

National Coordinating Counsel Litigation Management Model (NCCLMM)

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What is the NCCLMM and Why Might You Need It?

- A New Way to Manage Large Multi-Defense Firm Litigation
- The Model Tasks One Firm (NCC) With Global LPM and Cost-Reduction Responsibilities
- NCC Becomes an Extension of In-House Counsel and Works Under NC
- NCC Delivers Workstream Management and a Fixed Fee Paradigm
- NCC Builds Trust and Credibility Through Execution -- and Participation in Fixed Fee Paradigm
- Collaboration and Teamwork are Enhanced Through Shared Fee Structures

NCCLMM Structure



Key Features of the NCC Litigation Management Model

- NCC works with National Counsel to manage and coordinate the litigation.
- NCC designs and implements processes and controls to drive quality and efficiency.
- The Model supports the Client/NC strategy to maximize global outcomes.
- The Model drives significant cost-savings through workstream control and standardization.
- The Model enables the Client/NC to maintain focus on the merits and overall strategy instead of coordination.

So I Need To Hire Another Law Firm To Save Money?

- NC Are Talented Lawyers Retained to Address Existential Risk
- Few Are Experienced in LPM
- Few Are Willing to Propose Transfer of Non-Strategic Workstreams To Lower Cost Firms
- Few Can Lead and Build Trust Through Participation in the Fixed Fee Paradigm
- Third Party Auditors and In-House Cost Managers Sometimes Lack Understanding of the Litigation

Workstream Control

NCC drafts and implements numerous processes designed to enhance quality and consistency, including:

- Plaintiff and fact witness deposition protocols
- Plaintiff and fact witness deposition training
- Onboarding material for lawyers/paralegals
- Expert report and deposition training
- Protocol on drafting expert reports

Quality Control

Quality and consistency are further enhanced through review and audit procedures including:

- Fact witness deposition audits
- Expert report audits
- Expert deposition audits
- Expert invoice audits
- Performance reviews

Motions Control

Ensure quality, efficiency, and consistency in motions across all cases

- Prepare and maintain summary judgment templates for all states
- Prepare and maintain templates for affirmative and responsive Daubert briefs
- Maintain rulings chart
- Maintain SharePoint site with various resources including all prior briefing
- Provide training for motion drafters

NCC Responsibilities:

Workstream Management:

- Elimination or down-sizing of workstreams
- Conversion of most workstreams to fixed fees
- Reassignment of work to lower cost professionals
- Centralization of work or refinement of workstreams to increase efficiency through process controls, training, audits, templates, and technology
- Continual reassessment of the value and pricing of workstreams and vendors

Takeaways from NCCLMM

- If the client is required to conduct substantial fact discovery; to perform recurring, similar workstreams; to file recurring motions (even if under different state or federal law); or to undertake repetitive tasks, the Model will deliver better outcomes.
- Given strategic responsibilities, it is difficult for NC/in-house counsel to maintain focus on the many variables affecting coordination while they are engaged in company discovery, trial preparation, trials, settlement discussions, etc.
- While NC is often best equipped to lead the defense, they often lack the experience or cost-structure to credibly lead on cost-control.
- We recommend tasking one set of outside counsel to serve as an extension of the legal department and lead and regularly report on the coordination initiatives.
- Hold weekly or bi-weekly standing client calls to discuss only coordination, cost-containment, and processes – not strategy.
- Coordination and cost-control can lead to enhanced collaboration and teamwork if done correctly.

THANK YOU

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