

ENLIGHTENED LEGAL THINKING.™

BROWN  
LAW LLC



“AS A  
PEACEMAKER  
A LAWYER HAS  
A SUPERIOR  
OPPORTUNITY  
OF BEING A  
GOOD MAN.”



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hen I was in law school, a favorite professor of mine quoted a famous lawyer, "As a peacemaker a lawyer has a superior opportunity of being a good man." Earning a position as a trusted advisor requires that

legal services should be high quality, proactive, efficient, pragmatic, and timely delivered at a reasonable cost.

Many consumers of legal services however have experienced a 'process' that can be unreasonably time consuming and costly, unrealistic, ineffective, and shortsighted with the consequences of being both excessively confrontational and personally disruptive. Commentators including Richard Susskind, author of *'The End of Lawyers?: Rethinking the Nature of Legal Services (2008 ©)* have called for a different approach to both avoiding and solving personal and business legal problems.

I believe setting one's sight on those aspirations starts with the statement of values posted above the concluding 'Testimonials' section and is met by careful attention to the methods and process described below. The approach to fees is then designed to incentivize and reward services that meet those values.

Although a member of the Colorado bar since 2007, I have only recently become a full time Colorado resident. My journey has taken me from my Pittsburgh roots to college in the Midwest at Notre Dame to stretches in D.C., Miami, New York, and Philadelphia, where I graduated from the University of Pennsylvania law school.

I've enjoyed the opportunity to be a federal prosecutor with the US Department of Justice's Criminal Division, one of the original shareholders of a 500 lawyer national law firm for several decades, and more recently the principal of Brown Law LLC.

Spending time in Courts, law offices, and before juries in big cities to smaller towns and more rural communities in more than two dozen states has given me a perspective on how law can best be practiced.

My practice has encompassed the handling of business disputes, contract breaches and tortious interference with contract rights, conflicts involving trusts, environmental issues, the entire gamut of construction law matters, family law, employment, commercial fraud, professional liability, criminal law, wrongful use of civil proceedings, personal injury, insurance disputes, real estate/leasing matters, product liability and 'catastrophe claims'. I've always received an 'AV' rating from Martindale Hubbell, signifying that my peers rank me at the highest level of professional excellence and ethical standards.

I formed Brown Law LLC in 2008 at the height of the financial crisis to capitalize on changes taking place in the legal services delivery model and in response to the refrain I heard from many clients that "We want to pay for results not time."

Since its inception, I've been invited to speak and publish in a host of forums including those sponsored by Corporate Counselor, American Lawyer Media, Council on Litigation Management and Lexis Nexis CounselLink on subjects of legal economics, maximizing ROI on the legal expense dollar, implementing alternative fee arrangements, and law firm strategies for delivering value and sharing risk with clients.

As the legal services delivery model continues to evolve, early adopters such as myself have accumulated a host of 'lessons learned'.

My aspiration is to apply those lessons and optimize how law can best be practiced in the mountain towns and cities of the best place to live in these United States, Colorado.

**John (Jack) F. Brown Jr.**  
**PRINCIPAL, BROWN LAW LLC**

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# HOW WE WORK

## HOURLY RATE WITH A CLIENT ADJUSTMENT LINE ON EVERY INVOICE:

As a strong believer in metrics, at the outset of every assignment, the client receives an early case assessment and a matter management plan along with a projected budget (both legal and 3rd party expense) and estimate of case duration to facilitate discussions on an agreed 'targeted resolution objective'.

Every invoice at the end has a 'client adjustment line' in order that the client can adjust the invoice due in its discretion if the execution of the plan and results fall short of expectations.

## 'CONCIERGE SERVICE'

Business organizations regardless of whether they employ a 'General Counsel' or rely exclusively on outside counsel operate with the expectation that annual pro-rated monthly legal expense shall not exceed projected budget.

After a discussion of an organization's projected needs, a fixed monthly retainer can be agreed to cover the legal services required to meet the business needs.

If an unexpected matter requires a 'specialist', Brown Law would be responsible for retaining, directing, or coordinating those services to meet the client's expectations and budget.

## ALTERNATIVE FEE ARRANGEMENTS

'Alternative fee arrangements' (encompassing other than pure hourly based billing) are now 35% of all legal spend and growing at 19% per year. Brown Law accepts assignments on a host of 'non-hourly' alternative fee bases; including contingency, fixed/flat fee either on a case or per phase of case basis, holdback bonus (including with a total cap on fees), and risk collar. On pure hourly rate engagements we are also open to agreeing to a 'not to exceed' cap on total fees.

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# METHODOLOGY

One of the fortuitous blessings I have enjoyed as my career continues to evolve is the amount of plaintiff's contingent fee matters I have been tasked with (outside of the personal injury arena, where I have been typically hired as defense counsel).

