



Tuesday, May 23
2:00–3:30 pm

802 Litigation Planning

Legal Manager Track

Jim Snyder
Vice President - Litigation
Home Depot, U.S.A., Inc.

J. Henry Walker
Chief Litigation Counsel
BellSouth Corporation



Litigation Management : Adding Value by Winning Cases and Containing Costs

Jim Snyder

Vice President – Litigation
Home Depot, Inc.

J. Henry Walker

Chief Litigation Counsel
BellSouth Corporation

ACC's 2006 Corporate Counsel University

May 21-23, 2006
Baltimore Marriott Waterfront



Introduction and Overview – Client Expectations from In-House Litigation Attorneys

- Achieve Successful Results in Litigation
- Minimize Litigation Risks by Proactively Preventing Litigation
- Protect Valuable Assets – Brand, Trade Secrets, Patents, Employees, etc.
- Minimize Attorneys' Fees, Expenses and Distractions

ACC's 2006 Corporate Counsel University

May 21-23, 2006
Baltimore Marriott Waterfront



12 Keys to Being a Successful In-House Litigator

ACC's 2006 Corporate Counsel University

May 21-23, 2006
Baltimore Marriott Waterfront



1. Successful Results Count

- Winning Cases and Avoiding Bad Headlines
- Quality Control – Good Lawyering Makes a Big Difference
- Recognize and Act on Opportunities
- Careful Balance Between Sufficient Investment and Cost Containment
- Losing Cheap is Still Losing
- Timely and Robust Communication of Results

ACC's 2006 Corporate Counsel University

May 21-23, 2006
Baltimore Marriott Waterfront



2. Use Sound Procurement Processes to Select Outside Counsel and Vendors

-
- Match Procurement Process to Needs
- Inject Competitive Market Forces
- Thoughtful and Objective Meritocracy
- Carefully Monitor and Measure Law Firm Performance

ACC's 2006 Corporate Counsel University

May 21-23, 2006
Baltimore Marriott Waterfront



3. Apply Project Management Principles to Litigation Management

- **Managing Litigation Is a Project, Not an Art.**
- **Tight Organization Equals Good Results and Lower Costs**
- **Develop Your Litigation Model**

ACC's 2006 Corporate Counsel University

May 21-23, 2006
Baltimore Marriott Waterfront



4. Knowledge Is Power

-
- Understand How and Where Your Money Is Being Spent
- Measure and Compare the Performance of Law Firms
- Track Basic Metrics, Such As Cycle Time



5. Keep Your Client Informed

- **Good Results Count More If Your Clients Understand Their Significance and How They Were Achieved**
- **Provide Unsolicited Communication on a Regular Basis**
- **Developing Strong Client Relationships Makes Your Job Much Easier**



6. Strong Team Leadership and Direction by In-House Counsel

- If Not You, Then Who Is the Team Leader
- Build and Motivate the Client Team
 - Define Your Client
 - Who Needs to be Kept Informed?
- Best Results Usually Achieved by the Best Team
 - Who are the Subject Matter Experts?
 - Who has the Authority to Settle?
 - Who is “Legal Friendly”?
 - Who Can Get Things Done?
- Find Ways to Incentivize the Client Team
 - Build Client Relationships at All Levels of the Company
 - Demonstrate How You Add Value by Achieving Results
 - Find Ways to Reward Significant Contributions
 - Take the Time to Say “Thank You.”



7. Intervene Before Litigation Begins

- Important to Take a Proactive Mindset to Achieve Better Results
- Make Preventing Litigation Your Business
- Get Involved at the First Notice of a Major Dispute to Head Off Costly Litigation
- Don't Hesitate to Call In-House Counsel from the Other Companies to Establish Dialogue



8. Aggressive Use of ADR at the Earliest Possible Stage

- Push for Early Mediation
- Consider Other Forms of Alternative Dispute Resolution
- Recognizing the Teachable Moment?
 - Recognizing Which Cases Most Likely Will Not Improve With Time
 - What Information Is Needed to Make a Decision?
 - At What Stage is the Opposing Party?
- Start Working on Getting Authority Early
 - Who Will Make the Decision?
 - Getting “Buy-in” From Interested Groups

ACC's 2006 Corporate Counsel University

May 21-23, 2006
Baltimore Marriott Waterfront



9. Identify, Discuss and Resolve Internal or Outside Counsel Problems in a Prompt Fashion

- **Lawyer Problems Usually Do Not Go Away by Themselves**
- **Promptly Gather Information and Then Make a Decision**
- **Every Team Should Have Clear Goals, Action Plans, and Tangible Rewards**



10. Manage Vendor Cost

- Each Repetitive Expenditure Should Be Sourced in a Competitive Environment. This includes Court Reporters, Copy Costs, Scanning, and Even Some Types of Experts.
- Establish Direct Contract Relationships with Vendors to Secure Discounts and Consistency.



11. Develop Effective Processes for Handling Electronic Discovery

-
- E-Discovery – Major Cost Driver in Cases
- Implement Best Practices in Advance
- Clean-Up Work – Very Costly



12. Using Contract Lawyers and Paralegals for Short Term Projects

-
- Significant Cost Savings
- Source Directly
- Select the Format That Best Meets Your Need