3 Ways To Improve Cost Recovery in Subpoena Response

As a general rule, a company should pursue recovery of costs it incurs in responding to a third-party civil subpoena. But too often, corporations just accept not getting paid. **How can your response team do better?**
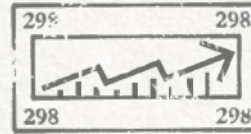
Establish a Process

The main reason companies fail to recover costs is simply that they don't have a process in place to do it. Some departments don't pursue cost recovery at all. Others send an invoice along with responsive documents, but don't follow up. As you might expect, the results aren't great.

> **NOTE:** The number one thing you can do to recover more costs is very simple: **create a process to do it**. At a minimum, create or implement a system to invoice and track payments. This is a huge opportunity for improvement for most subpoena response teams.

To be fair, managing accounts payable is a very different function from subpoena response. Nonetheless, no one can afford to leave money on the table, and the cost of response, while insignificant for one subpoena, becomes very significant multiplied by the thousands of subpoenas a company may receive.

Gather Metrics

With a system in place, you can readily report on metrics that determine your response cost. If your team handles a high volume of routine subpoenas, it might be impractical to track time and cost for each.

A less labor-intensive approach might be to document totals over time and across the subpoena response operation, then use that number to arrive at a reasonable per-subpoena cost. Track your subpoena response team's total costs in person hours, media, and shipping. Divide that by the number of subpoenas you handle in a year. Working from that average, you might establish three levels of fees based on how a subpoena compares to your average.

> **EXAMPLE:** If your average cost is $200, you might charge $200 for a standard response, $150 for a simple one, and $300 for one with added effort in responding (i.e. multiple accounts or pulling records from multiple systems).

Safari Law
SOP Response Simplified

SafariLaw.com
info@SafariLaw.com

425.298.3620
Bellevue, WA

3 Ways to Improve Cost Recovery in Subpoena Response

Send an Estimate

When you receive a subpoena, respond to confirm receipt and furnish a cost estimate. By tracking your team's metrics, you develop data points that make it realistic for you to quickly arrive at a reasonable cost estimate. Providing an estimate puts the issuer on notice that they should expect to reimburse your costs.

DID YOU KNOW: With subpoena management strategies and a consistent plan for recovering costs, companies can collect from tens of thousands to hundreds of thousands of dollars annually that were previously left unrecovered.

Safari

About Safari

Safari is an SOP response management solution for corporate legal process teams. It is the first and only solution to help companies manage subpoenas in a single system, deliver responses electronically, automatically recover costs, and provide unmatched security—all with built-in auditing and reporting. Implement Safari today to immediately reduce risk, recover costs, and save time. Learn more at safarilaw.com

Next Steps

— Sign up for a demo of the Safari Pathways product: safarilaw.com#contact

— Join the Legal Operators Social Network Subchapter: legaloperators.com

— Access our members area to view articles and webinars: safarilaw.com/resources

— Contact Mark Hentschell, VP of Sales at mark@safarilaw.com or 425.298.3620

Safari Law
SOP Response Simplified

SafariLaw.com
info@SafariLaw.com

425.298.3620
Bellevue, WA

© 2020 Safari Law
All Rights Reserved