

Industry Snapshot

Responding to the Plaintiff Bar's Adoption of AI and Technology

Executive Feedback: AI-Supported Offer Packages

February 2025

Conducted by Suite 200 Solutions



Introduction

About Our Snapshots

Suite 200 Solutions has been surveying insurance industry leaders since 2011. Both our comprehensive Studies and our more informal Snapshots provide insights into the current thinking of senior claim and litigation officers as they address emerging issues, threats, and opportunities.

A copy of our publicly available reports can be downloaded from www.suite200solutions.com/studies.

Survey Background

The plaintiff bar has adopted AI and technology more rapidly than ever anticipated. This, in turn, has attracted the eye of investors, who are pouring vast amounts of money into that industry.

A commonly cited example of this is EvenUp Law, which uses AI technologies to produce (among other things) demand packages. EvenUp raised \$220MM in only 18 months and quickly reached unicorn status, with a \$1BB valuation.

EvenUp claims thousands of plaintiff firms as clients. It also claims to increase the value of settlements by 30%, and to increase the number of policy limit settlements by 69%. This is a somewhat hidden threat for the defense teams, given that EvenUp branding never appears on the ultimate (and potentially more effective) demand package that the plaintiff attorney submits to the defense attorney or claim organization.

While EvenUp is an example cited frequently, there are many, many other examples. Almost all litigation financing funds now use AI to identify cases likely to win. And they're doing this by case type, venue, judge, plaintiff attorney, and other factors.

In short, there is an arms race between the plaintiff bar and defense teams, and the weaponry is litigation data – information that informs users about the specific, granular, environment that the litigation is in. Some of us believe that the plaintiff bar is winning this arms race, and the trends in litigation results tend to bear this out.

About This Snapshot

This specific snapshot was commissioned by SigmaSight, an organization with a mission of leveling the playing field for defense teams when it comes to the use of AI and tech in the litigation environment. More about SigmaSight can be found at SigmaSight.AI.

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SigmaSight's first product, Analyzer, provides venue and plaintiff attorney risk information. Released in September, the product is already being piloted by multiple claims organizations.

The Company is evaluating deployment of a second product, Synthesizer, which will prepare Offer Packages. This survey was designed to secure feedback on three core issues:

- 1) Does the concept of Offer Packages resonate with claim and litigation executives?
- 2) What are the most compelling elements of an Offer Package? ..and
- 3) How would executives use such a product like this?

Distribution of this Report

Only organizations who participated in this survey are being sent these results. However, as a participant, please feel free to distribute these findings to others as you find it appropriate. We believe the industry benefits from these innovative ideas being socialized broadly.

Again, thank you for having given of your time to participate in this Snapshot.

Snapshot Findings

Demographics

A total of 45 executives participated in this survey. Given our selective invitation list, this number exceeded our expectations and suggests a high level of interest in the subject.

Not all participants answered all the questions. The percentages provided are calculated based on the number of individual responses to each question (which never fell below 93% of total participants).

The claim organizations represented range from smaller to very large, with mixed lines of business, TPA and carrier orientation, and widely divergent geographical concentrations, from regional to national.

Section 1

How Do Executives View the Opportunity of Offer Packages?

Participants were given five assertive statements and asked rank their response on a scale of 1 to 5.

1 = I don't agree with the statement at all

5= I agree completely with the statement

What is the Promise of Offer Packages?			
Executive Scoring		Possible Score	Statement
4.4	...out of	5.0	Packaging offers with compelling points is more effective than not doing it.
4.3	...out of	5.0	This output can arm mediators with negotiation ammo to hammer plaintiff counsel.
4.3	...out of	5.0	This information can enable litigation managers to play a more proactive role in the negotiations.
4.1	...out of	5.0	It's an opportunity to get cost and risk information directly to the plaintiff themselves (given the plaintiff attorney's obligation to share it).
4.0	...out of	5.0	Offer packages seem like a promising way to counter emerging technologies like EvenUp Law, which claims 30% higher settlement amounts with their AI-powered demand packages.
3.9	...out of	5.0	This information can equip plaintiff attorneys to better address client control issues. They can trigger risk conversations between plaintiff attorneys and their client.

Section 2

Which Offer Package Components Do Executives Feel Will Be Most Persuasive?

Participants were given four different elements of Offer Packages (as currently conceived). They were then asked to identify whether they view each component to be:

- Highly Persuasive
- Persuasive
- Neutral; or
- Not Persuasive

Point totals were assigned to each ranking category so that the components could be ranked in terms of perceived overall “persuasiveness”.

Component	Ranking	Total Points
Key defensibility points (on liability, causation, damages, credibility, etc.)	1st	105
Court and verdict statistics about the risks they face with this venue, judge, and defense attorney or firm	2nd	96
Risks plaintiff faces if they lose at trial (litigation costs, liens, bills they can't pay, etc.)	3rd	81
Time value of money calculations that highlight the benefits of settling now	4th	71

Section 3

What are the Most Likely Uses of an Offer Package Work Product?

Participants were given five possible uses for an Offer Package and asked to rank each on the following scale:

1 = Not likely to use

3 = Unsure

5= Likely to use

Use Case Scenarios	Scoring	Out of...
Use the solution's work product to arm mediators for THEM to use during mediation	4.3	5.0
Use the solution's work product to align EXTERNAL conversations about case strengths and weaknesses (between claims staff and defense counsel)	4.3	5.0
Use the solution's work product to align INTERNAL conversations about case strengths and weaknesses (between claims staff and management)	4.2	5.0
Use the solution's work product to create and send offer packages (just like plaintiff attorneys send demand packages).	3.9	5.0
Use the solution's work product to persuade the plaintiff, but WITHOUT an actual dollar offer amount (i.e., I would prefer to convey any dollar amounts verbally).	3.0	5.0

Section 4

Expressions of Further Interest

Broadly stated, Snapshot participants had a high level of interest in pursuing the Offer Packages concept further:

- 49%** Requested a demo of the product in its current conceptual form
- 32%** Expressed an interest in having sample offer packages prepared by SigmaSight.
In this Proof-of-Concept model, SigmaSight will prepare the Offer Packages using the AI tools with no need for the claim organization to use the software at this early juncture.
This will enable organizations to evaluate the effectiveness of these offer packages in the real world.
- 29%** Requested more information about SigmaSight's first product, Analyzer.

High-Level Observations

Our interpretation of this Snapshot data leads us to conclude the following:

- 1) The concept of Offer Packages resonates with claim and litigation executives.
- 2) The most compelling elements of Offer Packages were as we expected – with an emphasis on defensibility points and court and verdict statistics designed to get plaintiff attorneys to agree to earlier, more optimal litigation resolutions; and
- 3) Executives see many varied uses for the output of such a product – from strategy alignment to more effective mediations to direct negotiations with plaintiff counsel.

These results affirm for us that there is wide interest in developing and supporting tools that combat the rapid adoption of AI and technology by the plaintiff's bar.

Questions and More Information

Thank you again for participating in this exercise. While many of you have participated repeatedly over the years in our studies and snapshots, for some of you this was your first time. We hope that you found the initiative to be interesting, and these findings to be helpful as you think about how to maximize the performance of your own litigation teams.

If you'd like more information about SigmaSight, or about our work at Suite 200 Solutions, please don't hesitate to reach out to me.

Taylor

[Taylor Smith | President | Suite 200 Solutions | taylor.smith@suite200solutions.com](mailto:taylor.smith@suite200solutions.com)