

Saving Money, Bolstering Your
Company's Defense, and
Giving You Peace of Mind for
Massive Nationwide Litigation

“Hilgers Graben provided tremendous support and value to our firm and the client through their ability to deploy seasoned litigators to assist in all aspects of our discovery, pretrial, and trial preparation work.”

—Elite National Trial Firm

Summary of Use Case

Massive nationwide litigation requires large numbers of lawyers to defend it and imposes massive costs on clients.

A client wanting to lower its cost burden can do so if it can deploy a nationwide firm that has high-quality, but lower cost, attorneys at scale that have deep litigation and discovery expertise. The firm needs to “play well in the sandbox” with national counsel, have good strategic judgment, and—ideally—have done it before.

Very few firms exist that deliver all these qualities to clients. Hilgers Graben is one of them. Over the last 10 years, the firm has deployed its litigation team, at scale, on some of the most difficult and high-profile cases for some of the most prestigious brands in the world, supporting the best trial counsel in the world, while helping clients reduce the cost burden and bolster their defense.

The Problem: Massive Cost, Massive Exposure, Massive Teams

Defending massive nationwide litigation poses unique problems. Unlike a typical complex case pending in one jurisdiction, a nationwide case might include hundreds or even thousands of cases consolidated into one multi-district litigation (MDL), along with lawsuits by governmental entities, and/or other private plaintiffs filing suit in jurisdictions around the country. Often it is all three.

A massive litigation case often brings material financial exposure (frequently in the billions of dollars) that can weigh on stock price, and the cases often attract nationwide attention in the press.

These cases cost enormous amounts of money to defend—exponentially above a typical complex litigation matter. This is because such cases create enormous capacity demands for lawyers. At various times, a multi-district case might have more than 100 lawyers working on cases around the country! Some lawyers might be leading the trial team in an upcoming trial. Others might be running discovery for the bellwether case in the MDL. Others might be engaging in discovery fights and motion practice in a dozen other jurisdictions.

The length of these cases—they can last more than a decade—simply compounds these problems. In addition to escalating costs, the length of these cases fatigues the outside and inside legal teams, creates risks that institutional knowledge gets lost over time, and causes a significant drag on the financial performance of the defending company.

For cases of this magnitude, clients logically turn to the biggest firms in the country to handle the defense. These firms have the capacity, legal talent, and the support of the C-Suite and board of directors to play at this particular table. Although, as we will see, the capacity needs often mean that these firms cannot do it alone. These firms also have the highest billing rates in the world, with some firms charging well over \$1,000 / hour for associate time and double that for partners.

Meaning? Legal fees and costs often stretch well into eight-figure and even nine-figure legal bills over the life of a massive nationwide litigation matter.

The Question: Can In-House Counsel Drive Value and Lower Cost on Massive Litigation? Key Considerations.

Can a client meaningfully reduce its litigation spend while improving the risk profile of a case?

Yes—with the right firm and the right team significant cost savings can be achieved.

A few factors to consider when looking for cost-savings.

01

Can you find a firm that can deploy high-quality resources, at scale, at less cost? Providing a handful of lower-cost lawyers, or a large number of lower-cost lawyers who cannot handle the rigors of these types of cases will lead to nothing but a negative impact. The firm needs to be able to provide 20 high-quality lawyers with relative ease, and over 50 if needed, to move the needle and make a cost difference.

02

Does the firm have true lead litigation lawyers to help shoulder the burden of the most complex litigation tasks? A firm that can help argue motions, defend and take depositions, or handle meet-and-confers, can provide major cost savings in massive litigation. A firm that is limited to only discovery or document review will have a much harder time scaling savings that matter.

03

Does the firm play well in the sandbox with your other firms? Having another firm works great on paper, but these lawyers must work together, communicate, get along with each other, and build trust with all the parts of your team—this connectivity is critical. A firm that cannot make friends will be hard to integrate into the team and may cause more problems than it solves.

04

Does the firm have long-term retention issues? Building useful and money-saving institutional knowledge using a rotating cast of lawyers is extraordinarily difficult if not impossible. The firm must have a strong enough culture to attract and keep high-quality attorneys.

05

Does the firm provide nationwide scope? A firm that can help drive litigation in many states at once can deliver significant value and cost savings. A firm that is localized in one state or jurisdiction cannot.

06

Does the firm have the logistical and operational expertise to ensure that decisions can be made consistently across all of the cases? Withholding a document for privilege in a case pending in state court in Florida, for example, but producing it in federal court in California, can have significant repercussions across cases.

At Hilgers Graben, we are all these things—and more!

