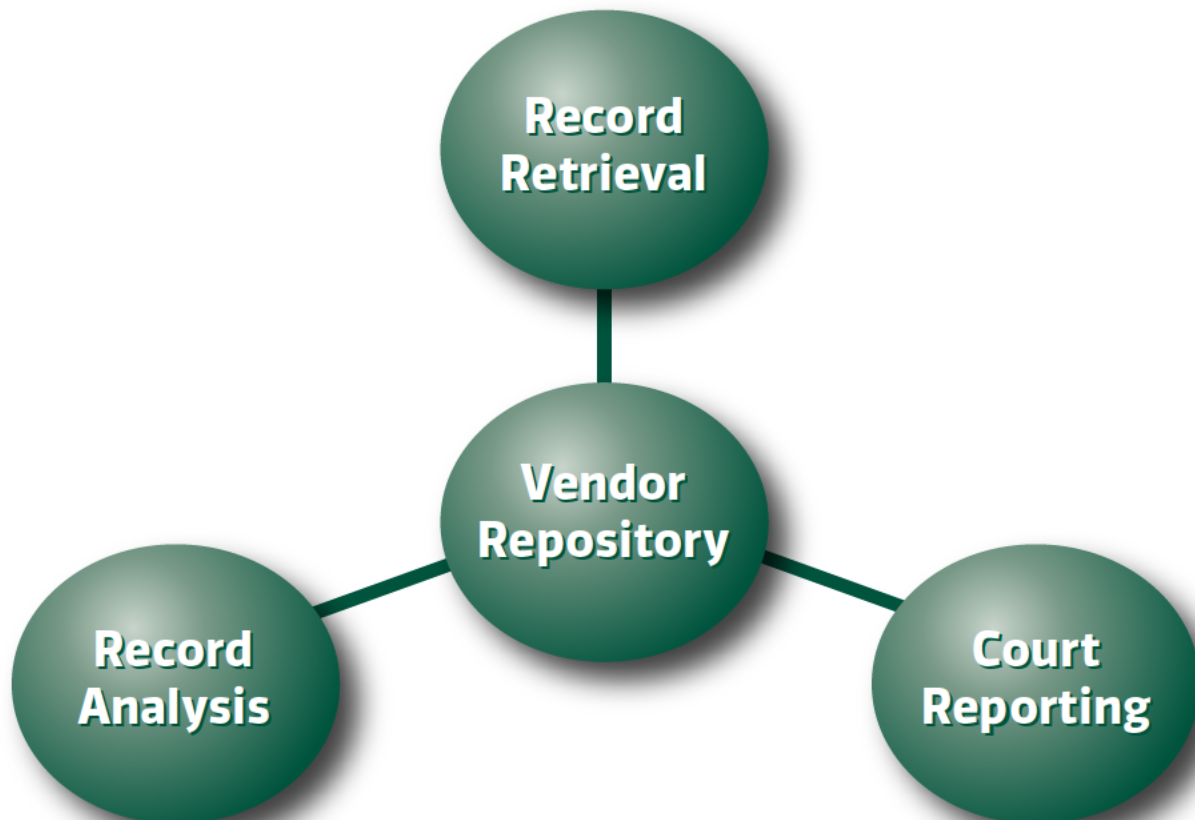
- Workers' Compensation and related Coverage
 - State
 - Employer's Liability
- Commercial general Liability
 - Each Occurrence
 - General Aggregate
 - Products – Completed Operations Aggregate
 - Personal and Advertising Injury
- Umbrella and Excess Liability
 - Each Occurrence
 - General Aggregate
- Professional Liability (E&O)
- Commercial Auto Liability
 - Combined Single Limit Or
 - Bodily Injury (per person)
 - Bodily Injury (per accident)
 - Property Damage



Technology that “Ties It All Together”

Without the right technology, no vendor process would be complete. Your vendor should be able to house record retrieval, record analysis, and court reporting services in a robust portal. This one resource should be accessible to both authorized corporate personnel and their litigation partners throughout the country. At the click of a mouse, customers should be able to have the flexibility to:

- Host all documents in one repository for ease of access and collaboration.
- Accept electronic billing
- Provide management reports detailing usage and associated expense analysis for ROI
- Provide metrics for service level agreements for quality management program



About The MCS Group, Inc.

Founded in 1979, The MCS Group, Inc. is the industry leader in comprehensive litigation support services. Our services have helped the legal community, insurance providers, corporations, government agencies, and educational institutions streamline record retrieval, record analysis, and court reporting. Our MCS Direct portal, houses over a half-million locations, all of which are available to our customers to ensure they receive accurate records quickly and efficiently, we have thirty-six years of experience with seven regional offices serving the continental United States.

Four core values that have been our cornerstone to success are our commitment to:

- **Honesty**
- **Dedication**
- **Responsiveness**
- **Accountability**

Our focus on customer satisfaction along with our dedication to delivering records promptly at affordable rates is also our mission and our brand promise.



For more information about how The MCS Group can serve your litigation support service needs, please contact us at infoMCS@themcsgroup.com or 800.473.5003.