

# Panelists

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## **Michael J. Zylstra**

VP, General Counsel & Corporate  
Secretary  
CRACKER BARREL OLD  
COUNTRY STORE, INC.  
Lebanon, Tennessee

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**James C. Green**

VP, General Counsel & Corporate Secretary – MANITOU AMERICAS





## **Michael J. Zylstra**

VP, General Counsel & Corporate Secretary  
CRACKER BARREL OLD COUNTRY STORE, INC.

# Turning Chaos into Conformity



# Topics

## Turning Chaos into Conformity

Case Management

Cost Control

Quality Assurance & Reporting



# Multi-Jurisdictional Litigation

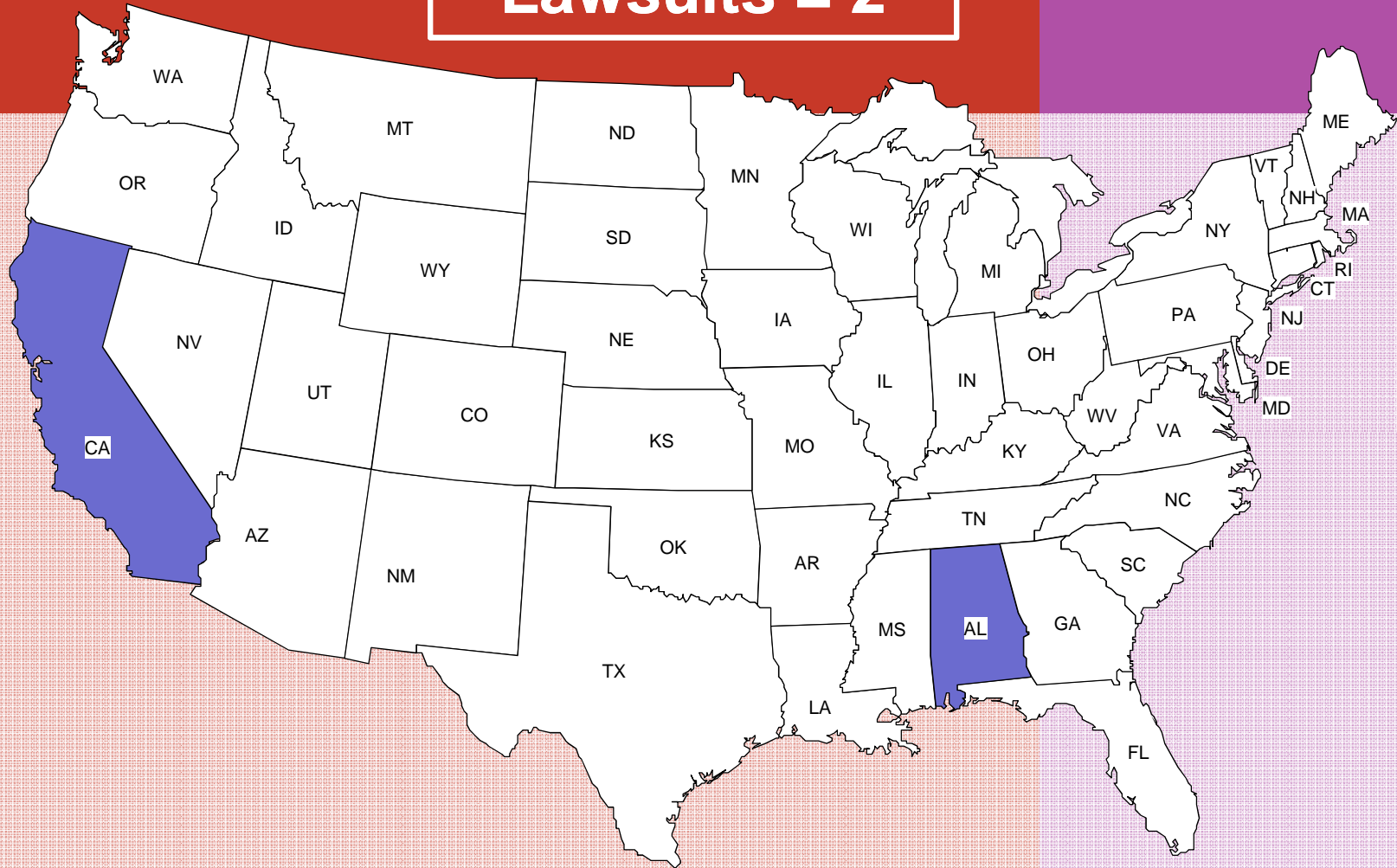


**0 States  
Lawsuits = 0**



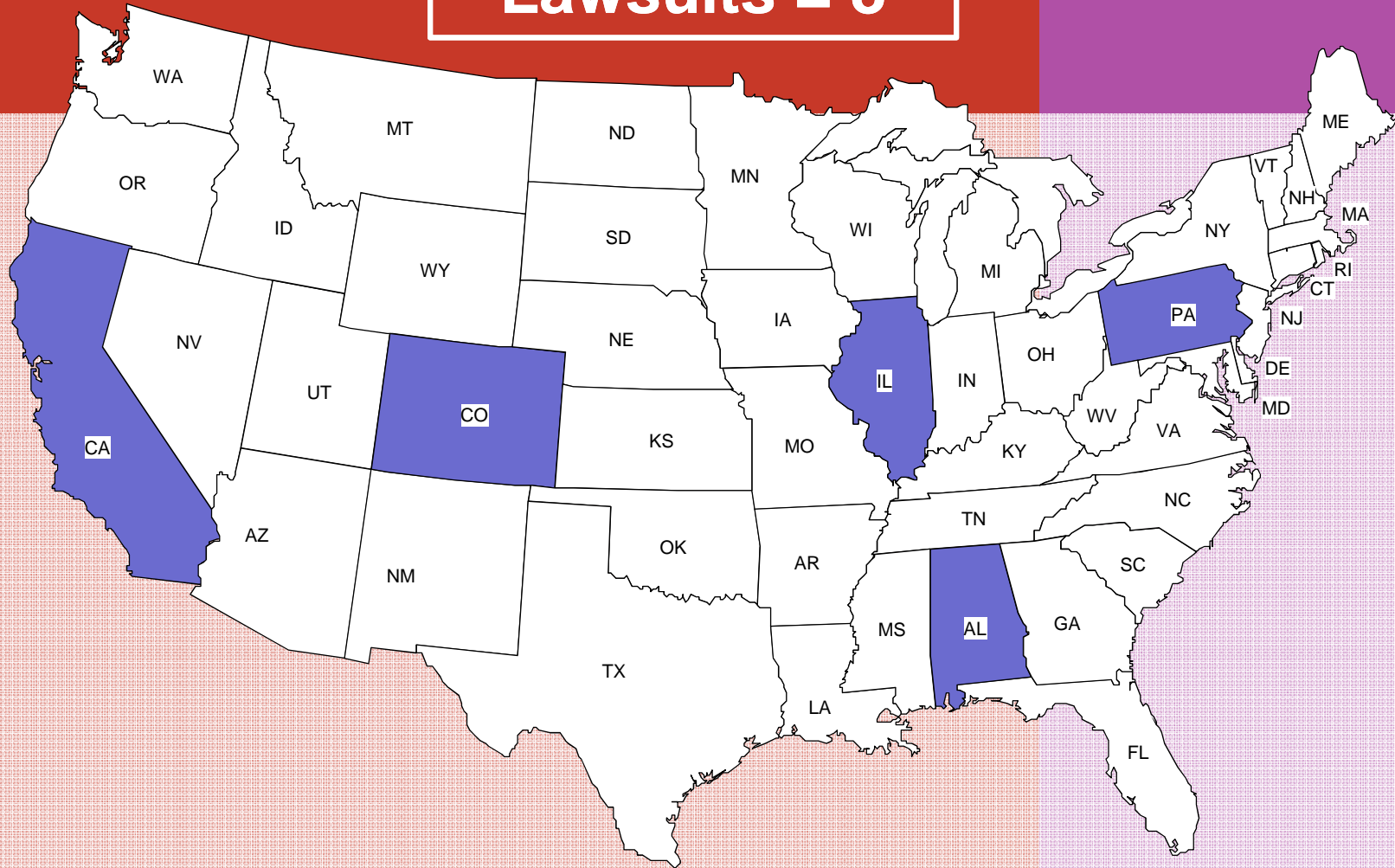
**Multi-Jurisdictional Litigation**

**2 States  
Lawsuits = 2**



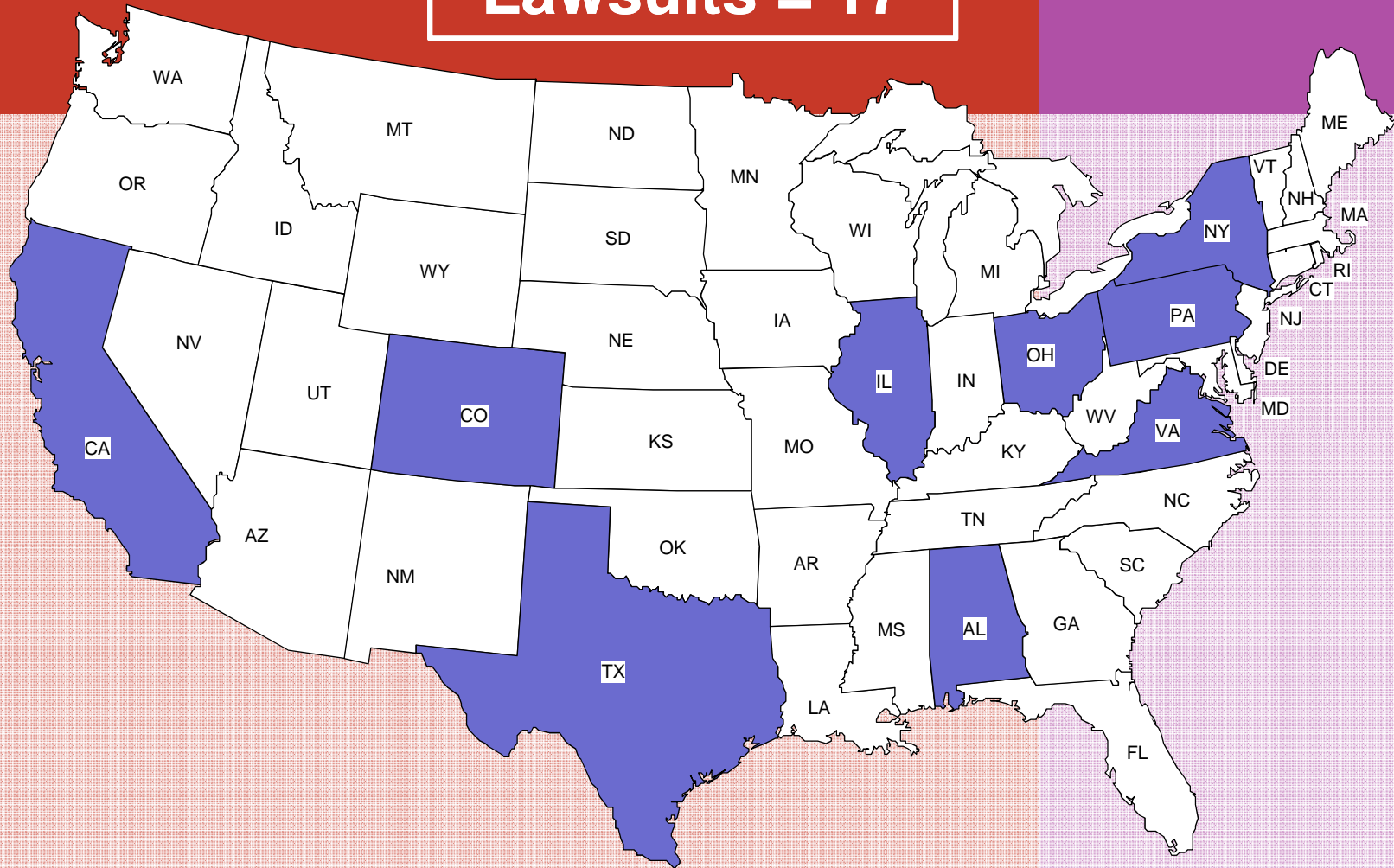
**Multi-Jurisdictional Litigation**

**5 States  
Lawsuits = 8**



