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Specializing in Attorney Fees and Legal Billing

Welcome

Events



The Attorney Fees Conference - 2013
October 25, 2013
At S.F. Bar Assoc (301 Battery Street)
8:00am-5:30pm (with Breakfast & Lunch)

Register Now!

[CLICK HERE](#) for Registration Form or
Call Us at (312) 907-7275

Registration Rates
Morning Session: \$250.00
Afternoon Session: \$250.00
Both Sessions: \$300.00

Approved for 7.25 MCLE Credit Hours
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Conference Summary

With the rise of fee-shifting in prevailing party litigation and the growing body of attorney fee jurisprudence, the analysis of reasonable attorney fees has never been more important. In fact, the analysis of attorney fees has become a new, highly specialized practice area in the U.S. Whether you're a fee-paying corporate client or a fee-seeking plaintiffs' lawyer, this conference will provide you with the strategic knowledge and analytical tools to help you save or recover millions of dollars in attorney fees.

This conference considers the anatomy of attorney-client fee disputes and the economics of attorney fee awards. From navigating an attorney-client fee dispute, to preparing a well-documented fee request in court, The Attorney Fees Conference - 2013 covers a range of complex attorney fee and legal billing issues in underlying litigation. This conference is widely regarded as the nation's largest and most comprehensive program on attorney fees and legal billing.

With millions of dollars in attorney fees at stake, you can't afford to miss this conference!

Conference Agenda

The Morning Session, "The Anatomy of Attorney-Client Fee Disputes" concentrates on preventing and resolving attorney-client fee disputes. This session is designed for fee-paying corporate executives (CEOs, CFOs, GCs, and Risk Managers) and defense counsel. The session's first two panels cover outside counsel management with an emphasis on tools, technology, and analytics. The session's final two panels address how to navigate attorney-client fee disputes through court, mediation, and arbitration.

8:00am-8:50: Registration Check-in & Breakfast

9:00-9:55: Managing Outside Legal Spend: Billing Guidelines & Forensic Legal Audits

It's a universal truth that corporate law departments want to reduce their legal spend. Steven A. Tasher and Lindsay H. Tasher will discuss well-established tools and programs for corporate law departments to best manage their outside legal spend. They will address the latest insight in litigation budgeting, billing guidelines, and legal bill reviews, as well as offer proactive tips and lessons learned regarding cost savings and cost avoidance.

10:00-10:55: Corporate Law Department Management: Analytics & Technology

Analytics and technology dominate law department management in today's digital age. Offering difference perspectives, Scott Wirtz (a law firm controller), Philip R. Strauss (an in-house lawyer), and Doug Ventola (who specializes in law department analytics) walk you through the legal billing process. From law firm invoicing to the reporting and compliance required by corporate clients to the advanced analytics available, panelists will discuss a range of billing and data issues that arise in the business of managing legal matters. This panel is designed to foster better relationships, predictability, and cost savings.

11:00-11:55: Navigating Fee Disputes: Courts vs. ADR

Fee disputes arise in a variety of contexts, and often involve multi-parties and have their own unique dynamic. Bruce R. Meckler, John D. O'Connor, and William Gwire discuss the key consideration in prosecuting and defending attorney fee disputes. Panelists will discuss several discrete issues within the broader context of attorney fee disputes, including the economics of fee disputes, the pros and cons of mediation vs. litigation vs. arbitration, and the tactical considerations for the client and law firm side in handling fee disputes. The discussion will be followed by a Q&A session where panelists will field your real world questions and situations.

12:00pm-12:55: Tips & Tactics for California's Mandatory Fee Arbitration Program

The State Bar of California's Mandatory Fee Arbitration Program (MFA) is the forum to resolve attorney-client fee disputes in the State of California. The MFA program resolves approximately 2,000 fee disputes per year. Kenneth E. Bacon, James E. King, and Malcolm Sher offer valuable insight and practical advice for both clients and attorneys engaged in the MFA process. Mr. Bacon provides a brief overview of the MFA Program. Mr. King identifies key MFA Advisories. Mr. Sher discusses proven mediation and arbitration tips and tactics and provides a step-by-step guide to handling fee disputes. Panelists go beyond the rules to provide practice tips and creative strategies for parties to settle large fee disputes in an amicable fashion.

