

November 19-20, 2009 | Union League | Philadelphia, PA

American Conference Institute's

3<sup>RD</sup> ANNUAL FORUM ON

# REDUCING LEGAL COSTS

Alternative fee arrangements, convergence trends, qualitative approaches to selecting, retaining & managing outside counsel, and other strategies for minimizing in-house legal department costs & financial risk without compromising work product or quality of service

*An essential cross-industry benchmarking forum on keeping legal department costs in check, led by experts from:*

Actelion  
Agfa  
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Cargill  
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Cisco  
C.R. Bard  
CSC  
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Family Dollar

*Gain expert advice and strategic insights on:*

- » **Alternative Fee Selection:** Understanding the various alternatives to the hourly rate, how they are now being utilized, and the scenarios that are appropriate for each so you can establish a clear strategy behind a fee for a given case that will further cost reduction goals
- » Negotiating, structuring, implementing, and monitoring alternative fee arrangements
- » Selecting and retaining law firms that are able to deliver quality at low cost
- » Enhancing relationships with outside counsel to ensure predictability and genuine cost control/reduction
- » Establishing an accurate legal budget, and then obtaining lower-cost, high-quality legal work that stays within that budget
- » **Staffing:** Maximizing in-house capabilities and staffing efficiencies to reduce reliance on outside counsel
- » **Litigation and E-Discovery Costs:** Proven methods of spending less and controlling fees and expenses
- » Utilizing technology, streamlining processes, and leveraging past work product to drive efficiency, monitor costs and increase savings
- » Seeking value through formal requests for proposals: Ensuring that RFPs are carried out well for maximum management of outside legal costs
- » Improving the efficiency and effectiveness of legal invoice review
- » LPO: Where and how to obtain professional and cost-effective services (while maintaining confidentiality) so that your internal team is adequately freed up for more complex and challenging legal matters

*Distinguished Co-Chairs:*



*Scott T. Piering*  
Senior Attorney  
Cargill, Incorporated



*Renee L. Jackson*  
Vice President, Corporate Legal  
Fair Isaac Corporation

*...as well as from:*

FedEx  
General Electric  
GMAC ResCap  
Harman  
Home Depot  
IBM  
ImClone  
Johnson & Johnson  
Lyondell Chemical  
Northrop Grumman  
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## *You know the accelerating cost pressures, which are only exacerbated by the recession:*

budget cuts \* law department cost control and the unpredictable nature of legal spending \* the use of alternative fee arrangements to reduce costs \* reducing outside counsel expenses \* selecting and retaining outside counsel \* trimming rosters of outside firms altogether \* sending work to smaller firms \* preferred provider lists \* RFPs \* outsourcing work in a way that ensures that the right type of projects get matched with the right providers \* reliance on technological innovations

### *These pressures will only continue to mount.*

The answer is ACI's 3rd Annual Forum on Reducing Legal Costs, Nov. 19-20, at the Union League in Philadelphia, which has been uniquely tailored to provide in-house counsel and legal sourcing managers, as well as private practice attorneys and law firm marketing/business development specialists who are determined to work with their clients to reduce legal costs, **with the knowledge they need to successfully employ cost-reducing procedures both internally and externally.**

This essential cross-industry benchmarking forum gathers together more than 35 senior corporate counsel and legal sourcing managers responsible for cost-reduction success stories, as well as leaders from law firms who are pioneers in the alternative fee world, **to guide those in attendance on the complexities of keeping legal department costs in check.** Now in its third installment, this event also offers unique networking opportunities with senior practitioners in the field, including *in-house counsel across a wide spectrum of companies and industries.*

Register now by calling **888-224-2480**, faxing your registration form to **877-927-1563** or registering online at [www.AmericanConference.com/LegalCosts](http://www.AmericanConference.com/LegalCosts)

## Who You Will Meet

- ✓ Corporate counsel and legal sourcing managers from all industries
- ✓ Private practice attorneys and law firm marketing and business development specialists interested in working with their clients to reduce legal costs
- ✓ Vendors and consultants that offer services aimed at reducing legal costs



## About the Venue

The Union League, which occupies an entire city block in the center of Philadelphia's commercial and cultural district, is a shining jewel of history in a city defined by such treasure. Founded in 1862 as a patriotic society to support the policies of

President Abraham Lincoln, The Union League has hosted U.S. presidents, heads of state, industrialists, entertainers and visiting dignitaries from around the globe. The classic French Renaissance-styled League House, with its brick and brownstone façade and dramatic twin circular staircases leading to the main entrance, is listed in the National Historic Register, and dates back to 1865, when the Broad Street building was completed. Adorning the walls and hallways is the League's distinguished art collection, artifacts imbued with the heritage and culture of its membership. The collection is a rich, historical chronicle of Philadelphia's unique imprint upon the American landscape from the nineteenth century to today.

