

Litigation Management: A Win-Win

Using tools and strategies to effectively and intelligently proceed a case through the litigation process, based on the goals and expectations of a specific client, is an important part of effective legal representation. This effort, commonly referred to as litigation management, is a unique area of law and practice in and of itself.

Litigation management is especially important when handling insurance and corporate defense work, because in these areas, cost containment can be a vital role of the attorney, while maintaining the highest ethical standards in providing a complete and effective representation for the client. A one size fits all approach to the litigation process may not be best for every case. Following a scorched earth litigation policy can be useful in some circumstances, but considering that 94-96% of all civil tort cases settle before trial, it's obviously not well-suited in many cases.

A significant percentage of cases that do settle are resolved shortly before trial, after many months, even years have been spent litigating and incurring legal expense. That's why some argue that "[Common Sense and good economics say 'get it done early'](#)". Early settlement can save both sides money and often results in the plaintiff ending up with more in his/her pocket at the same time. That's why creative strategies such as the use of settlement counsel, early mediation, early neutral legal evaluation, and early offers may be the best approach given a specific circumstance.

Not every case can or should settle early, but many would benefit from better litigation management techniques.

Insurance carriers, business owners, and corporate legal departments should recognize that lawyers who understand litigation management principles often provide the best match for long term litigation goals.

When it comes to attorneys and insurance carriers, litigation management can be a win-win: the carriers gets desired results, attorneys keep the carriers they work with happy, and the client in the lawsuit gets a complete defense and resolution that best meets their needs.

The Claims & Litigation Management Alliance (www.theclm.org), is one example of an organization that partners insurance professionals and insurance defense counsel to discuss the benefits and importance of effective litigation management. These types of organizations sponsor educational programs, provide resources, and foster communication between professionals in the industry. As such, groups like CLM can be an effective source for litigation management tools and strategies.

For over 35 years small businesses, major corporations, public entities, individuals and insurance companies have depended on Tharpe & Howell, LLP, to deliver pragmatic, innovative, cost-effective civil litigation and transactional solutions. For more information, please contact us at (818) 473-5720 or email your request to cabusinesslawreport@tharpe-howell.com.