**Multi-Jurisdictional Litigation**

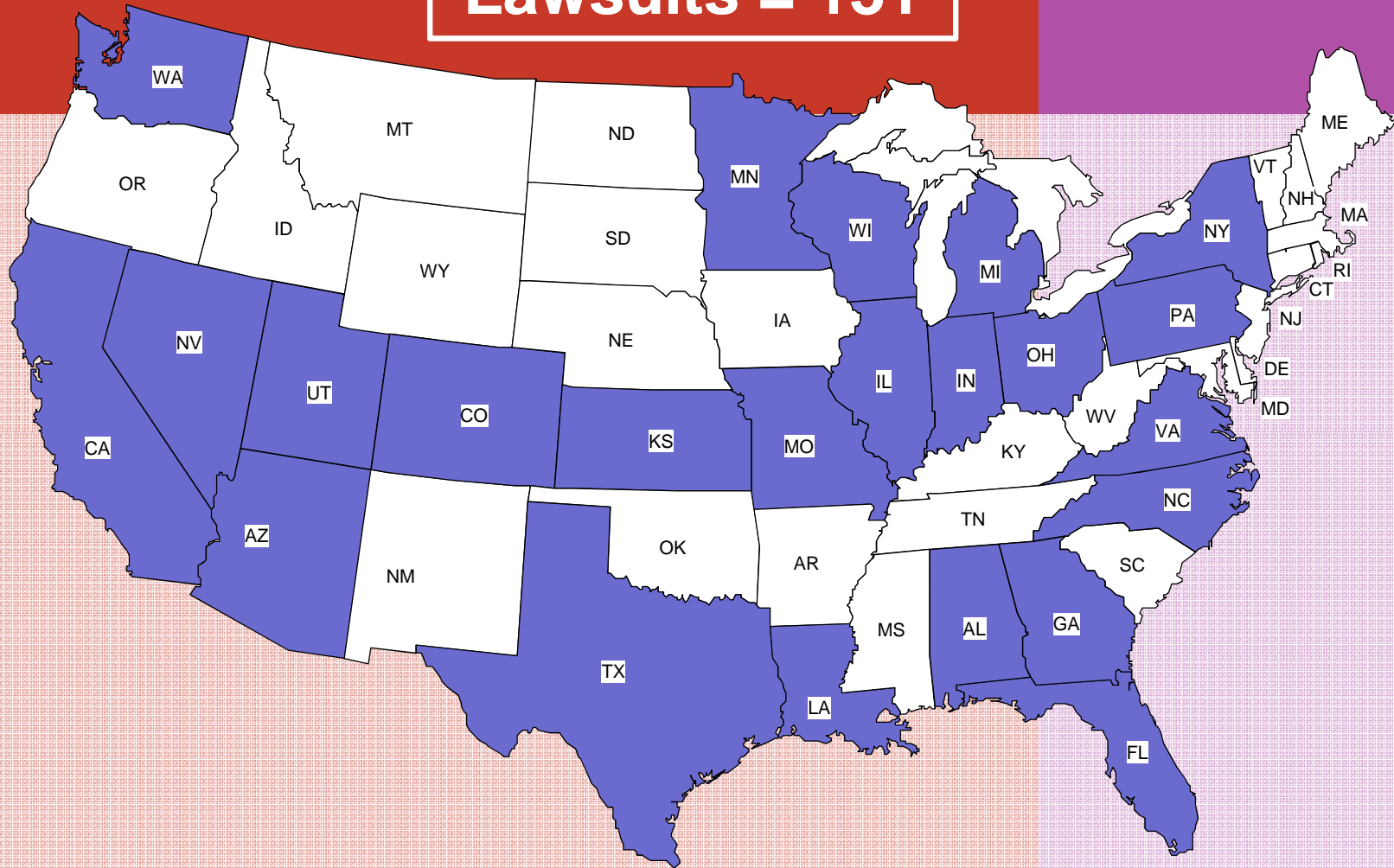
**9 States  
Lawsuits = 17**



**Multi-Jurisdictional Litigation**



**23 States  
Lawsuits = 131**



**Multi-Jurisdictional Litigation**

# Case Management

**National or  
Regional  
Litigation**



**Similar or  
Identical  
Issues**

- **Wage & Hour**
- **Workers' Compensation**
- **Asbestos**
- **Financial Services**
- **Premises Liability**

**Similar or  
Identical  
