

REUTERS/Toru Hanai

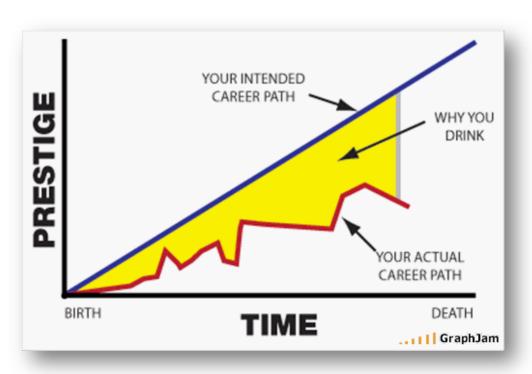
WHAT HAVE YOU DONE FOR US LATELY?

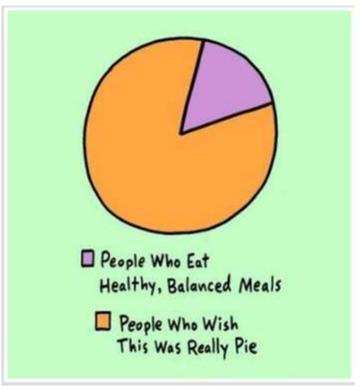
Enhanced Law Department Reporting to Management

ROBERT THOMAS, VICE PRESIDENT, STRATEGIC DEVELOPMENT BERNADETTE BULACAN, CORPORATE LEGAL SEGMENT



A PICTURE IS WORTH A THOUSAND WORDS







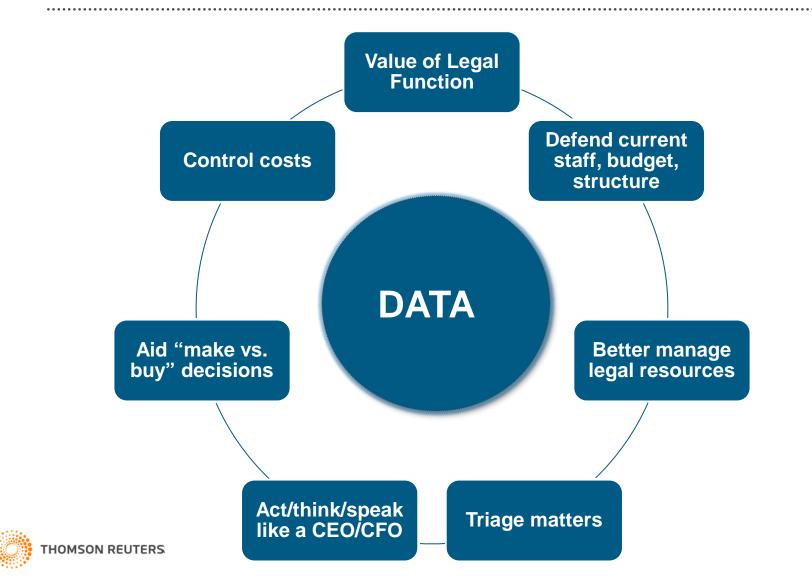
TODAY'S GOALS

- Demonstrate department's value with compelling law department management reports
 - Company's legal situation
 - Law department operations and productivity
 - Outside counsel management
- Build presentations that effectively tell your story
- Ensure current/accurate data for your reports





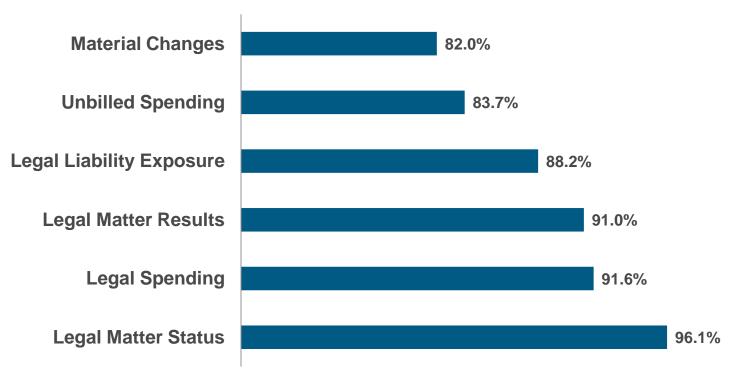
WHY USE METRICS TO MEASURE THE LEGAL DEPARTMENT?





IMPORTANCE OF DATA: WHAT KEEPS YOU UP AT NIGHT

Most Common Reports





TAILOR REPORTS FOR DIFFERENT NEEDS & AUDIENCES

SEC/ Regulators

Board

Board Committees

Senior Management

Business Mgmt./ Legal Team

Compliance/General/ Litigation/IP

External Auditors

Investor Relations Shareholders

Ratings Agencies





COVERING THE LEGAL LANDSCAPE

CATEGORIES	HISTORICAL	CURRENT	TRENDS/ PREDICTIONS	BENCH- MARKS (internal/ external)
COMPANY LEGAL SITUATION				
LAW DEPARTMENT OPERATIONS				
OUTSIDE COUNSEL MANAGEMENT				



COMPANY LEGAL STATUS: ANSWER STRATEGIC QUESTIONS

- What are the significant changes in our inventory of legal work?
 - What factors are driving these changes?
- What are the key changes in our legal spending?
 - What are the primary causes?
- What are the latest developments in our most important matters?
- What are the key developments on the horizon?





