

Value Practice: Early Case Assessments, Decision Tree Risk Analysis, Alternative Fees, Technology and Litigation Practices: Focus on Value at Abbott, Simses & Kuchler

Rick Simses

Interviewed while Managing Director of the Firm's Houston, Texas Office

Abbott, Simses & Kuchler, a firm with 45 lawyers, has a regional practice with offices in New Orleans and Covington, Louisiana; Houston, Texas; and Jackson, Mississippi. The firm also handles matters throughout the U.S. on a case-by-case as well as by the docket basis.

Key practices used by Abbott, Simses to increase the value to clients of the firm's services include:

- Early case assessment to focus on early case resolution
- Decision trees to focus on what issues really matter
- Fast-track virtual mock trials to hone trial themes
- Alternative fee compensation model that rewards efficiency and effectiveness
- Pre-litigation ADR, including mediation

Techniques for Adding Value

- **Alternative Fees.** The firm shares that it uses various alternative fee approaches when there has been a positive client-firm relationship in place for some time. Alternative fee models used by the firm include: 1) flat fees for a single case or entire docket of cases; 2) blended rates; and, 3) success bonuses, where a percentage of the fee goes into a "success bucket" and the firm's bonus is decided based upon several criteria, including success and budgetary considerations.
- **Early Case Assessment.** Cases are analyzed within 90 days of being assigned. The assessment process varies to some extent by client because the firm tailors the specific process to any special issues or criteria identified by the client. This approach to assessments shifts the focus from the "processing" of a lawsuit to resolving a business problem.
- **Early Case Resolution.** A key goal is to identify potential lawsuits before they are filed so that there is an opportunity to resolve the matter favorably at an early stage. The firm describes its approach as 'proactive and as having been particularly successful on behalf of several clients: to date, on behalf of several clients, the firm has secured the voluntary dismissal, without payment of any settlement funds, of over 35,000 claims.
- **Product Liability Cases.** The firm describes its specific approach to product cases as 'aggressive from the outset,' in determining whether the plaintiffs can establish product identification. Plaintiffs often sue hundreds of defendants based on some "pre-existing defendant list," but they have no way of making product identification on most of those defendants. The firm seeks this information at the meeting with opposing counsel and

pursues voluntary dismissals on a plaintiff-by-plaintiff basis rather than allowing clients to incur unnecessary fees and costs by remaining in unfounded litigation.

- **Decision Trees.** With clients who want to take a rigorous approach to risk management and considering alternative approaches, the firm uses decision tree software to prepare presentations on alternative strategies. These are prepared by the firm's lawyers working on the cases. Several clients use the same decision tree software and this enables lawyers for the firm and the client to simultaneously explore in "real time" what the various alternatives are and the benefits of each.
- **Internal Training.** The firm hosts in-house educational programs that are described as 'highly relevant to practice subject areas and general attorney development.' These sessions may take the form of all day seminars or lunch-time workshops. Topic examples: 1) asbestos medicine; 2) trial techniques; 3) conducting cross examinations effectively.
- **Cross-jurisdiction Legal Team Coordination.** The firm states that it collaborates extensively with other lawyers and firms nationwide on all types of cases, acting as national counsel, regional counsel, local counsel, and often as co-trial counsel.
- **Monthly Project Reports.** The firm uses various technology systems to provide monthly snapshot reports to clients. These reports are described as providing insights on material developments formatted to enable clients to quickly grasp what is necessary to know. The technology systems prompt lawyers to prepare reports when the monthly report anniversary date is not met.
- **Use of Technology.** The firm uses technology to create efficiencies and increase collaboration within the firm as well as with collaborating firms and clients. These technologies include: email, secure extranets, an "eRoom", video conferencing, claims databases and calendaring systems, document management systems, project templates, and secure WIFI internet access cards for lawyers' laptops. When appropriate, the firm secures the services of outside service providers to supplement the firm's internal capabilities.

Key Firm Values

- **Innovation.** Management continuously challenges the organization to "think out of the box" to find new ways to deliver greater value to clients.
- **Inclusion.** There is a strong commitment to teamwork and collaboration by everyone in the organization to bring into a project or a relationship the right people and resources to handle whatever issues arise.
- **Responsiveness.** People in the firm are accessible by clients 24/7 and routinely make time to get things done that need to be addressed outside of the normal business hours.
- **Knowledge of the Client's Business and Priorities.** People in the firm make an extra effort to learn clients' businesses and the markets in which they operate. This enables the firm to help clients make litigation decisions that are informed by the impact these decisions could have on their business beyond the issues of any particular case.

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