Litigation Cost Control: Tools for Predicting and Controlling Costs in Both Hourly and Alternative Fee Engagements

Edward M. Slaughter
Managing Partner, Dallas Office
“I’m Very Important…”

- Ron Burgundy, Anchorman
## Representative Clients

<table>
<thead>
<tr>
<th>Financial Institutions</th>
<th>Construction</th>
<th>Petrochemical Industry</th>
<th>Retail</th>
<th>Product and Premises Litigation</th>
<th>Product and Premises Litigation</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Beal Bank</td>
<td>• Heery International</td>
<td>• B.P.</td>
<td>• Home Depot</td>
<td>• Lycoming/Bell Helicopter</td>
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<tr>
<td>• J.P. Morgan Chase</td>
<td>• Grand Homes</td>
<td>• Amoco</td>
<td>• Victoria Secret</td>
<td>• Alcoa</td>
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<tr>
<td>• SunTrust</td>
<td>• D.R. Horton</td>
<td>• Exxon/Mobil</td>
<td>• LaZboy</td>
<td>• Rheem</td>
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<td>• Citizens National</td>
<td></td>
<td></td>
<td>• Fruit of the Loom</td>
<td>• Eli Lilly</td>
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<tr>
<td>• Merrill Lynch &amp; Co.</td>
<td></td>
<td></td>
<td>• Hanesbrands Inc.</td>
<td>• Suburban</td>
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<tr>
<td>&amp; Co. and Merrill Lynch, Pierce, Fenner &amp; Smith Incorporated</td>
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</tr>
</tbody>
</table>
125+ Lawyers
1,000+ Trials Nationwide
500+ Appeals
Seven Office Locations
Atlanta•Austin•Charleston•Dallas•Los Angeles•St. Louis•San Francisco

Hawkins Parnell Thackston & Young LLP
Legal Project Management

Defined:
n. the discipline of planning, organizing and managing resources around specific project goals while honoring project constraints.
Legal Project Management: Applying Business Principles to Legal Service Delivery

- Focus on predictable and reproducible results
- Measure value of work input
- Decision making based on data
- Decision-making on less than perfect data
- Risk sharing
“Plans are worthless. Planning is essential.”

- Dwight D. Eisenhower
Legal Project Management
Legal Depth Finder
Waste

Time

Quality

Cost
Time

Quality

Cost
ROLE OF EARLY CASE ASSESSMENT AND BUDGETING
Early Case Assessment

• Develop a model for assessing risk prior to getting involved in throws of litigation

• Estimating risk to benefit (cost of time and money) to prosecute or defend a case and each component part

• 80% of the facts should be known in 60 days

• Customized for client/case
“Estimating is what you do when you don't know.”

- Sherman Kent, Father of Intelligence Analysis for the CIA
Early Case Assessment and Cost Benefit Analysis

A. IDENTIFICATION DATA

1. Brief Description
   * Parties
   * Cause(s) of Action
   * Salient Facts
   * Damages Sought or Estimated
   * Client’s Position
   * Opposing Party’s Position
   * Certification
   * Judge (with evaluation)
   * Jury Pool (with evaluation)
   * Payor List
   * Deadlines (by rule or order)

2. Players List

<table>
<thead>
<tr>
<th>Identification</th>
<th>Our Team</th>
<th>Role</th>
<th>Contact Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>Client</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Attorneys and</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Staff</td>
<td></td>
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<tr>
<td>Other</td>
<td></td>
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</tbody>
</table>

B. INITIAL INFORMATION ASSESSMENT

1. Collect and Digest In house Information
   * Collect and digest relevant documents
   * Identify and interview people with relevant knowledge inside the team
   * Identify prior experience within company, firm and other actions

2. Collect and Digest Public Information
   * Documents
   * Peers with knowledge
Early Case Assessment and Cost Benefit Analysis

3. Identify and Assess Potential Witnesses
   - Fact witnesses
   - Expert witnesses
   - Provide a summary of the interviews with witnesses