Facts**

# Case Management

**National or  
Regional  
Litigation**



**Similar or  
Identical  
Issues**

- **National Coordinating  
Discovery Counsel**
- **Multi-District Litigation**

**Similar or  
Identical  
Facts**

# Case Management

**National or  
Regional  
Litigation**



**Similar or  
Identical  
Issues**

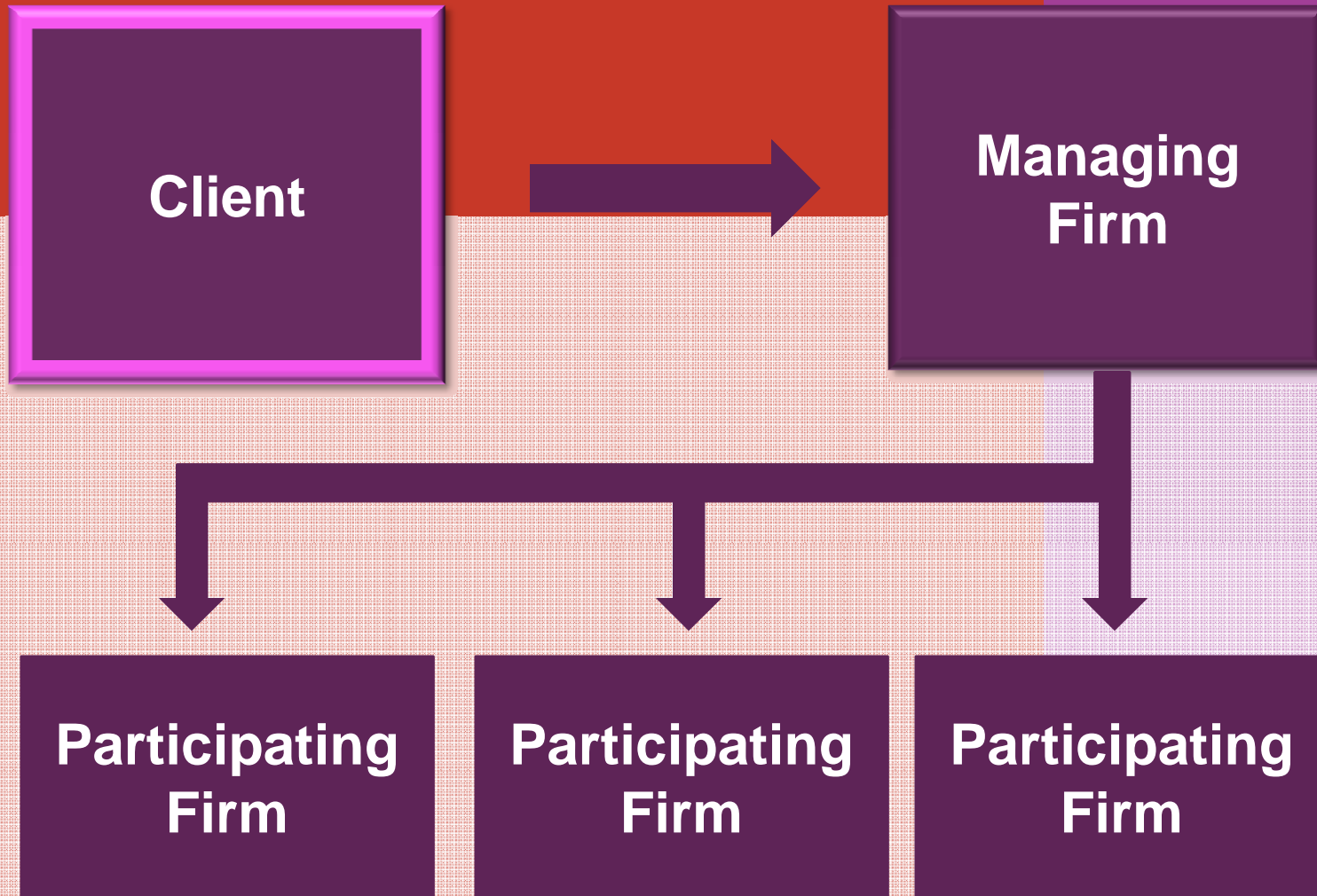
- **Framework for Proposals**
- **Uniform Management Approach to Litigation**

