



Gerald G. Knapton

Partner

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One of only a handful of leading experts in legal fee disputes, legal ethics, and litigation management in the US, Gerry has provided opinions for both firms which are owed fees and clients who decline to pay a firm for alleged improprieties or questionable billing practices. Over the course of 40 years, he has reviewed and evaluated more than \$4.5 billion in legal fees and testified in person as an expert witness about 60 times in both class actions and individual cases.

He also serves as a chief outside auditor of legal fees for several government agencies and has been retained by insurance companies, corporations, and private individuals as a fee expert. He has not only served as an expert on the reasonableness and necessity of legal fees, ethics, and prevailing market rates, but has also been designated to prepare a binding report on fees in disputes by opponents.

PRACTICE AREAS

Employment
Business & Commercial Litigation
Professional Liability

COURT ADMISSIONS

California
US Court of Appeals for the Third Circuit
US Court of Appeals for the Ninth Circuit
USDC: Central District of California
USDC: Eastern District of California
USDC: Northern District of California
USDC: Southern District of California

EDUCATION

JD, University of California, Los Angeles
School of Law, 1976
BA, University of California, Berkeley, 1973

PROFESSIONAL ACTIVITIES

Member, Claims and Litigation Management Alliance (CLM)

Gerry writes extensively on the reasonableness and necessity of legal fees, legal ethics, and cost containment measures. He also trains lawyers and firm management staff on how to enact and implement such measures at other firms.

One of the principal drafters of the California State Bar's sample retainer agreements and a member and chair of the California State Bar's Committee on Mandatory Fee Arbitration, he prepares MCLE program materials and often speaks at the Annual Meeting of the State Bar of California on legal fees and cost controls. Gerry is also a Registered Foreign Lawyer in Hong Kong.

Representative Matters

- Recovered legal fees plus interest owed to a law firm client in a federal arbitration matter in which the plaintiff sued a wealthy entertainment client after the client refused to pay for services provided, alleging the charges weren't reasonable.
- Recovered legal fees for a law firm client after the real estate developer defendant refused to pay for the work the plaintiff did in developing sale documents with extensive modifications, claiming the work was subpar. Though the plaintiff agreed it made an error, it also demonstrated that it reissued the documents correcting the error and that no harm to the deal occurred.
- Prepared a comprehensive report/declaration recommending a fee payment of just \$85,000 rather than the millions of dollars the retail client's opponents asked for under the "prevailing party" clause of a litigation agreement. The court adopted the report and recommendation as its opinion, saving the client a significant amount of money.
- A prominent city and its insurer disputed fees incurred in a high-profile matter. Rather than litigate the issues, they jointly retained our firm to prepare a report to which they agreed would be binding on them both.
- Provided an expert opinion on the legal fees requested in a fee-shifting matter in a high-profile civil rights case, which the court adopted.
- Substantially reduced the amount of legal fees a Korean liquor producer owed to some American law firms that poorly managed litigation in which our client was involved. Through business connections in Asia, we negotiated reasonable charges for some of the work, suggested a change of counsel in others, monitored the ongoing cases for general counsel, and

implemented a systematic procedure for budgeting, staffing, and tracking the litigation moving forward.

- A city decided to provide a defense, using outside counsel, to a large number of employees accused of civil torts in connection with their employment. We set up procedures and trained non-lawyers in the process of managing litigation and evaluating legal bills for ongoing matters, which helped reduce overall costs.
- Successfully secured a substantial discount on behalf of a large, publicly traded company when it suspected that an operating business it had just acquired was being charged excess fees for ongoing litigation of a very technical nature. We analyzed the fees and costs incurred and negotiated an acceptable charge for the services.

Articles

Girardi's Daughter Received Firm Client's Lottery Winnings

Law360

August 26, 2021

Gerald G. Knapton shares his thoughts in a Law360 article discussing an unusual attorney fee arrangement

Finding A Path Forward To Regulate The Legal Industry

Law360

October 22, 2020

Gerald G. Knapton was featured on Law360's Perspectives column

Why Not Follow the Best Road?

The Daily Journal

August 21, 2020

Gerald G. Knapton discusses how lawyers can best prove their billable hours

How to Count to 30

The Daily Journal

December 09, 2019

Gerald G. Knapton discusses timing in fee award arbitrations

Candor to the Tribunal is Now Mandatory in California

The Daily Journal

November 08, 2019

Gerald G. Knapton gives an overview of candor requirements

Section 998 Update

California Lawyer

January 05, 2017

Gerald G. Knapton discusses Section 998 updates with *California Lawyer*

How to Prove an Attorney's Reasonable Hourly Fee

California Lawyer

November 18, 2015

Gerald G. Knapton weighs in on attorneys' fees

Can You Prove Your Hourly Rate to the Court?

The Daily Journal

October 19, 2015

Gerald G. Knapton gives insight on structuring and negotiating attorneys' fees

Two Routes to Hourly Rates For Lawyers

Law 360

April 15, 2015

Gerald G. Knapton offers an overview of how attorneys' fees are determined

Wrangling With Whether and When Actual Trial Begins

The Daily Journal

February 04, 2015

Gerald G. Knapton examines motions for attorneys' fees at trial

Catalyst Theory Still a Viable Route to Attorney Fees

The Daily Journal

June 19, 2013

Gerald G. Knapton gives an overview of the catalyst theory

One-Way Fee Shifting Proves Risky

The Daily Journal

March 21, 2013

Kim Karelis and Gerald G. Knapton give insight on fee shifting

Welcome to the Cafeteria of Jankey v. Lee

The Daily Journal

December 27, 2012

Kim Karelis and Gerald G. Knapton discussed prevailing party fee awards

For the Love of a Family Pet

October 18, 2012

Gerald G. Knapton published the article "For the Love of a Family Pet" in *The Recorder*

State High Court to Review Fee Award in Disability Access Suit

The Daily Journal

October 17, 2012

Kim Karelis and Gerald G. Knapton examine fee awards and ADA preemption

Warning: Some Cost Shifting May Occur

California Lawyer

September 01, 2012

Gerald G. Knapton discusses fee shifting

Legislative History Says No Fee-Shifting in Meal and Rest Break Litigation

The Daily Journal

May 16, 2012

Kim Karelis and Gerald G. Knapton discuss attorneys' fees in employment cases

State Justices to Rule on Labor Code Fee-Shifting Provisions

The Daily Journal

February 17, 2012

Kim Karelis and Gerald G. Knapton review fee shifting in employment cases

Fee Recoveries in Self-Representation

The Recorder

November 07, 2011

Kim Karelis and Gerald G. Knapton relay considerations when seeking attorneys' fees

US Supreme Court Clarifies Recoverable Attorney Fees for Public Entities in Successful Litigation

Public CEO

July 22, 2011

Kim Karelis and Gerald G. Knapton discuss attorney fee recovery

Despite Statute, Ruling Leaves Question of Billing for Paralegal Time Unclear

The Daily Journal

October 11, 2013

Gerald G. Knapton was quoted about attorneys' fees

Money Matters

Smart Business

July 02, 2012

Gerald G. Knapton was interviewed on litigation cost control