

# Manage and Control Litigation Costs By Acknowledging Realities

Managing litigation effectively, including controlling legal costs, especially litigation costs, is important for business owners, small and large. A recent [article](#) in InsideCounsel suggests that an important part of litigation management and cost control is for outside and in-house counsel to acknowledge certain realities. Among other things, the article identifies the following areas:

1. Conflicting comments from various in-house counsel make for more work and higher costs. In-house teams should “coordinate their messages to outside counsel about litigation decisions—such as, for example, revisions to an imminent filing.”
2. Litigation strategy requires that outside counsel be advised of the client’s business plans and how such plans impact litigation strategy. In-house counsel need to communicate business plans to outside counsel and advise them when such plans change.
3. Outside counsel cannot control every aspect of litigation. A difficult judge or a witness who is not likeable or hurts a case based on the story they tell or their demeanor is often beyond the control of outside counsel.
4. E-discovery can be expensive and working with a firm that helps you identify key electronically stored information will minimize impact on the client’s business, and the cost of such discovery. Use of project management tools that make E-discovery more efficient is also key.
5. Litigators love the court room but there is always risk in going to trial, no matter how strong the case looks. In-house counsel should consider settlement that achieves business objectives even if the result is a lower recovery than might be achieved at trial.

If outside and in-house counsel both acknowledge these realities, the litigation process can proceed with greater efficiency and cost control while achieving desirable results.

Litigation management and cost control has been a focus of previous posts on this blog, including [Litigation Management: A Win-Win](#) and [Legal Project Management Can Reduce Cost and Future Expense](#).

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