COMPANY LEGAL STATUS: MULTIPLE DATA POINTS BUILD THE PICTURE

	<u>MONTH</u>	<u>YTD</u>	<u>2011</u>
Total Matters	595	-152	747
Total Spending	\$672,024	\$4,974,492	\$9,084,047
Total\$/\$M Sales	.19%	.16%	.21%
Active Litigation	12	-2	14
New Litigation	1	8	17
Closed Litigation	0	8	15
Cycle Time	N/A	199 Days	357 Days
Litigation Spend	\$367,960	\$2,960,967	\$3,642,612
Litigation \$/\$M Sales	.10%	.10%	.08%
Settlement \$	N/A	\$1,602,715	\$278,936
Patents	970	+31	939
Trademarks	272	-17	289
IP Spending	\$176,135	\$1,358,005	\$1,467,726
IP\$/\$M Sales	.05%	.04%	.03%
Trainings	7	32	21
Ethics Complaints	0	1	1





DEEPER DIVE: TOTAL SPENDING

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DEEPER DIVE: LITIGATION

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DEEPER DIVE: INTELLECTUAL PROPERTY

	<u>MONTH</u>	<u>YTD</u>	<u>2011</u>
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Trademarks	272	-17	289
IP Spending	\$176,135	\$1,358,005	\$1,467,726
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DEEPER DIVE: OTHER INDICATORS OF DEPT. VALUE

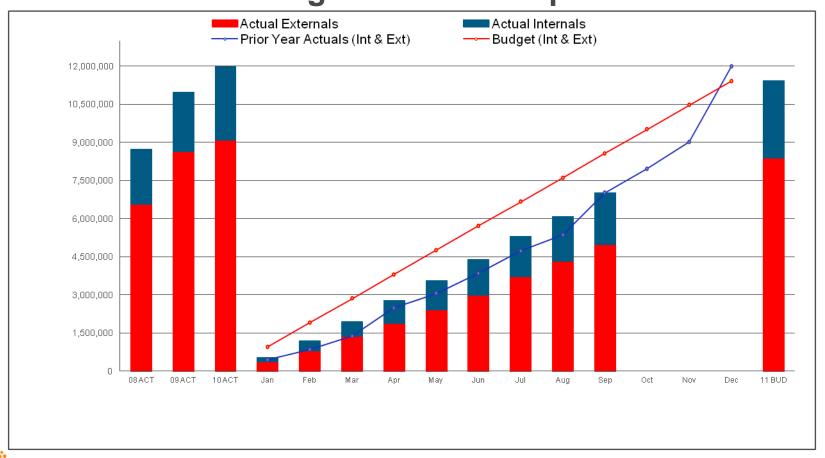
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IS OUR LEGAL SPENDING ON TRACK?

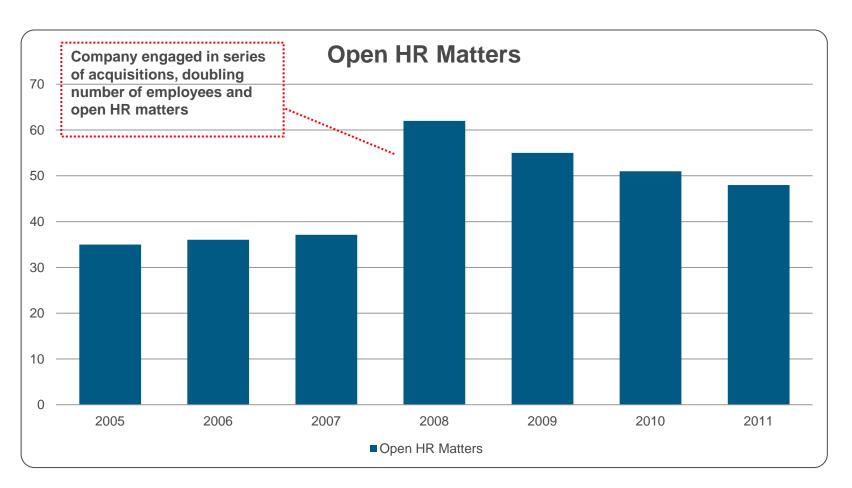
Budget to Actual Report







WHAT IS DRIVING THE CHANGES IN OUR LEGAL INVENTORY?





COMPANY LEGAL STATUS: EXPOSURE AND RISK MANAGEMENT

- What are the trends in legal exposure?
- What are the main causes?
- Are reserves/insurance coverage adequate?



WHAT IS OUR LITIGATION PROFILE?