## Continuing Legal Education Credits

CLE  
Credits

Accreditation will be sought in those jurisdictions requested by the registrants which have continuing education requirements. This course is identified as nontransitional for the purposes of CLE accreditation.

ACI certifies that the activity has been approved for CLE credit by the New York State Continuing Legal Education Board in the amount of the 18.0 hours, of which 1.0 will apply to ethics.

ACI certifies that this activity has been approved for CLE credit by the State Bar of California in the amount of 15.25 hours, of which 1.0 will apply to ethics.

ACI has a dedicated team which processes requests for state approval. Please note that event accreditation varies by state and ACI will make every effort to process your request.

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## DAY ONE: November 19, 2009

### 7:20 Registration and Continental Breakfast

### 8:00 Co-Chairs' Opening Remarks

*Renee L. Jackson*

Vice President, Corporate Legal  
Fair Isaac Corporation (Minneapolis, MN)

*Scott T. Piering*

Senior Attorney  
Cargill, Incorporated (Wayzata, MN)

### 8:05 AFA Selection: Understanding the Various Alternatives to the Hourly Rate, How They Are Now Being Utilized, and the Scenarios That Are Appropriate for Each So You Can Establish a Clear Strategy Behind a Fee for a Given Case That Will Further Cost Reduction Goals

*William P. Barnette*

Counsel, Commercial Litigation  
Home Depot U.S.A., Inc. (Atlanta, GA)

*Buckmaster de Wolf*

Senior Counsel-Litigation & Legal Policy  
General Electric Company (Fairfield, CT)

*Greg A. Dadika, Esq.*

Assistant General Counsel, Litigation  
C.R. Bard, Inc. (Murray Hill, NJ)

*Richard A. Bowman*

Founding Partner  
Bowman and Brooke LLP (Minneapolis, MN)

Moderator:

*Lindley J. Brenza*

Partner  
Bartlit Beck Herman Palenchar & Scott LLP (Denver, CO)

- From the start, overcoming objections and getting “buy-in” both internally and externally
  - Convincing your company’s or firm’s decision makers to explore alternative fee arrangements
  - Persuading outside counsel that alternative fee arrangements can be more profitable for them than standard hourly billing
- Lessons learned: How and why other companies made the switch, what factors they considered, and how they chose the arrangement they did
- How non-hourly fees solve many of the structural problems of legal services rendered under the hourly rate
- Examining the alternative fee arrangement options that are currently being utilized
  - Discounted and modified rates
  - Monthly or yearly Flat/Fixed fees – how to manage the challenge of: predicting a reasonable estimate of scope and level of legal services needed; avoiding “overpaying”; ensuring you still get the appropriate level of service as the client
  - Bracket fees
  - Blended rate
  - Incentive billing (e.g. holdback and bonus approach)
  - Capped fees
  - Phased arrangements based on stage of case and milestones reached
  - Hybrid approach – part hourly rate/fixed fee and part AFA
  - Pure contingency; Task-based fees; Success-based fees
  - Retainers: Determining the ideal length of time for a retainer agreement; Hiring a law firm on retainer - bidding out work, establishing a bid limit, and determining the period of the relationship

- Understanding the intricacies and potential pitfalls of these new fee structures
- Reconsidering the types of costs that clients have traditionally paid
- Areas of the law where alternative fee arrangements have worked well

### 9:20 Morning Coffee Break

### 9:30 Further AFA Consideration: Negotiating, Structuring, Implementing, and Monitoring Alternative Fee Arrangements for Your Company

*Greg Mayes*

Vice President, General Counsel and  
Chief Compliance Officer  
ImClone Systems (Branchburg, NJ)

