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Ark Group/Managing Partner Magazine presents

# Alternative Fee Arrangements

*Strengthening the firm/client relationship by softening the shortcomings of the billable hour*

**November 11, 2009**  
**AMA Executive Conference Center**  
**San Francisco, CA**

## This interactive forum is designed to help you:

- Determine if alternative fee arrangements are successful and worthwhile
- Better respond to the need for a higher level of cost-certainty for your clients
- Define value in maintaining the firm-client relationship
- Address the current difficulty clients have in budgeting for legal fees
- Understand your risk in experimenting with other fee arrangements
- Strengthen the firm/client relationship by softening the shortcomings of the billable hour in an economically challenged environment
- Explore and better understand "value-based alternatives" that reward positive outcomes
- Develop alternative fee arrangements such that they are mutually beneficial
- Address the pros and cons of straight hourly fees

Researched by:

**ManagingPARTNER**

## With key contributions and candid perspectives from:

- Fred H. Bartlit, Jr., Partner, **Bartlit Beck Herman Palenchar & Scott LLP**
- Hilary E. Ware, Managing Litigation Counsel, **Google Inc.**
- Patrick J. Lamb, Partner, **Valorem Law Group**
- Paul T. Porrini, Vice President, Deputy General Counsel and Assistant Secretary, **Hewlett-Packard Company**
- Polly L. McNeill, Attorney, Founding Member, **Summit Law Group**
- Paul Lippe, CEO, **Legal OnRamp**
- William E. Mayer, VP/General Counsel—West Region, **D. R. Horton, America's Builder**
- Valentine S. Hoy, Partner, **Allen Matkins Leck Gamble Mallory & Natsis LLP**
- Christopher Marston, CEO, **Exemplar Law Partners**
- Terrell Wallace Oxford, Partner, **Susman Godfrey LLP**
- Tea Hoffmann, Esq., Chief Business Development Officer, **Baker Donelson Bearman Caldwell & Berkowitz PC**
- Edwin B. Reeser, **A Professional Law Corporation**
- Michael Rigney, Partner, **Kelley Drye & Warren LLP**
- Stewart M. Weltman, Of Counsel, **Futterman Howard Watkins Wylie & Ashley, Chtd.**

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**Dear Colleague—**

**Every industry eventually changes.** And there now seems to be a growing consensus among industry thought-leaders that a profound sea change is inevitable in the legal industry. Some even argue that the legal profession in its present state may be on the brink of fundamental transformation. Law firms and their clients are seeking new ways to define value and deliver legal services in the face of the most difficult business environment in decades.

Success is of course closely tied to a firm's ability to adapt. If we are to concede that such change is upon us and that the market is increasingly unlikely to tolerate the cost-structures of old— then where do we go from here?

*Ark Group / Managing Partner Magazine's* 3rd forum on **Alternative Fee Arrangements** — November 11th, 2009 in San Francisco — represents an opportunity for both law firms and their clients to explore and better understand some of the value-based alternatives being used today to improve client satisfaction while addressing the difficulty clients have in budgeting for legal fees.

While numerous articles proclaim the death of the billable hour— much like Mark Twain's famous quip about reports of his death being greatly exaggerated—research shows that in-house counsel are still largely relying upon the billable hour as the “preferred method” of compensation. However law firms that are positioned and able to respond with confidence to the need for a higher level of cost-certainty will no doubt find themselves better equipped to deal with the challenges of our new economy.

Many law firms are now either seriously thinking about or have already begun experimenting with creative and alternative fee arrangements. Of course firms are free to negotiate bonuses to be paid for positive outcomes—and some firms are already capitalizing on these creative measures to reward for efficiency— while softening the shortcomings of the billable hour in this economically challenged environment.

**Indeed, clients are pushing alternative fees as a way to control costs and law firms finally seem to be listening.**

The opportunities are many for law firms to both increase the value of their firm's services in the eyes of their clients while improving firm profitability and client retention through selective alternative billing arrangements. Many law firms are now offering clients an array of alternative fee arrangements — including flat fees, fixed fees, contingency fees, blended fees and retainers. Even some of today's largest and most successful firms are now bowing

to pressure from economically challenged clients and agreeing to explore other types of fee arrangements.