By Division (Year to Date)

Division	Insured	Uninsured	Mass Tort	Plaintiff	Total
Corporate	0	0	1	0	1
Energy Processing	21	7	4	14	46
Subsea Production	0	3	0	0	3
Surface Production	12	1	0	0	13
Total	33	11	5	14	63

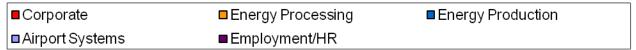
Domestic vs. International (Year to Date)

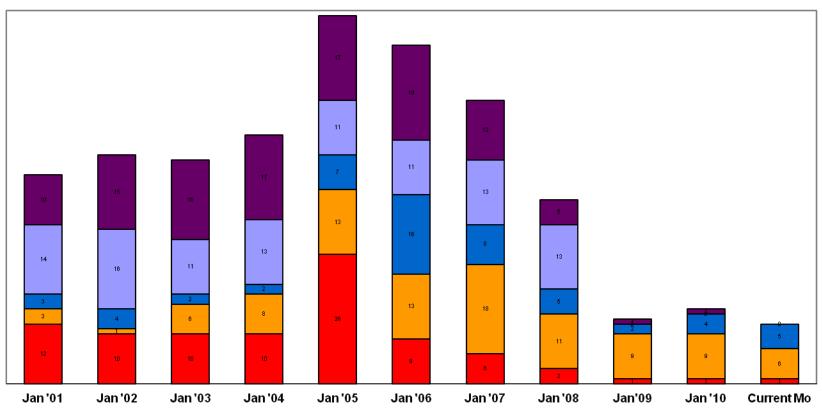
Location	Insured	Uninsured	Mass Tort	Plaintiff	Total
US	33	6	5	14	58
Non-Us	0	5	0	0	5
Total	33	11	5	14	63



WHAT ARE THE PRIMARY DRIVERS OF OUR LITIGATION?

Litigation Trends







LAW DEPARTMENT PRODUCTIVITY: OPERATIONAL REVIEW

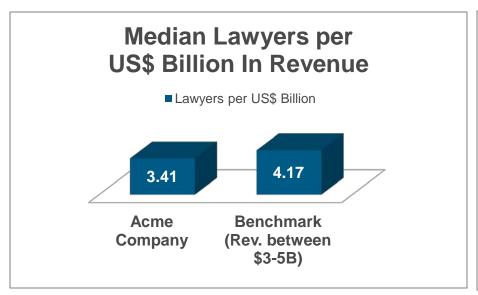
- What are the trends in headcount and internal spending?
 - Compared against company revenue?
- Allocations between in-house & outside counsel?
- How do costs compare with value (results, cycle time, etc.)?
- How is our predictive accuracy (performance against budgets)?
- How have we improved legal cost avoidance?
- How is legal complying with company-wide policies?





ASSESSING STAFFING LEVELS

• Is the number of attorneys and staff in department in line with similarly situated companies?



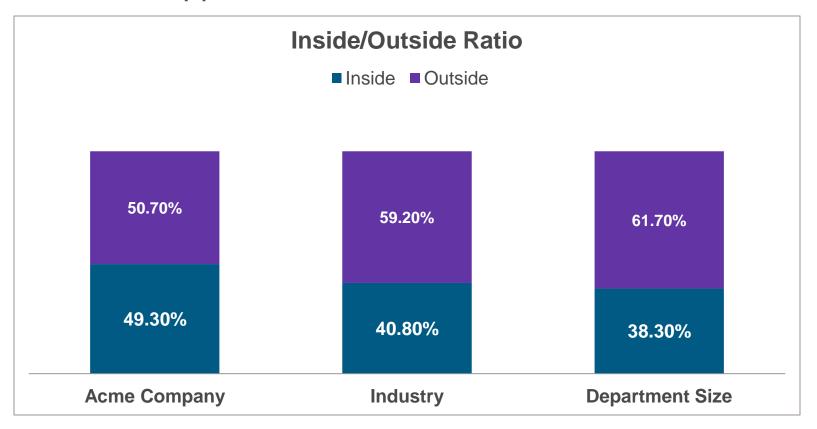




BALANCING IN-HOUSE/OUTSIDE COUNSEL SPENDING

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 How much of the legal department budget is allocated inhouse as opposed to outside law firms?

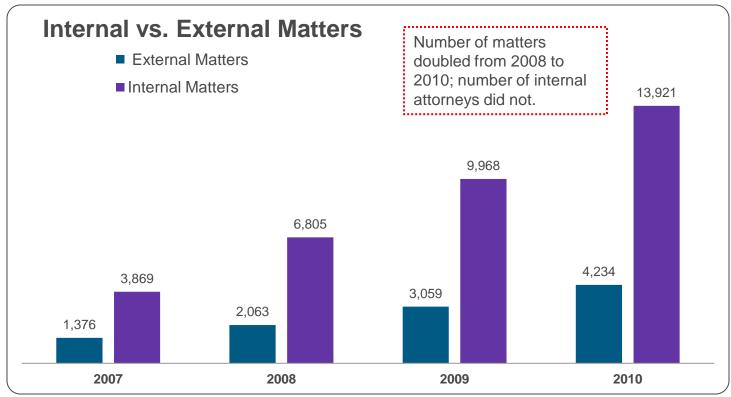




HANDLING MORE WITH SAME STAFF

.....

