



Why Do Lawsuits Cost So Much Money?

Litigation has two prices: expensive and really expensive. Efficient attorneys can save clients gobs of money. Below are mistakes that unnecessarily drive up fees.

Litigating without a plan. Would you hike through the Amazon jungle without a map? If not, why litigate without a well-developed plan? Smart lawyers prepare a written strategy to take the case to trial and provide budgets for anticipated expenses.

Being aggressive for the sake of being aggressive. Some clients play “hardball” with the other side, refusing to budge on any issue, no matter how small. Aggressive posturing sometimes works, but it often leads to unnecessary disputes that drive up costs. Good lawyers know which issues to press and which ones to drop.

Failing to control the discovery process. Discovery (*e.g.*, depositions, interrogatories, etc.) is usually the most expensive part of a lawsuit. In the days of Perry Mason, lawyers did not take depositions because they knew how to cross-examine witnesses on the fly. Budget conscious clients should limit depositions to key witnesses who will testify at trial to the most important issues the jury will decide. Good lawyers know how to cross-examine peripheral witnesses without the benefit of a deposition transcript. Most written questions to opponents do not result in useful answers. Sending hundreds of questions is rarely a good idea. Good lawyers know how to craft narrow written discovery that will reveal weaknesses in the opposing side’s case.

Picking the wrong attorney. Legal advice is not a commodity. Picking the right attorney is critical. Check the attorney’s credentials, experience, reputation, and results before signing the fee agreement. While there are few recognized “specialists” in California, picking a “know it all” is a bad idea. A lawyer who says she is experienced in handling trade secrets disputes, family law, bankruptcy, criminal cases, real estate, appeals, probate disputes, and construction law is probably not very knowledgeable about any of those areas. If you do not know how to choose or interview an attorney, get advice. The person you hire will have a huge influence on the outcome of your legal matter.

We are trial attorneys. If you have a business litigation or attorney malpractice matter, call us at 949-631-3300.

Mark B. Wilson

Mr. Wilson, a trial attorney, has won nearly every case he has tried or arbitrated. He lost only one jury trial, but then obtained a complete reversal on appeal. This year, Mr. Wilson was listed in the Super Lawyers® Top 50 Orange County list, and he is a past Chair of Orange County Bar Association’s Business Litigation section.

