

Maryland Law Firm Leverages CaseMap® to Help Firm Win \$80 Million Arbitration Award for Client.

Overview

Firm: Conti Fenn & Lawrence

Location: Baltimore, Md.

Industry: Legal services

Customer Profile:

Conti Fenn & Lawrence represents businesses and individuals in civil litigation, government investigations and white-collar criminal matters in Maryland, the District of Columbia, and several other jurisdictions.

Business Situation:

One of the firm's clients, a provider of smartphones for children, was facing a "save-the-company" case related to complex securities called "auction rate securities." Since the company was experiencing financial stress and had limited available resources to try the case, lead attorney Greg Lawrence was forced to leverage technology and use other creative litigation management strategies to get the job done.

Solution:

Lawrence formerly was an Enforcement Attorney for the U.S. Securities and Exchange Commission in Washington, D.C. From his days at the SEC, Lawrence was familiar with a product from LexisNexis® called CaseMap®, which was the SEC's preferred system for case management and analysis. Lawrence knew that CaseMap could be a powerful case analysis software platform for his high-stakes case, so he decided to rely heavily on CaseMap and its related TimeMap® module to help him manage the litigation.

Result:

- Provided some of the vital technology necessary to help Lawrence try the case and ultimately secure an \$80.8 million arbitration award for the client.
- Enabled Lawrence to manage the litigation with an estimated 50% less staffing resources than he would have otherwise required, making it possible to try the case with a tight budget.
- Allowed Lawrence to see relationships between people, facts and issues in a coherent way, improving his case presentation.
- Empowered Lawrence with the necessary visual illustrations of key chronological events in the case, which he incorporated into a persuasive closing argument.

Product Summary:

Litigation Services

- CaseMap
- TimeMap

Conti Fenn & Lawrence is a law firm created by three experienced litigators who had previously practiced at large law firms: Anthony Conti, who established The Law Firm Conti in 2002 after spending several years at DLA Piper; Paul Fenn, who joined Conti as a partner in 2004 after several years at DLA Piper as well; and Gregory Lawrence, who joined as a partner in 2005 after spending six years as senior counsel in the U.S. Securities and Exchange Commission Division of Enforcement and two years as a litigator at Saul Ewing LLP.

Conti Fenn & Lawrence represents businesses and individuals in civil litigation, government investigations, and white-collar criminal matters in the state of Maryland, the District of Columbia and several other jurisdictions. The firm's clients include privately owned businesses, Fortune 500® companies, individuals, unions and non-profit organizations.

The firm strives to provide highly competent legal representation that clients expect from large law firms, with the efficiency, flexibility and responsiveness of a small firm. The partners share a vision of continuing to build a law firm that excels in the practice of law through client service and cost-effective results.

Situation

One of the firm's clients is a Bethesda, Maryland-based company called Kajeet. Founded in 2003, Kajeet is the creator of an award-winning smartphone for kids and offers wireless technology products and services for children. Their offerings enable mobile communication, education and entertainment—both at home and at school—in a way that is safe, secure and affordable.

In 2008, Kajeet suffered a substantial liquidity crisis when auction-rate securities it had purchased from UBS were essentially allowed to fail by the bank, leaving the start-up company starved of its cash. The crisis forced the executives to conduct layoffs and put Kajeet in serious financial duress. Convinced that they had grounds for legal action against UBS, Kajeet engaged Conti Fenn & Lawrence to handle the litigation.

“The fact is that the deck was stacked against us with respect to the resources available to both sides, and we had a very tight budget that required us to try this case in an efficient manner. CaseMap allowed me to manage this matter with approximately 50 percent less staffing resources than I would have otherwise needed.”

—Gregory Lawrence, Partner
Conti Fenn & Lawrence

“This was clearly a ‘save-the-company’ case for our client, not simply to recover the lost value of the securities themselves, but also the consequential damages to their business stemming from that direct loss,” said Lawrence, who served as the lead attorney in the case. “The stakes were extremely high for us to find a way to help them recover some of those damages.”

