



# WMACCA Small Law Department Initiative: Managing Litigation in the Small Law Department Environment

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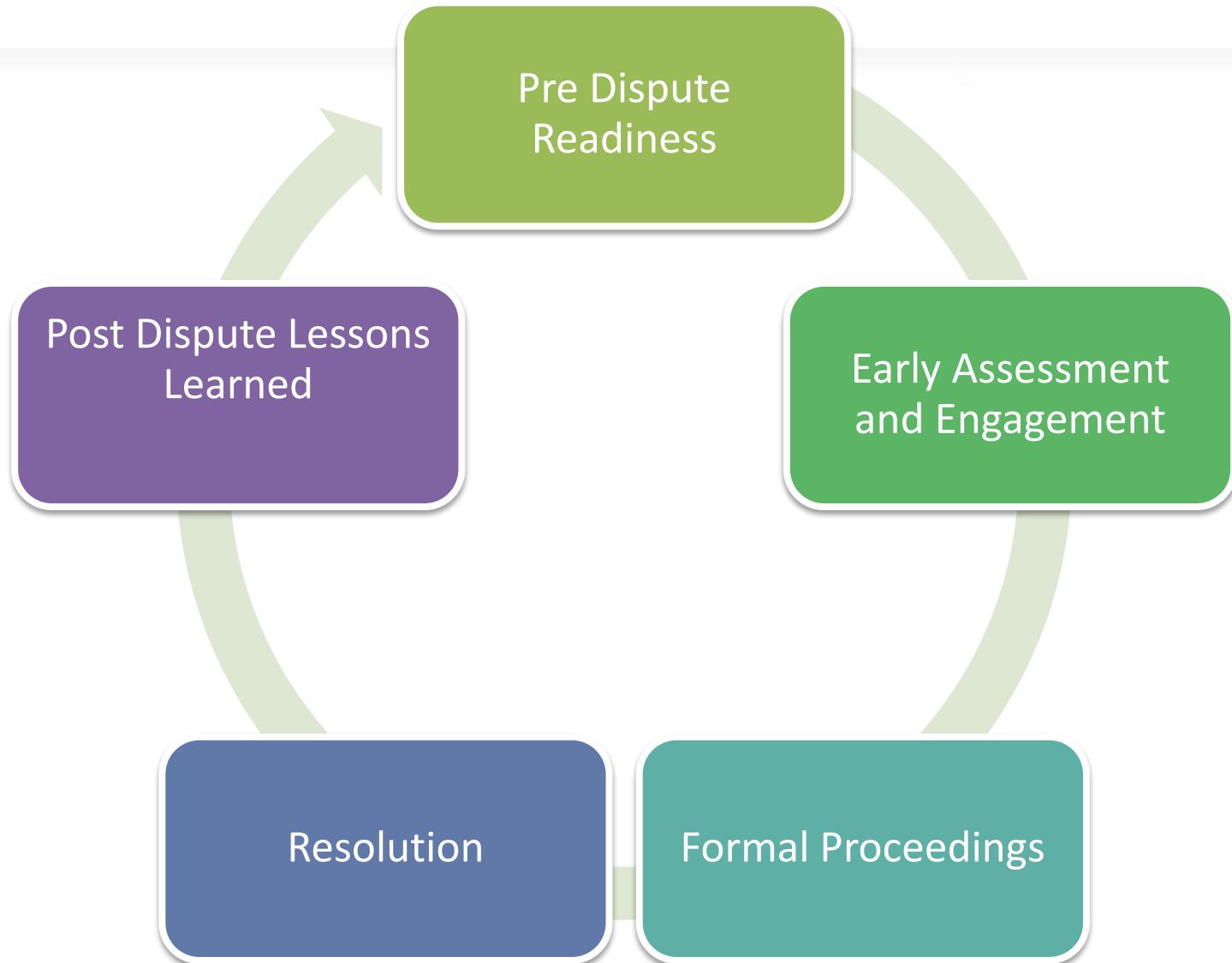
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# Managing the Lifecycle



# Readiness: Key Considerations

- ✓ Is legal partnered effectively with the business: Staff? Executives? BOD?
- ✓ Does legal understand the business?
- ✓ Does business understand the legal issues?
- ✓ Are you effectively communicating the value of prevention?
- ✓ Are policies and procedures aligned with practices?
- ✓ Are vendors and contracts being managed effectively?
- ✓ Record retention and destruction: How are they handled?
- ✓ Are disputes being identified, prevented, and resolved efficiently?
- ✓ Insurance – is it sufficient?
- ✓ How are disputes addressed in the budget? Are AFAs available or appropriate?
- ✓ Who is assessing risks originating outside the company?

