

Outside Counsel Management

Posts on LawDepartmentManagement Blog

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The starting point for an outside counsel spending matrix and analysis (05/28/05)

Here's what to do to start analyzing your outside counsel spending. In a spreadsheet, list down the first column all the law firms you paid during the past three years. Next, create a column for each area of law that has significant outside counsel spending: litigation, patent and trademark, finance and SEC, commercial contracts, regulatory – whatever are your company's costly areas. Enter the amount you paid a firm for an area of law it serviced. In the column to the immediate right of each area of law, show how many matters the firm handled. Sort the data in descending order of total payments to the law firms.

If you have that three-year data, you have a pretty good picture of your spending, and you can begin to analyze of how well you are concentrating your spending, evaluating law firms, selecting firms, and managing them.

Hiring partners only (05/30/05)

Does it make sense to hire only partners? Here's a man bites dog tale. The General Counsel of a small insurance company, with four corporate lawyers and a larger number of claims staff, stated publicly that her policy was to retain the services only of law firm partners. Partners only?

For most law departments, this recipe would taste terrible. Economics would sour it. If, however, you primarily seek experienced counsel from the lawyers you hire (frontal lobes), rather than an extra resource (arms and legs), she has made the right decision; turn to a busy veteran partner for cost-effective legal advice.

Conflicts of interest principals for law departments regarding law firms (05/30/05)

In 18 years of consulting to hundreds of law departments, I have yet to see a formal statement of rules to determine whether a law firm is in conflict with the company. The common coin enjoins law suits brought against the company retaining a firm. Beyond that, I suspect that constitutional-like statements of principles, if even those, come into play. For example, is every adversarial proceeding a law suit? What about filing a bankruptcy claim against a subsidiary? How recently must a law firm have represented a company to conflict it out? What if the conflict-creating partner has left the firm recently? Can the firm represent a potential litigant and then withdraw if a summons and complaint is filed?

I am no expert in the area of conflicts. [See my post of May 1, 2005 (5) on Freivogel and conflicts.] I suspect that conflicts are almost always situationally-defined and law departments operate on contingency principles. For that reason, when it comes to determining conflict situations, they are not civil law but common law.

Lists of approved outside counsel – necessary but not sufficient (05/30/05)

A 2002 study commissioned by Lex Mundi (conducted by Altman Weil) found among an international group of law departments that “one-third of all respondents maintain a list of approved outside counsel for work performed domestically.” Unsurprising, but to what end?

No one has compared legal spending as a percent of revenue across a group of law departments that have an approved counsel list to the same metrics for a comparable group that maintains no list. Until we know whether a list helps manage costs, we can only surmise.

I believe it is necessary for well-managed departments to identify firms that will be expected to handle certain kinds of matters, absent unusual circumstance. To be sufficient, however, the department needs to enforce the use of only approved counsel; it needs to review the list periodically; it needs to prune the list; and it still needs to deploy cost-control strategies with the approved firms. {id=4929582}

Involvement of the general counsel in selecting outside counsel (05/30/05)

For major matters such as class action defenses, acquisitions of public companies, and significant SEC filings, the top lawyer – the chief legal officer – typically approves which law firm to hire.

But when a 2002 study commissioned by Lex Mundi (conducted by Altman Weil) reported that in an international group of law departments 92 percent of “chief legal officers or general counsel select or direct the selection process of outside counsel” my inner skeptic twitched.

In law departments with more than, say, 20 lawyers, the head litigator or IP lawyer or employment lawyer often hires firms without consulting the general counsel. For the largest portion of work done by outside counsel matters little to the top lawyer.

This is not to say that the general counsel avoids ultimate responsibility for retention decisions (instructing firms, as the British say). It is to say that most decisions pass by fairly routinely – especially since many firms have a stable of go-to firms or a list of approved counsel [See my post of April 18, 2005 on British panels.]. {id=493172}

Law firm associations compared to sprawling, international firms (05/30/05)

Law departments can hire local firms in different countries, they can hire a large firm with foreign offices, or they can turn to a law firm that belongs to an association that has international members. A report three years ago by one of the largest of such associations, Lex Mundi, listed eleven other groups – not surprisingly, all of whom lagged Lex Mundi among a group of international law departments in name recognition.