 Number of overall matters growing, but internal matters growing at greater pace and handled by static number of in-house attorneys





ASSESSING COST VS. VALUE OF OUTSIDE COUNSEL

Matter Resolution Detail with	No Grouping		•				
Report Criteria							
Report							
Print Report Expor	t CSV						
Matter Name ▲	Lead Co. Person	Lead Firm Lead OC	<u>Duration</u> <u>Estimated</u>	Fees & Exp % Budget	Paid % Estimate	Received % Estimate	Total Outlay Estimated
Totals: 3 matter(s)			1925 1937	\$582,765 107%	\$1,865,000 101%	\$0 0%	\$2,447,765 \$2,395,500
Averages: Show details / Hide details			641 645	\$194,255 107%	\$621,667 101%	\$0 0%	\$815,922 \$798,500
Coyote v. Acme	Admin, Acme	Shriber Handy Lawyer, Greg	644 669	\$77,812 141%	\$830,000 104%	\$0 0%	\$907,812 \$855,000
Substantive Law: Matter Description: Form of Resolution: Description of Resolution: Timing of Resolution: Date Resolved: Matter Complexity: Lessons Learned: Hours Billed by Firm: Blended Hourly Rate: Number of Invoices: Lead OC Evaluation:	Trial Decision (Estimate 05/12/2006 (Estimate Moderate Jurors in this jurisdict 214.2 \$243.56 LEDES: 9 - Non-LED 3.5 - Good choice of	iff \$830,000 in special lated: Trial Decision) ed: 06/06/2006) tion seem to have an DES: 3 outside counsel	and general	damages.	clined to punish	n corporations.	
Custer v. Acme Substantive Law: Matter Description: Form of Resolution:	Casemanager, Jeff Liability - Products Dynamite exploded a Jury Trial				\$660,000 98% efective short fu	\$0 0% use. Significan	\$1,011,219 \$1,050,000 at injuries to hands.
Description of Resolution: Timing of Resolution: Date Resolved: Matter Complexity: Lessons Learned: Hours Billed by Firm: Blended Hourly Rate: Number of Invoices: Lead OC Evaluation:	Court awarded plaint Trial Decision (Estimate 06/23/2006 (Estimate Moderate Judge's sympathy eli 175.4 \$266.93 LEDES: 8 - Non-LED 3.0 - Not bad outcom	nated: Trial Decision) ed: 06/01/2006) cited during Christma DES: 4	·	Ü	es of such trial	ls until after ye	ars end.



PERFORMING TRIAGE TO PRIORITIZE MATTERS THAT NEED ATTENTION

Matter Name	Substantive Law	Actual Spending	<u>Budget</u>	Actual/Budget% ▼
TOTAL ITEMS (17)				
		\$7,612,176.52	\$8,924,312.91	85%
EU Off-Shore	Business Governance	\$375,403.89	\$260,000.00	144%
Juno Contract	Antitrust/Unfair Competition	\$587,686.30	\$445,030.59	132%
Green Tree Lit	Environmental Law	\$456,659.71	\$371,498.00	123%
Acme Trademark Matter (Int'l)	Intellectual Property - Trademark	\$288,456.40	\$250,300.00	115%
Big Boom TMs - US	Intellectual Property - Trademark	\$717,740.71	\$658,779.01	109%
Roadrunner v. Acme	Employment-Discrimination/Disabilities Law	\$842,247.35	\$831,000.00	101%
Yessler Agreement	Contracts	\$1,137,309.91	\$1,369,411.63	83%
Chicago Leases	Real Estate	\$266,865.67	\$329,332.00	81%
Ireland Tax Restructure	Tax - International	\$638,579.36	\$791,976.72	81%
Acme Pipeline Defect	Computers/Software	\$1,080,508.74	\$1,342,780.54	80%
Georgie Corp. Merger	Mergers/Acquisitions/Divestitures	\$447,567.92	\$588,479.42	76%
REXAL Doc Request	Contracts	\$471,429.95	\$628,500.00	75%
Big Boom TMs - UK	Intellectual Property - Trademark	\$103,964.35	\$183,725.00	57%
Sprengen International Divestiture	Corporations/Business Entities	\$25,789.40	\$62,000.00	42%
RFID Patent Filing	Intellectual Property - Patent	\$50,125.23	\$202,000.00	25%
Dual-sleeved Pipe Coupler	Intellectual Property - Patent	\$49,089.35	\$240,000.00	20%
Aardvark Drilling v. Acme	Construction	\$72,752.30	\$369,500.00	20%



SAVINGS FROM PRACTICING PREVENTIVE LAW

.....

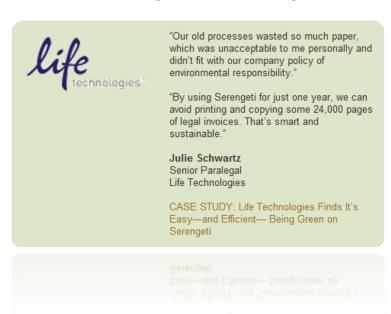
Show the value of trainings provided by legal department

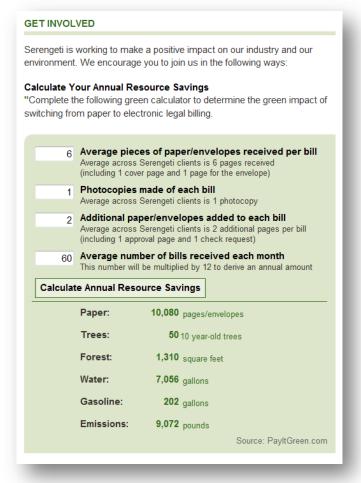




SUPPORTING CORPORATE INITIATIVES

 Demonstrate compliance with company-wide sustainability, diversity, other initiatives







OUTSIDE COUNSEL MANAGEMENT

- What are our inventory, spending and rate trends?
- Are we implementing a successful convergence strategy?
- What savings have we achieved from better management of outside counsel (rate controls, alternative fees, bill audits)?
- Are we getting better value from outside counsel (responsiveness, better results, understanding our business, free trainings, etc.)?



