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## Wake Up Call: Are Billing Rates Too High and Collection Rates Too Low?

1 day ago

- Recent news articles have cited astronomical law firm billing rates, but a new report by Georgetown University Law Center and Thomson Reuters Peer Monitor tells the rest of the story: that actual **collection rates have fallen** (<http://www.americanlawyer.com/id=1202749651055/The-Dirty-Little-Secret-of-Law-Firm-Billing#ixzz40K15xoym>) and a reduction in bankruptcies looks to drive collections even lower. (*American Lawyer*)
- An Obama appointment to replace Antonin Scalia on the U.S. Supreme Court could, if confirmed, **establish a new 5-4 majority** (<https://bol.bna.com/campaign-spending-death-penalty-in-play-with-supreme-court-opening/>) willing to reverse decisions addressing major issues such as gun control, campaign finance reform, and consumer protections, and possibly even consider outlawing the death penalty, observers say. (*Big Law Business/Bloomberg News*)
- Two law firms leading a U.S. class action against Volkswagen A.G. over its emissions scandal have set up a European foundation to enable institutional investors worldwide to **go through Dutch courts** (<http://www.ft.com/cms/s/0/fff71726-d185-11e5-92a1-c5e23ef99c77.html#ixzz40KDHT7mm>) to recover billions of dollars in damages from the German car manufacturer. (*Financial Times*)
- To avoid getting left behind, law firms need **digital strategies** (<http://www.forbes.com/sites/falgunidesai/2016/02/15/law-firms-risk-digital-extinction/#5a90390279e5>) to contend with the new reality of alternative legal service providers, increased legal outsourcing and changing corporate counsel buying behavior and stagnant billing rates, warns a writer. (*Forbes*)

## Replacing Justice Scalia

- The death of U.S. Supreme Court Antonin Scalia has set up a **collision** (<http://www.wsj.com/articles/scalias-death-sets-up-collision-between-white-house-congress-1455586573>) between President Obama and the Republican-controlled Congress over who should appointment a replacement. (*Wall Street Journal*)
- President Obama could make a “**big statement**” (<http://www.politico.com/story/2016/02/antonin-scalia-replacement-219271>) with his third appointment to the court, and/or he could **improve diversity on the court** (<http://www.nationallawjournal.com/home/id=1202749723425/Sri-Srinivasan-Jeh-Johnson-and-Kamala-Harris-Among-Lawyers-Top-Bets-for-Scalia-Replacement?mcode=1202617074964&curindex=2>), observers say. (*Politico/National Law Journal*)
- A look at **seven impacts** (<http://www.nationallawjournal.com/id=1202749734818/Seven-Ways-Scalias-Death-Will-Impact-the-Supreme-Court?mcode=1202615705846>) that Scalia’s death will have on the Supreme Court. (*National Law Journal*)
- A recent dissent written by Justice **Scalia offered clues** (<http://www.nytimes.com/2016/02/16/us/politics/what-would-antonin-scalia-want-in-his-successor-a-dissent-offers-clues.html>) to what kind of successor he would want for himself on the court. (*New York Times*)
- A **gambler’s guide** (<http://abovethelaw.com/2016/02/who-will-obama-nominate-to-replace-scalia-a-gamblers-guide/>) to possible Obama appointments to replace Scalia, including 5000-to -1 odds that the president will appoint himself. (*Above The Law*)

## Legal Market

- While it has been fairly well documented that major U.S. law firms have a low percentage of women in national leadership or equity partner positions, an informal analysis of the 10 largest U.S. firms by revenue suggests firms’ regional management also **remains mostly male** (<https://bol.bna.com/the-gender-pipeline-problem-at-law-firms/>). (*Big Law Business*)
- Legal teams working as liquidators in global-scale bankruptcies need to address key legal and other questions and issues to ensure they can successfully **recover company assets** (<https://bol.bna.com/perspective-how-to-strategize-a-cross-border-asset-recovery-investigation/>) to return to creditors, from wherever those assets may be worldwide. (*Big Law Business*)
- The so-called **whistleblower bar is pushing back** (<http://www.corporatecrimereporter.com/news/200/whistleblower-lawyers-counterattack-against-dc-disciplinary-counsel/>) against attacks by the DC Disciplinary Counsel, formerly known as the DC Bar Counsel, which recently filed charges against prominent Washington whistleblower lawyer Lynne Bernabei and former Justice Department attorney Thomas Tamm. (*Corporate Crime Reporter*)