**Is your firm prepared to respond?** What are your competitors doing to strengthen their client relationships when confronted with the suggestion that some alternative and creative billing methods be explored?

*Ark Group / Managing Partner Magazine's* forum on **Alternative Fee Arrangements** will provide you with a wide array of real-world examples of creative billing and fee arrangement approaches—bringing to light perspectives from both the client and law firm side of the equation.

Our esteemed speaking faculty will help you to frame these questions and circumstances to best determine if alternative fee arrangements are worthwhile and subsequently **how success is measured.**

*Ark Group / Managing Partner Magazine's* forum on **Alternative Fee Arrangements** will put interaction at the forefront—fostering meaningful dialogue in an intimate setting – where audience members have a real opportunity to help drive the discussion in tandem with our speakers and panelists.

**This information-exchange promises to provide a platform where solid experience meets real innovation.**

We've invited our speaking faculty to bring us their perspectives, reality-tested examples and innovative ideas that point to where our ever-changing marketplace is headed. Together we plan to explore strategies to adapt and harness these unique opportunities to not only survive but thrive in this new economy.

What started as a slow and steady murmur by many corporate in-house legal departments has turned into an undeniable call to action for law firms of various shapes and sizes to abandon the billable hour in favor of alternative fee arrangements.

Just like their company's biggest customers – who constantly demand the highest quality product at a fair price – in-house counsel and corporate executives are now doing the same when it comes to their outside counsel. And like their biggest customers - they are forced to become fully informed consumers themselves as they grapple with understanding the cost components of the product they are purchasing and knowing what is needed to provide the highest quality product – no more, no less.

We sincerely hope you'll join us in San Francisco this November!

# Alternative Fee Arrangements

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## Forum Agenda: Wednesday, November 11, 2009

**8:30AM** Registration & Refreshments

**9:00AM** Opening Remarks and Introductions  
Conference Chairperson

**9:15AM**  
**Alternative Fee Arrangements**

**What are they and how can they work for you?**

Our morning session will take an in-depth look at the various alternative fee arrangements being used today—with illustrations and examples of negotiating and managing these fee arrangements from initial case analysis throughout the litigation:

- **Fixed & Flat Fees**

Patrick J. Lamb, Partner, **Valorem Law Group**

- **Contingent Fee Arrangements**

Stewart M. Weltman, Of Counsel,  
**Futterman Howard Watkins Wylie & Ashley, Chtd.**

**10:30AM** Networking Coffee Break

**11:00AM** PANEL DISCUSSION

**Alternative Fee Arrangements:  
How Can They be Used—And When Should We Use Them?**

**Panel:**

Fred H. Bartlit, Jr., Partner, **Bartlit Beck Herman Palenchar & Scott LLP**,  
Valentine S. Hoy, Partner, **Allen Matkins Leck Gamble Mallory & Natsis LLP**,  
William E. Mayer, VP/General Counsel—West Region,  
**D. R. Horton, America's Builder**

**Moderator:**

Michael Rigney, Partner, **Kelley Drye & Warren LLP**

**12:00PM** Networking Luncheon

**1:00PM** PANEL DISCUSSION

**Can GCs Agree on a Common Approach to Speed the Adoption of Alternative Fees?**

It is widely accepted that sophisticated clients are moving away from the billable hour to alternative fees create better alignment between firms and clients. At the same time, the billable hour is certainly "the devil we know," and so many GCs prefer to stick with the familiar. How can GCs define and simplify the alternative fee model to speed adoption?"

