

Combine and Conquer: How to Bring Down Outside Counsel Costs

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In the modern business ethos, given the never-ending struggle to maximize profits, today's businesses are often required to do more with less. However, when it comes to legal issues, and especially when your company finds itself embroiled in a lawsuit, expecting in-house counsel to run the entire show simply to satisfy the bottom line could ultimately place your business at risk of significant, unanticipated costs. To keep in-house counsel costs down, and yet provide the level of legal support a modern company requires, often the most effective solution is to coordinate with outside litigation firms. By sharing legal responsibilities between in-house and outside counsel—with each party focusing on what it does best—the overall results will often be improved, not only legally, but also the fiscal bottom line.

A Lawsuit—Now What?

Outside litigation firms have significant expertise when it comes to pre-trial procedure. This is simply a numbers game. Having initiated or defended a myriad of legal claims, outside firms are quite experienced in what goes into successful pleadings or motions. As such, having outside firms perform initial research and highlighting what should be included in specific legal filings is a good way to maximize resources, especially if the matter is on cutting edge legal theory. With this guidance in hand, in-house counsel can then tailor the pleadings or motions to fit your company's needs.

Pre-trial discovery can be an exhaustive process, eating up hundreds of hours. Expecting in-house counsel to handle it on their own could be a recipe for exhaustion. Again, outside firms can alleviate some of this burden. For example, in-house counsel could prepare deposition outlines and questions; outside counsel could supplement such materials and/or conduct the actual depositions. As mentioned, outside litigation firms have procedural expertise—and this expertise saves time (and money) by alleviating in-house counsel from the burden of having to possibly reinvent the wheel with each unique discovery demand.

On to Trial—Who's Watching Your Company's Business?

If in-house counsel could suspend operations at your company while constantly running to the courthouse, perhaps the need for the assistance of outside counsel would not be as important. Needless to say, business waits for no one, and in-house counsel has to juggle many different concurrent responsibilities to protect your company. Adding a trial to the “to do” list could completely deplete your in-house resources. Outside litigation firms offer the benefit of power in numbers—an experienced legal and support staff can handle the day-to-day aspects of trial preparation, including assistance with witnesses, jury selection, preparing direct and cross examination, trial exhibits, and preparing opening and closing statements, to name a few. In addition, litigation firms are often very familiar with the local courts and subjective quirks of Judges and Arbitrators, giving in-house counsel a level of comfort.

In Closing

This article suggests potential cooperative synergies that can exist between in-house counsel and outside litigation firms to improve legal results while keeping your company’s costs down. By identifying and utilizing your in-house counsel’s strengths, you can bring in outside help to fill the gaps in your legal needs. Viewing outside counsel as a team member, with their expertise in aligning the work with your company’s unique corporate philosophy, will ultimately achieve superior results.