INDIANA
COMPENSATION
RATING BUREAU

Request for Proposal for Legal Services

2026

Inquires and Proposals should be directed to:

Paul Keathley
President/CEO

Indiana Compensation Rating Bureau
5920 Castleway West Drive, Ste. 121
Indianapolis, IN 46250
317-842-2800
pkeathley@icrb.net

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I. GENERAL INFORMATION

A. **Purpose.** This request for proposal (RFP) is to contract for legal services for Indiana Compensation Rating Bureau (ICRB) as General Counsel.

B. **Who May Respond.** Only attorneys/law firms who are currently licensed to practice law in Indiana and maintain an office in Marion County Indiana, or the surrounding counties, may respond to this RFP.

C. **Instructions on Proposal Submission.**

1. **Closing Submission Date.** Proposals must be submitted no later than **December 15th, 2026**
2. **Inquires.** Inquiries concerning this RFP should be mailed to:

   Paul Keathley
   President/CEO

   Indiana Compensation Rating Bureau
   5920 Castleway West Drive, Ste. 121
   Indianapolis, IN 46250

   Or emailed to: pkeathley@icrb.net

3. **Conditions of Proposal.** All costs incurred in the preparation of a proposal responding to this RFP will be the responsibility of the Offeror and will not be reimbursed by ICRB.

4. **Instructions to Prospective Contractors.** Your proposal should be addressed as follows:

   Paul Keathley
   President/CEO

   Indiana Compensation Rating Bureau
   5920 Castleway West Drive, Ste. 121
   Indianapolis, IN 46250

   Or emailed to: pkeathley@icrb.net

5. **Right to Reject.** ICRB reserves the right to reject any and all proposals received in response to this RFP. An acceptance letter will be drafted based on the factors described in this RFP.

6. **Notification of Award.** It is expected that a decision selecting the successful firm will be made by December 10th, 2026. It is expected that the contract shall be for one year beginning, January 1st, 2027. We recognize the need for a transition process. Additional details found in Exhibit D.

D. **Description of Entity.** The ICRB is a private, non-profit, unincorporated association of all insurance companies licensed to write workers compensation insurance in Indiana. The ICRB is a statutorily created rating organization as set forth in Chapter 27-7-2 of the Indiana Insurance Laws. The ICRB is not a government agency.

The law empowers the ICRB to gather information from its member companies that may be necessary to establish fair and adequate advisory rates. This information is submitted to the Indiana Department of Insurance for review and then distributed to all member companies who use them or file their own rates.

In addition to the data collection and ratemaking functions, the ICRB is responsible for various workers compensation programs to include rules promulgation, experience rating, inspection and classification, assigned risk administration, industry education, and dispute resolution.

Additional details found in Exhibit A.

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II. SCOPE OF SERVICES

A. Attend Governing Board and Committee Meetings as necessary
B. General knowledge of anti-trust laws as those laws pertain to the insurance industry;
C. Advise on individual labor and employment matters;
D. Review fiscal and other policies, as well as corporate by-laws;
E. Advise on responses to subpoenas, court orders, and requests for information from third parties;
F. Defend lawsuits, administrative claims, or other legal claims;
G. Contract review/drafting;
H. Conduct litigation as necessary; and
I. Other legal services as needed.

Offeror shall be prepared to submit detailed billing statements for all services billed at an hourly rate, if any, broken down into time increments of a one tenth of an hour. Offeror shall also include summaries of work performed and time spent on services performed for the ICRB. The ICRB will also consider project billing as applicable.

Please reference Exhibit C for additional details.

III. PROPOSAL CONTENTS. The Offeror, in its proposal, shall, as a minimum, include the following;

A. **Legal Experience.** The Offeror should describe its legal experience, including the names, addresses, contact persons, and telephone numbers of at least three clients. Experience should include the following categories:

1. **Litigation**
2. **Anti-Trust Law (Insurance Industry)/General Familiarity**
3. **Labor Law**
4. **Administrative Law**
5. **Contract Drafting**
6. **Board/Organizational Relationships**
7. **Workers Compensation System/Law-General Familiarity**

B. **Organization, Size, Structure, and Areas of Practice.** If the Offeror is a firm, it should describe its organization, size, structure, areas of practice, and office location(s).

C. **Attorney Qualifications.** The Offeror should have experience in the aforementioned areas. Please reference Exhibit C for additional Primary Attorney qualifications.

1. Professional and education background of each attorney

2. Overall supervision to be exercised.

3. Prior experience of the individual attorneys with respect to the experience listed above. Only include resumes of attorneys that will be assigned to the representation. Education, position in firm, years and types of experience, and continuing professional education will be considered.

D. **Price.** The Offeror's proposed price should include information on the hourly billing rates of each attorney or other legal staff who is expected to work on this representation and charges for expenses, if any, such as legal research, copies, and faxes. ICRB reserves the right to negotiate with the Offeror on the structure of the billing. Please reference Exhibit B.