*John G. Moon*

Executive Director & Counsel  
UBS Investment Bank (New York, NY)

*Chandan Sarkar*

Legal Sourcing Manager  
Johnson & Johnson (New Brunswick, NJ)

*Patrick J. Lamb*

Founding Member  
Valorem Law Group LLC (Chicago, IL)

Moderator:

*Reed S. Oslan, P.C.*

Partner  
Kirkland & Ellis LLP (Chicago, IL)

- Identifying common ground to coordinate expectations
- Getting the right people involved: who to negotiate with at law firms
- What areas of practice will be better suited for alternative billing structures?
- Turning a “no” into a “yes”: techniques for overcoming resistance
- What do you need to do to make sure both parties’ interests are aligned?
- Key considerations for flat fees or bracket fees
  - Determining an appropriate fee
  - Achieving agreement with outside counsel on baseline assumptions
  - Should you adjust for unanticipated events?
- Key considerations for risk sharing agreements
  - Examples of risk sharing agreements
  - Allocating risk
  - Premiums and success fees
  - Adjusting for unexpected events?
- Determining the appropriate fees for an uncertain amount of work that has yet to be done
  - Obtaining data on which to base your calculations: internally and externally
  - Incentivizing your outside counsel to devote sufficient time, staff, and resources to work done for you through an alternative fee arrangement
- Negotiating flat fee arrangements with escape clauses for specific situations
- Effectively allocating risk between the company and outside counsel
- Building in flexibility for unanticipated events
- When and how to include success-based incentives
- Considerations when using contingency arrangements:
  - Determining what the contingent events will be, or what is “success”
  - Negotiating the contingency fee agreement
- Once the arrangement is in place, how to implement and monitor
  - Measuring the success of your alternative fee arrangements

- Complications that can arise from alternative fee arrangements when insurance carriers are involved – and how to overcome them

10:45 **CREATING THE RELATIONSHIP – The Strategic Value and Cost Effectiveness of Outside Counsel: Selecting and Retaining Firms That Are Able to Deliver Quality at Low Cost**

**Joseph T. Green**

General Counsel  
TCF Financial Corporation (Wayzata, MN)

**Robert Hart**

Chief IP Counsel  
Harman International Industries, Incorporated  
(Northridge, CA)

**Bradley E. Lerman**

Senior Vice President, Litigation  
Pfizer Inc (New York, NY)

**James V. Marks**

Deputy General Counsel  
Dassault Falcon Jet Corp. (Teterboro Airport, NJ)

**Joseph F. Speelman**

Associate General Counsel, Litigation, Security, and Compliance  
Lyondell Chemical Company (Houston, TX)

Moderator:

**Mary E. Flynn**

Deputy Managing Partner; Co-Chair, Litigation Department  
Morrison Cohen LLP (New York, NY)

Selecting Cost Effective Counsel Generally

- What litigation functions can be effectively outsourced to outside counsel?
- Structural models for outside counsel, pros and cons of each, & factors that enter into the decision
- Resources to use to screen and research prospective firms before they are contacted or selected
- The cost-benefit analysis of using partners versus associates
- The hourly rate trap – not allowing retention decisions to be guided principally by hourly rates
- Value-added services – Finding those firms that will offer non-billable training (including for the client's legal department), proactively write off excessive or non-productive billable time and comply with budgetary mandates
- How to combat management's default preference to engage the 'best' firm by reputation
- Overcoming the instinct to hire the most recognizable – and, often, the most expensive – firm
- Challenging the grip of incumbency
- Extent to which counsel choice should be based upon a specific lawyer as opposed to specific firm
- Setting up new counsel-relations protocols

Local and Smaller-Market Counsel

- The pros and cons of working with large law firms and small law firms
- Testing the market for smaller firm cost-saving replacements, and then how to move work to these firms to truly save your budget
- Types of work which smaller-market firms may be equally/better suited than large-market firms
- Determining which smaller-market firms to work with
- Using "best of breed" local firms versus local offices of large, national firms
- When matters can be handled by less expensive, but highly qualified counsel outside New York

Convergence Trends & Utilizing National/Regional Counsel

- The balance of having a small contingent of outside firms while being open to new, regional firms

