

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.



“If you don’t know where you are going,
you might wind up someplace else.”

~ Yogi Berra



It is a lawyer’s job to ascertain client’s goals, determine whether those goals can be achieved, and decide how to achieve them at a cost that makes economic sense. 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.

For many years, Klein & Wilson has been preparing a litigation analysis memorandum (“LAM”) in high dollar cases — and most cases we accept are high dollar cases. 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 outlined; anticipated motions identified; damages analyzed if possible;



potential experts listed; strengths and weaknesses reviewed; case theme developed; and thorough cost projection presented based on assumptions). The client reviews the LAM and decides whether to pursue or settle the case. By thinking through a case upfront, Klein & Wilson efficiently lays out a plan that accomplishes the client's goals and creates a meaningful cost projection. If our client-approved assumptions are correct, and the client has accurately presented the facts to us, then 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 we 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 if it would represent Klein & Wilson's former adversary 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.

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.



4770 Von Karman Avenue
Newport Beach, CA 92660

949-631-3300

kleinandwilson.com