The eleven, in descending order of recognition levels, were AM LF Association, Interlaw, Interlex, Meritas, Pacific Rim Advisory, State Capital, Multilaw, TAGLaw, US LF Group, Terralex, and World Law Group. {id=4932184}

Cost Control -- procurement creeping In (02/20/2005)

Having recently worked on a project where the company's procurement staff became involved, it has struck me that more and more of the procurement mindset will force itself on law departments as they retain outside counsel. Procurement likes process, low cost, electronic retentions (by which I mean auctions), evaluations, consolidation -- all ideas that may be anathema to some law departments. Procurement thinks large-scale and they think small scale, unit costs for example, and these are views that law departments, with their bespoke hiring practices, never consider. The tectonic clash will continue between purchasing agents and lawyers.

Concentrate spending instead of converging law firms (03/24/2005)

During a year, the total number of law firms a law department paid matters less than the concentration of its spending. If a department moves from 200 law firms to 100 law firms but distributes its spending evenly among those 100, it has missed an opportunity to improve. If the department converges from 200 law firms to 150, but pays the five firms paid the most 75 percent of its spending, then it has an opportunity to explore with those firms alternatives to hourly billing and other cost-saving efforts. The key idea is not convergence but rather concentration.

When seeking to control outside counsel costs, a misguided step is certainly step-wise rate reductions. With such a reduction scheme, a law department gets larger rate reductions the more it spends on a law firm. It sounds plausible as you are getting volume discounts at increasing levels. The disadvantage is that the law department may find itself pressured to give work to a firm in order to reach higher discount levels, rather than because the firm will do the best job on the matter. Discounted rates on of average quality work gains nothing.

A modest proposal to improve law firm budgets on matters (03/24/2005)

The problem with budgets prepared by law firms for a specific matter is that the law firm will quite commonly (and naturally) budget high. The firm gains nothing if it submits a lean budget and later has to explain why costs rose above the budget.

Theoretically, in-house counsel can pry into a somewhat padded budget with a gimlet eye and reduce it, but that causes ill feelings and no inside lawyer looks forward to that operation.

Here's the modest proposal – three actually. Have two firms, each capable of doing good work, submit budgets for new matters and go with the lowest. Over time, assuming no collusion by the firms, you can judge results and have some assurance that the selected budget was the more appropriate.

Alternatively, let one of the firms submit a budget and give the other one a few days to decide whether it would work under the terms of that budget or not. This gives a little market insight into the perspicuity of the submitting law firm. If the first budget is generous, the second firm will leap at it; knowing this, the first firm will try to submit a realistic budget figure.

The final suggestion: over the course of a number of matters with a firm that budgets, do 50 percent of the matters complete below budget and 50 percent above budget? If a high proportion come in under budgets, it is likely that the initial budgets were inflated.

These are simply ruminations. I do not know of any law departments that have taken these approaches to budget accuracy.

Reducing the number of firms usually means increasing size and cost structure (03/29/05)

The Wilmington-tsunami – the convergence initiatives that reduce the number of law firms retained by a law department, which DuPont so skillfully publicized – has an almost inevitable side effect: leaving higher cost firms.

If a law department chooses to find a single firm to handle matters in an area of law, say environmental, it will be tugged toward retaining a larger firm than if it stayed with several providers. The siren song of a firm that can handle the spectrum of environmental needs favors larger firms, which – all things being equal – charge higher hourly rates. The higher rates follow from more infrastructure, layers of management, higher compensation expectations, and larger matters.

On the other side of the ledger, larger firms can price services lower than can smaller firms because they can spread the risk over more matters and can accommodate more changes in how they handles matters, such as with technology, systems, delegation, and hiring.

The likelihood remains that law departments trade having fewer firms for paying those remaining preferred providers higher hourly charges.

Weed-whacking litigation costs: arbitration clauses, staff, digest transcripts (03/29/05)

The law office of Vincent DiCarlo posted a short piece entitled “how to reduce the high cost of litigation” (www.dicarlolaw.com). All the advice mows down the weeds of excess litigation costs, but a few seemed especially cutting edge.

On the bugaboo of wasteful staffing, DiCarlo offers a rule of thumb: “If you have more than one lawyer and one paralegal regularly working on your case, and the litigation is unlikely to result in a judgment of more than half a million dollars, you should ask your lawyer about staffing.” Sounds like good guidance to me. I wonder if anyone has looked at total billers in relation to the plausible judgment range; does two per half million dollars or so sound plausible?