BALANCING WORK AMONG FIRMS

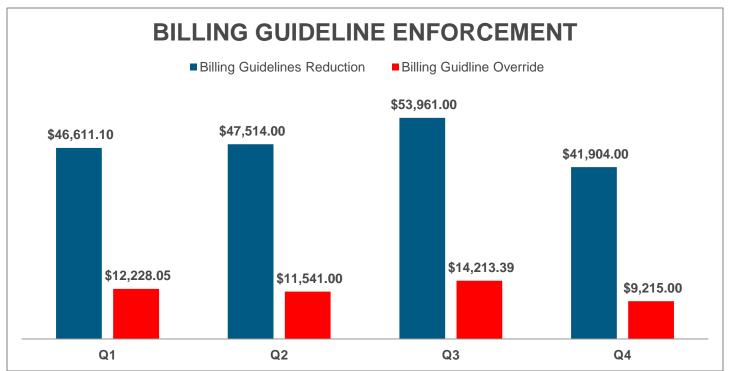
 Understand the landscape of the department's external matters

				2011 Evaluation	
<u>Firm</u>	Business Unit/Focus	2011 \$K	<u>%</u> <u>*</u>	Score 💌	# Files (Lead *
Firm 1	Employment (All Vendors)	1,186	23.8%	3.4	31
Firm 2	Processing & Production/Lit & Gen	492	9.9%	3.0	12
Firm 3	IP	347	7.0%	3.6	81
Firm 4	International	304	6.1%	3.4	15
Firm 5	International - Brazil	300	6.0%	3.0	2
Firm 6	All - Annuity Payments	297	6.0%	N/A	N/A
Firm 7	International	265	5.3%	3.2	36
Firm 8	IP	202	4.1%	3.3	58
Firm 9	IP	191	3.8%	3.5	98
Firm 10	Customs Compliance	145	2.9%	3.6	1
Firm 11	Litigation	132	2.7%	4.4	13
Fimr 12	IP - DDS	131	2.6%	3.6	34
Firm 13	IP	117	2.4%	3.6	15
Firm 14	Corporate	115	2.3%	4.1	21
Others	39 Firms	750	15.1%		
TOTALS		4,974	100.0%		



COMPLIANCE WITH RETENTION GUIDELINES

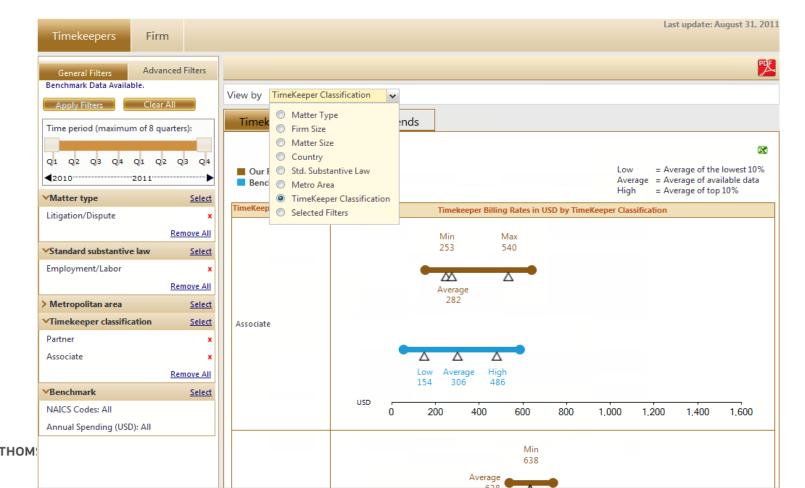
- Are our firms following our retention terms?
- Are we leaving money on the table by ignoring audits?





ASSESSING LAW FIRM RATES

 Understand how your rates compare with rates being paid by your peer legal departments

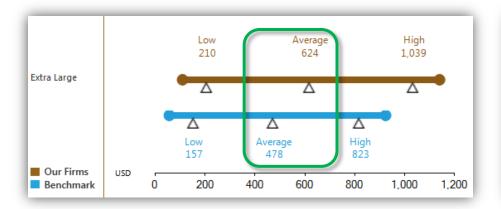


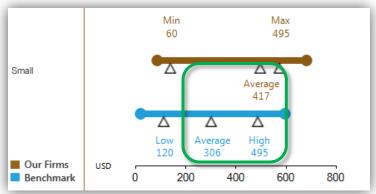
REVIEWING ALLOCATION OF WORK

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 Analyze mix of law firms, and drive more work to the "right size" law firms

		1			e of Spending	Percenta	ge of Firms
Firm Size	No. of Firms	Spending	(Company	Benchmark	Company	Benchmark
Extra Large	28	\$20,123,282 USD		79.26%	3.11%	86.34%	2.66%
Large	5	\$4,919,989 USD		19.43%	7.82%	11.21%	5.26%
Small	3	\$45,856 USD		.72%	47.26%	3.24%	49.58%
Medium	1	\$83,625 USD	1	1.37%	40.91%	1.96%	42.50%