The then General Counsel for DuPont published an article in the Association of Corporate Counsel's Docket magazine (January/February 2008 issue) titled, 'Plaintiff Thinking Can Grow Your Bottom Line'.

Undeniably, plaintiff's counsel and their client because of the typical contingent fee representation have a closely aligned interest in achieving the quickest, most lucrative settlement, at the least expense.

That alignment of interest is not present to the same degree for a client and their defense firm which generates greater legal fees the longer a matter lingers on.

Moreover, it is often thought that plaintiff firms tend to be leaner, efficient, more creative, and are more accustomed to thinking outside the box.

I bring that same 'DNA' and philosophy to defense work, which is why I look at the outset for what is the optimum intersection of the facts, law, and forensics that will best present your case. What selective discovery along a critical path will create an early perception of adverse verdict risk by the opponent and create leverage at an 'inflection point' for an early successful resolution? Trial experience allows you to work backwards from trial as to how the case can best be presented and what negotiated settlements are and are not the best alternative to going to verdict with a jury.

More simply, when you have walked in plaintiff counsel's shoes, and understand how they think, it is a very straightforward task when working on the defense side to reverse engineer the plaintiff's case and ascertain where they will feel most vulnerable and then exploit that strategic advantage.

**Selecting (and applying) the correct budgeting methodology from amongst the seven most commonly used is only possible with a rigorous early case assessment and matter management plan; the 'Roadmap'.**

It's the quality & depth of the 'Roadmap' and subsequent improvisation and adjustment of resources to case developments by a hands on trial partner that creates the ROI on the defense dollar .

And in fact it's the quality of the Roadmap that would prompt a client to even consider entertaining an alternative fee arrangement.

A thorough 'metrics' audit across a portfolio of matters comparing a firm's initial projections of budget, case duration, and resolution objectives with 'actuals' achieved would likely highlight how much room there is for law firms to do better.



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“An attitude of optimism, cooperation and steadiness combined with balanced judgment and a poised diplomatic approach taken together is the formula for how best to influence and win trust even when faced with skeptical, strong willed and obstinate opposition”



“As an investor and member in a number of commercial investment property development LLCs, we were simultaneously faced with a pending refinancing and a member who not only had requested a buyout but had also raised collateral ‘lost opportunity’ claims into the seven figures. Mr. Brown quickly mastered the complicated factual background stemming from years of E-Mails and meetings along with the operating agreements and applicable law and put together a strategy that eliminated the collateral claims and resulted in a speedy buyout at a price that was favorable and consistent with our own internal valuation. His work was our best investment in legal services in 2018. Jack Brown is an incredible negotiator. He assisted in a ‘win win’ negotiation which prior to Jack’s involvement was a dysfunctional process at best. Jack’s legal knowledge, business acumen, professionalism, communication skills, and collaboration efforts are world class.

### Jon Sanders

**PRESIDENT, SKI TOWN COMMERCIAL REAL ESTATE  
MANAGER, SWEDPROPERTYGROUP**

“Our matter was quite complicated and required Mr. Brown to essentially understand our business from the ground up. His tenacity and ability to delve into the details to build a strong defense is some of the best legal work I have seen. He took the time to understand the technicalities of framing and home construction and got every detail correct. His application of that knowledge along with a particularly effective approach in depositions made the plaintiff, witnesses, and opposing counsel look foolish and confused. He also supported his depositions with very strong legal research which led to a dismissal of our case in which the plaintiff was seeking in excess of \$5 million in compensation. I can’t say how happy I am that this matter is behind us thanks to Mr. Brown.”

### Richard Koze

**PRESIDENT OF KAY BUILDERS INC.**

“As far as legal proceeding go, I am not a neophyte; as a businessman for nearly 3 decades, I have been involved in enough cases to give me a certain perspective on the workings of our justice system...His handling of the case was patient, assiduous, deft, and tenacious, even when opposing counsel resorted to obstruction and absurdity. I experienced advocacy that was personal, thorough, and effective. I believe Mr. Brown represents much of what is good about law. If there were more like him, perhaps the public would begin to re-accord the profession the esteem it deserves.”

### James E. Hill

**30 YEAR HOTELIER AND ENTREPRENEUR**



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Brown Law LLC hopes this informational brochure has highlighted some of the challenges facing consumers of legal services in the 21st century. Please visit Brown Law LLC at its web site, [www.brownlaw-llco.com](http://www.brownlaw-llco.com), for a more in-depth discussion and to read the important Legal Disclaimer | Lawyer Advertising Notice. Neither this brochure nor the web site constitute legal or other professional advice of Brown Law LLC nor establishes an attorney-client relationship.

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