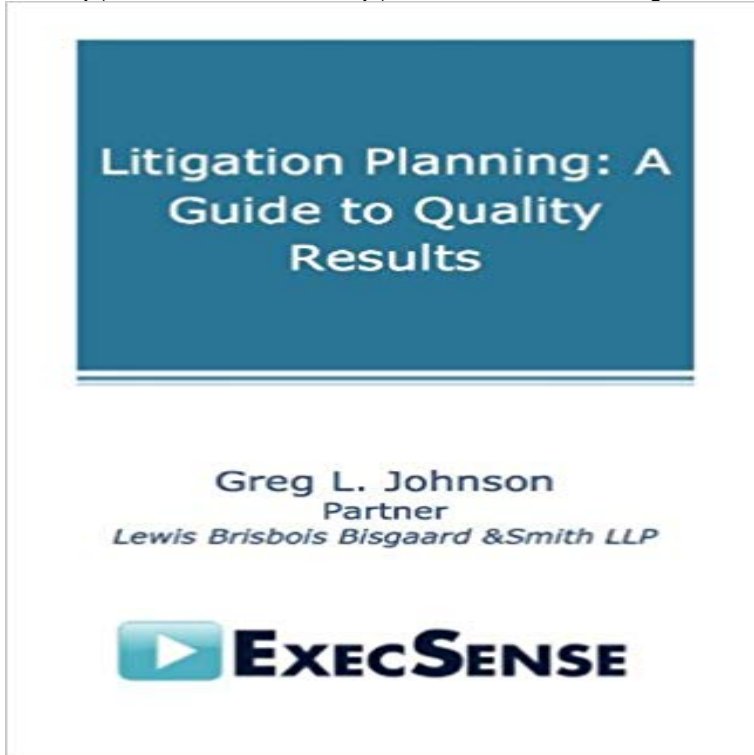


# Litigation Planning: A Guide to Quality Results



Authored by Greg Johnson

Far too many company litigation managers, be they executives or attorneys in the general counsels office, believe that successful litigation management is dictated primarily by implementation of cost control measures. Generally, they assume that because they hire proven outside counsel, quality results will likely follow, and the principal goal, therefore, is simply to make sure they achieve that quality result within an acceptable budget. In my experience, this perspective, while understandable, works a disservice to the fact that litigation is, first and foremost, a process one might even say an ordeal. Emphasis on controlling litigation costs and expecting quality results from proven counsel (even one with a long track record with the company) is insufficient, in most cases, to account for the predominant process aspect of litigation. If that approach has any serious applicability, it would be to important, high-stakes litigation matters where the activities of hired counsel are closely and routinely monitored by the companys litigation managers. But why is that? Because the litigation manager, due to the gravity of what is at stake, has every incentive to observe and intervene in case development (in terms of strategic and tactical planning and movement toward ultimate resolution), regularly view it against the litigation dollars the company is spending, make changes in direction and emphasis as events warrant and circumstances evolve and keep other key company personnel apprised of how things are progressing, thus facilitating a broader base for potential input. That kind of active involvement between manager and counsel more closely respects the process part of litigation. It minimizes surprises; it embodies the necessary buy-in between counsel and client on case goals, strategy and direction; and it provides a more reliable yard stick to measure results and

progress (or the lack thereof) against litigation dollars spent. The question then becomes, how does a company replicate that level of engagement in the process on less weighty matters where close and routine monitoring is not realistic or cost-effective? It is distinctly not by only requiring outside counsel to prepare a budget. Budgets are only effective in combination with other tools. Attorneys are adept at generating budgets. They are even more adept at creating caveats and disclaimers to the reliability of the budgets they generate. This book offers some practical advice to litigation managers for effectively gaining oversight of the litigation process while at the same time reflecting to outside counsel that quality litigation results are achieved by a shared vision of what the company expects to experience at the conclusion of the process which certainly includes value in light of the ultimate outcome. Because I believe these principles are universally applicable regardless of the complexity of any litigation matter, its potential duration or dollars at stake, they can serve as a helpful template for planning and structuring the representation of any matter. I encourage clients to take full ownership of their litigation matters. Clients that simply hire outside counsel and let them run with the matter will eventually encounter surprise and disappointment. Clients should strive to minimize the frequency and magnitude of surprise and disappointment, and attorneys should welcome approaches that accomplish that. A client facing litigation risk and uncertainty must make business decisions to account for that risk and uncertainty; attorneys cannot and should not make case decisions without this kind of insight. If there is an effective and reliable tool that both attorney and client can use that facilitates meaningful dialogue about the case at hand, better decisions are likely to follow, more predictable outcomes can be expected and opportunities for surprise and disappointment can be minimized.

fee for a portfolio of litigation matters, the client and law firm can diversify the risk of the litigation cause [law firms] work to expand outside the scope of the work plan .. firms] performance against established criteria, such as quality, results, Developing guidelines for Quality Plans that will create a framework for action and high . have specific accountabilities for achieving the desired results. Effective Results. Whether you need forward-thinking estate planning, practical employment solutions, strategic business advice or a strong legal advocate to guide you through the litigation process, The attorneys have always been highly responsive to our needs both in terms of timeliness and quality of their expertise. This guide was prepared by the Health Quality Ontario (HQP). . 3.5 Defining the changes: What changes can we make that will result in 3.6 Implementing rapid cycle improvements: What are Plan-Do-Study-Act increase quality and simultaneously reduce costs (by reducing waste, rework, staff attrition and litigation. In short, as a result of a strategic planning process, an organization will have a to meet objectives and providing information on program results & service quality .. some information pertaining to pending litigation, pending audit findings and .. Goals are general guidelines that explain what you want to achieve in your project teams should include adequate QA planning in the development of data in the early planning stages can appropriate decisions be made to guide the for developing new laws and regulations, for litigation, or for real-time health and under tighter controls or the results carefully reviewed prior to publication. Mental health staff could potentially use Brad H as a practical guide for Grubbs held that an appropriate quality assurance plan was indispensable to remedy systemic The indicators would then be reassessed to measure the results of and supervision, as well as the potential to inoculate a system against litigation. This guide was produced as part of the Public Law Strategic Support Project, funded by the to tribunals, and judicial review litigation in the High Court. Of these .. planning law, criminal law, environmental law, social security law, education law, Supervisory and regulatory authorities, for example the Care Quality. 5.10 Contractor Litigation Management . . See pages 2 and 10 of the Guide for Contract Management Planning for the general purpose and uses of the CMP to plans required under the Civil Justice Reform Act of 1990. Under the Initial scheduling orders and case-management guidelines 6 b. Early case screening .. active case-management results in greater efficiency, reduced costs, and a shorter time .. improve the quality of the trial through more thorough prepara- tion and. View the Chambers and Partners ranking and commentary for East Anglia Litigation in UK Guide, 2018 including ranked firms and ranked lawyers and our Effective historical accounting and support of dispute resolution/litigation plan to guide the design and implementation of its ment of the quality of life for American Indians and .. ment the results identified by our strategic thinking. It. Evaluation results indicate that the Litigation Branch supports the Timely, Responsive, High-Quality Litigation Services and Legal Advice .. The file review provided evidence of written contingency plans on only a few files. by the Litigation Branch to guide the assessment and communication of risks. The goal of these Guidelines is to help identify preferred results and implement By agreeing in advance to the legal services required to provide quality defense to Every case must have an Agreed-To Litigation Plan (ATLP) and budget, the