



904 10 Tips for Reducing the Costs of Litigation

Scott Mayer

Attorney

United States Postal Service

James C. Snyder, Jr.

Vice President - Litigation

Home Depot, U.S.A., Inc.

J. Henry Walker

Chief Litigation Counsel

BellSouth Corporation

Faculty Biographies

Scott Mayer

Scott A. Mayer is an employment attorney in the United States Postal Service legal department, Chicago field office. He has government, corporate, and law firm experience in the public and private sectors as a litigator in the Chicago area and has focused on employment discrimination litigation, plaintiff and defense.

Before joining USPS, he was senior labor and employment counsel at Baxter Healthcare Corporation, chief counsel, labor and employment at Allegiance Healthcare Corporation, and assistant general counsel at Moore North America, Inc. A substantial amount of his time was spent selecting and managing outside employment counsel nationwide and in Mexico, Canada, and London. Before he was a corporate counsel, he was in private practice at Arnold and Kadjan, Mayer and Mayer, and Haley, Bader & Potts, concentrating on representing employees in employment discrimination litigation. He began his legal career as a Cook County, Illinois assistant state's attorney in the Criminal and Civil Divisions. As a criminal prosecutor he litigated all types of crimes to verdict, jury, and bench. In the Civil Division, he began his employment law career defending Cook County and its officials against discrimination claims and left the State's Attorney's Office as the federal litigation supervisor. He argued a civil rights case in the United States Supreme Court.

Mr. Mayer received his B.A. with honors from the University of Illinois and obtained his J.D. with honors from IIT/Chicago-Kent College of Law.

James C. Snyder, Jr.

James C. Snyder, Jr. is vice president-litigation at Home Depot, U.S.A., Inc. in Atlanta, where he supervises all of Home Depot's non-employment litigation including general liability, commercial litigation, and customer disputes.

Prior to joining Home Depot, Mr. Snyder was a litigation partner at the law firm of King & Spalding in Atlanta, Georgia. At King & Spalding he focused on complex litigation including class action and mass tort litigation.

He is currently a member of the Georgia, Pennsylvania, and DC bars. He is a member of the board of directors of the Special Olympics of Georgia.

Mr. Snyder received his B.A. from Wake Forest University and is a graduate of the George Washington University School of Law.

J. Henry Walker

J. Henry Walker is the chief litigation counsel for BellSouth Corporation. At BellSouth, he directs a team of lawyers and paralegals who are responsible for litigation involving BellSouth and its subsidiaries.

Before joining BellSouth, Mr. Walker was a partner in the litigation group with the law firm of Kilpatrick, Stockton LLP. He is a former president of the Younger Lawyers Division of the State Bar of Georgia and a current member of the board of governors of the State Bar of Georgia.



904 – 10 Tips for Reducing the Costs of Litigation

Scott Mayer

Attorney
USPS

Jim Snyder

Vice President – Litigation
Home Depot, Inc.

J. Henry Walker

Chief Litigation Counsel
BellSouth Corporation

ACC's 2005 Annual Meeting: Legal Underdog to Corporate Superhero—Using Compliance for a Competitive Advantage

October 17-19, Marriott Wardman Park Hotel



1. Don't Forget the Basics

- Use Sound Procurement Processes to Choose Outside Counsel and Vendors
- Use Project Management Skills to Ensure Efficient Performance by Law Firms

ACC's 2005 Annual Meeting: Legal Underdog to Corporate Superhero—Using Compliance for a Competitive Advantage

October 17-19, Marriott Wardman Park Hotel



2. Knowledge Is Power

- Understand how Your Money is Being Spent
- Measure and Compare the Performance of Law Firms
- Track Basic Metrics, such as Cycle Time



3. Go Paperless

- Develop Information Sharing Protocol
 - Identify Information
 - Create Process for Seamless Information Sharing
- Be Open to Try Evolving Processes and New Technology
 - Paperless Filing Systems
 - E.G. Scanning, Email Attachments with Word Documents or Adobe, Shredding
- Paperless Processes for Filing
 - Federal Court
 - State Court
 - Administrative Agencies



4. Management 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.



5. Develop Effective Processes for Handling Electronic Discovery

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



6. Using Contract Lawyers and Paralegals for Short Term Projects

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

7. 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
 - E. G. CEO, General Counsel, HR, Business, IT, Finance
 - Who Has the Need to Know
- Best Results Usually Achieved by the Best Team
 - Effective Communication
 - Authority to Settle
 - Build Relationships
- Finding Ways to Incentivize Client Team
 - Demonstrate How You Add Value to Achieving Results
 - Save Time Save Money
 - Build Trust



8. Intervene Before Litigation Begins

- Important to Take A Proactive Mindset to Achieve Better Results

- 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



9. Aggressive Use of ADR at the Earliest Possible Stage

- Mediation
 - In-house Counsel Must Push to Mediate
 - Outside Counsel May Not Want to Mediate
- 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



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

- Lawyer Problems Usually Do Not Go Away by Themselves

- Every Team Should Have Clear Goals, Action Plans, and Tangible Rewards