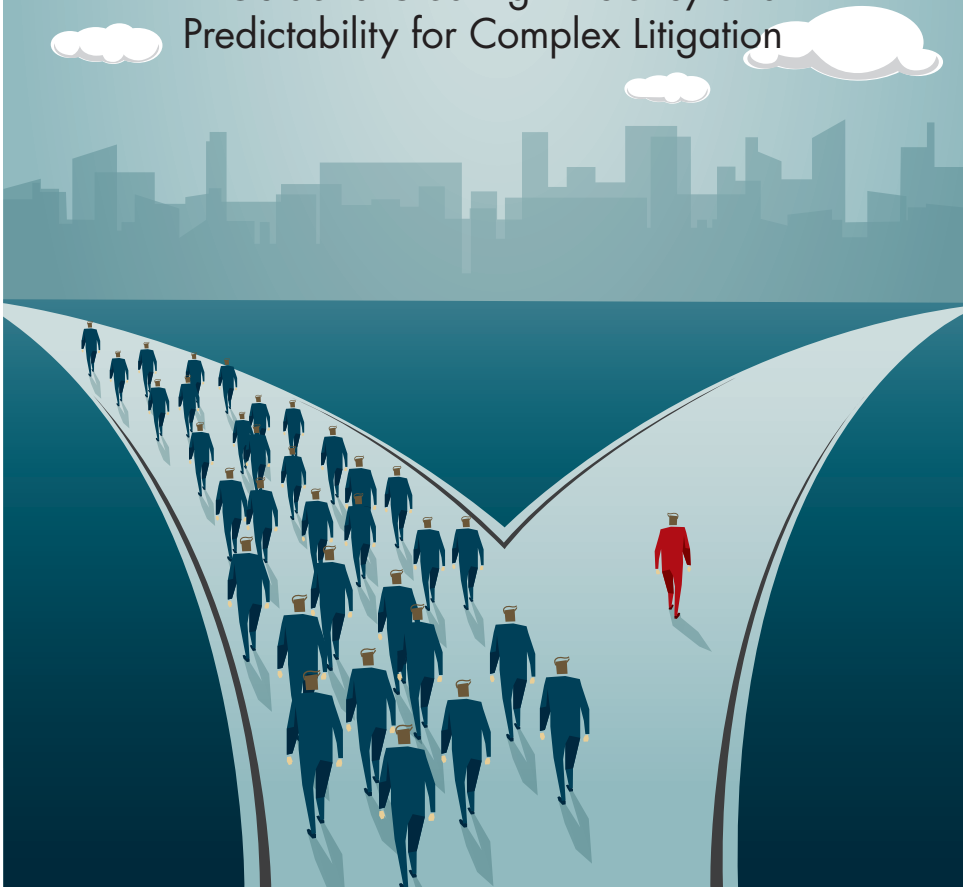


The Klein & Wilson Litigation Road Map

A Guide to Creating Efficiency and
Predictability for Complex Litigation



The road less traveled is our strategy
for winning over 90% of our trials.

 **KLEIN &
WILSON**
BUSINESS TRIAL LAWYERS
A reputation built on winning.

**"If you don't know where you are going,
you might wind up somewhere else."**

~ Yogi Berra



It is a lawyer's job to ascertain clients' goals and determine how to achieve them at a cost the client can control. Many attorneys spend months generating written discovery, taking depositions, and endlessly "litigating" a case before they figure out what the case is about or how to achieve the client's goals. The net result is ineffective litigation

strategies and unanticipated legal expenses.

Years ago, Klein & Wilson began preparing a litigation analysis memorandum ("LAM") in every large case we accepted — and most cases we accept are large. Partnering with clients to write the LAM, Klein & Wilson prepares a detailed factual background referencing key documents necessary to understand the events leading to litigation. After the client approves the factual background, we prepare a comprehensive legal analysis and litigation strategy (goals identified; paths to reach goals presented; legal issues identified and resolved; anticipated discovery explained; anticipated motions identified; damages analyzed if possible; potential experts listed; strengths and weaknesses reviewed; case theme developed; and thorough budget



presented based on assumptions). The client reviews the LAM and decides whether to contest or settle the case. By thinking through a case upfront, Klein & Wilson efficiently lays out a plan that accomplishes clients' goals and creates a meaningful budget – not just numbers on a paper nobody takes seriously. If our client-approved assumptions are correct, and the client has accurately presented the facts to us, our litigation budgets are usually within 20 percent of the client's actual expenses.

Early and comprehensive case analysis leads to predictable outcomes and minimizes discovery and motion expenses. Preparing a LAM at the outset of a case is one of the reasons Klein & Wilson has over a **90 percent win rate at trial**. The Klein & Wilson LAM has impressed clients and adversaries alike.

After Klein & Wilson settled a large case for a small client where the future of the company was at stake, the Fortune 500 defendant (which paid the settlement) asked Klein & Wilson to represent it in future matters. There was one



condition: the Fortune 500 company wanted to see the LAM we prepared which had been so devastating to the firm's former adversary. At one point in a deposition, a frustrated witness answered in response to a question, "If it is in your damn notebook, it happened, OK?" The LAM notebook was on the table at every deposition and hearing. Our small client was so thrilled with its settlement, it not only gave permission for us to show the LAM to the former adversary but encouraged us to do so. After reviewing our detailed analysis of the case, the Fortune 500 company hired us.

It is not surprising that an innovative firm like Klein & Wilson uses a LAM to plan case strategy and develop a meaningful budget. The real question is why other firms do not prepare LAMs.

When the stakes are high, Klein & Wilson is the firm of choice for sophisticated purchasers of legal services who want trial-tested success.

Our distinctive map for plotting out litigation strategy, the Litigation Analysis Memorandum (LAM), is the backbone of our process for winning over 90% of our trials.

More than ever, clients are seeking greater efficiencies and predictability in complex business litigation. We have been preparing LAMs since 1994; therefore, we can predict, with relative certainty, details of the litigation process that translate into realistic budgets and identifiable outcomes should the matter go to trial.



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