

Checklist for AFA Discussion with Outside Counsel

- Has Outside Counsel engaged in AFAs previously?
- What types of AFAs has Outside Counsel used?
 - What percentage of the Firm's matters are handled as AFAs?
 - Has the proposed lead counsel for our matter used AFAs?
 - What types, and in what percentage of lead counsel's matters?
- What kinds of experience has Outside Counsel had with AFAs?
 - Successful?
 - Unsuccessful?
 - As perceived by the Firm?
 - As perceived by the Client?
- Why were Outside Counsel's previous AFAs perceived to be successful or unsuccessful?
 - By the Firm?
 - By the Client?
 - Is Outside Counsel able to provide Client referrals for us to speak to?
- Is Outside Counsel willing to engage in an AFA for this matter?
 - If not, why not?
 - If so, what kind of AFA matter would your firm recommend?
- Does Outside Counsel have historical data available reflecting average costs for this type of matter?
 - For the matter as a whole?
 - For specified projected phases of the matter?
 - Is Outside Counsel willing to share such data?
- Does Outside Counsel recommend that any particular factors be used for determination of "success" in a success fee arrangement?
 - If so, why would those factors be appropriate?