



Planning to Win!

Creating a Successful Litigation Management Department in Your Firm

Commonwealth Legal Conference

Presented by Alice E. Burns

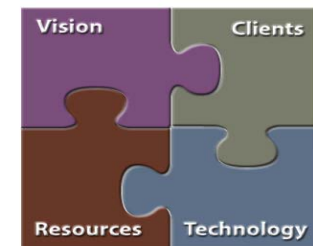
September 29, 2006



Presentation Agenda

- Creating a Litigation Management Department
 - The Firm's Vision
 - The Firm's Clientele
 - Risk Management Issues
 - Technology Issues – Hardware & Software
 - Litigation Services Organizational Structure & Staff
 - Litigation Department Considerations
 - Benchmark, Peer Comparison & Industry Trends
 - Making the Business Case

- Wrap Up





Creating a Litigation Management Department: Setting the Stage

Setting the Stage

- What is the vision for the “Litigation Services” Department?
- How does the Department fit within greater Firm litigation vision?
- Is your technology lagging the industry?
- Is the state of your “Litigation Services” Department staffing and structure adequate to meet demand?



Firm's Vision for Litigation Practice

■ Define Achievable Goals

- Where do litigation and litigation support fit within the Firm's business goals and strategies?
- How many resources does the Firm want to invest – time, personnel, network/computing resources, money, energy, etc.?

✓ Achieving these goals will require considerable effort and time, but note that technology and the Department staff are only one piece of the puzzle.



Client Requirements and Expectations

- Client expectations may drive the Firm decision-making process
- Increasingly, client relations are affected by a firm's technology strategy and level of technology expertise
 - Clients may or may not select the Firm to act as counsel based on these factors
 - Client relations may suffer if the Firm provides inadequate technological advice, particularly in cases with large e-discovery components
 - Clients want or may expect counsel to assist them in reducing the costs of litigation and e-discovery



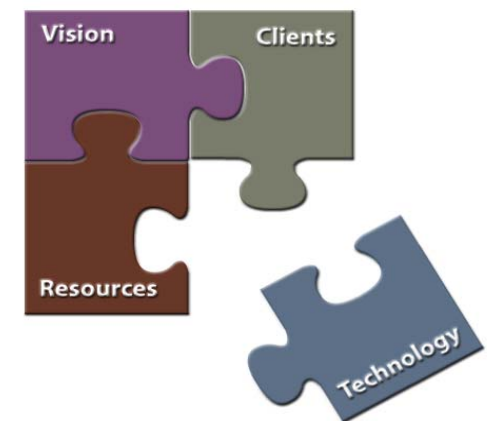
Risk Management Concerns

- Are there certain services Firm personnel simply should not provide?
- Reducing the Firm's risk relative to the services it does provide
- Security and ethical wall issues
- Privacy concerns
- Records management, retention and archiving issues
- Business continuity and disaster recovery issues



Technology Position within the Industry

- How does your Firm compare to peers
- Have Firm software and hardware purchases kept pace with industry trends and practice group requirements



“Litigation Services” Staff and Organization

- Are your “Litigation Services” staffing levels adequate
- Does your current “Litigation Services” Department structure need to be re-tooled



Litigation Department Considerations

Litigation Department Considerations

- The Litigation Practice Areas
- Legal Requirements
- Legal Team Requirements
- Client Requirements
- Resource Considerations
 - Staffing Issues
 - Training Issues
 - Finance Issues
 - Logistical Issues
- Technology – Hardware and Software



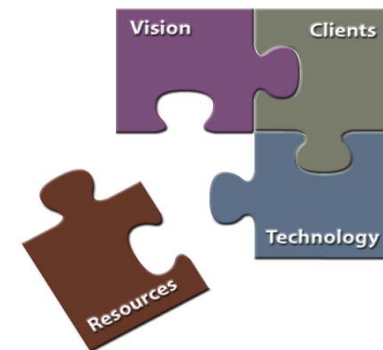
Litigation Department Considerations

- Different practice groups/teams handle different types of cases/matters
- Data management requirements will be different depending on the clients and their data, the cases/matters being handled, and the differing evidentiary requirements
- Different practice groups/teams prefer to handle their cases/matters in ways that reflect different and often idiosyncratic workflows
- Define future and on-going roles and responsibilities, mission, goals, and deliverables in line with Firm's litigation goals and strategy for advisory groups



“Litigation Services” Functional Requirements

- Vision
- Operational Policies and Procedures
- Personnel Management
- Training
- Hardware
- Software Support
- Vendor Management
- Department Marketing and Business Development
- Network & Security
- Consulting
- Trial Support

