

Containing costs, graphically speaking

Waves from the ongoing economic crisis continue to rock the litigation process. The number of patent lawsuits filed in the last year dropped below 2004 levels, while securities cases, not surprisingly, have increased--though hardly enough to make up for the overall decline. Litigants often appear more willing to settle than during the boom years. A judge in a busy San Jose (CA) court told us recently that he is seeing more and more active settlement conferences.

Behind these shifts in the legal landscape are the intense pressures on all parts of the corporate world to cut costs in the face of declining and uncertain revenues. "Corporate law departments are facing two realities," David Cohen of K&L Gates recently told Compliance Week, "The first reality is that litigation does not go away in troubling economic times, and the cost of that litigation tends to go up, not down, every year . . ." These costs are often larger than a Wall Street bonus from the good old days: The AIPLA estimates that in 2007 a medium to large IP suit cost on average about \$5.5 million.

Given the new reality, it is worthwhile to consider ways to contain costs. Many expenses are inflexible--for instance, it would be counterproductive to shorten a deposition simply to save some money. Yet there are ways to save by working more efficiently, particularly in the creation of high quality legal demonstratives, without sacrificing your client's interests.

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What is it that drives up the cost of graphics? The single largest cause is last minute production of complex graphics, which

leads to many hours of expensive overtime charges. Another major expense is having litigation consultants pore through thousands of pages of documents and hours of depositions to locate key material. Further costs occur when we spend hours locating documents or images. Substantive revisions to complex animations or interactive graphics add further expense.

To keep the price of your graphics within expectation:

- **Start early:** This is probably the single most effective way to keep your graphic budget under control. You'll get better graphics for less money. An early start gives your visual strategy team more time to think through the story and the visual issues in the case.
- **Develop a budget:** Knowing how much you and your client want to spend will guide us in what sort of graphics we recommend and produce. Of course, as a case changes the budget may need revision.
- **Storyboard:** Sophisticated animations or interactive graphics should be roughed out, and reviewed before going into the time consuming processes of detailed design and programming.
- **Designate an in-house point person:** Our most efficient work occurs when someone in your office, usually a senior paralegal or associate, keeps material flowing, gets busy attorneys to answer questions, and maintains open lines of communication.
- **Give precise information:** Provide your team with pertinent passages in documents and other material to avoid duplicated effort in ferreting out key content.
- **Consider simple software alternatives:** Some presentation needs—the straightforward enlargement of passages of text for instance—can be easily accomplished with Trial Director, Sanction or Visionary.