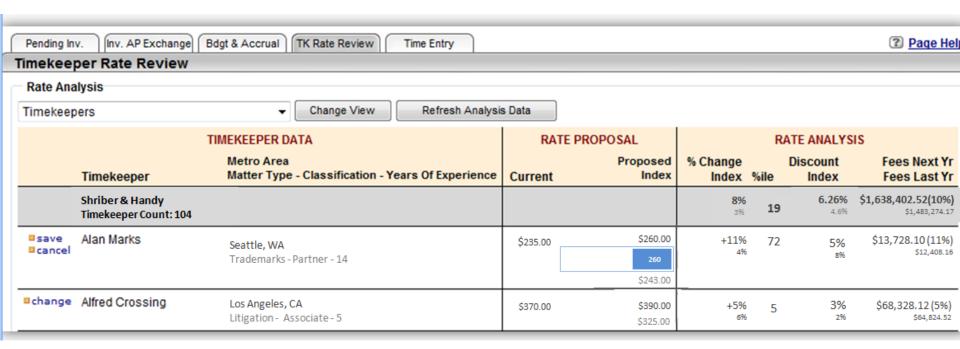






EFFECTIVE MANAGEMENT OF RATE REQUESTS

 Use industry benchmarks to make better decisions regarding outside counsel rates





PERIODIC EVALUATION OF OUTSIDE COUNSEL

- Which law firms are the department's highest performers?
- Which law firms follow budget, retention guidelines, etc.?
- Which firms are best candidates for our preferred panel?
- Are outside counsel complying with our policies related to legal project management (e.g., case plans, budgets, periodic status updates?)





SYSTEMATIC EVALUATION OF OUTSIDE COUNSEL

Matter Profile Status	& Notes Events & Diary	Budget	Invoices	Documer	nts Particip	pants	
New Evaluation							
	« indicates a required fie	ld					
Evaluation Date: «	04/19/2010		?				
Firm:	Shriber Handy						
Attorney: «	Greg Lawyer		🦺 Sele	ct ?			
	Unacceptable 1	Mediocre 2	Good 3	Very Good 4	Excellent 5	N/A	
Understood Client's G e.g., business and leg		0	•	0	0	©	?
Expertise: « e.g., knowledge and e.	© xpertise about issues, sub	⊚ stantive law	•	0	0	0	?
Efficiency: « e.g., staffing and time	spent, overall fees	0	0	0	0	0	?
Responsiveness: « e.g., to deadlines, clie	policies, communication	0	0	0	0	0	?
Predictive Accuracy: e.g., reasonableness	x	sults	0	0	0	0	?
Effectiveness: « e.g., strategy, execution	on, results	•	0	0	0	0	?
Internal Comments: «	We hired Greg for his expe most of the heavy lifting wit agreements needed to be was difficult to reach him d	th very little sup overhauled by	ervision. Mucl Greg, which d	h of the drafting oubled our fees	and 🔄		
Good value; would you	ı use this attorney/firm aga	in?: « 🔘 Yes	No				



COMPARE SUBJECTIVE PERFORMANCE

Outside Counsel Evaluations Detail with No Grouping

Report Criteria

Report

Print Report...

Export...

Legend

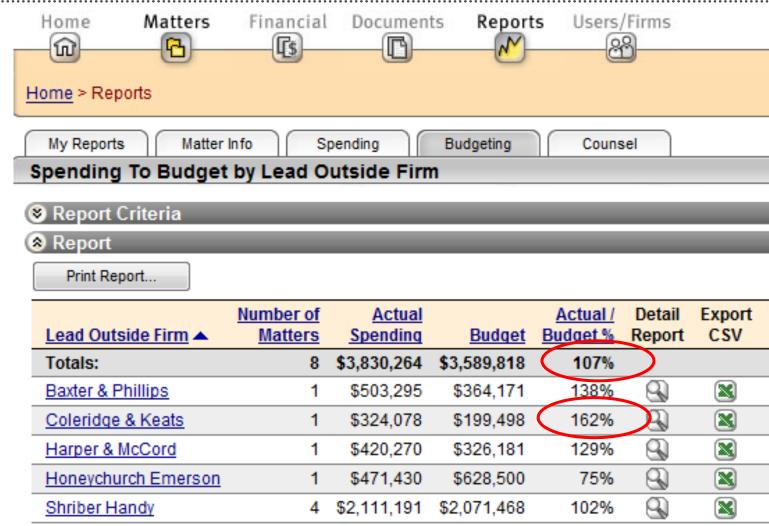
1 = Unacceptable 2 = Mediocre 3 = Good 4 = Very Good 5 = Excellent

Firm ▲ Outside Counsel	Reviewer Review Date	Matter Name Substantive Law	Overall Rating	Understood Goals	Expertise	Efficiency	Responsiveness	Predictive Accuracy	Effectiveness	Recommended
Totals & Averages: Show details	6 evaluation(s)		3.2	2.2	3.0	3.3	3.5	3.8	3.5	
Coleridge & Keats Lawyer, Samuel	Admin, Acme 05/22/2006	Sprat v. Acme Contracts	2.8	2.0	3.0	3.0	3.0	4.0	2.0	Yes
Coleridge & Keats Lawyer, Samuel	Admin, Acme 06/01/2006	Sprat v. Acme Contracts	3.0	2.0	3.0	3.0	4.0	3.0	3.0	Yes
Coleridge & Keats Lawyer, Samuel	Admin, Acme 06/01/2006	Sprat v. Acme Contracts	3.0	2.0	3.0	3.0	3.0	4.0	3.0	Yes
Harper & McCord Lawyer, Robert	Admin, Acme 05/22/2006	Custer v. Acme Liability - Products	3.0	2.0	2.0	3.0	4.0	3.0	4.0	Yes
Harper & McCord Lawyer, Robert	Casemanager, Rob 09/05/2006	Juno Contract Antitrust/Unfair Competition	4.0	3.0	4.0	4.0	4.0	5.0	4.0	Yes
Shriber Handy Lawyer, Greq	Admin, Acme 05/22/2006	Coyote v. Acme Liability - Products	3.5	2.0	3.0	4.0	3.0	4.0	5.0	Yes





