

# Zurich North America's eDiscovery services: Help in today's litigious world

More than ever before, customers are facing challenging litigation. Along with today's lawsuits, they must also manage the complexities and financial burdens associated with electronic discovery (eDiscovery), an intricate web of information that must be collected, processed, reviewed and produced. Handling and managing this process can be expensive and burdensome, but it is typically unavoidable, regardless of whether the case settles or goes to trial.

In practice, eDiscovery has several ramifications, many of which may impact not only your organization, but your D&O coverage as well. The costs of claims that are being funded by your insurance carrier could rise, and in the event that eDiscovery is improperly handled, companies and counsel may be held liable.

Zurich eDiscovery services, our newest offering to qualified customers of our Corporate Directors & Officers (D&O) coverage, can help in today's litigious world.

With Zurich eDiscovery services, all "E-Discovery Defense Costs" will be considered covered "Defense Costs" for covered Claims.

However, it doesn't end there. For those qualified policyholders who choose to engage ACT Litigation Services, Inc., a third party vendor<sup>1</sup>, the endorsement contains a number of first-of-its-kind policy enhancements that can help qualified customers reduce their litigation costs and fund the cost of eDiscovery through:

- A separate additional limit of liability of up to \$100,000 with no retention specifically for all "E-Discovery Defense Costs" incurred by the insured in connection

with civil or criminal proceedings or even an SEC Informal Investigation

- Qualifying insureds receive eDiscovery readiness consulting services directly from a third party services provider at no additional cost
- The third party services provider will provide a rate reduction for qualified customers for traditional eDiscovery services processed in a quality-controlled environment<sup>2</sup>
- Comprehensive reports and metrics provided at no additional cost throughout the project

## How does Zurich eDiscovery services work?

In addition to amending the definition of defense costs to include all e-discovery defense costs, in connection with covered claims, qualified customers who purchase D&O Select will be eligible to receive the following ACT services<sup>3</sup>:

- Pre-claim eDiscovery readiness assessment at no additional cost to qualified customers
  - Survey of current readiness
  - eDiscovery consulting and project management on a hypothetical matter to stress-test existing eDiscovery response policies and procedures Third party service provider may impose additional terms and conditions on this offer.

<sup>1</sup> Zurich has engaged a third party service provider who has agreed to discount the first \$130,000 of services for Zurich customers by 23 percent. Offer subject to change without notice. The Zurich E-Discovery Endorsement provides a separate limit of \$100,000, with no retention, to provide coverage for this discounted service. Third party service provider may impose additional terms and conditions on this offer.

<sup>2</sup> Electronic Discovery Reference Model (EDRM) defines these processes: [www.edrm.net](http://www.edrm.net)

<sup>3</sup> The terms and conditions of this offer are subject to change without notice. In addition, qualified customers would enter into a direct relationship with the third party vendor for these services and such vendor may impose additional terms and conditions on this offer.

- Data processing and review of sample data collection
- Report metrics from completed assessment with objective recommendations for cost reductions and process improvement
- Assistance with pre-claim SEC investigations
  - Data processing and review of data collection at no additional cost to qualified customers for the first \$130,000 of services from the eDiscovery service provider; Pre-negotiated rates billed to the insured by the services provider for all services performed in excess of \$130,000<sup>3</sup>
  - No charge to the insured for eDiscovery consulting, project management, report of real-time project metrics and objective recommendations for cost reductions and process improvement
- Assistance with criminal and civil litigation
  - Data processing and review of data collection at no additional cost to qualified customers for the first \$130,000 of services from the eDiscovery service provider; Pre-negotiated rates billed to the customer by the vendor for all services performed in excess of \$130,000
  - eDiscovery consulting, project management, report of real-time project metrics and objective recommendations for cost reductions and process improvement at no additional cost to qualified customers
- As an additional benefit to public D&O customers, Zurich will currently provide the above services at no additional cost with a separate limit of \$100,000 that is not subject to a self-insured retention.
- When the eDiscovery limit is exhausted, customers may directly engage ACT Litigation Services at the Zurich-negotiated rates.

### The many benefits of eDiscovery services to help qualified customers:

- Develop and stress test their eDiscovery response readiness
- Reduce final defense costs and preserve policy limits
- Control expenses within the self-insured retention
- Reduce the chances of liability resulting from eDiscovery mismanagement

These eDiscovery services are available at discounted rates negotiated by Zurich with a pre-approved eDiscovery service provider for the benefit of our customers

**Here's your bottom line:** Without the adoption of a proven and far-reaching eDiscovery readiness and response strategy, customers may be saddled with exorbitant, policy-eroding fees and increased liability. With our forward-leaning eDiscovery services, you will be better able to defend your litigation cost-effectively, dutifully and strategically.

To learn more about Zurich eDiscovery Solutions, contact your broker or local Zurich office or visit us on the Web at [www.zurichna.com/directorsandofficers](http://www.zurichna.com/directorsandofficers).

#### Zurich

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This fact sheet is intended as a general description of certain types of insurance and services available to qualified customers through the companies of Zurich in North America. It is not an insurance contract. The insurance policy is the contract that specifically and fully describes coverage. The description of the policy provisions gives a broad overview of coverages and does not revise or amend the policy. We make no guarantee of results and assume no liability in connection with the information, methods or suggestions contained in this fact sheet. Insurance coverages are underwritten by individual member companies of Zurich in North America, including Zurich American Insurance Company. Certain coverages are not available in all states. Some coverages may be written on a nonadmitted basis through licensed surplus lines brokers.

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