

Value Practice:

Unbundling Legal Services & Strategic Use of Law Firms in Lower Cost Cities

Interviews of:

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Executive Summary:

These three firms anchored in mid-sized, Southern cities have formed a strategic alliance (referred to in this piece as the Bradley / Watkins / Irwin or “BWI Alliance”), working collaboratively to help companies achieve greater value by leveraging litigation expertise with lower overhead cost structures. The firms plug into multiple service models: working directly with clients as the prime outside counsel on a matter; joining a broader team of firms within a “virtual law firm” construct; and/or working together in what they describe as a seamless way to deliver larger scope and scale of services than any one of the firms could individually provide.

Beyond the traditional use of “local counsel,” the BWI Alliance focuses on serving clients on various types of projects that need strong expertise and good value without regard to geography. Examples include: development of litigation risk profiles, early case assessment, document review and electronic data production, fact witness discovery, expert witness preparation, defense of company witnesses, trial narrative work-up, and as members of national trial teams.

These types of arrangements provide clients a strategic option to “unbundle” certain aspects of legal services and assign them in what BWI strategic alliance partners describe as a cost effective way to receive quality service.

Following are additional details on how the BWI Alliance operates, and how it helps clients achieve value.

Service Models and Operations

The BWI Alliance offers multiple service models, or ways for clients to engage.

- **Work with one.** Clients can call upon one of the firms to handle a particular matter, as would be done in a conventional engagement. The difference, however, is in scope. The engagements are not limited to work that is “local” or geographically-tied. Rather, the focus is broader – on projects where the firm would deliver superior value given the nature of the work to be done. Examples include: regulatory reviews,

management of individual litigation, early risk assessment, company witness identification, document identification, expert witness development and national trial and coordination counsel for appropriately-sized engagements.

- **Work with three.** Where the project requires a larger volume of resources, a client can seamlessly engage the BWI Alliance to get the collaborative benefits of all three firms. Examples include: management of litigation for specified products, motion practice, document review and production, scientific review and the assembly of BWI trial teams.
- **Work within a broader team effort.** Where the client has or is planning a broader “virtual law firm” structure across multiple firms, the BWI Alliance can work within a broader legal team effort. Examples include: plaintiff-specific case work-ups, management and production of electronic data, trial theme development, motion practice, and as members of national trial teams. The BWI team shares that they have worked closely with many clients and their “national counsel” firms in these types of arrangements.

The BWI Alliance describes the following operating efficiencies:

- **Technology tools.** The three firms are closely connected via information technology. Extranets are available for coordination amongst the three firms as well as communication with their clients. They work off compatible information systems.
- **Single point of administrative contact as an option.** The BWI Alliance offers a single point of administrative contact to clients, if that is the preference. This means one source for reporting, budget management / forecasting, invoicing and overall tracking.
- **Ties with network of firms.** The BWI Alliance also states that it maintains close ties with a strong network of law firms around the country (ranging from large to small), enabling the firm to tap into additional expertise as needed to address local counsel needs and specialized areas of expertise as may become necessary.
- **Experience with alternative fees.** The BWI Alliance has worked within a number of alternative fee structures including:
 - fixed fees for specified case work-ups (e.g. analyzing documents and taking depositions to prepare for trial the plaintiff-specific aspects of the case),
 - project-specific fixed fees for litigation risk assessments (e.g. reviewing product labeling and history to assess and strategize re litigation risk and mitigation),
 - fixed fees for handling the totality of litigation for a client within a specified geographic region, and

- fixed fees that are based on an estimation of the total legal work likely to be required from the firms over a given time period irrespective of the particular matters at issue.

- **Integration with existing structure.** The BWI firms have worked with larger and smaller companies and law firms from across the country. They describe this experience, and the flexibility of the various service models described above, as enabling them to complement existing resources and “fit” smoothly.

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