Use customized arbitration clauses, says DiCarlo, and explains clearly in two pages why they are so flexible and effective.

DiCarlo slashes at the weed of digesting transcripts in an era of powerful text-searching software. Digests cost wads of money but can’t beat search software. (I wonder if the brain of John Henry sometimes can outdo the machine of search engines.) Another cost saver concerns calculating the difference between the trial value of a case and its settlement value.

Some of DiCarlo’s more substantive recommendations I can’t evaluate: for healthy and friendly witnesses, use written statements instead of depositions; answer instead of demurring; don’t seek preliminary relief unless you need it, have a good chance at success, and deem the cost worth it; and purge your complaints of fanciful causes of action.

How should law departments respond to a merger by one of its primary firms? (04/02/05)

One of your major law firms has announced that it is merging with another firm. Your first reaction might be, “Why did I read about the merger, instead of being advised in advance?” Let that flicker die down, and consider two other questions.

The first call should go to the relationship partner, to find out how he or she foresees the merger affecting service to your company. Will that person remain? Will that person have control or influence over the associates and paralegals who have been doing the work? Will the office locations remain? Will the economic arrangements hold?

The next question should concern conflicts of interest that might scratch the finish on the existing relationship because of the other firm's clients. At the simple level, the conflicts search will look for direct competitors; the next level considers issue preclusion. Worst case, the client of the other firm prevails on a conflicts debate and you end up no longer represented.

It will take time to get answers to these two fundamental questions, but until they are satisfactorily met, the relationship needs to be held somewhat in limbo.

Average of 30 minutes to complete government's non-litigation budget form (04/05/05)

The Federal Deposit Insurance Corp. (FDIC) uses a "Non-Litigation/Transactional Budget Form" [FDIC 5000/26 (11-00)]. Its two pages ask firms serving the FDIC for fee rates by timekeeper, a description of the matter, and a breakout of fees and expenses by "action". Actions include research, review, negotiation, drafting, advice & consultation, non-judicial foreclosure, and other. Quite straightforward.

What caught my eye was the fine print at the bottom of the second page. Under the heading, "Disclosure of Estimated Reporting Burden," the form advises that the "Public reporting burden for this collection of information is estimated to average 0.5 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed and completing and reviewing the collection of information." (emphasis in original)

This Orwellian government pronouncement – plain English translators would write: "It should take an average of 0.5 hours to complete this form, including...." – makes me laugh. Thirty minutes for everything associated with describing a new matter and establishing its budget. That can't be correct, because completing IRS Form 1040 takes only 0.67 hours!

Lackluster response levels by law firms to requests for proposals (04/05/05)

ACCA/Serengetti's 2004 Managing Outside Counsel Survey states (page 10 of the Executive Summary) "law firm responses to requests for competitive bids remain at a low level, an average of less than two responses for each request for proposals." A stunning finding, from my experience.

I have helped six law departments conduct a total of eight large-scale competitive bids. With each, at least six law firms received the RFP and four or five of them responded. If the law departments providing data to the ACCA/Serengetti survey were representative, and if they sent their RFPs to an array of firms, I cannot understand why they received on average fewer than two proposals. Now, if they sent the RFP on average to three firms, the small reply rate makes sense.

Firms eagerly seek opportunities to compete for work, especially sizeable bundles of work. Law departments always know a handful or more of capable firms that could handle the department's work. Put the two facts together and the response rates to a well-run RFP process ought to be well over half of the recipients.

Compare the billing rates of your key firms to those of peer firms (04/08/05)

Since most invoices from law firms are based on hourly billing rates, corporate law departments should consider studying the rates they are paying.

Take the five law firms you paid the most in the past year. From each of them record the hourly billing rate of the five lawyers who billed the most hours, keeping in mind that you want data from several different matters. Compare those billing rates to average billing rates as provided by third-party surveys. Although not precise, this analysis can at least show you where your preferred firms stand in terms of their hourly billing rates.

Difficulties with evaluating outside counsel (04/14/05)

It's just not caught on, the admirable notion of evaluating outside law firms. It seems very worthwhile, certainly to consultants, to formally assess the performance of law firms, but the law departments of our country have never acquired the taste.

