



Working with In-House Counsel

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About Me

- After a one-year clerkship, worked in private practice for 8 years
 - Handled general litigation matters, with a focus on creditors' rights
- Started at Simplot in 2017. Currently handle:
 - Litigation
 - Employment
 - Records/eDiscovery
- Handle matters throughout the United States and parts of Canada
- Simplot is a privately held food and agriculture company
 - Approximately 14,000 employees
 - Operate in ~11 countries

My Goals During Litigation....

- Facilitate information gathering
 - Explain Simplot business and processes to outside counsel
 - Work with the business to get information for outside counsel
- Assist with litigation strategy
 - Define a “win”
 - Work on settlement options
 - Review significant filings

Most Important Job

- Make the business’s life easier
 - Make sure they understand the process
 - Limit time spent on litigation as much as possible
 - Make sure they are prepared for depositions
 - No surprises

Help Me Help Them....Communication

- Responsiveness is key
 - Just respond and tell me when you will get back to me
- Status Updates
 - Keep me informed of any developments
 - Significant motions
 - Conversations with opposing counsel or other parties
 - I want to be able to proactively update the business or be prepared if stopped in the hall and asked
 - Unprompted status updates are the best

Help Me Help Them....Communication

- Tell me the bad and the good
 - If there is a major weakness in the case, tell me
 - If the case looked great and some really bad information just came to light, tell me sooner rather than later
- Give me the intel
 - About the judge, the potential jury pool, opposing counsel
 - If you don't know, try to find out

Help Me Help Them....Timing

- Discovery Requests
 - An initial review right after being served
 - Provide comments on what is considered objectionable
 - Most helpful: set up a call and walk through them with us
- Request for Declarations
 - Give plenty of time to review – both counsel and the declarant
 - Highlight questions – want to ensure accuracy
- Request for Additional Documents
 - We try to give the business as much time as possible to find and provide information
 - Will often have to reach out to a number of departments and people
 - Avoid last minute requests on holidays and Fridays
 - Summer is a holiday - PTO is a thing and we try to respect it

Help Me....Strategy and Timeline

- Set Forth a Strategy Early On
 - I recognize that things will change as we get more information
 - Let's discuss those changes and pivot as needed
- Keep the Case Moving
 - Set forth a timeline that facilitates the end goal: summary judgment or settlement
 - If we just need certain information to determine a reasonable settlement offer, try to get that before we have to incur deposition expenses
 - I.e., medical records
 - I do not want to pay fees for trial prep or expert depositions because there was a delay in filing an MSJ or starting settlement discussions

Help Me....Billing Practices

- Fair Billing Practices
 - Need to have a feeling of trust that the invoices are fair
- Make Sure it Provides Value
 - If you spin your wheels, consider reducing the time
 - You can even make note of it to show me that it was done
 - If there is a change in personnel, do not charge me to get a new attorney up to speed
 - Do not O.K. me to death
 - Do not bill me for administrative tasks
- Bill Timely
 - I need to keep my boss and the business updated and it helps for budgeting
 - You get paid!
 - Especially important in matters covered by insurance - need a final bill upon closing

Questions