1:00-1:30: Lunch & Registration Check-in

The Afternoon Session, "The Economics of Attorney Fee Awards" concentrates on court awarded attorney fee issues. This session is designed for fee-seeking and fee-challenging lawyers. The session's first panel covers the economic and non-economic factors in attorney fee awards. The following panel addresses complex attorney fee issues in mass torts. The third panel focuses on multi-million dollar fee applications. The final panel covers the use and value of attorney fee experts in proving reasonable attorney fees.

1:35-2:30: Economic & Non-Economic Factors in Attorney Fee Awards

The body of underlying factors in court awarded attorney fees continues to grow. Judge William F. Downes, Martin Quinn, and Francis O. Scarpulla discuss a range of issues on fee awards in common fund cases and statutory fee-shifting cases. Mr. Scarpulla moderates a panel discussion where he addresses fee awards in mega-fund cases, the use of the lodestar cross-check, and other

reality tests of appropriateness of fee awards. Judge Downes addresses recent court treatment of lodestar issues, best practices for record-keeping and asserting lodestar, as well as a perspective from the federal bench. Mr. Quinn examines non-lodestar benchmarks for setting fees, the relationship of fee award to settlement fund, recent court treatment of multipliers, marketplace comparisons to similar cases, and the usefulness of special fee masters to set and allocate fees.

2:35-3:30: Complex Attorney Fee Issues in the Class Action Settlement Process

With the growing reliance on the lodestar cross-check model, Judge Richard A. Kramer, Aashish Y. Desai and Eric H. Gibbs take you inside the complex fee and billing issues in the class action settlement process. Offering his perspective from the bench, Judge Kramer leads a discussion with plaintiffs' lawyers Mr. Desai and Mr. Gibbs. Panelists discuss how plaintiffs' counsel structure their attorney fee request from day one, problems and opportunities in early settlement, whether fees draw from a common or separate fund, the ethical issues with structuring fees, the role of fee objectors, and how to determine local hourly rates.

3:35-4:30: Fee Motion Practice: Complex Multi-Million Dollar Fee Requests

Attorneys' fee claims can no longer be an afterthought in today's litigation practice. Gary A. Greenfield and Richard Pearl discuss how to assert and oppose attorneys' fees claims in large, complex cases. Panelists engage in a point/counter-point discussion on how to lay the groundwork for winning attorney fees in court. Panelists also address how to navigate challenges to fees from opposing parties. Related issues involving hourly rates, billing tips, prevailing party issues, and the use of fee experts will also be covered.

4:35-5:30: Proving Attorney Fees: The Use and Importance of Attorney Fee Experts

Fee awards must be proven in court. More and more clients and courts are turning to fee experts to prove reasonable attorney fees. Bruce R. Meckler, John D. O'Connor, and Justice Cruz Reynoso discuss when and what to consider in retaining a fee expert. Panelists also examine the variety of settings in which a fee expert can be utilized by fee-seeking and fee-challenging lawyers.

Faculty

The Honorable Richard A. Kramer is a San Francisco County Superior Court Judge in the Complex Civil Litigation Division. Prior to joining the bench in 1996, Judge Kramer worked as a civil litigator representing the banking industry.

The Honorable William F. Downes is a former U.S. District Court Judge of Wyoming, 12 years of which he was the Chief Judge. Judge Downes served 17 years on the bench where he presided over hundreds of jury and bench trials. Prior to serving on the federal bench, Judge Downes was an accomplished trial lawyer in Wyoming, handling cases ranging from tort and real estate matters to medical malpractice and personal injury disputes. Judge Downes currently serves as a full-time JAMS mediator and arbitrator where he handles complex civil disputes throughout the U.S.

