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TRAILBLAZERS

LITIGATION

KURT GLITZENSTEIN FISH & RICHARDSON P.C.

PIONEER SPIRIT Kurt Glitzenstein was pursuing an engineering Ph.D. in the 1980s. "I realized that obtaining my doctorate would require me to become very focused, and that caused me to do some soul-searching. I have always had very broad technical interests, and I also like to teach. I decided that being a patent trial lawyer would be a good combination of the two. In court, I need to teach how technology functions, while at the same time working through the legal issues."

TRAILS BLAZED Along with his law practice and serving as head of the firm's litigation practice, Glitzenstein is chief architect and leader of the firm's litigation alternative fee arrangements committee. The firm has been using AFAs for years. For example, in 2009, Fish & Richardson and longtime client Microsoft launched a fixed-fee approach to pricing patent cases that sought to create better client-firm alignment, value and outcomes. "Ten years ago, AFAs were rare. But as Microsoft reported publicly last year, it plans to move 90 percent of its legal work to AFAs. That's a testament to the success of these programs." The firm now uses a group of professional support staff to oversee all elements of pricing. "They come up with pricing solutions that are tailored to clients' business needs. It's a healthy and collaborative exchange. Lawyers can be lawyers and leave the pricing issues and alternatives to the pricing team. We've taken it to a number of different levels, such as layering on sophisticated legal project management systems. As we learn, we constantly reevaluate and fine-tune our approach to AFAs, which is another innovative aspect."

FUTURE EXPLORATIONS Legal project management for litigation will continue to increase. "We've only scratched the surface. We began doing it as an outgrowth of pricing, but now we're doing it to achieve process improvement, training and other benefits. It's another example of where we can do more to let lawyers be lawyers."



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