

# ALTERNATIVE FEES FOR LABOR AND EMPLOYMENT CLIENTS

As a leader in alternative fee arrangements, Davis Wright tailors our agreements to best suit the needs of each client. Through this collaborative approach, we've developed a number of different options for our labor and employment practice, including the following:

## FIXED FEE FOR SINGLE-PLAINTIFF LAWSUITS

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In the case of litigation involving a single plaintiff, we have introduced fixed fees to handle the case from filing through summary judgment. We typically offer this arrangement to clients with whom we've worked for some period of time, and who bring to us six or more cases per year. This allows predictable budgeting for both parties. Should the case proceed beyond summary judgment, we then work to establish either a new fixed fee through trial, or some other alternative arrangement that meets your needs. For example, we've successfully coupled discounted hourly rates with milestone bonuses.

## ALTERNATIVE FEES FOR COMPLEX AND CLASS ACTION LAWSUITS

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For litigation involving multiple plaintiffs, or a class action, we can provide a number of different strategies, such as fixed fees for specific phases of the litigation. We can also create a litigation budget in advance and/or put in place a level pay plan for certain tasks and/or periods of time. With a level pay plan, our monthly fees are set, and do not fluctuate with workload.

## FLAT MONTHLY FEE FOR ADVICE AND COUNSEL

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We recognize that your management needs to be able to pick up the phone and ask a quick question, or talk through an issue with a trusted advisor, without wondering, "How much will this call cost me?" So we offer flat monthly fees for advice and counsel. All arrangements are custom and based on the specific needs of the client.

## FLAT FEES FOR TRAINING AND LITIGATION PREVENTION

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We firmly believe that the best way to prevent discrimination, harassment, and retaliation claims is through face-to-face, group meetings at which employees are challenged to consider their actions and interactions with others. We provide this kind of training—including California-required sexual harassment prevention programs for managers and supervisors—for flat fees. We also provide training to supervisors in best practices on a host of subjects, such as or documenting and managing employee disciplinary issues, recognizing potential wage and hour issues, etc.

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## FIXED OR HOURLY FEES FOR COMPLIANCE AND PREVENTION AUDITS

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Lawsuits alleging a violation of wage and hour laws can best be avoided with a thorough audit of your systems and procedures. We provide our clients with an extensive audit program that involves both an initial assessment and working, on a periodic basis, with your payroll and HR professionals. We evaluate your systems and train in-house personnel to recognize and avoid potential pitfalls. These services are offered on an hourly or a fixed fee basis.

## LEVEL PAY PLANS FOR SIX MONTHS OF LEGAL SERVICES

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Level pay plans remove the monthly variations in legal fees. To arrive at an initial level pay amount, we review your actual annual expenses over the past two years for legal services similar to those you seek from us. We then base the monthly fee on those expenses, amortized over a year. Our billing statements will display the number of hours worked, along with a work description for each time entry, but you pay the level monthly amount, regardless of how those work hours fluctuate.

At six-month intervals, we revisit the plan. If the fee does not closely reflect the number of hours worked, we can either settle up or spread any overage or unearned fees over the next six-month period. We can also adjust the level payment for future periods up or down by mutual agreement.