

Simple Steps to Reduce Litigation Costs for Clients

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In this economy, money is tough to come by and litigants are becoming more and more aware of each dollar spent in litigation. As attorneys during the current economic climate, one of our common goals should be to alleviate our clients' costs when possible, and here are a few suggestions for your consideration.

As an initial step, attorneys and litigants should attempt settlement and negotiations before the trial date. The parties should be aware of what issues will likely settle and which will not. Those issues that are agreed upon can be placed into an order and thus reduce the number of issues the court must be called on to decide. This step requires minimal effort, yet the cost and time saving rewards are great for both the judicial system and the client. One of the most efficient ways to accomplish this is to schedule an informal settlement conference with the parties and attorneys. The conference forces the attorney to be prepared to discuss the case with his or her client and become aware of positions taken by the client well in advance of any formal settlement conference the court may schedule.

Second, attorneys need to give their clients reasonable expectations to assist the client in reaching toward a settlement. The reality is that if a trial is held, the client will most likely not get everything demanded; thus, it is cost-effective and prudent to realistically give your client this information. A client who is informed about the process and what to expect is often more at ease and agreeable in discussions. That client has less to fear about the process itself and is free to concentrate on the issues at hand. The

client must be made aware that several matters will be scheduled on the same date and time as the matter at hand. The court may or may not reach the client's matter, and in the meantime, the court expects the parties to be further discussing resolution.

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Third, communication with the court and its staff is vital before the trial date. If your client is traveling a great distance or needs special assistance, or if there is a request to be available by telephone, you must communicate that with the court and its staff immediately. Often it is necessary to contact the court a few days before the scheduled matter to check on the status of the court's docket. For a client to travel a great distance, incurring the cost not only of the travel but of a day's lost wages and attorney's fees, only to be told that the court would never have reached the matter is too much for most litigants to bear. Once made aware of the circumstance, the court must do all it can to address the issues for the litigant in a timely fashion on the day of the scheduled matter.

Certainly the court plays a vital role in assisting in settlement and resolving a matter. When litigants appear before the court, it is helpful for the court to be informed that the parties have attempted settlement, place what is agreed upon in the record, and narrow the issues for the court. The court must then be prepared to address those issues in a timely fashion. The court must be mindful that delays are

very costly to litigants.

It means another day off work, more attorney fees, and the hassle of making life arrangements.

It is imperative for the public to understand that the court and those officers charged with litigating their matter care about their circumstances. They must know that all are striving in cohesion to move their matter forward in the most cost-effective manner possible. If a litigant is told to "come again another day" with no real concern about the financial and emotional cost to the litigant, the litigant usually feels disillusioned and angry with the justice system, and ultimately the decision the court reaches will fall on deaf ears.