

In these difficult, cost-conscious economic times, change is finally coming to the traditionally change-resistant U.S. legal profession. Corporate clients are now taking more affirmative, aggressive steps to protect themselves against runaway legal bills and litigation budget overruns. Attorneys have no choice but to cooperate or see their business dry up.

One sign of that change is Moscaret Consulting Group (MCG), which offers the only global litigation management consulting program for midsize, middle market companies located in the U.S., Canada, Europe, and soon Asia who have to litigate expensive lawsuits as both plaintiffs and defendants in U.S. federal and state courts in all 50 states.

This innovative first-of-its-kind program is tailored for midsize companies who have to pay six-figure and seven-figure legal fees out of their own pockets to U.S. law firms who represent those companies in lawsuits that include patent and trademark infringement, trade secrets, unfair competition, breach of contract, and business fraud, among others. The legal fees in such lawsuits may not be covered by today's business insurance policies.

MCG consultants are themselves highly-experienced former complex litigators with 15 - 35 years of law practice experience each who have left the practice of law behind, but still draw upon their extensive litigation backgrounds in their consulting roles for midsize companies. They have worked at major law firms in the past, and some also have in-house counsel experience.

The CEO and founder of MCG, Ken Moscaret, is a licensed California attorney since 1980 who, after 10 years of business litigation and trial practice in California, went on to become one of the leading courtroom expert witnesses in the U.S. on legal fee reasonableness and litigation management efficiency, often for big corporations. Explains Mr. Moscaret:

"Our firm wanted to move one step down the corporate food chain to help midsize, middle market companies. Midsize companies may not have an in-house legal department like large corporations do, and even if they do, their in-house counsel usually do not have experience in managing complex litigation. Too often in midsize companies, it is left up to the CEO, COO, CFO, or risk manager to try to control the outside legal fees and litigation budgets without having the know-how or even time to do that effectively. That's where we come in. We act like a 'guardian angel' for the company as they try to deal with their expensive lawsuit and the mounting legal fees month in and month out."

MCG doesn't act as a midsize company's legal department, or give legal advice to the company, or make litigation strategy decisions for the company. MCG works as an intermediary "teammate" with midsize company management and its outside law firm to make sure both sides stay on the same page and are working efficiently and cost-effectively with one another month after month for the duration of the lawsuit, which can take up to 5 years to resolve. MCG consultants constantly educate company management about the legal fees, litigation management cost-efficiencies, and case budgeting to turn midsize company management into smarter, more informed clients.

Meanwhile, MCG consultants also work collegially and constructively with a company's outside law firm. Being former complex litigators themselves, MCG consultants understand exactly what the law firm is doing and all the key phases and aspects of a lawsuit that can impact the legal fees and litigation case budget along the way. Company management may not have in-depth experience with the twists and turns of litigation. MCG consultants are well-positioned to educate company management about the specific pros and cons of a proposed course of action in the company's lawsuit from a litigation cost perspective.

MCG consultants deliver the program's services without infringing on the attorney-client privilege. No confidential, privileged information needs to be divulged for a midsize company to receive the benefits of MCG's program.

According to Mr. Moscaret:

"Our program is trying to strength the attorney-client relationship in the long run, not supplant it. We're not acting as a midsize company's legal department. We don't make the litigation strategy decisions. The company and their law firm do that. We are consultants trying to facilitate better two-way communication between attorney and client about important dollars-and-cents litigation cost issues. While we are respectful of the law firm's role, we're always asking law firms to work with us to find ways to deliver successful litigation results for their corporate clients in the most efficient, cost-effective manner possible."

Furthermore, on those occasions when company management may, for whatever reason, prefer not to initiate a potentially awkward, difficult conversation with their law firm about any non-privileged subject, MCG consultants are ready and available in their intermediary role to speak to the law firm in advance to help maintain a smoother attorney-client relationship.

This go-between consulting model has had success in the past. The former General Counsel of the huge Los Angeles Unified School District, Richard K. Mason, retained Mr. Moscaret's services for L.A. Unified starting in the mid-1990's to help L.A. Unified deal with its tens of millions of dollars in annual outside legal fees at the time.

Mr. Mason says in a testimonial on the MCG website that he "found this service to be extremely valuable in helping manage my outside counsel relationships and litigation budget, and in gaining a better understanding of how legal fees were being incurred by my outside counsel in complex litigation. Moscaret Consulting acted as a trusted go-between for me and my outside law firms."

Mr. Moscaret says that there are benefits from his firm's program for the law firms, too. First, with MCG consultants working to troubleshoot any litigation efficiency and case budgeting problems in a lawsuit before they blow up, law firms will be less likely to find themselves in a costly, nasty attorney fee dispute with their corporate clients after the lawsuit has ended. The media is full of articles in these difficult economic times about business clients and their law firms suing each other over legal fees.

Second, when a fee dispute arises, clients often hire legal bill auditors to scrutinize and fly-speck a law firm's billing invoices, looking for reductions after the fact. According to Mr. Moscaret,

"Legal bill auditing is a purely reactive process which can undermine the attorney-client relationship. By contrast, our program is an up-front, proactive, more collegial approach to managing legal fees and controlling litigation budgets. Every corporate client wants more predictable legal budgets these days."

MCG offers its program to midsize companies in the U.S. and abroad for a very affordable fixed price each month, on a month-to-month "subscription" basis, which companies can cancel at any time without any long-term commitments. Companies can begin subscribing to MCG's program at the start of a lawsuit or even midway through the case if company management has become frustrated or concerned about spiraling legal fees.

Mr. Moscarel describes MCG's basic value proposition to midsize companies this way:

"If a midsize company is paying large legal fees out of its own pocket each month for an expensive lawsuit, then for a fairly small amount of money each month, that company can obtain ongoing monthly access to the expertise and assistance of one of the leading legal fee and litigation management expert firms in the U.S. Who does the company have internally who can help them oversee the legal fees and litigation budget on their lawsuit for such an affordable monthly price?"

Besides helping midsize companies deal with the legal fees, litigation management efficiencies, and case budgets on their lawsuit, MCG consultants also help company management find and interview suitable outside counsel if litigation is anticipated by a company but has not yet started. They can also recommend more creative "alternative" legal fee arrangements for a midsize company to propose with its chosen law firm.

MCG is working with "trusted" outside advisors to midsize companies, such as CPA's, investment bankers, management consultants, and other professionals to help distribute its program to the midsize corporate community across the U.S. and abroad.

MCG's program can also help public entities who have to pay large litigation fees to outside counsel, but who similarly lack the internal know-how and capability to cost-effectively manage their complex litigation matters.

MCG currently has offices in the Seattle, Los Angeles, and Miami areas, and also in London.