There are several reasons for the reluctance. Often, a particular law firm is only used by one lawyer, so no collective evaluation is possible. Second, law firms do not stay the same. Associates come and go; offices open and close; partners move into different areas. What's the use of evaluating a moving target? Third, some of

Finally, even if a law department perseveres, it must still act on the evaluations for the effort to have been worthwhile. We all know how difficult it is to convey critical evaluations, and this drawback dogs evaluations. My hunch is also that law departments are unwilling to put candid comments in writing, let alone in a database, lest its secrets somehow slip out and cause embarrassment.

A common outside-counsel budget challenge – adjustments (04/14/05)

Even though the responsible in-house lawyer has approved a budget by a law firm handling a matter, there remains the possibility of the law firm wanting to revise the budget. Here are some ideas for analyzing budget modifications.

Thoughtful budgets should state the most important assumptions grounding the budget. What events, in other words, cause the budget to be what it is. Modifications to the budget, presumably, arise from a circumstance that was not covered by the assumptions. A law department could track the accuracy of the assumptions made by a law firm, rather than focusing entirely on the budgeted spending. All things being equal, a firm that

consistently takes into account most of the likely occurrences that buffet a budget brings more value – and more realistic budgets – than a firm that overlooks foreseeable events.

For major matters, the law firm might state not only the assumptions, but also their range of variance. Of the total budget, a given assumption could change the range from 5 to 10 percent, that assumption is less of a cost driver than another assumption that has a range of 30 to 50 percent variability. Thus, to pay closest attention to the events that might cause the largest swings in a budget, have firms give key assumptions and their the range of variance.

A minimum amount necessary for competitive bidding (04/14/05)

If a legal department faces less than \$500,000 of spending for the foreseeable future, covering a cluster of related legal work, it doesn't make sense to undergo a competitive bid among law firms to handle that work. It takes time and effort to consummate a competitive bid. The outcome may well be traumatic for several law firms, upsetting long-standing relations. For the reason that any change brings risk, unknowns enter the process and make it less desirable. One can always be second-guessed for deviating from the status quo.

For all these reasons, set against the likelihood that your savings would be on the order of 10 to 15 percent of the fees, I propose the approximate threshold stated above.

To tackle law firm billing, grasp the firm's compensation system (April 18, 2005)

Recent research has found that "lawyer compensation and client billing practices are inextricably connected." This quote from a brief summary of a paper presented by Huseyin Leblebici (Univ. of Illinois, Champaign Urbana) at a 2003 conference run by the Clifford Chance Centre for the Management of Professional Services Firms (Said Business School, Oxford – www.sbs.ox.ac.uk), points us to a little discussed tactic.

If you want to change the billing culture of one of your law firms, you must grapple with the way the firm compensates its partners and associates. I have not heard of a law department that peered this far into the bowels of billing (although I know of a pharmaceutical company that toyed with limiting the profit margin of its primary law firms), but the quest makes sense. If, for example, the distribution of a partner depends mostly on individual fees collected, a law department stands little chance of setting up fixed fee arrangements with that partner, for the reason that they emphasize profitability, not profligacy.

British "panels" and American "preferred law firms" (April 18, 2005)

Many British companies have selected "panels," small groups of firms that handle a company's legal work in certain areas, such as commercial, litigation, environmental, or

human resources. For example, the British bank, Barclays, has 37 law firms on its UK-based panels.

According to an article in the *Financial Times* (April 14, 2005), “a position on such a panel guarantees a certain amount of work and so is highly prized by law firms.”

US law departments that narrow their list of preferred counsel, this country’s panel equivalent, do not typically guarantee those firms any volume of fees. But if the work comes to the department, the firms enjoy something akin to a right of first refusal.

Law depts: attitudes toward hiring the 30 behemoth firms with 1,000+ lawyers (April 18, 2005)

Legal departments that follow the Pied Piper of convergence, that stop using many law firms and funnel more work to the remaining firms, inevitably find themselves attracted to larger law firms. Larger firms can handle a broader array of services and dig deep into the specialty depths of their lawyers.

Recent research by Hildebrandt International found that two law firms have 3,000 or more lawyers; four firms boast 2,000 to 3,000 lawyers; and 24 have 1,000 to 2,000. Of these firms, which are increasingly hard to identify as citizens of a particular home country, 16 are primarily US; 6 UK; 2 Australian; and 1 French. Three are bipolar between the UK and the US; one is far-flung Baker & McKenzie; and one is Freshfields with its German part.

