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"I Love Jesus!"



Senior Camron McCartney (#77) and the rest of the Titans are off to a solid start this season. As of press-time the Varsity team is 3-1. At the time of the photo Camron was on the injured list but he is now active.

PAGE 14

The monthly Arcadia News Teachers We Love awards are underway, learn more about the first recipient.

PAGE 21

Get ready to hit the streets as the season brings forth a plethora of charity runs.

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Lowering the cost of litigation

By Jennifer A. Cranston

It's no secret that prosecuting and defending a civil lawsuit can be expensive. But there are steps that individuals and businesses can take toward avoiding high-cost litigation. Here are my top three points to lower litigation costs:

Be proactive – Thanks to television and movies, a common misconception is that lawyers do all their work in the courtroom. In reality, there are a number of attorneys who work outside of the courthouse and, in fact, have nothing to do with lawsuits or litigation. These attorneys focus their practices on services that can reduce the chance of a lawsuit if they are consulted early in the process. Examples of such services include drafting corporate documents; preparing estate plans; assisting clients with real estate transactions; and overseeing compliance with regulations governing a variety of subjects, including the environment, employment practices and intellectual property. So my first recommendation is to be proactive by consulting an attorney before signing a contract or making a decision that could potentially result in a future legal dispute.

Ask questions – If a legal dispute does arise and it becomes necessary to hire an attorney to prosecute or defend a claim, there are still steps that the client can take to minimize the price of litigation. The first is to ask questions about the cost of litigation, including requesting a budget. Although litigation can be unpredictable, which makes it hard to accurately estimate the time and expenses involved, a budget can identify the major steps in the litigation process and facilitate a valuable cost-benefit discussion. Also,

LEGAL EASE

depending on the type of legal dispute, the attorney may be able to offer alternative fee structures such as contingency, phased or capped fee agreements.

Don't sabotage – Clients who are concerned about the cost of a lawsuit sometimes withhold information or documents in the hopes of limiting the amount of work that the attorney will do. Ninety-nine times out of a 100, this strategy backfires because the withheld information or documents ultimately become important to the case and the attorney then has to spend more time (i.e., more of the client's money) reviewing and analyzing the new material. So my final tip is for clients to avoid sabotaging their attorney by making assumptions about what documents and information should be provided. The better – and more cost-effective – approach is to have an early discussion in which the relevant documents and information are identified so that the client can provide those materials promptly.

— Jennifer A. Cranston is a shareholder at Gallagher & Kennedy. She focuses her practice on three primary areas: real estate disputes, including condemnation and valuation matters; insurance coverage analysis and bad faith litigation; and public utility regulation. For more information about Ms. Cranston, please go to gknet.com.



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