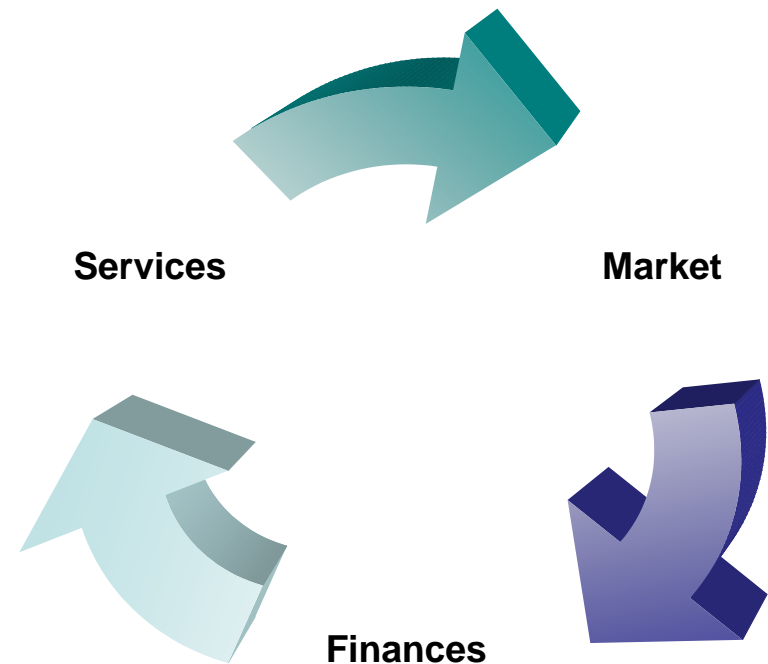


“Litigation Services” Management Core Competencies

Recruiting & Performance Management	Workflow	Leadership	Mentor/Coach	Department Operations
Makes employment, promotion, and termination decisions; conducts salary reviews	Delegates work to staff according to their level of skill and experience.	Skilled at representing own staff positively to Firm, Firm’s clients, and within the industry.	Encourages open expression of ideas and opinions; builds trust and commitment among staff.	Provides vision and strategy for growth of the Department.
Conducts performance assessments; coaches and counsels staff by consistently providing feedback about job performance and opportunities for improvement.	Uses creative problem solving, decision making, conflict management, and persuasion skills in dealing with complex issues.	Establishes rapport with others; fosters team spirit and cooperation with clients and within Department	Motivates and develops employees in order to retain staff.	Assesses and recommends litigation support technology improvements.
Selects staff using predetermined criteria based on job requirements and organizational needs.	Proactively seeks feedback from others to improve work processes and levels of service.	Facilitates timely and high-quality information and services based on “voice of the customer” input and analysis	Promotes a constructive environment where staff learns from mistakes and benefits from “been there done that” approach of others.	Provides input and recommendations regarding Department budget needs.
	Creates an environment where timely and high-quality information flows smoothly and effectively among staff.	Uses consensus-building tools to resolve issues.		Interprets and carries out Department and Firm policies.
	Initiates, communicates, and manages change activities.			

Litigation Support Staffing: Considerations

- Services to be provided by the “Litigation Services” Department
- The current state of the litigation support marketplace
- Billing and other financial issues



Litigation Service Offerings

Databases and Database Management	Discovery and E-Disclosure	Trial Support	Training
Database design, data and image imports/exports, etc.	Data collection, harvesting	Pre-trial (not including graphics)	Attorneys
Scanning	Data processing (e.g., prep, formatting, filtering, culling, de-duplication)	Trial site setup/breakdown	Paralegals
Coding	Online review and hosting	Graphics, trial presentations	Litigation Services Staff
Document productions: Bates numbers, labels, redactions, conversion to TIFF/PDF, burn CDs/DVDs	Production	In the courtroom	
Transcript management	Consulting and Project management	Pre-trial (not including graphics)	

Benchmark, Peer Comparison & Industry Trends

Benchmark, Peer Comparison, and Industry Trends

- Software
- Hardware
- Service offerings
- Organizational structure and staffing
- Training



Litigation Support Software: Basic Tools

	Your Firm	Large/Leading Firms	Comments
Document database	?	Concordance, Summation	Concordance and Summation are the industry's current best of breed products
Image viewer	?	IPro, Opticon, Doculex	IPro has more production functionality than Opticon or Doculex. Opticon is proprietary to Dataflight so works only with Concordance
Transcript management	?	LiveNote, Summation	LiveNote is used by the majority of law firms
Case analysis	?	CaseMap, TimeMap	NoteMap is another CaseSoft product that can be of use in case analysis
Trial presentation software	?	PowerPoint, Sanction, Trial Director	Sanction and Trial Director are the industry's current best of breed products
Extranet functionality	?	Varies, no clear leader	eRooms are a leading edge solution

✓ How does your Firm compare?

Making The Business Case

- Only 11.7% of attorneys were using litigation support technology on cases (in 2004)

- “Is litigation support technology in your firm?” (Aug. 2006)
 - 30% yes
 - 53.2% said no
 - 17.3% didn’t know

 - Of those who said yes, **51% said they don’t use it.**

Legal Technology & News, 2004 and 2006 Surveys.

Wrap Up: Notes on the State of the Industry

- Litigation Technology Support is a relatively immature and rapidly changing function. Hence,
 - Few clear best practices
 - Many alternatives for staffing
 - Client service and financial objectives often unclear
 - Qualified people are expensive and hard to find and retain
 - Vendor quality varies between and within vendors
 - Using a “portfolio” approach is pragmatic and reduces risk
 - Role of paralegals is often unclear and not well defined
 - Fine balance between use of vendors and internal services offerings





Presentation materials download:

www.brco.com or www.commonwealthlegal.com

More information:

Alice E. Burns

aburns@brco.com or 206-795-1994

Thank you.