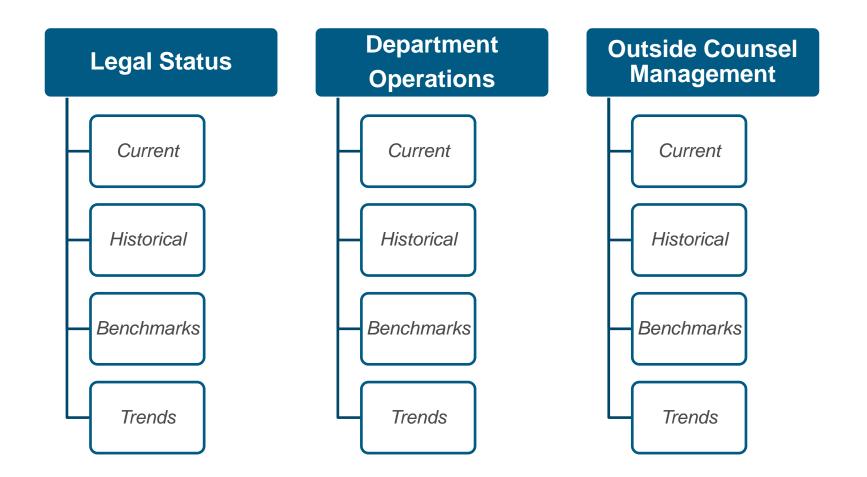
COMPARE OBJECTIVE PERFORMANCE







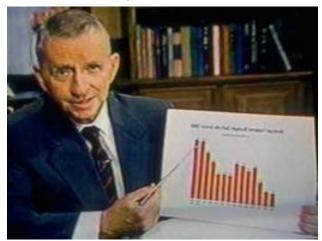
SUMMARY: GENERAL REPORTING CATEGORIES





CREATE DATA-DRIVEN PRESENTATIONS

 Ross Perot, pioneer* and master of using graphs to drive the point home







*pre-PowerPoint era



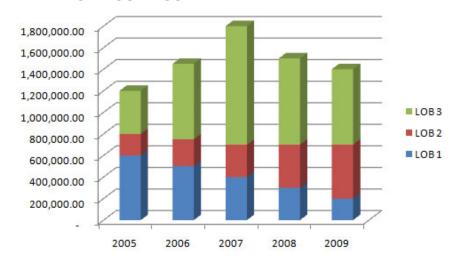
NUTS & BOLTS OF ASSEMBLING COMPELLING VISUALS

- Creating a data-driven presentation is as easy as 1-2-3
 - Select data
 - 2. Choose the graph/charts that make your points most effectively
 - Cut and paste into your report or presentation

LEGAL EXPOSURE TRENDS - BY LINE OF BUSINESS

	A	В	C	D	E
1		LOB 1	LOB 2	LOB 3	
2	2005	600,000.00	200,000.00	400,000.00	
3	2006	500,000.00	250,000.00	700,000.00	
4	2007	400,000.00	300,000.00	1,100,000.00	
5	2008	300,000.00	400,000.00	800,000.00	
5	2009	200,000.00	500,000.00	700,000.00	
7					

VS.