The Honorable Cruz Reynoso is a former Associate Justice of the Supreme Court of California and Associate Justice for the Third District Court of Appeals of California. Justice Reynoso is currently Professor of Law Emeritus at UC Davis School of Law. He is a nationally recognized leader in civil rights, immigration, and the administration of justice. Justice Reynoso also serves as an expert witness on a range of attorney fee matters.

Bruce R. Meckler serves as Co-Chair of Meckler Bulger Tilson Marick & Pearson in Chicago. In addition to his nationwide litigation practice, focused on complex commercial litigation, insurance

and reinsurance disputes, white collar criminal matters and professional liability litigation, Mr. Meckler is a nationally preeminent attorney fee expert who frequently testifies on the reasonableness of legal fees in court and arbitration. Mr. Meckler has conducted or supervised hundreds of legal bill reviews involving billions of dollars in legal fees.

Philip R. Strauss is the Associate General Counsel of E-Bates / Performance Marketing Brands, an Internet loyalty shopping company in San Francisco. Mr. Strauss has over 20 years experience in corporate executive leadership and corporate law department management, including being General Counsel for two publicly traded Silicon Valley software companies and being in private practice for two top-tier national law firms. Mr. Strauss has also been a consultant in the advisory practice of a Big Four audit firm and served as a two-term President of the Association of Corporate Counsel's San Francisco Bay Area Chapter and founded the ACC's Corporate Counsel University.

John D. O'Connor is the principal of O'Connor & Associates in San Francisco. Mr. O'Connor has tried over 70 cases in federal and state venues throughout the country. A former Federal Prosecutor, Mr. O'Connor has successfully represented high-profile clients including the FDIC, RJ Reynolds, the former California Attorney General and Golden State Warriors Head Coach Don Nelson. In two recent cases, the Court specifically referred to Mr. O'Connor's expert opinions. One opinion supported a \$19.8 million fee award, employing a 2.0 multiplier in a wage and hour case; another, a \$3.1 million fee award, with a 1.5 multiplier, in a wrongful termination case.

Gary A. Greenfield, a former litigator and trial lawyer, founded Litigation Cost Management in 1991 to consult exclusively on attorney fee issues related to litigation management and analysis of legal fees. Mr. Greenfield acts as an expert witness on legal fee-related issues and has conducted numerous analyses related to legal and expert witness fees in matters ranging up to several hundred million dollars in fees. His work has been both on behalf of parties seeking and parties opposing recoveries of fees in state and federal courts. He has also been a Special Master on fee-related issues and conducts trainings and classes on legal bill analysis and auditing and other legal fee-related issues.

Steven A. Tasher is the CEO and Managing Director of Wyatt Partners LLC. He is a former Deputy Attorney General of New Jersey, partner at Donovan, Leisure, Newton & Irvine and Willkie, Farr & Gallagher and Vice President and Associate General Counsel of Wyeth. His company specializes in litigation budgeting, legal billing practices, and effective litigation management. As experts in attorneys' fees cases, Wyatt Partners provides comprehensive and detailed analysis concerning the reasonableness of attorneys' fees and expenses in complex litigation matters throughout the U.S.

Scott Wirtz is the Controller at Loeb & Loeb, LLP in Los Angeles and sits on the Legal Electronic Data Exchange System (LEDES) Oversight Committee (LOC) Board of Directors which oversees E-Billing standards and the Uniform Task Based Management System (UTBMS). Mr. Wirtz has over 20 years of law firm finance experience in the legal profession. He has written articles published in *Law Technology News* and *Metropolitan Corporate Counsel*.

Kenneth E. Bacon is Counsel at Mastagni, Holstedt, Amick, Miller & Johnson in Sacramento. Mr. Bacon is the Presiding Arbitrator at the State Bar of California's Mandatory Fee Arbitration Program. He has trained fee dispute arbitrators and mediators throughout the state of California and has presided over hundreds of attorney-client fee disputes.

Malcolm Sher is a full-time mediator and arbitrator specializing in high emotional, cross-cultural disputes. Mr. Sher is a member of the State Bar of California's Mandatory Fee Arbitration Executive Committee and Chair of the Contra Costa Bar Association's Mandatory Fee Arbitration Committee. He has arbitrated and mediated hundreds of fee disputes and lectured widely on the subject of fee

arbitration and mediation.

