

Value Practice:**Utilizing On-Demand Personnel to Increase Value and Reduce Costs****Interview with Richard Munisteri, Vice President and Associate General Counsel, Live Nation****September 2009**

The law department of Live Nation includes 15-20 attorneys. Richard Munisteri manages the company's litigation. While the company relies on the outside counsel it retains to manage the details of that litigation, the effectiveness of the 2006 federal rules governing electronic discovery, and the concomitant increase in the significance and extent of that aspect of the company's litigation, caused Mr. Munisteri to consider incorporating temporary (or on-demand) staffing into the litigation teams. This reflects the focus of his and the law department's mandate to seek the greatest cost savings possible without sacrificing quality and results.

Accordingly, working with a provider of temporary attorneys and other staff, Mr. Munisteri developed an approach to the use of such personnel even while according the company's outside counsel a significant role in that process. Mr. Munisteri learned early in the process, however, that law firms tend not to suggest cost-saving measures to the law department. Even having determined to use temporary staffing and communicated that desire to the law firms, Mr. Munisteri finds that, while he implicitly trusts the firm's outside counsel to further its interests in that litigation professionally, he must monitor how much and how effectively they use such personnel so as to maximize the cost savings that Live Nation can enjoy.

Overcoming resistance from law firms

Live Nation typically uses temporary staffing for the review of large numbers of documents, particularly in the context of document productions and electronic discovery. When Mr. Munisteri first proposed to the company's outside firms that they incorporate temporary attorneys in their staffing models, he received some pushback, especially in terms of the firms' expressed concerns regarding the perceived quality of temporary attorneys and possible delays in the work on account of securing the necessary temporary staffing assistance.

Working closely with the law firms and the temporary-staffing agency, however, he has successfully assuaged those concerns. Particularly in the current

recessionary environment, he has found that the quality of temporary (or “in transition”) personnel is on a par with the law firms’ own personnel. Second, the candidates identified by the temporary staffing firm are forwarded directly to the law firm involved in the specific matter for review and approval by the partner(s) in charge of the case. (Mr. Munisteri also reviews the candidates’ credentials and qualifications.) Third, the close coordination among Mr. Munisteri, the temporary staffing agency and the law firms prevents significant delay in filling the staffing needs of Live Nation’s cases.

Benefits of a well-planned approach to utilizing temporary personnel

Mr. Munisteri indicates that Live Nation has realized substantial benefits from using temporary attorneys and other staff in its litigation teams. Even without quantifying those benefits in detail, they result from the difference in the hourly rates that law firms would charge for the time of their associates completing document review that can be effectively accomplished by contract attorneys for which Live Nation pays \$55-60 per hour. The use of such personnel plays a significant role in assisting the Live Nation law department to meet the cost-containment expectations of corporate management.

Some things to keep in mind

As real as the cost-related benefits of using temporary staff can be, incorporating such staff into the staffing mix for its litigation has placed some additional burdens on Mr. Munisteri and the law department generally.

- As stated above, law firms rarely take the initiative to suggest using such personnel, so the law department’s personnel must suggest the step proactively.
- Even after accepting the law department’s instruction to consider and use such staff, the firms’ implementation of that directive requires ongoing monitoring by Mr. Munisteri in order to maximize the benefits that Live Nation realizes.
- Close coordination among the law department, the temporary-staffing agency and the law firms is necessary to prevent delay and to meet quickly any concerns (either programmatic or case-specific) that might arise.
- The additional oversight increases the management responsibility of the law department.

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