

EAST ASIAN ACTUARIAL  
CONFERENCE

9-12 October 2007

**THE ACTUARY'S  
EVOLVING  
LITIGATION  
SUPPORT ROLE IN  
THE UNITED  
STATES**

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9-12 October 2007

FIRST:

A FEW WORDS ABOUT  
IACA



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## **TRADITIONAL ROLES:**

- EXPERT WITNESS  
(TESTIFYING EXPERT)
- CONSULTING EXPERT

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## **TRADITIONAL VENUES:**

- RATE HEARINGS
- ARBITRATIONS
- TRIALS



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## ARBITRATIONS

- Typically three person panels
- Actuaries often work for both parties.
- Sometimes an actuary is also retained by the panel itself.



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## **ACTUARIES AS ARBITRATORS**

- Actuary in one of three roles
- Actuaries in all three roles
- Actuary functioning as sole arbitrator



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## **ARBITRATIONS**

Some Lloyd's contracts now have a sunset clause (often 5 or 7 years) specifying that an actuary will be appointed to arbitrate any disputed claims.



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**ACTUARIES AS MEDIATORS**

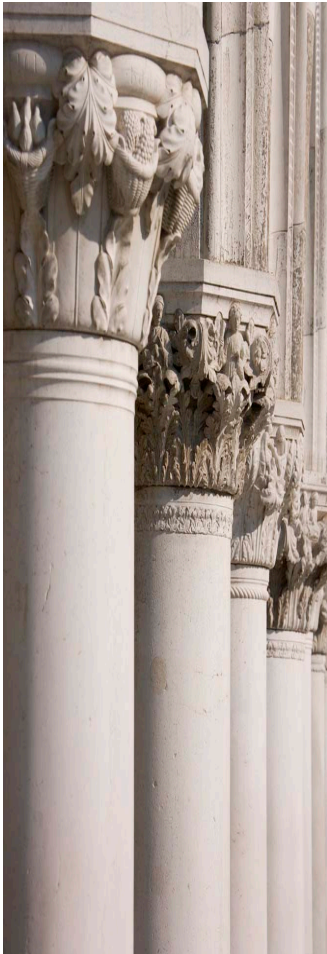


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## **ACTUARY AS SPECIAL MASTER**

- Used with Subject Matter Experts
- Has been used with Engineers, Economists, Accountants, and others
- Appointed by Judge to act in his place
- Common to patent cases



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## **ACTUARY AS SPECIAL MASTER**

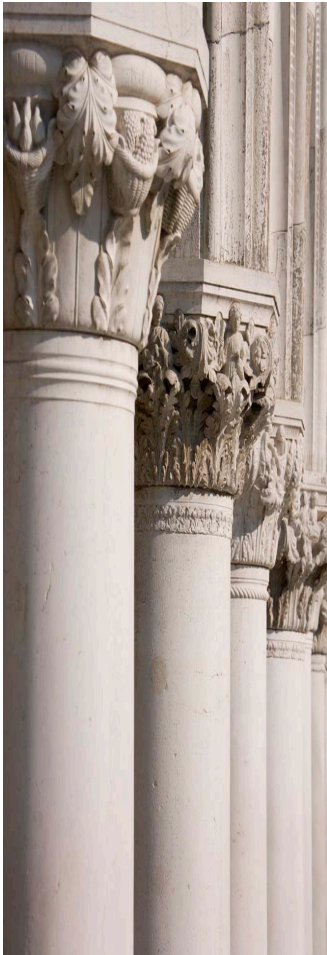
- Sample Assignments:
  - Resolve discovery matters
  - Resolve disputed claims
  - Resolve objections during depositions
- All rulings may be appealed to the judge.



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**UK SCHEMES OF ARRANGEMENT**



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## CRIMINAL CASES

- Actuaries may be retained by prosecutor, defendant or both.
- Examples:
  - White collar criminal allegations
  - Arson cases



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**QUESTIONS???**