**Panel:**

Hilary E. Ware, Managing Litigation Counsel, **Google Inc.**  
Paul T. Porrini, Vice President, Deputy General Counsel and Assistant Secretary, **Hewlett-Packard Company**,  
William E. Mayer, VP/General Counsel—West Region, **D. R. Horton, America's Builder**

**Moderator:**

Paul Lippe, CEO, **Legal OnRamp**

**2:00PM** PANEL DISCUSSION

**Getting it Done—From Theory to Practice**

- Getting started and comfortable with alternative fee structures
- Addressing the current difficulty clients have in budgeting for legal fees
- Responding to client requests to address and consider alternative fees
- Understanding your risk in experimenting with other fee arrangements
- Achieving the win/win scenario

**Panel:**

Patrick J. Lamb, Partner, **Valorem Law Group**  
Polly L. McNeill, Attorney, Founding Member, **Summit Law Group**  
Christopher Marston, CEO, **Exemplar Law Partners**

**Moderator:**

Fred H. Bartlit, Jr., Partner, **Bartlit Beck Herman Palenchar & Scott LLP**

**3:00PM** Networking Coffee Break

**3:30PM** PANEL DISCUSSION

**Evaluation: How to Determine if Alternative Fee Arrangements are Successful and Worthwhile**

- What is the best (or desired) result?  
*For law firms*  
*For the client*
- How can this be measured?
- How is price ultimately determined?  
*Based on the value to the client?*  
*On competitive alternatives available to the client?*  
*By adding up the cost to the law firm and adding a profit component?*
- The art and application of fair pricing  
*Maintaining integrity*
- Understanding value, cost and competition
- Responding to unfavorable outcomes
- The pros and cons of straight hourly fees

**Panel:**

Terrell Wallace Oxford, Partner, **Susman Godfrey LLP**,  
Tea Hoffmann, Esq., Chief Business Development Officer,  
**Baker Donelson Bearman Caldwell & Berkowitz PC**,  
*Other panelist TBD*

**Moderator:**

Edwin B. Reeser, A Professional Law Corporation

**4:30PM**

**Wrap-Up / Q & A**

This concluding segment is designed to summarize, synthesize, debate, question and answer any of your "real world" communication, billing, price and value issues. As a group we will determine and discuss the coordination needed in addressing these specific challenges.

# Alternative Fee Arrangements

	Attendee 1	Attendee 2	Attendee 3
Name			
Job Title			
Organization			
Address			
Zip Code			
Phone			
Fax			
Email			

## Signature

I have read the terms and conditions below

- Forum Registration Fee (for law firms) \$895
- Forum Registration Fee (for corporate counsel) \$295
- I am registering for this event before **September 30th** and would like to claim my 15% early bird discount—

**Please note: payment must be received in full prior to the event to guarantee your place**



### Card number

### Expiration Date

### Security Code

- Payment in the mail (checks made payable to Ark Group USA)
- Multiple bookings: please invoice separately**

#### Registration conditions

1. Registrations can be submitted at any stage prior to the event, subject to availability. A limited allocation is being held and registering early is therefore recommended, in the event of the registration not being accepted by Ark Group the total amount will be refunded.
2. Payment must be received in full prior to the course.
3. All speakers are correct at the time of printing, but are subject to variation without notice.
4. If the delegate cancels after the registration has been accepted, the delegate will be liable to the following cancellation charges:
  - Cancellations notified over 45 days prior to the event will not incur a cancellation fee.
  - In the event of a cancellation being between 45 and 30 days prior to the event, a 20% cancellation fee will be charged.
  - For cancellations received less than 30 days prior to the event, the full delegate rate must be paid and no refunds will be available.
5. All registrations submitted by e-mail, fax, or over the telephone are subject to these booking conditions.
6. All cancellations must be received in writing.
7. Ark Group will not be held liable for circumstances beyond their control which lead to the cancellation or variation of the program.
8. Please make checks payable to Ark Group USA.

Ark Group USA will not use your email address or information for any purpose other than distributing our conference and event notices.

## Venue and Accommodations

**This meeting will be held at** the AMA Executive Conference Center - located in the San Francisco Marriott Hotel— at 55 Fourth Street— conveniently located minutes from the heart of the city, Chinatown, cable cars, restaurants and other hotels — and only 15 miles from the SF Int'l Airport. For information regarding rates at nearby hotels please contact Peter Franken at [Pfranken@ark-group.com](mailto:Pfranken@ark-group.com) or at 773 281 4275. We hope to see you there!

## Who Will Attend This Forum?

Ark Group / Managing Partner Magazine's forum on **Alternative Fee Arrangements** is a highly interactive, next-generation program researched with and developed for both in-house, general counsel and corporate executives involved in the management of outside counsel as well as law firm management and thought leadership pertaining to the pricing of legal services rendered including all those involved in the development and execution of client service strategy.