- Regional-firm initiatives – migrating work from high-cost/coastal firms to lower-cost/interior firms
- Convergence trends
  - Minimizing the risks of using fewer law firms
  - Overcoming conflicts as a result of convergence?
- Weighing the cost-saving benefits of convergence against the increased risks of having fewer law firms, and thus fewer skill sets, at your disposal
- Determining which firms to maintain relationships with
- Allocating work that was previously handled by firms with which you no longer have a relationship
- Achieving the optimal balance of law firms in terms of size, diversity, and geography
- Ensuring your pool of law firms is sufficiently large or diverse to avoid all of them being conflicted out

12:10 **Networking Luncheon for Speakers and Delegates**

1:10 **After Selection and Retention, Enhancing Relationships With Outside Counsel to Ensure Predictability and Genuine Cost Control/Reduction and What to Do When Your Expectations Are Not Being Met**

**Rachel H. Khedouri**

Legal Director, Global Law  
Schering-Plough Corporation (Kenilworth, NJ)

**Malini Moorthy**

Senior Corporate Counsel - Litigation  
Pfizer Inc (New York, NY)

**Christopher M. Turoski**

Senior Intellectual Property Counsel  
Cargill, Incorporated (Wayzata, MN)

Moderator:

**Gerald G. Knapton**

Partner  
Ropers Majeski Kohn Bentley PC (Los Angeles, CA)

Enhancement

- Proactive measures in-house counsel should take with their outside counsel to prevent the unexpected, including out-of-control costs
- Developing and communicating cost-efficient expectations early and effectively
- Determining the points of contact between your company and your outside counsel to reduce miscommunications and redundancies
- Determining who covers costs when a case takes an unexpected turn – do companies have an obligation to ensure their firms don't lose money if a turn of events isn't due to the firm's negligence, or is it a risk law firms have to live with?
- Redefining the concept of "efficiency" from both an in-house and outside counsel perspective
- Increasing efficiency by familiarizing outside counsel with a company's operations & vice versa
- Monitoring outside counsel to ensure that your billing, staffing, and procedural guidelines are reasonably followed
- Balancing expectations of wanting top quality service for less

Modification and/or Termination

- Strategies for maintaining/terminating law firm relationships in unanticipated circumstances
- Resolving budgetary issues that arise and more
- Actions to take when outside counsel does not adhere to guidelines
- How to approach law firms when a bill does not appear fair: techniques for increasing chances of an amicable resolution
- How to deal with a decline in quality of service when outside counsel exceeds its fees
- When and how to terminate an agreement

2:25 **Afternoon Refreshment Break**

2:35 **BUDGETS: Establishing an Accurate and “Friction-Free” Legal Budget, and Then Obtaining Lower-Cost, High-Quality Legal Work that Stays Within That Budget**

*Mark L. LoSacco*

Senior Litigation Counsel  
American Express Travel Related Services Company, Inc.  
(New York, NY)

*Julie S. Mazza*

Corporate Counsel and Manager of Law Firm Partnering  
DuPont (Wilmington, DE)

*Kelly Phillips*

Vice President and General Counsel  
Boston Scientific Corporation - Cardiac Rhythm Management  
(St. Paul, MN)

Moderator:

*Frederick H. Paulmann*

The Counsel Management Group (New York, NY)

- What you need to prepare your legal budget
  - Factoring in both in-house costs and outside legal fees
  - Using historical data as a guide
  - Mapping anticipated costs to the company's goals and initiatives
  - Evaluating current risks and industry trends
  - How do you forecast costs:
    - How long a job will take
    - How many hours should a project average?
    - When will the litigation end?
    - Should you budget annually?
    - What techniques and software help you forecast?
  - Factoring in profit
- Presenting your legal budget and negotiating with the CFO
  - Utilizing metrics to support your budget
  - Where to cut first when the budget is too high
  - Techniques to implement from your procurement department to realize savings
- Implementing your budget and staying on track
  - Engaging and holding your team accountable for the budget
  - Reporting regularly on expense vs. budget and anticipating variances
- Tracking law firm compliance with the budget
- Reevaluating the underlying assumptions on which budgets are based
  - Analyzing the accuracy and predictive value of internal past data
  - Improving the mechanisms of internal data capturing
  - Working with outside counsel to improve accuracy of info relating to hours and rates

