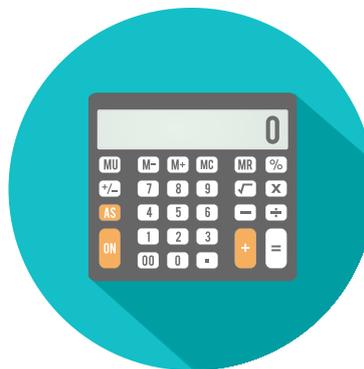


XPEDITE

This litigation settlement calculator is useful for both client and practitioner.



PETER MORAN

Which practitioners would find this technology useful?

Litigation solicitors, barristers and mediators.

How does it work?

Xpedite is accessed via a web-login. A new matter is created and thereafter that matter can be accessed via a unique key. For each matter, an amount of data needs to be inserted: namely plaintiff or defendant; the different claims being brought and the value of those claims; the interest entitlement to date; the legal costs incurred to date and the projected costs should the matter go to trial; the other side's legal costs and projected costs and the likelihood of success of proceeding.

There is also the option to add a counterclaim with all the same fields as for a claim. Once data is entered, Xpedite calculates a range of potential outcomes in the matter from best case to worst case and a variety of outcomes in between. The results are presented in both graphical and table form. Usefully, the outcomes are presented from both the plaintiff's and the defendant's perspective.

A key feature of Xpedite is that it is dynamic: any of the fields can easily be amended at any time and the outcomes recalculated. It is useful as a tool for tracking the ebb and flow of a litigation: ie as the value of claims gets requantified over time and the merits of different claims become more established. Therefore, Xpedite is useful for client and practitioner alike. It can be hard for clients to appreciate the significance of such ebbs and flows but Xpedite helps chart such changes in potential outcomes over the course of the litigation. For practitioners, Xpedite can be a way of more easily documenting and conveying to clients what has been achieved: ie by seeing the numbers improve as the merits or weaknesses of their position become more established.

For the actual mediation, the dynamic updating of fields can be done over the course of the mediation. The lawyer (or mediator) can play with different scenarios (such as by removing certain claims or varying the numbers) in order to give clients a sense of

what might happen, depending on certain scenarios. Xpedite can track offers and counter-offers as they are made and chart them against the best-case to worst-case outcomes. On the conclusion of the mediation (or the matter) the final data is converted into a final report to be downloaded or printed.

Benefits

Xpedite allows practitioners to easily present the significant numbers in the matter. As this includes current and projected costs, a particular benefit is ensuring the satisfaction of disclosure obligations, such as sub-ss 174(1)(b), (3) and (6) and s177(1) of the Legal Profession Uniform Law. Xpedite allows the numbers to be quickly updated and track any offers made. The speed and simplicity with which all this can occur is the key strength of Xpedite: altering the data and recalculating the outcomes can take less than a minute.

Risks

The outcomes calculated by Xpedite are only as useful as the data input. The quantum of claims and the likelihood of success can sometimes be fuzzy and based on best guesses, especially early in proceedings. The risk with putting such guesses into a clear black and white format is that the outcomes take on their own reality, especially with clients. Lawyers need to manage this with care as such rubbery numbers could create unrealistic client expectations. As with all cloud services, there are risks with third parties holding privileged and confidential information. However, the data is entered in an anonymised format and, on the conclusion of a matter (and the saving of the report), all data can be deleted from Xpedite's systems.

Costs

Xpedite is a free service.

Downsides

Currently, only one overall likelihood of success can be entered. This does not allow for the subtleties where one claim and value might be strong and another claim and value might be weak. Also, currently, there is no ability to look behind each outcome, which could make explaining the range of outcomes between best and worst case challenging for practitioners. Also, Xpedite may be of less use in more complex disputes such as with multiple parties and/or a layer of complexity as to the claims and quantification of those claims. ■

Peter Moran is a principal at Peer Legal and founder of the Steward Guide, an online technology guide for lawyers (www.stewardguide.com.au).

SNAPSHOT

What is Xpedite?

A litigation settlement calculator

What type of technology?

Cloud portal

Vendor

Hall Chadwick Forensics

Country of origin

Australia

Similar tech products

A number of law firms offer settlement calculators, particularly in the family law space.

However, there do not appear to be any other similar generic online settlement calculators in Australia.

Non-tech alternatives

Calculate and report on the outcomes manually

Engage a forensic accountant to do the calculations

More information

<https://hallchadwickmelb.com.au/hall-chadwick-forensics-xpedite/>