4. Confer with Opposing Counsel
   - Select perspective
   - Plan informal discovery or information exchange
   - Explore early resolution, if appropriate

5. Identify Useful Prior Work Product
   - Within firm
   - Within company
   - Public information
   - From press
   - Relevant company files and/or databases

6. Identify Key Defenses/Response to Defenses
   - List defenses to defeat claim, if any
   - List argument to minimize loss

7. Create Discovery Plan
   - Identify information that controls defenses
   - Identify information that assists the defense
   - Determine method of collecting data in admissible format

C. IDENTIFY CLIENT’S PRIMARY AND SECONDARY EXPECTATIONS/GOALS

1. Identify Client’s Goals and Concerns
   - Acceptable financial resolution
   - Protecting Data or People
   - Timing of resolution
   - Publicity
   - Business relationship at stake
   - Subsequent claim
   - Legal precedent
   - Location of proceedings: forms, venue, jury issues

D. COST/BENEFIT ANALYSIS

1. Estimate Verdict Range

2. Estimate Settlement Range

3. Estimate Fees and Expenses

4. Estimate Value of Work via Budget with Risk Analysis
   - See spreadsheet
“Do Less.”

- Koonu, Surfing Instructor,
  *Forgetting Sarah Marshall*
Develop A Play Book

• Expectations
  – What outcomes client seeks

• Authority for Decision Making

• Strategy
  – Clarify what impact services will have on future goals/needs

• Specific tasks
The Checklist Manifesto • How to Get Things Right

ATUL GAWANDE
BESTSELLING AUTHOR OF BETTER AND COMPLICATIONS
### Example Case Preparation Checklist

**Case Name:**

<table>
<thead>
<tr>
<th>Task</th>
<th>Person Assigned</th>
<th>Due Date</th>
<th>Results</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Review Special Rules Applicable to Case</strong></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Standing Order</td>
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<tr>
<td>Local Rules</td>
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<td></td>
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<tr>
<td>Case Management Order</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Prepare Basic Jury Charge</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Evaluate Judge and Venue</td>
<td></td>
<td></td>
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<tr>
<td><strong>Prepare Reports</strong> (see examples)</td>
<td></td>
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<tr>
<td>Early Case Evaluation</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>90-Day Report</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>60-Day Report</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>30-Day Report</td>
<td></td>
<td></td>
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</tr>
<tr>
<td><strong>Review Complaint/Petition/Answer</strong></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>SOL/Repo Time Bar</td>
<td></td>
<td></td>
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<tr>
<td>Forum Non Conventions</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Venue Challenge</td>
<td></td>
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<tr>
<td>Removal/Jurisdiction</td>
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<tr>
<td>Foreign Law Analysis</td>
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</table>

**Page 1 of 7**
## Venue Checklist

<table>
<thead>
<tr>
<th>Task</th>
<th>Person Assigned</th>
<th>Comments/Status</th>
<th>Date Complete</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Plaintiff’s residence</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. Is there a Los Angeles County defendant?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3. If so, which one? Is the defendant named in the complaint or discovery?</td>
<td></td>
<td></td>
<td></td>
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</tbody>
</table>

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# Plaintiff Chart

**Plaintiff:** PLAINTIFF  
**Group:** PLAINTIFF  
**Cause No.:** BC 999999  
**Court:** Central Civil West, Los Angeles Superior Court  
**Judge:** Carolyn B. Kuhl, Dept. 323  
**Law Firm:** Metzger Law Group  
**Attorney Work Product:**  
**Updated:** 09/22/2009 12:14 PM  
**Trial Date:** October 19, 2010  
**Coordinator:**