William Gwire is the principal of Gwire Law Offices in San Francisco. Mr. Gwire was identified in *California Lawyer* as one of only a handful of “go to” plaintiff’s legal malpractice lawyers in California. He tried to judgment one of the largest legal fee disputes in history, the \$100 million fee dispute between Dow Corning and a consortium of insurance companies arising out of breast implant litigation. Mr. Gwire achieved a \$13.7 million deduction in the attorney fee claim.

Martin Quinn is a full-time JAMS arbitrator and mediator who settles, arbitrates, and manages complex legal disputes. Mr. Quinn served as the court-appointed Special Fee Master in the MDL, *In re TFT-LCD (Flat Panel) Antitrust Litigation*, issuing an expert report and recommendation on the \$310 million fee allocation dispute in the MDL.

Richard M. Pearl is the author of *California Attorney Fee Awards*, 3d Ed., published by California’s Continuing Education of the Bar. Mr. Pearl has litigated some of the key attorneys’ fees cases in California, including *Graham v. DaimlerChrysler Corp.*, *Flannery v. Prentice*, and *Maria P. v. Riles*. He has also served as an expert witness on attorneys’ fees, and his opinions have been cited by numerous courts. He also has served for many years as an Adjunct Professor of Law at Hastings Law School.

Aashish Y. Desai is the Managing Partner of Desai Law Firm in Costa Mesa. Mr. Desai is an experienced advocate for clients and enjoys a reputation of integrity, intelligence, and professionalism among his peers. Mr. Desai has recovered millions of dollars for class members on a range of mass torts and has earned record-setting attorney fee awards.

Eric H. Gibbs is a Partner at Girard Gibbs LLP in San Francisco. Mr. Gibbs represents plaintiffs in a broad range of cases, including employment, pharmaceutical and medical device litigation, as well as consumer class actions. Mr. Gibbs has achieved significant recoveries on behalf of class members including record-setting settlements in *Providian Credit Card Cases* and *Mitchell v. American Fair Credit Association* and *Mitchell v. Bankfirst*.

Francis O. Scarpulla is a Senior Partner at Zelle Hofmann in San Francisco. Mr. Scarpulla specializes in complex federal antitrust class actions, representing plaintiffs in many federal antitrust class actions including Pharmaceutical Antitrust Litigation, Microsoft Monopolization Antitrust Litigation, and DeBeers Diamond Antitrust Litigation. Most recently, Mr. Scarpulla achieved a record-breaking \$1.082 billion settlement in the MDL, *In re TFT-LCD (Flat Panel) Antitrust Litigation*, earning a \$310 million attorney fee award.

Lindsay H. Tasher is the Managing Director of Wyatt Partners LLC. Prior to her work with Wyatt, Lindsay was in private practice in two major law firms -- one in New York and one in New Jersey. She handled all types of civil litigation, including aviation mass-tort law and wrongful death/personal injury, products liability defense work, and securities law. Her company specializes in litigation budgeting, legal billing practices, and effective litigation management. As experts in attorneys’ fees cases, Wyatt Partners provides comprehensive and detailed analysis concerning the reasonableness of attorneys’ fees and expenses in complex litigation matters throughout the U.S.

Doug Ventola is the President of Sky Analytics, an innovative Boston-based company and leading provider of legal spend analytics for corporate law departments. Mr. Ventola has over 20 years experience as a business and financial executive. Prior to joining Sky Analytics, he was Senior Vice President of NASDAQ OMX, where he launched and headed their Global Corporate Services Division.

James E. King is the principal of King Law Corporation in San Diego where he maintains a

nationwide practice as a consulting attorneys' fees expert. Over 90% of Mr. King's practice today is as a testifying expert witness. Before focusing his practice on expert consulting, Mr. King handled more than 50 fee dispute arbitrations as a lawyer. In addition, Mr. King has served as an arbitrator (or supervising chairperson) for over ten years where he issued or approved over 250 awards in fee dispute arbitration.

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