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FOR IMMEDIATE RELEASE

**Survey Confirms Growing Trend Toward Use of Plaintiffs' Firms
By Corporate Clients**

*Corporate Executives Increasingly Drawn to 'Trial Lawyers'
to Spearhead Business-to-Business Litigation*

WASHINGTON, DC, May 25, 2006 – **the polling company™ inc.**, today released the findings of a survey confirming that Fortune 500 companies and businesses of all sizes are turning to their traditional adversaries – the plaintiffs' bar – for business-to-business litigation.

the polling company™ inc., based in Washington, DC, and New York, obtained extensive responses from diverse business managers that quantify their use of traditional plaintiffs' lawyers and report satisfaction levels.

The findings suggest that corporate America's attraction to plaintiffs' lawyers is fueled by ongoing interest in creative billing models, including contingency fees that these firms have long provided their clients. There is likewise a perception among business clients that plaintiffs' lawyers have potent courtroom experience.

As a result, while some business groups are busy attacking "trial lawyers," others apparently find it more in their self-interest to hire them.

"This data confirms what we are seeing every day," said Jeff Cooper, managing partner of SimmonsCooper, a firm that, having achieved legendary status for its plaintiffs' work in asbestos cases, has now expanded its practice to include a broad array of business-to-business cases.

"As client demands for superior legal services intensify every day, the traditional boundary between defense and plaintiffs' lawyers disappears," added Mr. Cooper. "For clients, it's a matter of going where they have to go to ensure success and cost-efficiency. For us, it's a natural growth trajectory."

Of the 58 participants in the survey, 38 percent were from companies in the billion and multi-billion dollar range, while 28 percent were under \$250 million. The rest were spread between, thus providing an extremely illustrative cross-section of the buying market.

Among respondents, 24 percent were CEOs/Presidents and 36 percent were general counsel. The rest were mainly CFOs, Vice Presidents, and COOs.

“The survey results offer a cue for both plaintiffs’ firms and businesses,” said Kellyanne Conway, President and CEO of **the polling company™ inc.** “Corporate managers should be very interested in further exploring a litigation option that is turning out very well for many companies.”

Salient survey findings include:

- Stunningly, 94 percent of respondents who have used traditional plaintiffs’ firms were satisfied with the result, including 45 percent who were “very” satisfied.
- An overwhelming 87 percent of respondents are interested in non-hourly billing alternatives. Nearly six-in-ten (59 percent) are interested in contingency billing. A full 50 percent would consider a contingency arrangement for defense work (i.e., the final fee would be a percentage of an agreed-on estimate of total exposure).
- Regardless of size, companies that have tried contingency arrangements love them. Among respondents who had hired firms on contingency before, the overwhelming majority (81 percent) were satisfied with the results, albeit 50 percent of that 81 percent were just “somewhat satisfied.”
- The data indicates that trial experience is a selling point for plaintiffs’ firms, but it also suggests that they should position themselves as complementary to, rather than competitive with, the existing legal team, both in-house and outside.
- Despite omnipresent anti-trial lawyers rhetoric, 69 percent of those surveyed say that membership in the Association of Trial Lawyers of America (ATLA) is a positive.

Copies of the Executive Summary and full data report are available from **the polling company™ inc.**

About the polling company™ inc.

the polling company™ inc. is a women-owned, nationally-regarded, full-service market research, public opinion and political consulting firm headquartered in the nation’s capital, currently in its 11th year of operation. The firm has a track record with a broad base of clients that have sought research and counsel on a variety of projects, by offering a wide range of primary and secondary, quantitative and qualitative consumer-centric research services, including polls, focus groups, media management, and alternative, cutting-edge research technologies. For more information on this study, contact Kellyanne Conway, President and CEO or Karen Smith, Director of Special Projects at 202-667-6557.