Hilgers Graben – A Trusted High-Capacity Solution For Massive Nationwide Litigation

Hilgers Graben is one of the few firms in the country that has the numbers, experience, and skills to help co-counsel massive nationwide litigation, to do it at scale, and to do it at major cost savings to the client.

We are a nationwide litigation and discovery firm that has attracted and retained large teams of super-talented attorneys (most with the same pedigree as our Big Law partners). Our “EDGE” team is a best-in-class team of discovery counsel who provide high-end discovery services at less cost and with better results. These services range from the initial consulting (e.g., collection, ESI protocol review, and so on), to defensive discovery teams (e.g., privilege review, second pass review, redactions), to offensive review (e.g., key document identification, deposition prep materials, and more). Our EDGE team has seasoned professionals who have worked on some of the most difficult and challenging reviews over the last 10 years and have been trusted time and again by some of the most prominent corporate brands in the world.

Our litigation team is led by our national trial counsel and staffed with a deep bench of associates and partner-level attorneys, essentially all of whom have Big Law pedigrees and/or experience. This team is a force expander on major cases.

Our business model allows us to deploy talented and experienced teams at a significantly lower cost than had those same lawyers been at larger firms. Our litigation team has worked as lead counsel and co-counsel on cases large and small, working hand-in-hand with some of the biggest companies and law firms in the world.

We have been a key teammate on massive nationwide litigation, bringing to bear high-quality legal resources at scale to help support lead counsel all while reducing cost for the client.

When called upon, Hilgers Graben has deployed anywhere from 10 attorneys to over 50 attorneys, depending on the stage and needs of the case or cases.

Here are just a few of the value adds that our firm has provided, ranging from document review to litigation projects.

Privilege review (and logging) and document review. With national media attention on a massive nationwide litigation, the stakes are high to consistently get calls right. This is an order of magnitude more difficult when concurrent reviews are being run in jurisdictions around the country. Hilgers Graben's EDGE team has been up to the task, time and again, handling massive amounts of review on time and consistently done right. Clients and our Big Law partners know they can rely on us to deliver.

Coordinated defensive discovery responses. In massive nationwide litigation, the incoming discovery requests, from requests for production to requests for admissions, can be overwhelming. And tracking all of them to ensure that consistent responses and objections are provided is a monumental task. Hilgers Graben has helped handle the coordination and drafting of responses to incoming discovery, saving national trial counsel resources, ensuring consistency, and doing it all at less cost.

Litigation capacity. In a massive nationwide litigation, a case can heat up and swamp even the significant capacity of national counsel at a large law firm—dozens of depositions and the like can all happen quickly. The Hilgers Graben's litigation team, led by its national trial counsel, has stepped in time and time again to help prepare witnesses and defend depositions—leveraging Hilgers Graben's vast litigation experience to instantly expand resources and lower cost.

Second in command for certain jurisdictions. In a massive nationwide litigation, it is often hard for lead counsel to spend the time it needs in every jurisdiction. Hilgers Graben can step in and help run the day-to-day work on certain cases, aligning every step of the way with lead trial counsel to ensure strategic harmony and consistency.

Briefing teams. At times, the briefing demands of massive litigation can be enormous. In one recent case, the client had nearly 100 briefs to draft and file within a six-week period. Hilgers Graben has terrific brief writing attorneys, including a former United States Supreme Court clerk and over a dozen former clerks of the federal appellate courts. We created a briefing team to assist the briefing process and produce high-quality and consistent briefs, at scale and on the timeline required.

Offensive discovery. One thing that is often neglected in massive cases is offensive discovery and key document identification. Hilgers Graben has a team of experts who can sift through data, find nuggets, and support national trial counsel (e.g., with deposition packets, timelines, and more) while helping to strengthen the client's case and help maximize its chances of winning at trial.

These are just some of the ways Hilgers Graben has helped clients expand resources to meet the needs of a massive nationwide litigation, all while increasing quality and saving money. If brought in early enough, our firm can help in a variety of other ways—deploying its own ESI hosting instance which is integrated with its discovery review team (which provides additional savings on a number of different costs), consulting on ESI protocol to ensure that clients are protected with best practices and consistent approaches to electronic discovery, and implementing a consistent and expert-guided document collection process.

Hilgers Graben brings all these pieces together through a “no jerks,” team-first culture. This is why our firm has been trusted over many years to be part of critical teams on major cases with the best law firms in the world, from Gibson Dunn, Bartlit Beck, to Proskauer, and many others.

Want to find out more?

Check out www.HilgersGraben.com or email us at smiller@hilgersgraben.com.