

10

Litigation Principles

Hughes
Critical matters. Critical thinking.®
Hubbard

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10 Litigation Principles

These are the principles Hughes Hubbard has developed over more than 50 years of litigating:

1 Remember that it's the client's case.

Litigation strategy should be driven by the client's business goals.

2 Start with the goal and work backward.

We do not make the first move until we've worked out with the client how we think the case should end. All interim decisions build toward that result.

3 Partner with the client.

We try to make our client counterparts look good. We avoid surprises by keeping the client abreast. We partner with inside counsel on planning – so we know how the litigation strategy is affected by factors outside the courtroom and vice versa – and on budgeting, so they can make early cost-benefit assessments.

4 Choose the most favorable ground.

There are many issues over which to do battle. We make sure the case is fought on grounds our client can win.

5 Be ready to try every case.

Readiness for trial drives not only courtroom victories but also favorable settlements. We devote hundreds of thousands of dollars in resources every year in training all of our litigators to be effective on their feet.

6 Don't fight last year's war.

We continually reevaluate and refine the strategy and tactics as the case develops.

7 Practice aggressiveness, not aggression.

We give no quarter on our feet or in the papers. But we focus on the other side's positions, not its lawyers. We don't waste client money on gratuitous discourtesy; most cases are ultimately settled, and a professional relationship speeds up the process.

8 Never compromise on quality.

We emphasize quality in everything we do. Every brief is reviewed by a partner.

9 Wrestle with issues, not documents.

Too many litigation resources go to managing documents and not enough to smart people solving tough problems. We build sophisticated document management systems so our lawyers can *use* documents, not hunt for them.

10 Nurture the client relationship.

We handle each case so that the client will want to give us the next one.

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