- A consortium of corporate legal operations specialists, known as the CLOC, plans a two-day conference in May in San Francisco to educate and **train corporate legal departments** (<https://bol.bna.com/legal-operations-specialists-plan-two-day-confab/>), as part of an effort to improve their standards. (*Big Law Business*)
- DLA Piper tops a list of major law firms that have **big offices in Seattle** (<http://www.bizjournals.com/seattle/blog/2016/02/many-of-the-countrys-largest-law-firms-have-big.html>). (*Puget Sound Business Journal*)

#### Laterals and Moves

- K&L Gates, which recently closed its Moscow office, is **expanding its office in Australia** (<http://www.americanlawyer.com/home/id=1202749735736/KL-Gates-Adds-Down-Under-After-Moscow-Closure-Plus-More-Lateral-Moves?mcode=1202617075486&curindex=0>), where Skadden, Arps, Slate, Meagher & Flom recently closed its office; and other lateral moves. (*American Lawyer*)
- Mayer Brown has **hired two partners in Frankfurt** (<http://www.thelawyer.com/mayer-brown-launches-german-pe-practice-with-kwm-hires/>) from King & Wood Mallesons (KWM), including German corporate head Julian Lemor and Birgit Hübscher-Alt, as part of Mayer Brown's global effort to expand its private equity team. (*The Lawyer*)
- DLA Piper has appointed real estate partner Arthur Chong in Melbourne, Australia, and moved litigation partner Karl Buch from New York to Hong Kong to be its Asia investigations head; K&L Gates hired corporate lawyer Ian Liao as a partner in Shanghai; Morrison & Foerster picked up Joshua Isenberg as partner in its real estate practice in Tokyo; and other **laterals in Asia** (<http://www.thelawyer.com/asia-moves-15-february-2016/>). (*The Lawyer*)
- A new metric called “**profits per me**” (<http://abovethelaw.com/2016/02/will-ppp-be-dethroned/>) (PPM) is a more effective indicator than profits per partner for helping partners find the firm that makes the most financial sense for them, argues a partner placement specialist from legal recruiter Lateral Link. (*Above The Law*)
- **Kentucky-based law firm** (<http://www.kentucky.com/news/business/article60451886.html>) Stoll Keenon Ogden has named P. Douglas Barr as its managing director, for about 140 attorneys. (*Lexington Herald Leader*)

#### Technology

- **Tech round up:** (<https://bol.bna.com/tech-round-up-lex-machina-upgrades-its-attorney-search-engine/>) an improved attorney tracking tool from litigation data analytics company Lex Machina; a document management application from ZL Technologies that, among other things, allows placing “legal holds” on documents, and doing e-Discovery, records management, compliance, and storage management; and other tech news. (*Big Law Business*)

- In a closely watched case, a U.S. appeals court ruled last week that **patent owners** (<https://bol.bna.com/lexmark-wins-closely-watched-patent-case-on-refurbished-products/>) have the right to prevent their goods, first sold overseas, from being refurbished and resold in the U.S. (*Big Law Business/Bloomberg News*)
- With legal challenges threatening its survival in several states, the fantasy-sports industry has launched a lobbying effort to get state legislators across the country to propose legal **protections for fantasy-sports companies** (<http://www.wsj.com/articles/fantasy-sports-industry-mounts-lobbying-blitz-1455585446>). (*Wall Street Journal*)
- Cross-border e-discovery adds a whole new set of challenges to an already difficult task, and a big one is effectively **translating material that is in a foreign languages** (<http://www.legaltechnews.com/id=1202749593381/Deciphering-the-Culture-Code-in-CrossBorder-EDiscovery#ixzz40KNesLGi>), says a writer, offering tips on how to do that. (*LegalTech news*)