3:45 **The View from Outside Counsel: Law Firm CEOs and Managing & Founding Partners Speak Out on How to Control Costs, Increase Value, and Improve Satisfaction for Clients**

*Simon H. Bloom, III*

Founding Partner  
The Bloom Law Firm, LLP (Atlanta, GA)

*Cesar L. Alvarez*

Chief Executive Officer  
Greenberg Traurig, LLP (Miami, FL)

*Robert F. Ruyak*

Managing Partner and CEO  
Howrey LLP (Washington, DC)

*Wm. Scott Schulten*

Managing Partner  
Schulten Ward & Turner, LLP (Atlanta, GA)

Moderator:

*William J. Perlstein*

Co-Managing Partner  
WilmerHale (Washington, DC)

- Understanding the cost components of the “product” clients are purchasing and what’s needed to provide the highest quality product
- The billable hour – is it still the “preferred method” of compensation?
- The clients’ role in value-engineering legal costs
- Real-world examples of creative billing and fee arrangements - approaches from the law firm side of the aisle
- How is success measured?
- Adjustment of the fee based on efficiency, outcome, and importance of the matter to the client
- Taking on new business “at a discount”
- Strengthening the firm/client relationship

5:00 **Conference Adjourns**

**DAY TWO: November 20, 2009**

7:20 **Continental Breakfast**

8:00 **STAFFING: Maximizing In-House Capabilities and Staffing Efficiencies to Reduce Reliance on Outside Counsel**

*Alan Dabdoub*

Managing Director, Senior Litigation and Employment Counsel  
FedEx Office and Print Services, Inc. (Dallas, TX)

*Renee L. Jackson*

Vice President, Corporate Legal  
Fair Isaac Corporation (Minneapolis, MN)

*Edward Lowenberg*

Senior Counsel and Coordinator for Product Liability & Toxic Tort Litigation  
Exxon Mobil Corporation (Houston, TX)

*Jacob J. Modla*

Vice President – Deputy General Counsel  
Family Dollar Stores, Inc. (Matthews, NC)

Moderator:

*Scott T. Piering*

Senior Attorney  
Cargill, Incorporated (Wayzata, MN)

- When a company should consider adding in-house counsel for cost savings
- Bringing more work in-house: Identifying what can be cost-effectively moved in-house
- Conducting a cost-benefit analysis of the necessary infrastructure enhancements that will be required to improve your in-house capabilities
- With more work being done in-house and often fewer dollars to hire new lawyers for the department, how do you adapt to the fact that your in-house may be working too hard and often on matters unique to the economy and new to them?
- Alternative staffing options that can reduce expenses and ease the burden on in-house counsel
  - Reapportioning budgeted outside counsel expenses to hire additional in-house counsel
  - Determining whether to hire less costly junior attorneys or more expensive senior attorneys

- Utilizing temp and consulting services
  - When should you bring them in and for what type of work?
  - Negotiating the best payment method: paying by hour vs. paying by project
- Employing contract attorneys and realizing cost savings by using them
  - Training and monitoring considerations
  - Boosting a company's inherent value and helping with the bottom line by converting hires from contract to permanent status
- Utilizing paraprofessionals and other administrative staff

- Working out an action plan with consultants and vendors before work begins
- Convergence applied to vendors: reducing the number of vendors used and negotiating volume discounts

9:15 **A Focus on Litigation and E-Discovery Costs: Proven Methods of Spending Less and Controlling Fees and Expenses**

**Perry S. Goldman**  
Vice President, Legal Affairs  
Actelion Pharmaceuticals US, Inc. (South San Francisco, CA)

**Timothy McEnaney, Esq.**  
General Counsel  
Nouveau Elevator (Brooklyn, NY)

**Stephen D. Susman**  
Founding Partner  
Susman Godfrey LLP (New York, NY)

Moderator:

**Christopher M. Santomassimo**  
General Counsel & Chief Compliance Officer,  
Agfa Corporation  
Partner, Nicoll Davis & Spinella LLP  
(Paramus, NJ and New York City)