<table>
<thead>
<tr>
<th>Plaintiff</th>
<th>Exposure History</th>
<th>Trade</th>
<th>Product ID</th>
<th>Plaintiff's Diagnosis/Smoking History</th>
<th>IME/Litigation History</th>
</tr>
</thead>
<tbody>
<tr>
<td>PLAINIFF</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>DOI: 02/09/09</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>SSN: 999 999 9999</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Resident: Rosemead, CA</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Spouse: Married spouse on 7/09/03</td>
<td></td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>Education: HS - Chats (graduate)</td>
<td>Trade Tech College - Los Angeles, CA</td>
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</tr>
<tr>
<td>Military: None</td>
<td>Workers' Comp</td>
<td>Case No: MCI99999999</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Injured left shoulder, right shoulder, back, knee, disorder &amp; internal (tissue)</td>
<td>Received compensation</td>
<td>Unique N/A</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**1. Experimental Machine:** Fabricated parts and worked with engineers support, manufacture and work. Worked with metals, plastics, fiberglass, and a material was known in color similar to fiberglass. Worked with aluminum, stainless steel, magnesium, copper, beryllium, etc. Operated lathes, milling machines, CNC, service grinders; cut off saws, band saws, shears, etc. Did chemical treatment. Aluminum was treated with primed Chrom-film to prevent corrosion.

**Wear & Product ID:**  
- Specialty Coatings  
- Blue Bkg En #1410  
- Flat Black Bkg Enamel #7038  
- Flat Grey Bkg #36331  
- Flat Grey Enamel #36440  
- Lot Grey Open Bkg En #16400  
- Reducer  
- 3/16 Black Bkg #7038  
- 3/16 Blue Bkg EN #25100  
- White Glass Bkg Enamel

**Dx with chronic hepatitis on October 16, 2006 (per complaint).**  
- Worked with and was exposed to contained significant concentrations of organic solvents, metals and other hazardous. Has been hospitalized and undergone surgery and other treatments and will require organ transplantation (per complaint).  
- No known allergies  
- Denies alcohol/drug/smoking.

**Title:** Plaintiff Chart  
**Purpose:** To be used as a quick reference for the case with information on plaintiff's work history, exposure history, product identification and diagnosis.  
**Chief:** Specialty Coatings caused only.  
**Who Responsible:** M. Smith  

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Hawkins Parnell Thackston & Young LLP
“No plan survives contact with the enemy.”

- Helmuth von Moltke The Elder, German Field Marshal, WWI

Hawkins Parnell Thackston & Young LLP
ALTERNATIVE FEES, BUDGETS AND COST CONTROL
Winning Alternatives to the Billable Hour

By Mark A. Robertson and James A. Calloway

Winning Alternatives to the Billable Hour
STRATEGIES THAT WORK
THIRD EDITION

ABA Law Practice Management Section
MARKETING • MANAGEMENT • TECHNOLOGY • FINANCE

Hawkins Parnell Thackston & Young LLP
History of the Billable Hour

“A lawyer’s time is his stock in trade.”

-Abraham Lincoln

Hawkins Parnell Thackston & Young LLP
Leading to the Billable Hour

- 1930 - State bars issue recommended/statutory minimum fee schedules

- 1960 – Bills for “services rendered” – and estimation of perceived value

- Mid 1960s to early 1970s – Anti-trust concerns, accountants and insurance carriers require more detailed information and a better way to track it – Thus the billable hour is born
The Billable Hour

Prosa
- Simple to apply
- Simple to understand
- Provides detailed information about all work performed
- Reduces the risk of price fixing

Cons
- Discourages attorney client communication
- Discourages early case planning and use of resources
- Based on work performed instead of value obtained

Hawkins Parnell Thackston & Young LLP
Curing the Flaws of Hourly Billing

• Some amount of communication must be free and regularly scheduled - with a penalty for failure to communicate

• Early case assessment should be mandatory and paid on a flat fee with quality bonus

• Value must be assigned to the project and the plan and budget must reflect it
Work Performed and Value Obtained

