

REDUCING DISCOVERY COSTS
American Conference Institute's
3rd Annual Forum on Reducing Legal Costs
Philadelphia Nov. 20, 2009

I. Keys

- A. Compensate counsel so they are rewarded for result not effort
- B. Get courts to set firm trial dates and tight time limits
- C. Don't get into pretrial fights with the other side: see my Pretrial Agreements
- D. Limit the lawyers per litigation event to one, or at least, only speakers attend—no observers
- E. Limit depositions to 4 hours and only take those that the lead lawyer describes in writing exactly what he hopes to accomplish; make the lawyers prepare their questions in advance
- F. Do not depose experts

G. Teach young lawyers the following truths:

1. 95% of what happens pretrial is not outcome determinative
2. too much discovery can be counterproductive
3. what the other side wants may also be good for us
4. tit-for-tat responses have no place in winning cases
5. litigate by agreement

H. Control your client's expectations by

1. going over this document before you are hired
2. asking them to read How Susman Godfrey Handles Cases
3. insist that they participate in weekly trial team conference calls at the same time each week and not to exceed 30 minutes