Litigation as a Whole

- Spending less on litigating cases by increasing spend on efficient litigation management
- Grouping cases by similar risk and exposure to streamline the management of litigation
- Assessing what the likely outcome of the case and your projected costs will be
- Determining whether to settle a case today that may have been fully litigated just a year or two ago
- Reviewing existing litigation and determining whether to settle wherever possible to get cases off the books – is a settled case better than an unsettled case?
- Preparing early and accurate case assessments – playing out a case scenario on the front end
  - evaluating the cost of defense versus chronic settlement of unmeritorious claims and the precedential value of a settlement
  - controlling future litigation: identifying trends to ward off future lawsuits; knowing when to resolve a case for economic reasons and when to pay significantly more to defend a suit

E-Discovery Costs

- Proactive strategies for implementing cost-saving systems prior to litigation
- Projected savings of outsourcing your e-discovery work vs. performing it in-house
- Creating an in-house e-discovery team to reduce reliance on outside counsel
- Utilizing the cost-saving provisions of the Federal Rules of Civil Procedure
- Minimizing costs by consolidating e-discovery teams in cheaper markets
- Implementing new technologies to increase search efficiency
- Which programs allow you to more efficiently capture relevant documents?
- Consultants and vendors

10:20 **Morning Coffee Break**

10:30 **Utilizing Technology, Streamlining Processes, and Leveraging Past Work Product to Drive Efficiency, Monitor Costs and Increase Savings**

**Kenneth G. Crowley**  
Executive Director; Deputy General Counsel,  
Legal & Compliance US  
UBS Financial Services Inc (New York, NY)

**Lynn Easterling**  
Sr. Director – Worldwide Legal Operations, Legal Services  
Cisco Systems, Inc. (New York, NY)

**Christina Peters**  
Senior Counsel  
IBM Corporate Litigation (White Plains, NY)

**Stan Sherrill**  
Associate General Counsel & Managing Attorney  
Duke Energy Corporation (Charlotte, NC)

Moderator:

**Pressly M. Millen**  
Member & Chair, Client Development Committee  
Womble Carlyle Sandridge & Rice, PLLC (Raleigh, NC)

- Exploiting technology in a way that drives efficiency
  - capturing and sharing knowledge of your in-house staff and outside counsel through user-friendly tools
  - Upgrading your document management, billing and forms systems
  - Creating an intranet specific to the legal department
  - using collaboration tools to promote cross-border and cross-functional teaming, and to develop and share best practices
- Increasing efficiency and bolstering training through use of model documents and clauses, how-to guides based on areas of law, updates on new law, searchable databases, etc.
- Criteria for selecting the best vendors and consultants for your company's needs
- Strategies for keeping costs down on IT consulting projects
- Newest tools for locating and reviewing data
- Matter reporting systems
- Other unique technological tools to save your company money

11:45 **Seeking Value Through Formal Requests for Proposals: Ensuring that RFPs Are Carried Out Well for Maximum Management of Outside Legal Costs**

**James L. Altman**  
Deputy General Counsel  
Xcel Energy (Minneapolis, MN)

**Nicole Hinds, PMP**  
Manager, Strategic Sourcing – Legal  
Boston Scientific Corporation (Natick, MA)

**Andrew E. Shipley**  
Assistant General Counsel  
Northrop Grumman Corporation (McLean, VA)

Moderator:

**Charles F. Johnson III**  
Co-Chair Pharmaceutical, Medical Device & Healthcare Group  
Butler Snow (Jackson, MS)

- Selection criteria
- Developing the RFP: cross-segmenting the coordination and communication essential to project success; understanding the portfolio(s) that are being bid; ensuring you have dedicated resources to implement
  - Analyzing spend data to select area to RFP
  - Creating the RFP project plan
  - Selecting the key RFP team members
  - Utilizing electronic RFP Tools vs Manual Format
- Structuring the RFP to maximize relevant information
  - Service levels, proposed terms and conditions
  - Allowing for explanations
  - Forcing acceptance/rejection of terms at an early phase
- Data to be collected
  - Rates
  - Office locations
  - Attorneys per office
  - Associate turnover rate
  - Diversity statistics
  - Examples of creative lawyering
- Using term sheets and other written documents strategically
- Identifying the scope of work to include in the RFP
- Defining the scope of the deal
  - Term of relationship
  - Types of services
  - Exclusivity
  - Non-competition
  - Non-solicitation
- Pros and cons of an annual or bi-annual process
- Lessons learned from the RFP process

