

# Executive Summary

Claims Committee Meeting, March 9, 2023

**Board of Governors Meeting, March 29, 2023**

## Claims Legal Services

### Topic

This Consent Item seeks Board approval for \$50 million in additional spend authority under the Claims Legal Services contracts. This approval is requested for expenditures across the current panel contracts (RFP 21-0012) approved by the Board on December 15, 2021, and the supplemental panel contracts (RFP 22-0021) presented for approval under a separate Action Item at this March 2023 meeting.

### History

Citizens regularly engages outside law firms to provide representation in claims-related pre-suit and litigation matters. Citizens currently utilizes a panel comprised of one-hundred and twelve (112) outside defense firms to provide legal representation in the following four (4) claims-related Service Areas:

- First Party Property,
- Third Party Liability,
- Subrogation, and
- Appeals.

The current Claims Legal Services contracts were procured under RFP 21-0012 and presented to the Board for approval on December 15, 2021. At the December 15, 2021 Board meeting, Citizens requested \$500 million in spend authority based on the estimated total contract amount for all ninety-one (91) contracts over the initial five (5) year term. The Board approved \$50 million in initial authorized spend. This approval included a request that Staff provide ongoing litigation updates as justification for additional spend requests/authorization, and to facilitate discussion and seek solutions to the ongoing litigation concerns. The Board approved two additional spend increase requests of \$50 million at the July 13, 2022 and December 22, 2022 Board of Governors meetings, bringing the total Board approved amount to \$150 million.

Citizens is presenting the Supplemental Claims Legal Services contracts for approval as a separate Action Item at this March 2023 meeting. The Action Item requests that the supplemental panel contracts share spend approval with the existing Claims Legal Services contracts.

As of February 15, 2023, Citizens has incurred approximately \$106 million in spend under the approved Claims Legal Services contracts. Citizens forecasts that spend will likely exceed the approved \$150 million prior to the July 2023 Board of Governor's meeting. Citizens continues to maintain a high volume of claims-related litigation in terms of both new and total pending lawsuits. As of February 1, 2022 the number of pending claims-related lawsuits continues to exceed 20,000. In addition to pending lawsuits, Citizens' policy-in-force count continues to rise, with PIF count totaling 1,167,579 as of January 31, 2023.

With the ongoing increases in (1) new claims-related litigation, (2) overall amount of pending claims-related litigation (3) policy-in-force counts, and (4) anticipated rise in litigation stemming from Hurricane Ian, Citizens anticipates that spend under the Claims Legal Services contracts will not abate for the

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foreseeable future. In addition to these factors, it should be noted that the contracts allow for increased rates for panel counsel beginning in February 2025.

A summary of the monthly contract spend to date is provided below:

Year	Month	PIF	Pending Litigation	Fees*
2022	Feb	792,616	17,725	\$5,785,718.60
2022	Mar	817,926	18,115	\$6,556,057.94
2022	Apr	851,066	18,558	\$6,498,089.53
2022	May	883,333	18,898	\$6,763,133.37
2022	June	931,957	19,236	\$7,487,900.64
2022	July	994,456	19,703	\$7,331,711.52
2022	Aug	1,029,829	20,053	\$9,361,644.64
2022	Sept	1,071,850	20,478	\$9,669,797.70
2022	Oct	1,111,283	20,390	\$10,376,969.15
2022	Nov	1,126,319	20,378	\$7,617,890.07
2022	Dec	1,145,811	20,379	\$8,867,051.11
2023	Jan	1,167,579	20,186	\$13,335,467.46
2023	Feb			\$6,510,005.71
<b>Total Spend for Current Contract</b>				<b>\$106,161,437.44**</b>
*Fees include firm fees and expenses only, other vendor expenses have been removed				
**Total contract spend excludes a portion of February 2022 covered under the previous panel contacts				

Based on the above, Staff is requesting approval for an additional \$50 million in authority across the existing and supplemental Claims Legal Services contracts to fund these services through the third quarter of 2023. Additional authority requests will be provided prior to exhaustion of previously approved amounts or in the event of a change in circumstances caused by large storm events or other changes to the market.