**Similar or  
Identical  
Facts**

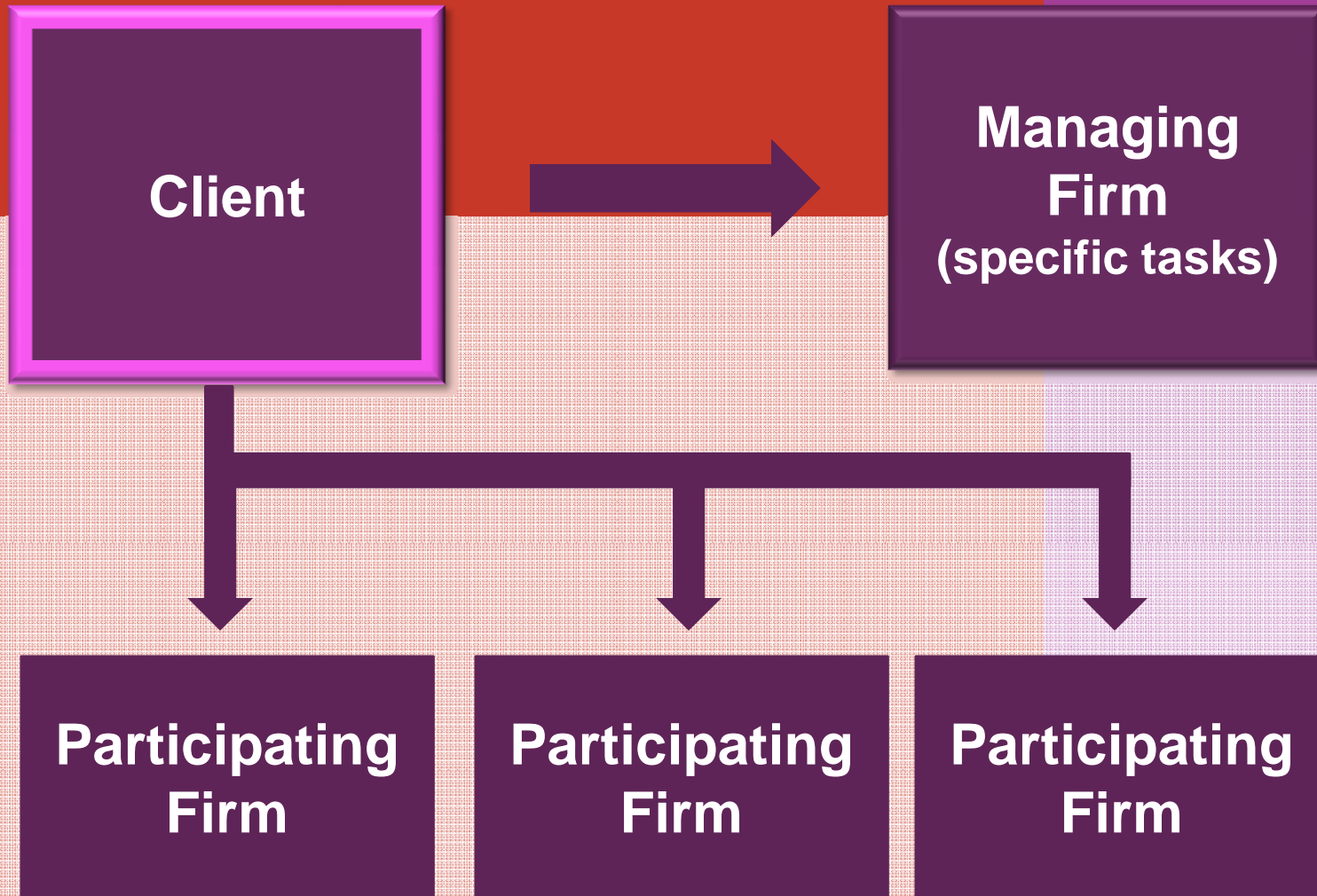
# Managing Counsel & Local Counsel





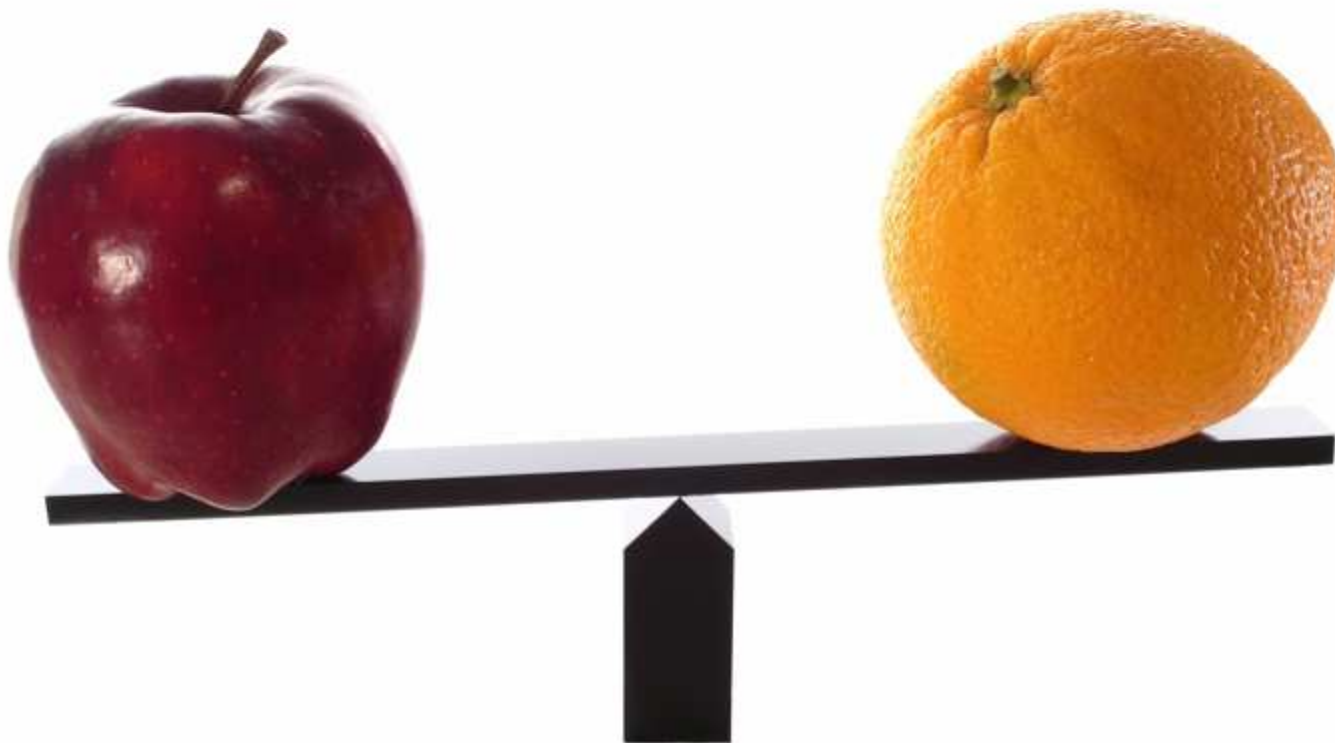


**Managing Counsel &  
Local Counsel**

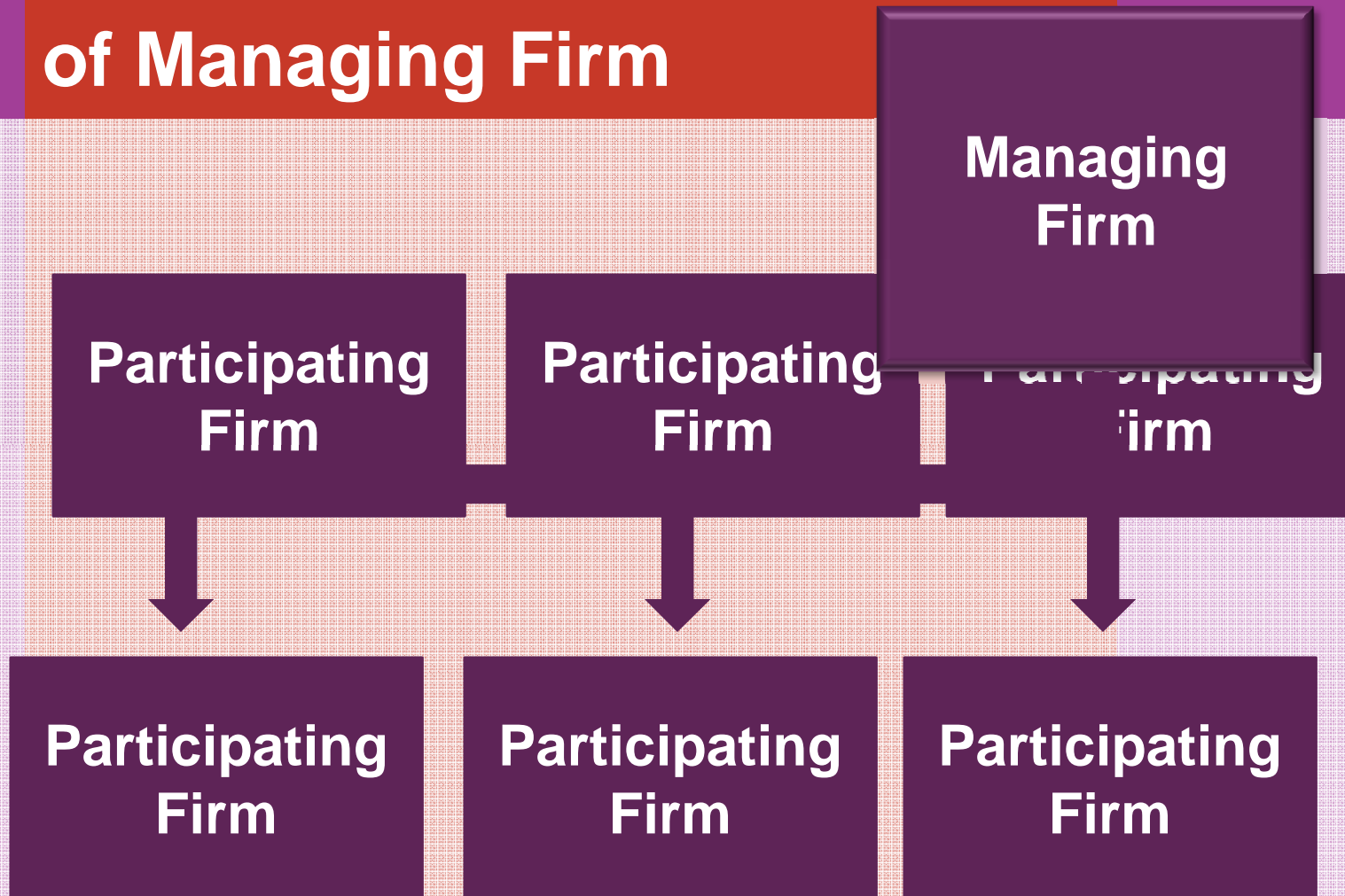


**Managing Counsel &  
Local Counsel**