**Example #1:** Slaughter prepares to depose hazard communication expert

<table>
<thead>
<tr>
<th>Task</th>
<th>Time</th>
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</thead>
<tbody>
<tr>
<td>Read opinion, report, and salient reliance materials;</td>
<td>6 hours</td>
</tr>
<tr>
<td>Collect and review published literature with differing view;</td>
<td>12 hours</td>
</tr>
<tr>
<td>Collect bias materials for cross;</td>
<td>3 hours</td>
</tr>
<tr>
<td>Depose witness in person with documents;</td>
<td>12 hours</td>
</tr>
<tr>
<td>Task</td>
<td>Time</td>
</tr>
<tr>
<td>-----------------------------------------------------------</td>
<td>-------</td>
</tr>
<tr>
<td>Read opinion, report, and identify new reliance materials;</td>
<td>2 hours</td>
</tr>
<tr>
<td>Update opposing literature;</td>
<td>.5 hours</td>
</tr>
<tr>
<td>Depose witness by telephone;</td>
<td>2 hours</td>
</tr>
</tbody>
</table>

Example #2: Slaughter deposes same witness second time
## Budget Example

<table>
<thead>
<tr>
<th>Timekeeper Rank</th>
<th>Rates</th>
<th>Sr. Partner</th>
<th>Partner</th>
<th>Of Counsel</th>
<th>Sr. Associate</th>
<th>Associate</th>
<th>Sr. Paralegal</th>
<th>Paralegal</th>
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</thead>
<tbody>
<tr>
<td>L110</td>
<td>Fact Investigation/Development</td>
<td>350</td>
<td>300</td>
<td>300</td>
<td>225</td>
<td>200</td>
<td>125</td>
<td>100</td>
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<td>L120</td>
<td>Analysis/Strategy</td>
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<td>L130</td>
<td>Experts/Consultants</td>
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<td>L140</td>
<td>Document/File Management</td>
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<tr>
<td>L160</td>
<td>Settlement/Non Binding ADR</td>
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<tr>
<td>L210</td>
<td>Pleadings</td>
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<td>L220</td>
<td>Preliminary Injunctions/Provisional Remedies</td>
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<td>L230</td>
<td>Court Mandated Conferences</td>
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<td>L240</td>
<td>Dispositive Motions</td>
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<tr>
<td>L250</td>
<td>Other Written Motions and Submissions</td>
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<tr>
<td>L260</td>
<td>Class Action Certification and Notice</td>
<td></td>
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<tr>
<td>L310</td>
<td>Written Discovery</td>
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<td>L320</td>
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<td>Depositions</td>
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<td>L340</td>
<td>Expert Discovery</td>
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<td>Discovery Motions</td>
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<td>On Site Inspections</td>
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<td>Expert Witnesses</td>
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<tr>
<td>L430</td>
<td>Written Motions and Submissions</td>
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<tr>
<td>L440</td>
<td>Other Trial Preparation and Support</td>
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<td>L450</td>
<td>Trial and Hearing Attendance</td>
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<tr>
<td>L460</td>
<td>Post Trial Motions and Submissions</td>
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<td></td>
</tr>
<tr>
<td>L510</td>
<td>Appellate Motions and Submissions</td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>L520</td>
<td>Appellate Briefs</td>
<td></td>
<td></td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>L530</td>
<td>Oral Argument</td>
<td></td>
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</tbody>
</table>

**Total Estimated Hours:**

- Sr. Partner: 0
- Partner: 0
- Of Counsel: 0
- Sr. Associate: 0
- Associate: 0
- Sr. Paralegal: 0
- Paralegal: 0

**Total Estimated Fees:**

- Sr. Partner: $-
- Partner: $-
- Of Counsel: $-
- Sr. Associate: $-
- Associate: $-
- Sr. Paralegal: $-
- Paralegal: $-

**Total Fees:**

$-
Benefits to Uniform Budgeting

- Easier to predict legal expenses
- More accurate measures of value
- Matches value to expense
- Holds counsel accountable
"We can't solve problems by using the same kind of thinking we used when we created them."