However, there was one major logistical challenge: Because the company was experiencing financial stress and had limited available resources to try the case, lead attorney Greg Lawrence was forced to leverage technology and use other creative litigation management strategies to get the job done. He would have to accomplish more with less and do battle with opposing counsel, a large New York law firm with presumably a much larger budget provided by its client.

Solution

“As a civil prosecutor for the SEC in D.C., I was familiar with a product from LexisNexis® called CaseMap®, which we used a lot to help us with case management and analysis,” said Lawrence. “I knew that I would need a technology aid like that in order to manage this large matter with limited available resources.”

The award-winning CaseMap software helps litigation professionals identify and link facts, legal issues and parties involved in each case, and store them in specialized relational spreadsheets for ready access and analysis throughout the litigation. The product allows them to see the “big picture” in a case while revealing vital links in case information that might otherwise go undiscovered. By quickly seeing how facts and other information affect the key issues in a case, CaseMap is a valuable tool for evaluating a case’s strengths and weaknesses in considering settlement or trial.

Conti Fenn & Lawrence was already a CaseMap customer, so Lawrence and his support staff brushed up on the capabilities of the CaseMap platform—as well as the product’s affiliated TimeMap® module in particular.

TimeMap is a industry-leading timeline graphing tool that helps litigators transform case facts into high-quality visual timelines in seconds—with no graphic expertise required whatsoever. Lawrence saw the potential for TimeMap to help him make the impact he needed when he would eventually take his case to a trier of fact—as well as to help his trial team visually understand, analyze and communicate the facts in the case.

“When it came down to the FINRA hearing, TimeMap® proved to be an enormously helpful weapon to have in our arsenal. It gave us the ability to illustrate key chronological events in the case with memorable graphics... I incorporated a number of these visual elements into my opening and used them to help build a persuasive closing argument.”

—Gregory Lawrence, Partner
Conti Fenn & Lawrence

Once the *Kajeet v. UBS* litigation kicked into high gear, Lawrence knew that CaseMap would be a powerful case analysis software platform for his high-stakes case.

Results

As a result of a settlement that UBS had entered into with the SEC in 2008, the Kajeet lawsuit was subject to a formal arbitration process overseen by the Financial Industry Regulatory Authority (FINRA), the largest independent regulator for all securities firms doing business in the United States. Lawrence and his trial team presented their case before a FINRA arbitration panel, then opposing counsel for UBS presented their defense.

“During the arbitration, we presented a methodical, yet dynamic case that touched on almost every aspect of Kajeet,” Lawrence said. “We began with its start-up days, through its major milestones reached at meteoric speed, and ended with its sudden and all-but-fatal cash crisis. This story was unique, because the cash crisis coincided with a critical round of funding for the company, as well as the beginning of the 2008 financial crisis. The resulting financial destruction was thus magnified, and the challenge was to persuasively prove that the carnage was all due to the frozen cash.”

The FINRA panel sided with Lawrence and, in a decision that stunned the U.S. financial services industry, ordered UBS to pay \$80.8 million in damages to Kajeet—a substantial multiple above and beyond the amount that Kajeet had originally invested in auction-rate securities with UBS.

“CaseMap provided me with some of the vital technology support we had to have in order to successfully try this case,” said Lawrence. “The fact is that the deck was stacked against us with respect to the resources available to both sides, and we had a very tight budget that required us to try this case in an efficient manner. CaseMap allowed me to manage this matter with approximately 50 percent less staffing resources than I would have otherwise needed.”

Moreover, says Lawrence, the CaseMap software allowed him and his co-counsel to see relationships between people, facts and issues in a coherent way, which improved his case strategy and presentation.

“When it came down to the FINRA hearing, TimeMap proved to be an enormously helpful weapon to have in our arsenal,” he recalled. “It gave us the ability to illustrate key chronological events in the case with memorable graphics, even though we had neither the budget nor the resources to hire a graphic designer on our trial team. I incorporated a number of these visual elements into my opening and used them to help build a persuasive closing argument.”

The \$80 million award obtained by Conti Fenn & Lawrence is thought to be among the largest FINRA arbitration judgments ever secured by a U.S. plaintiff.

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