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# **Managing Outside Counsel - Evaluating Outside Counsel Performance**

**September 27, 2006**

**Association of Corporate Counsel**  
**[www.acca.com](http://www.acca.com)**

## Panel

- ❖ Jeffrey Carr, Vice President, General Counsel & Secretary, FMC Technologies, Inc.
- ❖ Mark LoSacco, Head Litigation Counsel for American Express Travel Related Services Company, Inc
- ❖ Deanne Tully, Vice President & General Counsel, Tier Technologies, Inc.
- ❖ Moderator: Rob Thomas, Vice President, Strategic Development Serengeti Law

# Introduction

- ✓ January Seminar – “Getting Off on the Right Foot and Staying in Step”
- ✓ Available on ACC Website at <http://webcasts.acca.com/>
- ✓ Today’s Seminar – Capturing, analyzing, and using results
- ✓ Questions – Use “Chat” box, hit “Send”

# 1. Capturing Results/Lessons Learned

- ✓ How collected – from internal clients, in-house and outside counsel
- ✓ Different types of matters

## 2. Performance Factors

- ✓ Results achieved – different types
- ✓ Efficiency (e.g. hours, fees, expenses)
- ✓ Duration
- ✓ Predictive accuracy (cost, duration, results)
- ✓ Subjective factors (e.g. responsiveness, grasp of business goals)

## 3. Performance-Based Compensation

- ✓ Factors considered
- ✓ Fees, other incentives to reward performance

## 4. Performance Comparisons

- ✓ Defining similar projects
- ✓ Comparing outside counsel
- ✓ Allocating work to in-house vs. outside counsel

## 5. Using Results

- ✓ Communicating with outside counsel – individuals versus. firm
- ✓ Follow-up / Periodic reviews
- ✓ Assigning new work
- ✓ Applying lessons learned/work product to future work

## Questions

- ✓ Use “Chat” box
- ✓ ACC Annual Meeting next month
- ✓ 2006 ACC/Serengeti Survey Report - latest techniques for managing outside counsel