



## 109:Managing Litigation in the Future

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## Faculty Biographies

### Jason M. Ferguson

Jason M. Ferguson is a house counsel attorney I for the Progressive Insurance Company in Macon, Georgia. His responsibilities include handling all phases of representing Progressive insureds in automobile accident cases from initial client interview through appeal. In addition, he is responsible for handling subrogation claims and basic coverage issues for Progressive Insurance Company directly.

Prior to passing the Georgia Bar, Mr. Ferguson worked for Progressive Insurance Company as a law clerk while attending law school.

He is a member of the Georgia and Alabama Bar Associations and is quite active in the young lawyers division of the Georgia Bar Association, acting as an attorney coach for the annual Georgia High School mock trial competition. In his local community, Mr. Ferguson is also an active member of the Macon judicial circuit indigent defense committee and the Macon trax hockey booster club.

Mr. Ferguson received a BS from Valdosta State University and subsequently graduated from Mercer University, Walter F. Georgia School of Law where he was a published member of the Mercer Law Review and a nationally recognized member of the Mercer moot court team.

### Ronna F. Ruppelt

Ronna F. Ruppelt is house counsel process leader for Progressive Insurance Company. Her responsibilities include the development, implementation, and oversight of all quality, training, and technological initiatives for Progressive's house counsel organization.

Ms. Ruppelt has held a variety of positions at Progressive, both in the claims legal and corporate law departments. For several years prior to joining Progressive, Ms. Ruppelt was an insurance defense litigator at Reminger & Reminger Co., LPA in Cleveland.

She is a member of the Ohio State and Cleveland Bar Associations, Ohio Association of Civil Trial Attorneys, DRI, and ACCA. In her local community, Ms. Ruppelt currently serves as an executive officer of the Solon Councils of PTA and as a multiyear member of the Solon City Schools strategic planning committee.

Ms. Ruppelt received a BS from Kent State University and is a graduate of The Cleveland-Marshall College of Law.

**Brett F. Shur**

Brett F. Shur is house counsel regional manager for the Gulf and Mid-Atlantic regions of Progressive Insurance Company. His responsibilities include the management of over 45 lawyers, and over 90 total employees in 15 offices in the states of Georgia, Virginia, Maryland, Florida, and Louisiana.

Mr. Shur has spent 16 years at Progressive, starting as a claims attorney, managing litigation files in the Southeastern United States. He then moved to house counsel in Atlanta and opened the Georgia house counsel operation and helped it grow from one to 16 lawyers.

Mr. Shur is a member of the Florida, Georgia, and Alabama State Bars.

## Managing Litigation in the Future

### Old Standards

- ✱ Defense lawyers were not in any hurry to get cases resolved.
- ✱ Litigation attorneys used paralegals and legal secretaries.
- ✱ Litigation Managers and managing partners hesitated to allow less experienced trial attorneys to try small cases.

## What has changed?

- ✱ Increased competition
- ✱ New technology
- ✱ More data = More informed clients
- ✱ Faster is better
- ✱ More expense conscious

## Improve efficiency without sacrificing quality

- ✱ Move Cases Faster.
- ✱ Experience is not necessarily the most important factor in selecting a quality lawyer.
- ✱ Flexible staffing.

## Why Move Cases Faster?

- ✱ Reduce inventory
- ✱ Less Staff
- ✱ More time to focus on the right cases
- ✱ Less cost per case
- ✱ Most lawsuits DO NOT get better with time.
- ✱ Happier clients

## Efficient and Cost Effective Litigation Practices

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| <ul style="list-style-type: none"><li>✱ Accelerated discovery<ul style="list-style-type: none"><li>• Begin process of scheduling key events on the first day;</li><li>• Aggressively follow-up on discovery.</li></ul></li><li>✱ Focused Discovery<ul style="list-style-type: none"><li>• Understand why a case is in litigation and focus on those issues first.</li></ul></li><li>✱ Constantly communicate with decisionmakers.</li></ul> | <ul style="list-style-type: none"><li>✱ Make sure communication is clear, concise and credible.</li><li>✱ Take advantage of resolution opportunities.</li><li>✱ If possible, ask for earlier trial date.</li></ul> |
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## Standards for Evaluating Success

- ✱ Efficient and cost-effective processes
  - ✱ Pend time
  - ✱ Timely reporting
- ✱ Quality of communication
- ✱ Overall cost compared to alternatives
- ✱ Results?

## What Qualities should we look for in an excellent litigator?

- ✱ Communication skills
- ✱ People skills
- ✱ Efficiency
- ✱ Work ethic
- ✱ Organization skills
- ✱ Creativity
- ✱ Flexibility
- ✱ Energy and passion

## Hiring Inexperienced Law School Graduates

- ✱ High energy Level
- ✱ Willing to work with technology
- ✱ Flexible
- ✱ Less expensive
- ✱ Willing to work with less staff

## Non-Attorney Staff:

- ✱ Does the current staffing model encourage "rework"?
- ✱ Are we using the right type of positions for the right tasks?
- ✱ Does technology present opportunities to reduce the ratio of staff to attorneys?
- ✱ Does the managing attorney understand what each person does all day?
- ✱ If the attorney does a task himself or herself will he/she be better prepared to resolve the case?



## Paralegals for simple cases?

- ✱ Meet with clients and answer discovery?
  - ✱ Should the attorney meet with his own client?
- ✱ Review and analyze documents?
  - ✱ Should the attorney review the documents or just the paralegal's summary?

## Do we need an experienced legal secretary or paralegal for these tasks?

- ✱ Answering phones
- ✱ Setting up files
- ✱ Collecting documents or records
- ✱ Entering billable time
- ✱ Ordering office supplies
- ✱ Paying bills
- ✱ Form letters
- ✱ Form Pleadings

## Quality Or Quantity?

- What is better - two mediocre legal secretaries or one excellent legal secretary?

## Using Technology to improve staff efficiency

- Word Processing
  - Merges
  - Macros
  - Quick Words
  - Integratration with case management
- Case management
  - Calendar
  - Diary
  - Phone messages
  - Documentation
- Answering phones
  - Voice mail systems
  - Direct dial numbers
  - Forwarding phones to other offices

## Measurements and Data

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|---|---|
| <ul style="list-style-type: none"><li>✱ Survey results</li><li>✱ Speed<ul style="list-style-type: none"><li>✱ Communication after key events</li><li>✱ Timeliness of key events</li><li>✱ Cycle time</li><li>✱ Discovery timeliness</li></ul></li></ul> | <ul style="list-style-type: none"><li>✱ Results</li><li>✱ Overall costs<ul style="list-style-type: none"><li>✱ Compared to other counsel</li></ul></li><li>✱ Quality audits<ul style="list-style-type: none"><li>✱ Quality writing</li><li>✱ Proactive litigation</li><li>✱ Creative strategy</li><li>✱ Efficient process</li></ul></li></ul> |
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## Collecting Data

- ✱ Case Management Systems
- ✱ Communication Systems
- ✱ Spreadsheets
- ✱ Survey Software