- Albert Einstein
Alternative Methods of Billing

- Fixed or Flat Fee
- Contingent Fee
- Blended Hourly Rate
- Relative-Value Method
Value is realized when a client’s expectations are met (or exceeded) at what they consider a reasonable price. It is subjective assessment of the overall worth of a product or service.
Fixed or Flat Fee

PRICE = BUDGETED VALUE

• Price charged for defined services

• Shifts some of the risk of cost overrun to law firm

• A total fee or segments of the service

• Often a modified hourly rate structure
  – How many estimated hours*rate = flat fee

• Useful where there is litigation is most consistent and predictable
Model for Determining Appropriate Flat Fee For Individual Matter

- Based on ABA UTBMS codes
- Customized by inputting rates, % of cases or likelihood of reaching certain phases and whether the firm has experience with similar cases
- Results – Flat Fee/Case with similar variables

www.hawkinsparnell/casetools/flatfeemodel
# Budget With Risk Analysis

<table>
<thead>
<tr>
<th>Client</th>
<th>ABC Company</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jurisdiction</td>
<td>131st District Court, Dallas County, TX</td>
</tr>
<tr>
<td>Local Counsel</td>
<td>Hawkins, Parnell &amp; Trackston</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Has the firm litigated similar cases? Y

<table>
<thead>
<tr>
<th>Probability of Reaching Phase of Litigation</th>
<th>Firm Tasks (Estimation of Hours includes preparation and strategy for attendance/drafting where applicable)</th>
<th>Response if Applicable</th>
<th>Approximate Atty Hrs</th>
<th>Approximate Para Hrs</th>
<th>Approximate Cost</th>
<th>Expected Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>100%</td>
<td>Initial Liability Assessment</td>
<td>n/a</td>
<td>5</td>
<td>3</td>
<td>$1,712.50</td>
<td>$1,712.50</td>
</tr>
<tr>
<td>100%</td>
<td>Fact Investigation</td>
<td>n/a</td>
<td>10</td>
<td>6</td>
<td>$3,312.50</td>
<td>$3,312.50</td>
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<tr>
<td>100%</td>
<td>General Case Administration (correspondence, analysis of co-defendants responses, etc)</td>
<td>n/a</td>
<td>6</td>
<td>10</td>
<td>$2,775.00</td>
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<tr>
<td></td>
<td><strong>TOTAL EXP Cost</strong> $14,471.38</td>
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**Local Counsel Rates**

<table>
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<tr>
<th>Local Counsel</th>
<th>Rate</th>
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<tbody>
<tr>
<td>Slaughter</td>
<td>$350.00</td>
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<tr>
<td>Partner</td>
<td>$300.00</td>
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<tr>
<td>Of Counsel</td>
<td>$300.00</td>
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<tr>
<td>Sr. Associate</td>
<td>$225.00</td>
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<tr>
<td>Associate</td>
<td>$200.00</td>
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<td>Sr. Paralegal</td>
<td>$125.00</td>
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<tr>
<td>Paralegal</td>
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</table>

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**L.180 Case Assessment, Development & Administration**

- **100%** Answer
- **100%** Venue/Forum Challenges
- **40%** Dispositive Motions

**L.200 Pretrial Pleadings and Motions**

- **30%** Responding to Plaintiff’s Discovery
- **10%** Drafting Discovery to Propound on Plaintiff

**L.300 Discovery**

- **100%** # of Plaintiff Depositions
- **3%** of Fact Witness Depositions
- **3%** of Plaintiffs’ Expert Depositions
- **2%** of Defense Expert Depositions
- **1%** Will there be a document production?
- **1%** Other Discovery Motions (Objections, Motions to Strike, Motions for Protection)

**L.400 Trial Preparation/Trial**

- **30%** Pretrial Motions (Motions in Limine, Jury Instructions, Designation of Witnesses, Exhibit Lists)
- **5%** Pretrial Hearing Attendance
- **5%** Voir Dire
- **2%** Opening
- **1%** Plaintiff’s Case in Chief
- **1%** Defendants Case in Chief
- **1%** Closing

