New effective tools for case management

Presented by
ICN Agency Effectiveness Working Group

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Introductory Remarks

- This Webinar will be recorded and posted on the ICN website
- Audience will be muted during the presentation portions of the webinar
- Audience lines will be unmuted during Q&A sessions following the opening presentations
Program

- **Moderator:** Kjell Jostein Sunnevåg, Norwegian Competition Authority, Norway

- **Presentation by** Myrthe Heijmering and Sandra van Egmond, Authority for Consumers and Markets (ACM), Netherlands

- **Presentation by** Christof Vollmer, Bundeskartellamt, Germany

- **Presentation by** Erling Espeskog, Norwegian Competition Authority, Norway

- **Presentation by** David Kully, Department of Justice, United States
Mindmanager as a tool in a complex cartel case

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Outline

• Our cartel case

• Two mindmaps (simplified):
  – classifying & analysing the evidence
  – basic functionalities of Mindmanager

• Benefits of Mindmanager

• Recommendations
The case – simplified (1)
The case (2)
Mindmanager?

• A tool to define and make explicit your line of reasoning

• Two mindmaps (simplified):
  – has the standard of proof for an object restriction been met?
  – for which product group/year do we have evidence that the survey has taken place?
Mindmap “Object restriction” (1): building the framework - main topic

- The information exchange, by its very nature, may possibly lead to a restriction of competition

- Restriction of competition by object
Mindmap “Object restriction” (2): building the framework - subtopics
Mindmap “Object restriction” (3): attaching evidence
Mindmap “Object restriction” (4):
attaching evidence
Mindmap “Object restriction” (5): analysing evidence
Mindmap “Object restriction” (6): analysing evidence
Recap

- Building the format of mindmap from left to right
- Attaching evidence on right side of mindmap
- Analysing evidence from right to left
Basic functionalities of Mindmanager (1): icons
Basic functionalities of Mindmanager (2): call-outs (to do’s)
Basic Functionalities of Mindmanager (3): relationship
Basic functionalities of Mindmanager (4): expand
Mindmap “Survey per product group/ year”
Benefits (1):
good overview of evidence per element

- Forced to define and make explicit your line of reasoning
- Focussed investigation
- Visual character
- Additional research needed?
Benefits (2):
a good basis for discussion

- Structured discussion
- Less likely to be influenced by interpretation of evidence
Recommendations

• Take time to define the framework of mindmap

• Be aware of any needed alterations to framework

• It’s a team effort!
New effective tools for case management

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Overview

- Main Features of the Mindmanager 15
- Possible applications in cartel prosecution
- Examples
- Recommendations
- Benefits and limitations
Main Features of the Mindmanager 15

- Visual ("mind mapping")
- Intuitive
- Flexible
- Templates, also on project management
- It is possible to add free comments and to interlink other documents (hyperlinks)
Possible applications

- Project schedule for inspections
- Project management of the whole case
- Analysis of leniency applications
- Structuring facts and evidence
- Structuring communication/relationships
Example 1: Analysis of leniency applications
Example 2: Analysis of pieces of evidence
Example 2: Analysis of pieces of evidence
Example 2: Analysis of pieces of evidence
Example 3: Communication between supplier and retailers over several years
Example 3: Communication between supplier and retailers over several years
Example 4: Communication between supplier and retailers during a certain price increase
Recommendations

• Mindmanager 15
• Two computer screens
• All pieces of evidence (leniency applications, paper/IT-documents, minutes etc.) should be stored electronically.
• Maps and linked pieces of evidence should be stored in one folder.
• Additional software: FTK, Adobe pro
Benefits and limitations

• Benefits
  – facilitates discussions in our decision divisions (easy access to the pieces of evidence, presentations via beamer)
  – facilitates the cooperation of decision division members
  – facilitates the involvement of new decision division members
• Limitations
  – complexity
  – working simultaneously on the same map is not possible
  – no direct links to marked passages of a document
  – further processing of the map
• Other tools: “normfall manager”
Mind Jet - A useful tool for investigation and case presentation

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Norwegian Competition Authority, Norway
Mind Jet - A useful tool for investigation and case presentation

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Norwegian Competition Authority, Norway
Why Mind map?

- Need an investigation tool to structure complex cases.
- A tool that makes it possible for case handlers to cooperate more actively.
- Secures continuity during the lifetime of the case.
- An useful tool when it comes to case presentation to other than project team members.
What is a mind map?

- A mix of writing and drawings
- A tool for organizing the facts in the case
  - What has happened?
  - Who are the most interesting employees in the company?
  - Who has been in contact with each other?
Investigation

• Easy to tell «the story»
  – Timelining
  – Split the case into smaller stories
• All case handlers have the same information – all the time
• You can easily add new evidences
  – ....or delete evidences which do not have any value anymore
The Norwegian Experience (1)

- We have tested the program – since November 2013
  - 15 testlicences
  - Mind Jet Course
- Mostly positive feedback from casehandlers
  - Fast and good overview of the case and details
  - A good projectsteering tool for the projectmanager.
The Norwegian Experience (2)

- The system is easy to use.
- Helps casehandlers in presenting the case. Others quickly get an overview of the case.
- One place to gather all the evidence and information. Easier accessible for everyone.
- Easier to see the «whole picture»
- Very useful as a preparation tool for interviews.
- An educational tool to help write decisions
The Norwegian Experience(3)

- Some negative feedback:
  - The tool can easily become a toy.
  - Some can not see that the tool contributes to effectiveness.
  - High costs getting the program. Money better spent on something else.
  - Yet another system to keep track on.
The Norwegian Experience (4)

- We have now purchased the program based on the results of the testperiod.
  - Each case handler will not get a licence. Cost issue.
  - Mind Jet reserved for projectmembers.
  - Bought the licences in stead of leasing.
  - Licences will circulate between casehandlers
  - Can manage with 25 licences in stead of 50-60.
Some Helpful Tools Used in USDOJ Investigations

DAVID KULLY
Department of Justice, United States
Some Helpful Tools Used in USDOJ Investigations

- Technology-assisted review tools
  - Active agency involvement essential
- Data productions
  - Pre-production engagement with parties
- Third party interviews
  - Confidentiality
  - Immediate records of interviews
Q&A

Question & Answer Period