

WHY GET A “SECOND OPINION?”

The Situation: You are involved in a matter that is pre-suit or in litigation. You and one or more of the other key stakeholders – opposing counsel, policyholder, broker, insurer, or claimant – see one or more of the key issues differently. A dispute may be brewing, or the different perspectives already may have become entrenched and polarizing.

Your Path Forward: Instead of simply sticking to the path you are on, retain Stratagem to provide you with a “second opinion.” At Stratagem, we draw on our combined 60+ years of experience in analyzing, valuing, litigating, and resolving tens of thousands of lawsuits and claims implicating billions of dollars of alleged damages and involving hundreds of millions of dollars in attorneys’ fees and expenses to provide you with an objective, persuasive, and candid “second opinion” about any of several aspects of the matter that may be at issue, including:

- analysis of any applicable coverage issues
- standard of care/liability analysis
- potential damages and valuation
- jurisdiction/venue-specific issues
- litigation tactics and strategy, including dynamics between/among counsel of record
- resolution strategies, alternatives, and options

Then, one of two things will happen: either we will confirm your assessment of, and/or plan to resolve, the key issues in dispute; or we will provide you with a basis for you to reconsider your assessment/plan. Both paths provide significant value and can help you seize opportunities and mitigate risks.

If we agree with the assessment/plan . . .

- You have strong, objective, and persuasive support for your position that you may use to calm or influence other parties to the dispute and/or any mediator.
- You have in your file some protection in the event a party later challenges your assessment and/or handling and attempts to use hindsight to second-guess your actions/evaluation (e.g., for an insurer, in the context of a claim for “bad faith”).

If we find a basis to question all or part of the assessment/plan . . .

- You have an opportunity to re-evaluate your position and potentially “course correct” to minimize transaction costs that might otherwise be incurred, achieve a better overall outcome, and avoid downside risks associated with an incorrect assessment.

We provide our “second opinions” to you . . .

- in the precise form and format (oral or written) you desire within the time frame your circumstances require; and
- with a flexible fee structure to accommodate the unique needs and desires of the engagement—hourly or fixed fee arrangements are available.

The Bottom Line: A second opinion from Stratagem is a proactive, positive, and cost-effective alternative to maintaining a status quo that leaves the underlying concerns unresolved.