In my experience as a consultant, lawyers in law departments do not say, “Let’s hire X firm because it is one of the 30 largest firms in the world.” They say, “Let’s hire Y partner, who happens to be at one of the 30 largest, but it’s Y’s experience, style, and brains we want – not the brontosaurus behind her.” Yet steroidal firms keep bulking up, so law departments must be hiring them.

Budget only as far as your headlights can shine (April 27, 2005)

During a recent web conference hosted by Foley & Lardner, Litigation Counsel of Cummins, Miguel Rivera, shared his experiences with budgeting. Cummins has selected regional counsel, one counsel for each of 12 regions, and their relationship partners sit each quarter with Rivera and the Cummins lawyer responsible for the firm’s cases. The firm breaks the budget for each case it is handling into phases.

Quarterly revisions together with face-to-face meetings keep the budget period to a reasonably predictable and manageable length. Law departments shouldn’t expect semi-annual budgets, let alone annual budgets, to shed much light on reality. Keep budgets to the foreseeable, near-term future – quarterly makes good sense – and you will stay on the road to cost-control success.

ROI from proprietary bill review services and products (Allegient Systems) (May 1, 2005)

A white paper by Allegient Systems dated Sept. 2001 (www.allegientsystems.com) states data for five years of its reviewing outside counsel bills. In the most recent year (2000), the firm reviewed 271,200 invoices totaling \$648.3 million dollars (fees plus disbursements). The net savings the company claimed came to \$70.4 million.

With the stated cost of all that reviewing and processing being \$13.6 million, the return on investment for the law departments was \$5.19 saved to \$1 spent.

I cite these numbers to ask three questions: (1) Don't law firms learn fairly quickly how to comply with the rules and scrutiny of such a system, so the savings the next year – *ceteris paribus* – will decline? (2) Of the "savings" identified by the system, what percentage of them did the law department enforce, or is that figure the actual reduction in amounts paid on all the invoices? (3) How did the vendor charge for its services, \$13.6 million (for example, based on savings, invoices reviewed, hours worked, or on some other determinant)?

External counsel and five conflict of interest puzzles (May 1, 2005)

Corporate law departments that confront a conflicts situation with outside counsel should turn to *Freivogel on Conflicts* at www.freivogelonconflicts.com/new_page_36.htm. Each of the seven situations discussed by Freivogel sounds very plausible; here are five:

- (1) a boutique you retain insists on your waiving in advance any conflicts that might arise after the current matter ends;
- (2) a firm you currently use has sued a one of your subsidiaries [periodically send your firms an updated list of corporate affiliates];
- (3) an associate you have used leaves the firm and joins another firm, one that is suing you;
- (4) you find yourself in a dispute over a contract that external counsel drafted, and have to decide whether to use that firm to handle the dispute; and
- (5) before taking part in a competitive selection, one of the firms asks you to sign a letter stating that you will not disclose any confidential information during the interview and that the firm can oppose you in the matter if you do not select them.

The "Dark Side" of partnering with key law firms (May 1, 2005)

The curmudgeon in me chafes at the over-use of "partnering." Law firms and law departments cuddling up and sharing goals and scratching each other's synergistic backs causes tears to well up at conferences and in fawning articles – but I have doubts. So does an article in *MIT Sloan Mgt. Review* (Spring 2005 at pg. 75) entitled "The Dark Side of Close Relationships."

“Relationships that appear to be doing well are often the most vulnerable to the forces of destruction that are quietly building,” the article intones. It describes how these destructive forces build: short run benefits work at cross purposes to long-run strength (for example, discounted fees by the firm repel the best associates); strong, trusting relationships spawn cheating (the go-to firm starts cutting quality or over-billing the credulous law department); and unique processes and adaptations bring rigidity (for example, the vaunted extranet stunts other useful technology links).

To keep Luke Skywalker Department from the Dark Side, the authors suggest several precautions, including (1) evaluating older relationships (a possibility is changing relationship partners every few years); (2) develop backups – which puts pressure on efforts to converge law firms; (3) “take mutual hostages”, such as investments in joint training, joint hiring, knowledge management, and shared paralegals such that firm and department will lose if the partnering relationship sours; and (4) establish common goals, such as balanced scorecard metrics.