IV. PROPOSAL EVALUATION

A. **Evaluation Procedure and Criteria.** ICRB's President/CEO and appropriate staff will review and will request a meeting with qualified Offerors prior to final selection. Proposals will be reviewed in accordance with the following criteria:

1. Primary Attorney Qualifications;
2. Level of experience of the individual(s) identified to work on this matter;
3. The Offeror's experience with similar clients and legal matters
4. Potential Conflicts of Interest (See Exhibit E);
5. Response from references;
6. Cost; and
7. Interviews, if conducted.

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Exhibit A: Description of ICRB

1. The Indiana Compensation Rating Bureau ("ICRB") is an independent rating bureau created by Indiana statute. See Ind. Code § 27-7-2-3.

2. The ICRB's principal place of business is 5920 Castleway West Drive, Indianapolis, Indiana, 46250.

3. The ICRB operates under a license issued by the Indiana Department of Insurance ("IDOI").

4. The ICRB performs many functions critical to the worker compensation insurance system Indiana. Those functions include:

- Preparation of the annual rate filing;
- Processing assigned risk applications;
- Creation of rules relating to the provision of workers compensation insurance;
- Legislative analysis;
- Creation of a statical plan;
- Data collection; and
- Resolution of disputes between carriers and insureds.

5. The ICRB also serves as a plan administrator for the Indiana Assigned Risk Reinsurance Pool ("Pool").

6. The Pool operates as a reinsurance pool for employers which cannot procure Indiana worker's compensation insurance in the voluntary market. ICRB members are responsible for Pool financial operating results.

7. The Pool is authorized by Indiana statute. See Ind. Code §§ 27-7-2-28 and 27-7-2-28.1. The operating rules for the Pool are set forth in the Worker's Compensation Insurance Plan (the "Plan") which is prepared by the ICRB, filed with, and approved by the IDOI.

8. The ICRB, through the Pool, is the worker's compensation insurer of last resort in the State of Indiana.

9. All organizational documents for the Pool were filed with and approved by the IDOI on or about October 13, 2004.

10. The Pool binds insurance coverage from its Indianapolis, Indiana office. All Pool employees reside in and are exclusively employed in the State of Indiana.

11. Pool funds, including paid premiums, are maintained in Indianapolis, Indiana. Pool administration occurs in the State of Indiana.

12. The Pool maintains a trust account in Indianapolis, Indiana into which participating insurance carriers (referred to as "Servicing Carriers") cede premiums collected on policies issued through the Pool. These Pool funds are used to pay benefits to Indiana workers.

13. The ICRB engages Servicing Carriers to administer policies issued by the Pool. The Servicing Carriers are paid a contractual fee for this service. To obtain coverage through the Pool, an Indiana employer must first have attempted to obtain voluntary worker's compensation coverage through the voluntary market and be denied voluntary coverage by three different insurance providers.

14. After being rejected by three different insurance providers, the Indiana employer may then apply to the Pool in Indiana to obtain Indiana coverage.

15. Indiana employers apply for coverage in the Pool by submitting a written application to the ICRB in Indiana. The premiums for a Pool issued policy are based upon rates filed by the

ICRB with the IDOI which are based on the Indiana employer's experience rating and other factors determined by the Plan.

16. The Indiana employer submits a premium payment directly to the Pool in Indiana to obtain Indiana worker's compensation coverage.

17. The premium is deposited into the Pool's Indiana trust account.

18. Assuming the Indiana employer meets eligibility requirements, the Pool then approves and binds a worker's compensation policy (the "Pool Policy") for the Indiana employer.

19. The Pool mails the policy information to the Indiana employer, notifying the Indiana employer that there is now coverage for Indiana worker's compensation claims.

20. After the Pool Policy is bound, issued, and notice is mailed to the Indiana employer, the Pool then uses an algorithm to randomly select which IRCB Servicing Carrier will be assigned to service the Pool Policy. Servicing involves general claim administration service.

21. Once the Servicing Carrier is identified, the Pool notifies the Servicing Carrier that it will be servicing the Pool Policy.

22. The assigned Servicing Carrier accepts the assignment and subsequently notifies the Indiana employer that it is the assigned Servicing Carrier which will be administering claims under the policy bound by the Pool and accepted by the Indiana employer.

23. The assigned Servicing Carrier will then issue a policy form containing Pool approved policy terms. The policy form issued has been previously submitted by the ICRB to the IDOI for use and approval in the Pool.