**L.500 Appeal**

- **0%** Notice and Drafting of Appeal
- **0%** Responses
- **0%** Oral Hearing

**TOTAL**

<table>
<thead>
<tr>
<th>Item</th>
<th>Hours</th>
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<tr>
<td></td>
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<td>480</td>
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<td>253</td>
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<td><strong>1,138,575.00</strong></td>
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<td><strong>14,471.38</strong></td>
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Hybrid Contingent Fee/Blended Rate

• Counsel gets a reduced rate plus percent of **value** generated

• Initial flat fee for early case assessment

• Determine value sought and risk involved

• Prepare budget against hourly rate

• Pay a reduced rate plus percent of value generated
Contingent Fee

PRICE = RESULT X AGREED PERCENT

• Depends on Results Achieved

• Requires explicit agreement of what results are expected

• Price reflects different incentives for firm and client

• Useful in cases where there is expected recovery of damages
Blended Hourly Rate

\[ \text{PRICE} = \text{TIME} \times \text{AVG(ALL RATES)} \]

- One rate applies to all hours
- Rate usually negotiated by the client but can reflect weighted average of timekeepers rates
- Risk that firm may not use the high value/experienced attorneys - can be seen as reducing profit
"Not everything that counts can be counted, and not everything that can be counted counts."

- Sign Hanging in Albert Einstein’s Princeton Office
Corporations Want Value
Lawyers Want Business

• Spread risk between both firm and client

• Look for incentives to balance risk

• Agreements about flat fees/alternative fees

• Value of success/failure

• Relationship with national counsel aids efforts to spread risk
“Prediction is difficult, especially about the future.”
- Yogi Berra
Hybrid National Counsel Model

- Retain National Counsel to manage/try essentially all cases
- Prepare a budget (fees and expenses) based on past experience and predict trends
- Allow limited retention of local counsel as part of the budget
- Pay NCC a flat fee with high and low collars to encourage efficiency
- Pay bonus for meeting identifiable goals that are most important
  » 50% of expense reduction paid as a quarterly bonus
Hybrid National Counsel Model

Example:

- 2007 – 2009 average spending: $3,000,000
- Analyze for waste and set 2010 budget: $2,600,000
- NCC allocated for all services nationally: $2,600,000

NCC bills against a blended rate of: $250/hour

\[ \times 7,200 = \$1,800,000 \]

Local counsel bills at rate of: $200/hour

\[ \times 4,000 = \$ 800,000 \]

TOTAL: $2,600,000
Case Study # 2
Shared Risk Contingent Fee

HPT&Y represents product manufacturer in $50,000,000 fire loss
Case Study # 2
Shared Risk Contingent Fee

- Claimed damage: $49,000,000
- Fair estimated damage: $30,000,000
- Client's reasonable potential share: $15,000,000
- Liability dispute: $10,000,000

Real Risk: $5,000,000
Settlement: $50,000
20% fee on saved value: $4,500,000
X 20% = $900,000

Regular hourly rate and actual fees: $1,300,000
Reduce rate 20%: $1,040,000
+ $900,000
= $1,940,000

Hawkins Parnell Thackston & Young LLP
Case Study # 3
Reduced Hourly With Bonus

- Our client sued defendant for false advertising and Lanham Act violations

  -Amount of potential damage claimed: $ 25,000,000
  -Annual sales of product: $100,000,000
  -Injunction granted, false advertising stopped
  -Value: $1,000,000 - $10,000,000

- How much will company actually lose if defendant isn’t stopped?
  - Full contingency fee (1/3\(^{rd}\)): $333,000
  - Blended hourly rate at 80%: $ 50,000
  - 10% bonus on agreed value: $100,000

  TOTAL FEE: $150,000
Conclusion

- Alternative fees arrangements vary and are customized
- Counsel and client share the risk and the reward
- Often must use a hybrid model
- Balance value for client v. revenue for firm
“The best way to predict the future is to invent it.”

- Immanuel Kant, 18th Century Philosopher