Smart law firms, paltry innovation, but who’s to blame? (May 4, 2005)

Forty five Chief Legal Officers located in Europe were asked by Altman Weil, the Association of Corporate Counsel and the Practical Law Company “What is the single most innovative practice proposed or used by your outside counsel in the last twelve months?”

The most common answer was “none” -- only 10 even named an innovative practice, such as “e-learning compliance tool,” “document management” (far from the madding crowd!) and the radical “volume fee reductions” (Innovative? What does this say about the law department?).

The sad truth: law firms don’t rock the boat, they don’t feel the need to try new ways of serving their law department clients. Sadder still: law departments do not insist on creativity or reward it or experiment with it.

Frequency of depts. “firing” law firms (2004 Eur. In-House Counsel Sentiment Surv.) (May 4, 2005)

A question on a recent survey asked “Have you fired or are you considering firing, (sic) one of your law firms this year?” Fifty-four percent of the respondents answered “yes.”

As I thought about this finding, published by Altman Weil, the Association of Corporate Counsel and the Practical Law Company based on responses by “45 Chief Legal Officers located in Europe,” I paused long at the ambiguity of “fired.” Firing’s a dramatic ax, a climactic severing of a relationship, the reasons for which the survey found to be equally “cost management issues” or “quality of legal work.” I suspect those were choices from a list.)

Is this factoid surprising; is it legitimate? How ephemeral and subjective is “considering” firing a firm for being costly or incompetent? None of us ever consider, for example, chucking our job. How much was the fired firm paid in the previous 12 months? Could it be the small fry got fried? What lawyers say that the X firm was too expensive, when the truth is that the new GC favored Y firm? Can you fire one partner but keep working with another partner in the same firm? The pseudo-statistic melts in the firing.

NAILM, litigation management and bad blood with insurance defense firms (May 4, 2005)

In August 2002, Michael Boutout, writing for the National Association of Insurance Litigation Management (NAILM) – is it actually pronounced “nail ‘em”?, cited a “recent poll conducted of more than 100 insurance defense firms.” These law firms “felt they were consistently getting the short end of the stick when they entered into relationships for litigation management.” So much for partnering [See my posting of May 1, 2005 taking partnering to task.]

“Litigation management” in this context covers all the ways insurance carriers have tried to reduce costs of their retained counsel, such as guidelines, task code billing, auditing, benchmarks, unbundling, expense strictures, and other stratagems. Boutout noted that “more than 90 percent of these firms recognized a serious decline in relationships due to [litigation management].” The piece did not further explain these survey findings – www.irmi.com/Expert/Articles/2002/Boutot08.aspx.

Prompt payment doesn’t inspire cost consciousness in law firms, even with discounts (May 4, 2005)

Many law departments have toyed with improvements to their billing processing that allow them to pay invoices quickly. In return for receiving payment within five days, or some other time shorter than the customary 30-45 days, law firms supposedly discount their fees by two, three or four percent.

Other than during a firm’s end-of-year paroxysm of collecting all it can, quick payment means relatively little to firms. They grant the discount to keep the client, not because they make it up on the interest from the quicker-arriving funds. And this leaves to one side the obvious fact that prompt payment discounts do not change the economic forces driving a law firm’s billing amounts. [See my April 18, 2005 post on law firm compensation systems.]

In the future, will two score huge, international firms remain? (May 10, 2005)

An article in the *ABA Journal* (May 2005 at pg. 30) quotes the managing partner of Reed Smith, who “can foresee a time when there will be 30 or 40 major international law firms that are working with most of the major business organizations in the world and in most of

the major markets.” That would be dreadful. [See my post of April 18, 2005 on behemoth firms.]

Firm size correlates with billing rates. [See my post of March 29, 2005 regarding convergence and law-firm costs.] Gargantuan firms with huge overhead will always leave room for nimble, less expensive firms. Conflicts of interest, too, will hamstring the Godzillas, unless they monkey around with the rules.

Budgets of law firms – crucial and more frequent in the final weeks of a law suit (May 20, 2005)

A recent item made the point that the burn rate tends to soar in the period just before trial. [www.mondaq.com/article/asp?articleid=31137&hotopic=1] If a law department insists on budgets from its litigation firms, Russell Barron of Foley & Lardner urges the responsible in-house lawyer to ask for more frequent budget updates during the final frantic march to the courthouse. All-nighters, precautionary research, dragooned staff, fatigue and stress all contribute to the concluding bubble of expense.

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