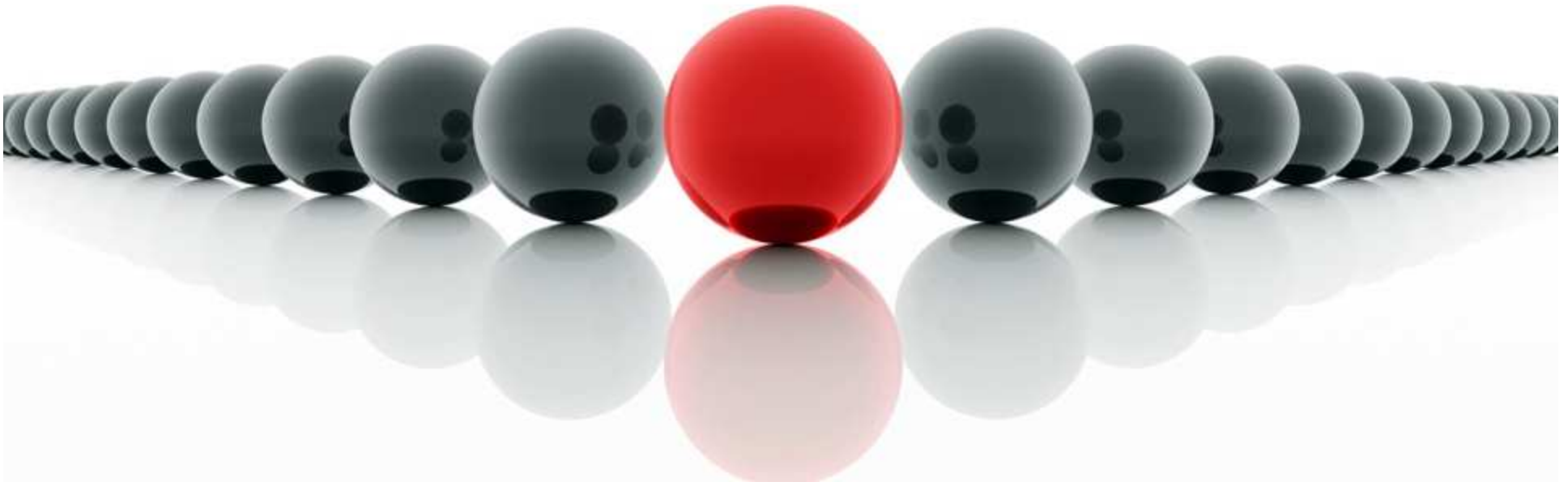
# Selection of Managing Firm



# Selection of Managing Firm



# Responsibilities of Managing Firm





# Management Responsibilities

- Management of all matters
- Reporting to Client
- Preparation of Client Invoices
- Coordination of all Discovery
- Coordination with Client of all Strategic Decisions

**Managing Firm**



**Participating Firm**

**Managing Firm**

# Management Responsibilities

- Identify an in-house lawyer – single point of contact
- Management of all matters
- Coordination of all Discovery
- Coordination of all Strategic Decisions

