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Risk Management
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**IHL Office of
Risk Management**

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**IHL Office of
Risk Management**

IHL SELF-INSURED TORT CLAIMS PLAN

**DEFENSE COUNSEL
SELECTION AND
ASSIGNMENT PROCESS**



IHL Self-Insured Tort Claims Plan

Selection and Assignment of Defense Counsel

The Office of Risk Management assigns counsel when:

- ◆ *it becomes aware of a lawsuit, by receipt of a Complaint from the Office of the Attorney General, university, or some other source; or*
- ◆ *a Notice of Claim is received which warrants an attorney to provide counsel and guidance in anticipation of litigation. An assignment of this nature includes the stipulation that defense will continue if a Complaint is filed.*

Outside counsel must be included on the Mississippi Tort Claims Board's Approved Attorney List in order to be considered to represent IHL on a tort case.

Assignment of defense of a tort case is made to the attorney, not the firm.

Risk Management staff reviews the Complaint or Notice of Claim to determine the type of allegations. Defense may be assigned to either university counsel or outside counsel. Effort is made to select a defense attorney with experience or specialization in the field of the allegations.

Counsel is contacted by Risk Management to determine if he/she will accept the assignment. An assignment letter is forwarded to the attorney along with the *Tort Assignment and Litigation Management Plan*. Counsel signs the plan agreeing to the hourly rate and to abide by the guidelines outlined in the plan, and returns it to Risk Management.

The assigned attorney's hourly rates paid by IHL are the same as those approved by the Mississippi Tort Claims Board and the Office of the Attorney General.

Risk Management reserves the right to make exceptions to the rate structure with documented justification of cause and following consultation with the Office of the Attorney General as needed.

Risk Management pays for services of only the assigned attorney and paralegal(s).

If an associate attorney or other specialist is needed to assist the assigned attorney, **a written request must be made prior to work being performed.** If approved, the additional attorney(s) will be paid at a predetermined rate that is less than the assigned attorney. If a bill is received for services of an additional attorney who was not pre-approved, the hourly rate for that attorney will be reduced to the paralegal rate. Multiple attorneys will not be paid for duplication of work. If attendance of more than one approved attorney is needed at depositions, hearings, trials, etc., prior approval must be obtained.

Prior approval requests may be emailed to the Director of Risk Management.



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