## 12:50 Networking Luncheon for Speakers and Delegates

### 1:45 Improving the Efficiency and Effectiveness of Legal Invoice Review

*Dino Cieri*

Counsel

Computer Sciences Corporation (Philadelphia, PA)

*Wanda E. Flowers*

Chief Counsel, Labor, EEO & Employment  
Sunoco, Inc. (Philadelphia, PA)

*Jeanne Walker*

Associate General Counsel, Global Litigation  
Celanese Corporation (Dallas, TX)

Moderator:

*Daniel J. Costello, Esq.*

Law Offices of Daniel J. Costello, P.C. (Syosset, NY)

E-Billing

- Cost-benefit analysis of e-billing as it relates to budgeting
- How e-billing can reduce the time spent on and costs of invoice reviews
- Selecting and implementing the best e-billing system for your needs
  - Revising and updating your billing guidelines
  - Developing company-specific task codes
- The human factor – balancing the speed of electronic review with the need for qualitative input
- Improving an already existing e-billing process

Using Non-Attorney Review of Outside Counsel Invoices

- Tips, traps, and techniques on agreeing to efficient bill review
- Experiences with “managed legal care” (e.g., outside vendor reviewing bills and approving, or denying, bill items based on description)
- Implementing a system that will reduce the amount of time that in-house counsel must devote to invoice review

- Handling the over- and under-reporting of billing discrepancies that non-attorneys may make due to lack of familiarity with a particular matter
  - Conducting faster and more effective second-order reviews
- Determining whether non-attorney invoice reviews should be performed by employees or vendors
- Use of outside counsel guidelines to help reduce costs/fees
- Use of an internal paralegal/law clerk to assist in invoice review

## 2:50 Afternoon Refreshment Break

### 3:00 LPO: Where and How to Obtain Professional and Cost-Effective Services (While Maintaining Confidentiality) So That Your Internal Team Is Adequately Freed Up for More Complex and Challenging Legal Matters

*H. Ward Classen, Esq.*

Deputy General Counsel, U.S. Commercial Businesses  
Computer Sciences Corporation (Hanover, MD)

*Martin D. Beirne*

Managing Partner

Beirne, Maynard, & Parsons, L.L.P. (Houston, TX)

- “On-shoring”
  - Determining which lower-cost markets to use when outsourcing within the U.S.
  - Establishing document review teams in these new markets
- Using offshoring for substantial cost savings
- Setting up joint ventures or subsidiaries to retain more safeguards over data while benefiting from a lower-priced labor pool
- Off-shoring: the services that you should and shouldn’t offshore and considerations when outsourcing outside the U.S.
  - Conducting a cost-benefit analysis of off-shoring legal processes
  - Which countries are being utilized the most and why:
    - India; Israel; Philippines
  - Selecting and monitoring an off-shore service provider
  - Security, compliance, and training considerations
- Successful offshore experiments and savings

## 4:00 The Ethics of Alternative Fee Arrangements and Cost Reduction Strategies

*William R. Thompson*

Chief Counsel–Litigation

GMAC ResCap (Fort Washington, PA)

*Michael B. Ray*

Managing Director

Sterne, Kessler, Goldstein & Fox P.L.L.C. (Washington, DC)

*Abraham C. Reich*

Co-Chair of the Firm

Fox Rothschild LLP (Philadelphia, PA)

- Ethical considerations for in-house counsel in an era of cost containment
- Incentives created by hourly fees and their ethical implications for outside counsel
- Incentives created by alternative fee arrangements and their ethical implications for in-house counsel, outside counsel, and opposing counsel
- Ethical costs considerations arising from e-discovery
- Ethical obligations in connection with third parties paying legal fees (e.g. insurance companies)
- Ethical obligations in connection with auditing of legal bills
- Ethical obligations when outsourcing both legal and non-legal work
  - Additional ethical obligations for lawyers who have “direct supervisory authority” over others

## 5:00 Conference Ends

ETHICS

American Conference Institute's  
3<sup>RD</sup> ANNUAL FORUM ON

# REDUCING LEGAL COSTS

Alternative fee arrangements, convergence trends, qualitative approaches to selecting, retaining & managing outside counsel, and other strategies for minimizing in-house legal department costs & financial risk without compromising work product or quality of service

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