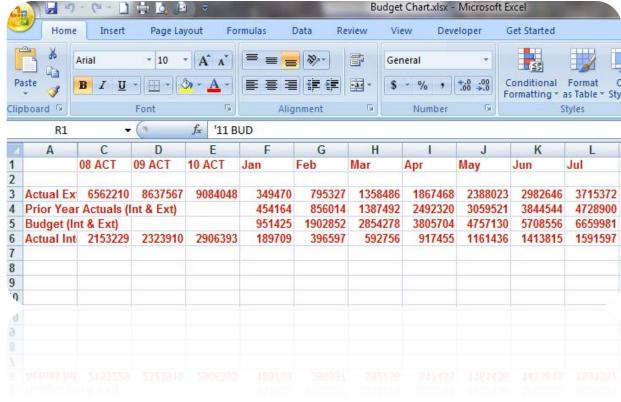




STEP 1: SELECT DATA

Identify and open the source of data/Excel spreadsheet

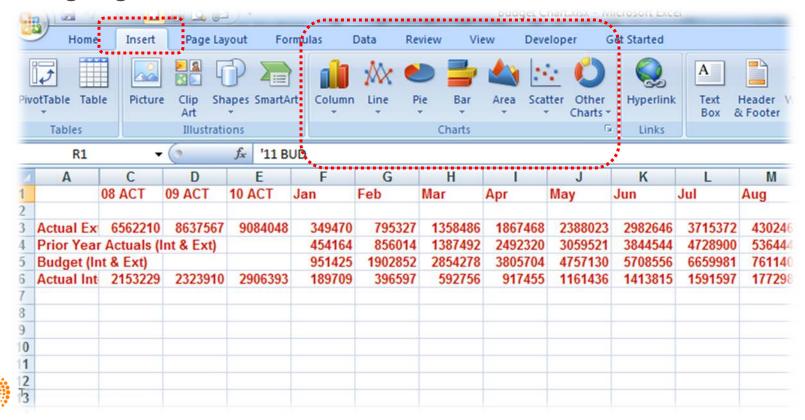






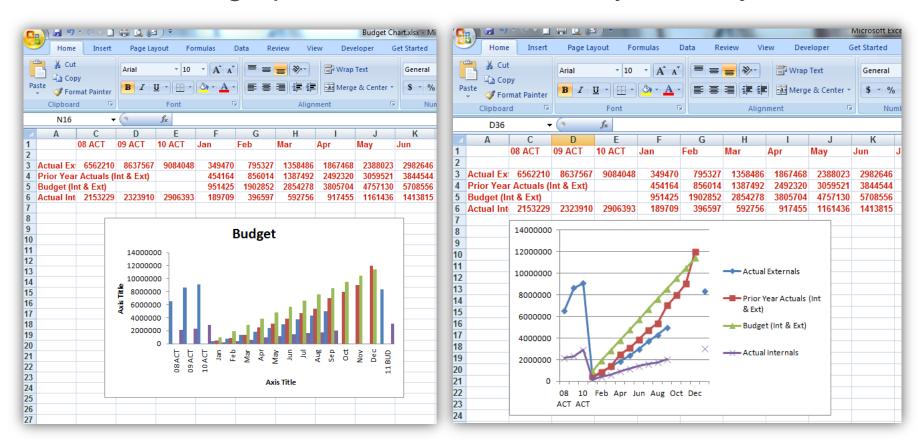
STEP 2: IDENTIFY CHART FORMAT

- Go to "Insert" tab, where you'll be given different chart formats to choose from.
- Highlight the data and double-click chart format.



STEP 3: TRANSFORM DATA TO CHART

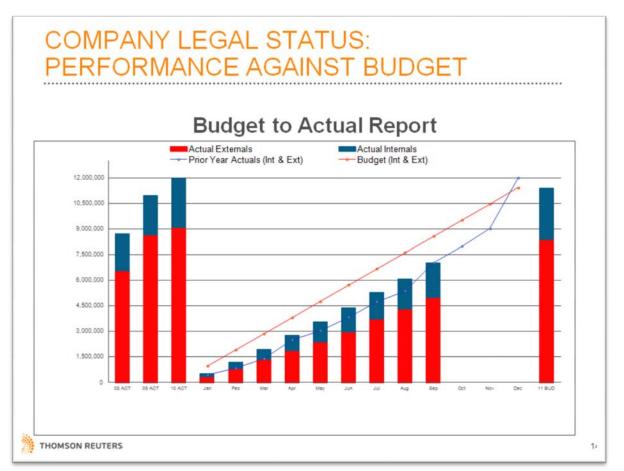
Choose a graph format that best tells your story





STEP 4: PLACE IN YOUR PRESENTATION

Copy and paste!





INTERNAL CONTROLS TO ENSURE ACCURATE REPORTING

- Create practical workflows to regularly collect consistent data from <u>all</u> firms and members of law department for <u>all</u> projects.
- Connect directly with outside counsel with ebilling/matter-management to collect invoices, accruals, budgets and status updates
- Preview results with business clients to verify accuracy and avoid surprises
- Compare performance with both internal and external benchmarks

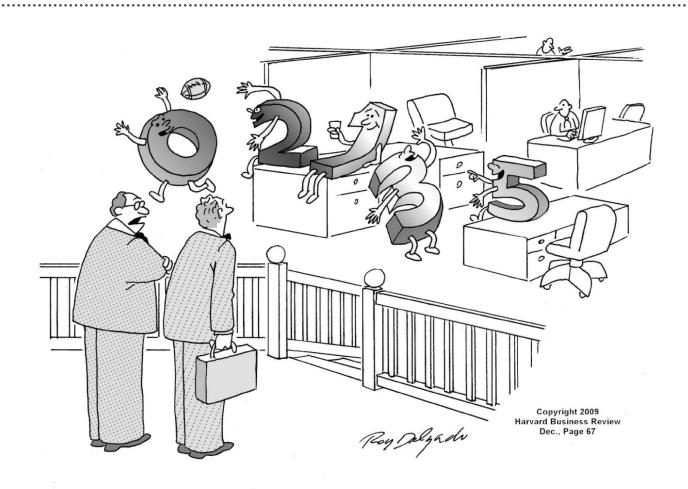


WHERE TO LOCATE MEANINGFUL DATA & BENCHMARKS?

- E-billing and matter management systems
- Contract/IP management systems
- Other company financial systems
- Law firm billing-records
- Manually stored historical information
- Internal surveys
- External benchmarking studies (ACC/Serengeti Managing Outside Counsel Survey, Hildebrandt Peer Monitor Index, Fulbright & Jaworski Litigation Report)
- Serengeti Intelligence[®]



LEARN NEW WAYS TO MAKE THE NUMBERS WORK FOR YOU!



" The numbers aren't working. "



QUESTIONS?