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Exhibit B: Fee Structure/Procedures

Partner: $TBD per hour

Associate: (4 years +) $TBD per hour

Associate: (1-4 years) $TBD per hour

Paralegal: $TBD per hour

Time such as “file organization”, “summarizing files” and “file maintenance” shall not be billed to the client

No other staff may bill time to the client

All time entries shall include the initials of the timekeeper

Client may request project billing with do not exceed caps on larger projects

All postage, computer research, travel expenses, and other customary expenses properly billed to client shall be billed at costs with no mark up

All expenses billed to client shall be supported with receipts

All services to be performed with the assistance of AI shall be approved in advance by client/client shall not be billed for any AI related services, software, programs

Recurring services such as quarterly meetings, committee meetings, and maintaining minutes, may be billed on a flat fee basis by agreement in lieu of hourly charges

Counsel and Client shall enter into an engagement letter on an annual basis which may be terminated on sixty days written notice by either party

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Exhibit C: Primary Attorney On ICRB Account

While the ICRB recognizes that more than one attorney may assist with the representation of the ICRB on any given matter, the ICRB is seeking to engage a primary attorney with the training, experience, and expertise to represent the ICRB on legal matters which may arise. Thus, the primary attorney should be comfortable with the following terms of engagement:

- Serving as antitrust monitor at all ICRB meetings. This obligation shall entail general familiarity with state and federal antitrust laws and expertise on related matters such as the Filed Rate Doctrine and the McCarran Ferguson Act. The ICRB recognizes there may be same training and continuing education required in this area.

- Serving as lead counsel in all litigation involving the ICRB. Litigation matters may involve contract disputes, labor disputes, insurance coverage disputes, administrative law matters involving the Indiana Department of Insurance and/or the Indiana Workers Compensation Board, and disputes between the ICRB and ICRB Members.

- Contract negotiation and drafting;

- Attending all ICRB governing board meetings and taking meeting minutes which are typically scheduled months in advance;

- Becoming generally familiar with Ind. Code 27-7-7 *et seq.* and Ind Code 22-3-2 *et seq.*

- Representing the ICRB in direct interactions with the Indiana Department of Insurance.

- Being the primary point of contact with all ICRB employees and Governing Board members on all legal matters.

- Interacting with government officials and Indiana legislators.

- Interacting with ICRB stakeholders such as the "Big I", the Insurance Institute, the Chamber of Commerce, and the Indiana Manufacturers Association.

These functions should be performed by the primary attorney and should be considered nondelegable except as agreed upon in advance with ICRB management. The ICRB recognizes there will be a significant period of training and familiarization with the ICRB and its legal needs. Thus, the ICRB has reached an agreement with its current counsel who has served in that capacity for more than thirty (30) years to remain with the organization in a consulting role for a period of up to two (2) years as further described below. Counsel has also agreed to complete all pending litigation.

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ibit D: The Transition Process

The ICRB is a unique organization performing many important functions in Indiana. The ICRB works closely with its outside vendors including legal counsel, outside accountants, The National Council on Compensation Insurance, Inc.,(Boca Raton, Florida) and Compensation Insurance Services (Jackson, Mississippi) in order to meet its mission.

The ICRB will be replacing its outside legal counsel whose tenure with the ICRB extends more than thirty (30) years. The ICRB recognizes that counsel has acquired a vast amount of experience, knowledge, and institutional memory over that period of time. The ICRB also recognizes it will take a significant amount of time to effectively transition between legal counsel and transfer that information base. In that regard, the ICRB has reached an agreement with current legal counsel to remain with the organization in a consulting role. In that role, counsel will provide the following assistance:

- Attend ICRB meetings until replacement counsel becomes comfortable with meeting procedures and responsibilities;
- Continue as lead counsel in pending litigation (currently one (1) open matter);
- Separately meeting with replacement counsel and educating replacement counsel on the functions and documents impacting the operation of the ICRB;
- Participating in ICRB legal matters assisting with analysis and resolution;
- Being available for meetings, telephone calls, and conferences as legal matters arise;
- Separately meeting with replacement counsel to engage in a process of orientation and training as it relates to residual market matters and the role of antitrust monitor; and
- Reviewing contracts and legal documents that may arise during the transition period.

The ICRB believes this process will provide for a smooth transition and serve the best interest of the ICRB and the attorney selected to guide the ICRB in the future.

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Exhibit E: Conflicts of Interest

The ICRB is organized as an unincorporated association. The ICRB members include all insurance carriers licensed to write workers compensation insurance in the State of Indiana. The ICRB obtains a license from the Indiana Department of Insurance to conduct business in the State of Indiana. A more detailed description of the ICRB is attached hereto as Exhibit "A".

You should be familiar with the Indiana Rules of Professional Conduct generally and specifically Rules of Professional Conduct Nos. 1.7, 1.8, 1.9, 1.10, and 1.13 and rulings of the Indiana Appellate Courts relating to conflicts of interest and disqualifications. While rare, the ICRB's interest may become adverse to:

- An ICRB Member;
- A state agency;
- An employer insured through the Indiana Assigned Risk Reinsurance Pool;
- An ICRB Vendor; and
- An ICRB employee.

Thus, you should ensure that your representation of the ICRB will not create any immediate conflicts of interest. To the extent a conflict does arise later, the ICRB will consider a conflict waiver in appropriate circumstances or securing conflict counsel for the matter in question.