**Client  
In-House  
Management**



**Participating  
Firm**

**Client**

# Management Responsibilities

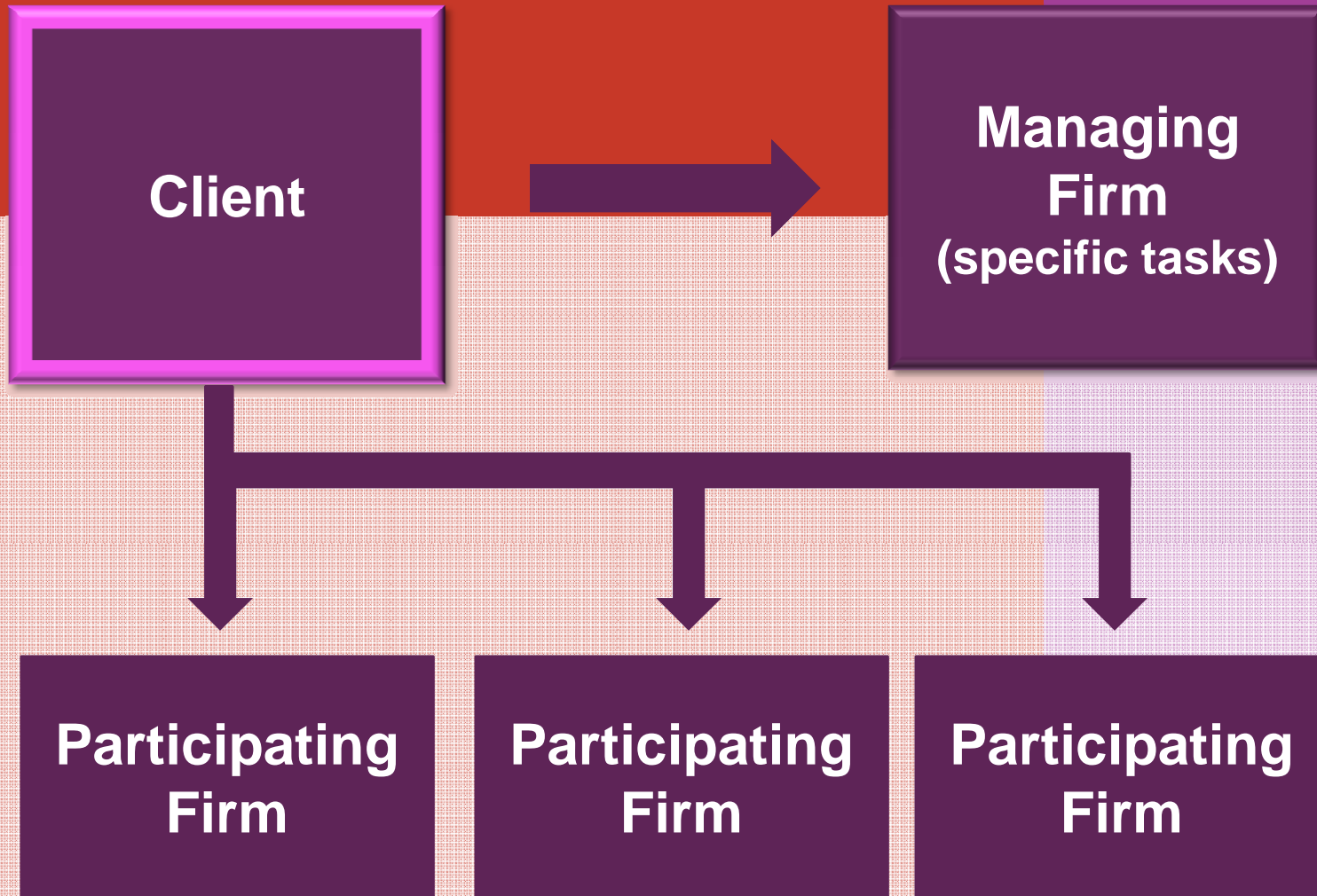
- Report to Client
- Handle day-to-day case responsibility each matter – discovery & appearances
- Tactical Recommendations
- Monthly Reports
- Monthly Invoices

**Client  
In-House  
Management**



**Participating  
Firm**

**Participating Firm**



# Management Responsibilities

# Management Responsibilities

- Develop standardized forms
- Legal research database
- Maintain document library
- Training Participating Firms

**Managing Firm**  
(specific tasks)



**Participating Firm**

**Specific Tasks**



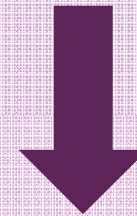
# Cost Control



# Invoices

- Prepare Single Monthly Invoice
- Participating Firms provide monthly invoices to be included as a Disbursement on the Managing Firm Invoice
- Participating Firms' Invoices to include itemization of fees & expenses

**Managing Firm**



**Participating Firm**

**Cost Control**

# Invoices

- Prepare Monthly Invoice
- Participating Firms' Invoices to include itemization of fees & expenses

**Client  
In-House  
Management**

```
graph TD; A[Client In-House Management] --> B[Participating Firm]
```

**Participating  
Firm**

## Cost Control

# Forms

- Standardize defenses & admissions
- Develop forms & guidelines for handling Discovery with the Client
- Develop legal authorities & memo database
- Uniform resolution strategy

**Managing Firm**



**Participating Firm**

**Cost Control**

# Forms

- Standardize defenses & admissions
- Develop forms & guidelines for handling Discovery with the Client
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- Uniform resolution strategy

**Client  
In-House  
Management**



**Participating  
Firm**

# Cost Control

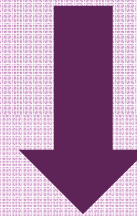
# Quality Assurance & Reporting



# Quality Assurance & Reporting

- Develop a Reporting System with the Client
- Reporting Format – web based that provides real-time access
- Monthly Report – unless other Client preference

**Managing  
Firm**



**Participating  
Firm**



# Quality Assurance & Reporting

- Develop a Reporting System with the Client
- Reporting Format – web based that provides real-time access
- Monthly Report – unless other Client preference

**Client  
In-House  
Management**



**Participating  
Firm**

# Wrap Up



# Five for the Road

1. In-House or Outside Counsel
2. Protocols
3. Role of Local Counsel
4. Standardization
5. Quality Assurance – Metrics

**Managing Firm**



**Participating Firm**

# Five for the Road

1. In-House or Outside Counsel
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3. Role of Local Counsel
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**Managing Firm**



**Participating Firm**

# Five for the Road

1. In-House or Outside Counsel
2. Protocols
3. Role of Local Counsel
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5. Quality Assurance – Metrics

**Managing Firm**



**Participating Firm**