

Marc Jenkins will be presenting “Managing Electronic Discovery Costs and Risks Through Effective Notification and Communication with Vendors and Subcontractors” at the 2011 BlueCross BlueShield Association National Summit at the Hyatt Regency in Chicago, IL on October 6, 2011 at 3:30 p.m.

Many health plans delegate specific managed care responsibilities and other contractual/legal obligations to third parties. Under the rules of Civil Procedure and the law of several federal circuits relating to electronic discovery, documents held by third parties are deemed to be under the possession, custody, and control of the health plan. Therefore, the health plan is potentially subject to increased electronic discovery costs and at risk for sanctions including default judgments, dismissals of actions, adverse instructions and significant monetary sanctions for the third party vendor’s failure to preserve information relevant to the litigation. This CLE session will address the issue and provide guidelines for implementing a communication and notification process with third party vendors to minimize potential costs and risks presented by electronic discovery.