## Exhibition & Sponsorship Opportunities

If you are interested in exhibition or sponsorship opportunities for this (or any) Ark Group event, please contact Kevin Klein for more details at [kklein@ark-group.com](mailto:kklein@ark-group.com) or by phone at 708-386-3868

## ALTERNATIVE FEE ARRANGEMENTS

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**THIS FORUM WILL BE HELD AT:****AMA Executive Conference Center**

55 Fourth Street, Second Level  
San Francisco, California 94103  
#415.442.6770

<http://www.amaconferencecenters.org/san-francisco.htm>

**November 11, 2009 — San Francisco, CA****Located in the San Francisco Marriott Hotel—**

AMA's Executive Conference Center is just minutes from the cable cars, Chinatown, shopping, museums and only 15 minutes from the San Francisco International Airport. When booking a hotel below, be sure to mention that you are an AMA conference attendee to secure your preferred rate.

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**San Francisco Marriott Hotel**

55 Fourth Street  
San Francisco, California 94103  
800.228.9290 > Reservations  
<http://www.marriott.com/hotels/travel/sfodt-san-francisco-marriott/>

**Parc 55 Hotel**

55 Cyril Magnin Street  
San Francisco, California 94102  
800.697.3103 > Reservations  
<http://www.parc55hotel.com/>

**Intercontinental San Francisco**

888 Howard Street  
San Francisco, California 94103  
888.811.4273 > Reservations  
<http://www.intercontinentalsanfrancisco.com/>

**Grand Hyatt**

345 Stockton Street  
San Francisco, California 94108  
800.23.1234 > Reservations  
<http://grandsanfrancisco.hyatt.com/>

The AMA does not arrange hotel accommodations. However, AMA has negotiated-preferred rates at the above hotels based upon availability. Be sure to mention that you are an AMA conference attendee to secure your reservation and preferred rates. Reservations made after the cutoff date may be charged a higher rate. Note: We recommend that reservations be made early, as the number of rooms at preferred rates is limited.

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## Directions

*San Francisco Executive Conference Center  
Located in the San Francisco Marriott Hotel  
55 Fourth Street, 2nd Level  
San Francisco, CA 94103*

The following can be used as a guide for your visit to the AMA Management Center San Francisco. If you should have any further questions, please do not hesitate to call our **Customer Service Department at 877-566-9441 or the San Francisco Executive Conference Center directly at 415-442-6770.**

### **DIRECTIONS**

**From the airport:** The San Francisco Executive Conference Center is approximately 15 miles north of the San Francisco International Airport. Frequent airport buses and vans make the trip in about 30 minutes.

**Discount Airport Parking:** AMA has arranged for discounted airport parking at selected airports. Please visit <http://www.airportdiscountparking.com/> for additional details.

**For additional driving directions and maps click here** <http://www.mapquest.com/>

### **Parking:**

Parking is available at the Marriott Hotel (415-896-1600). Please call the hotel directly for current rate information. Parking is also available at the Yerba Buena Parking Garage at 5th Street and Mission Street. Parking at garage now \$25 for up to 12 hrs.

### **TRANSPORTATION**

#### **Public Transportation:**

Powell Street is the most convenient stop for those using the BART (subway) system and the Muni Metro.

#### **Airport Transportation:**

There is a shuttle available from San Francisco International Airport (Super Shuttle) rate approximately \$17 per person (runs every 30 minutes from 5 a.m. to 7 p.m.) to the Marriott Hotel. Taxicabs are also available at the airports with rates that can range from \$35 to \$45 plus tip. BART (Bay Area Rapid Transit) trains now serve the San Francisco International Airport. A trip between the Powell Street Station and the airport costs approximately \$5.35 (a 35 minute ride).

#### **Car Rental:**

Hertz offers American Management Association members and course participants discounts at participating locations in the U.S. and around the world. Your **CDP# 1215377** is the key. Visit Hertz for [reservations on line](#), or, if you prefer, you may call the Members Only Reservations Line at **1-800-654-2200** or call your travel agent.