## Recommendation

The recommendation is listed in the attached Consent Item.

## Claims Legal Services

**ACTION ITEM**

**New Contract**

**Contract Amendment**

**Other** \_\_\_\_\_

**CONSENT ITEM**

**Contract Amendment**

**Existing Contract Extension**

**Existing Contract Additional Spend**

**Previous Board Approval** \_\_\_\_\_

**Other** \_\_\_\_\_

**Action Items:** Items requiring detailed explanation to the Board. When a requested action item is a day-to-day operational item or unanimously passed through committee it may be moved forward to the board on the Consent Index.

**Move forward as Consent:** This Action item is a day-to-day operational item, unanimously passed through committee or qualifies to be moved forward on the Consent Index.

**Consent Items:** Items not requiring detailed explanation to the Board of Governors. Consent items are contract extensions, amendments or additional spending authorities for items previously approved by the Board.

<b>Item Description</b>	<b>Claims Legal Services</b>
<b>Purpose/Scope</b>	This Consent Item seeks Board approval for an additional \$50 million in authorized spend under the Claims Legal Services contracts to fund these services through the third quarter of 2023. This approval is requested for expenditures across the existing panel contracts (RFP 21-0012) approved by the Board on December 15, 2021, and the supplemental panel contracts (RFP 22-0021) presented for approval under a separate Action Item at this March 2023 meeting.
<b>Contract ID</b>	<b>Claims Legal Services</b> 21-21-0012 & 22-22-0021 (Multiple Contracts)
<b>Budgeted Item</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Procurement Method</b>	On August 3, 2021, Citizens issued Claims Legal Services RFP 21-0012. Ninety-nine (99) proposals were timely submitted. The proposals were reviewed and scored by an Evaluation Committee who recommended to award contracts to ninety-one (91) law firms on October 26, 2021. These ninety-one (91) contracts were approved by the Board on December 15, 2021.  On December 6, 2022, Citizens issued Supplemental Claims Legal Services RFP 22-0021. Twenty-three (23) proposals were timely submitted. The proposals were reviewed and scored by an Evaluation Committee who recommended to award contracts to twenty-two (22) law firms on February 17, 2023.

## Claims Legal Services

<p><b>Contract Amount</b></p>	<p>The estimated contract amount over the five (5) year initial term is \$500 million. On December 15, 2021, the Board approved an initial \$50 million in spending authority with a request that Staff return to the Board to provide ongoing updates on pending litigation and to request additional spend authority as needed. The Board approved an additional \$50 million on July 13, 2022 and an additional \$50 million on December 22, 2022 bringing the total approved amount to \$150 million.</p>
<p><b>Contract Terms</b></p>	<p>The current Claims Legal Services contracts have a five (5) year initial term ending on February 2, 2027, with two (2) one-year optional renewal terms. The Supplemental Claims Legal Services contracts, if approved, will also expire February 2, 2027 with two (2) one-year optional renewal terms. The contracts do not require Citizens to make any assignments of work or pay any minimum amounts to the contracted firms.</p>
<p><b>Committee Recommendation</b></p>	<p>Staff proposes that the Claims Committee review, and if approved recommend the Board of Governors:</p> <ul style="list-style-type: none"> <li>a) Authorize additional spending authority under the Claims Legal Services contracts of \$50 million as set forth in this Consent Item which, if approved, would make the total spend authorized to-date \$200 million; and</li> <li>b) Authorize staff to take any appropriate or necessary action consistent with this Consent Item.</li> </ul>
<p><b>Board Recommendation from Committee</b></p>	<p>If approved at its March 9, 2023 meeting, the Claims Committee recommends that the Board of Governors:</p> <ul style="list-style-type: none"> <li>a) Authorize additional spending authority under the Claims Legal Services contracts of \$50 million as set forth in this Consent Item which, if approved, would make the total spend authorized to-date \$200 million; and</li> <li>b) Authorize staff to take any appropriate or necessary action consistent with this Consent Item.</li> </ul>
<p><b>Contacts</b></p>	<p>Jay Adams, Chief Claims Officer  Ken Tinkham, Interim General Counsel &amp; Chief Legal Officer</p>