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# Best in Law: Want to Cut Legal Costs? Avoid Litigation

BB&K Partner Lauren Strickroth Provides Litigation Cost-Saving Tips in the *Press-Enterprise***By Lauren M. Strickroth**

The best strategy to minimize the cost of litigation is to avoid it altogether.

Many businesses, trustees or individuals put off hiring a lawyer until a lawsuit is filed. At this stage, potentially preventable damage is already done. Engaging a lawyer who is invested in your success from the outset is the best and most cost effective way to reduce litigation costs.

If you do find yourself in the expensive arena of litigation, here are several ways to reduce costs without sacrificing quality or compromising results.

**Involve Counsel Early.** If it is too late to avoid litigation, the earlier you involve an attorney, the better. Experienced counsel can streamline the path, and work with you to mitigate damages, organize evidence, limit discovery expense, or steer the matter to early settlement.

**Mediation.** Studies demonstrate that early mediation significantly reduces litigation costs. An early mediation with limited and focused discovery can avoid the significant costs of depositions, motion practice, retention of experts and trial preparation.

**Limit Discovery.** Written discovery, depositions and experts can be some of the most costly aspects of litigation. Limiting depositions and seeking an agreement with opposing counsel regarding the scope of discovery can drastically reduce costs.

**Decision Tree Analysis.** Litigation should be guided by understanding and evaluating the best and worst possible outcomes, and the likelihood of each. This structured analysis allows clients to make better decisions in the face of uncertainty and complexity.

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**A Professional Relationship with Opposing Counsel.** A strained or contentious relationship between attorneys on both sides almost always increases costs. Although it is not always possible, reasonable conversation and professionalism with the opposing party's counsel can streamline the litigation process.

**Focus on the Key Issues.** Litigation often involves a main claim with many small side claims. Although it is important to be cognizant and responsive to all claims, concentrating on the main issue that is the crux of the dispute is an effective way focus the litigation without getting distracted by side issues.

**Recognize Emotional Decisions.** Litigation is straining and emotional. Often litigants are angry, sad or frustrated. When emotions are high, litigation escalates and people tend to make decisions based on emotion rather than ration. Diffusing the emotion on both sides, and viewing decisions from a business perspective instead of an emotional perspective, often results in a better and more cost effective outcome.

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