# Assessment Stage: Key Considerations

- ✓ Do you have a formal assessment process?
- ✓ What are the goals?
- ✓ What are the risks?
- ✓ Is it an “ordinary” or “bet the company” dispute? Opportunity for precedent?
- ✓ How do you align your litigation strategy with the economics, goals and risks?
- ✓ Are there subject matter specific issues?
- ✓ Establish the budget – and manage it!
- ✓ How will the matter be managed – and level of involvement?
- ✓ Assemble the internal team: who is on it?
- ✓ Assemble the external team: **not** limited to counsel (vendors, suppliers, consultants, etc.)
- ✓ Public relations: Who has lead?
- ✓ How will progress be assessed and measured?
- ✓ How will progress be communicated internally and externally?



# Formal Proceedings Stage: Key Considerations



# Building the Ideal Outside Counsel Relationship



# Resolution: Key Considerations

Settlement and resolution strategies

How to promote resolution – is it on the table?

Who should be at the table?

ADR?

Manage expectations for outcomes

Have you accomplished what you set out to do?

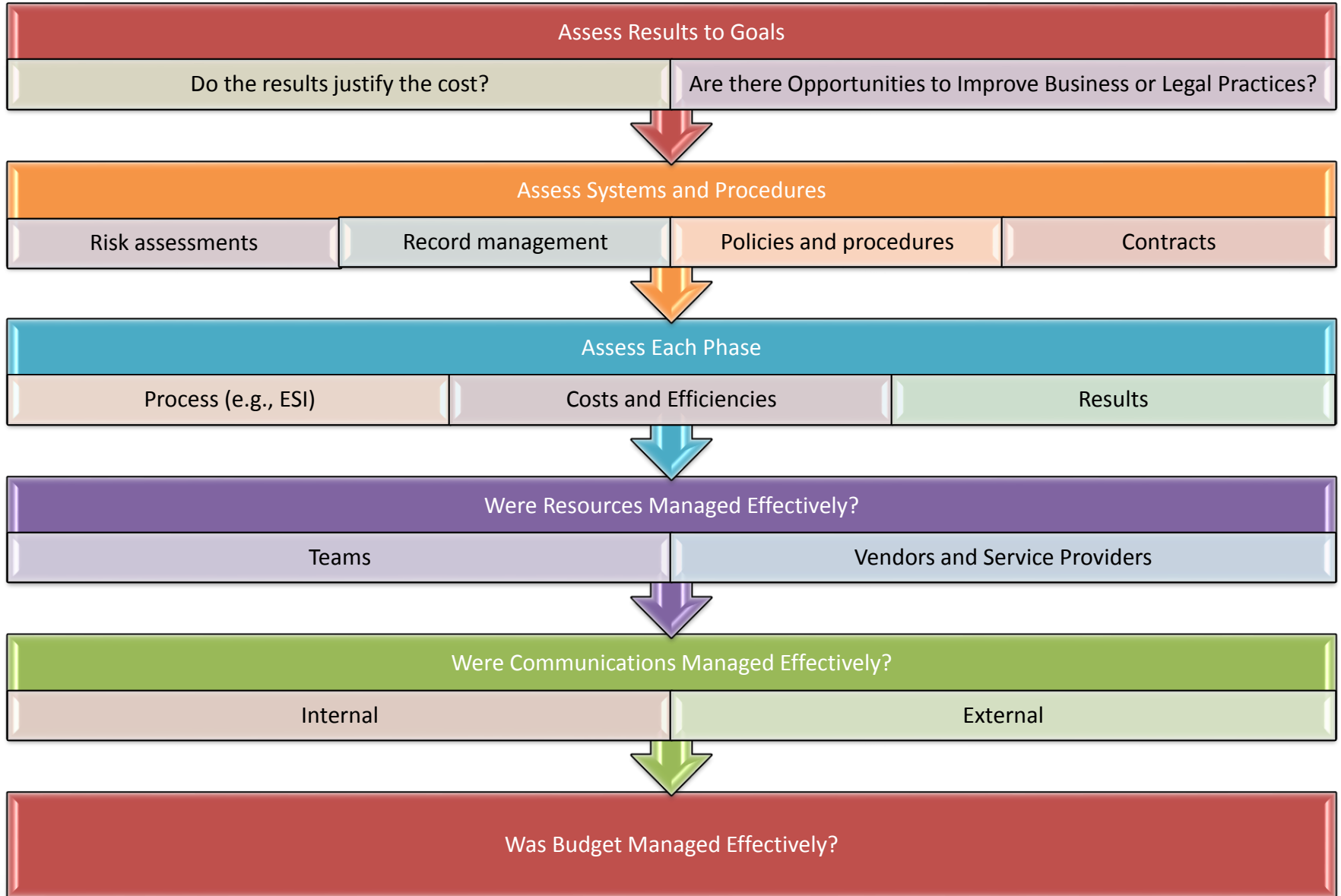
Settlement structuring: valuing cash vs non-cash opportunities

What is the cost of not resolving a case?

Who has authority?



# Post Dispute: Lessons Learned



# Questions and Discussion



Photo courtesy shutterstock.com



# THANK YOU!

## QUESTIONS?

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