## **David H. Paige, Esq.** DPaige@Legalfeeadvisors.com/ 877.664.0020 [ext. 501] Legal Fee and Insurance Expert Expert Assessor

Curriculum Vitae	
Present Position	March, 2013 to Present: Legal Fee Advisors <sup>TM</sup> , New York, NY <b>Founder, Managing Director</b> Founder of Legal Fee Advisors <sup>TM</sup> , highly experienced legal fee analysts dedicated to the provision of expert testimony and to making sure that clients only pay fair, ethical legal fees. Mr. Paige has been recognized as a testifying expert in new York, New Jersey, Pennsylvania and Ohio. Legal Fee Advisors <sup>TM</sup> offers the services of nationally and internationally recognized legal fee experts providing testimonial support in complex fee issues involving international and specialty areas, including IP litigation, products liability and commercial disputes. Legal Fee Advisors also employs a team of efficient, experienced legal fee auditors to make certain that firms are in compliance with customized billing guidelines. Legal Fee Advisors' <sup>TM</sup> also advises law firms regarding compliance issues.
Licenses	Mr. Paige is licensed to practice law in the State of NY. He has held insurance broker licenses in the following states: NY and NJ. He has been admitted <i>pro hac vice</i> in various other states.  ABA Section on Professional Responsibility; NY City Bar Association – Committee on
Affiliations	Professional Responsibility; Association of Professional Responsibility Lawyers; National Association of Legal Fee Advisors; Fellow, Business Excellence Institute
Publications	Paige and Wilson, <u>Journal of Legal Billing</u> , Vol. 1, No.1, Editor and Contributor [2018]
Quotations	<ul> <li>Weimer, Kallman and Whitman [editors], Insurance Agency Risk Management: A Comprehensive Guide to Avoiding E&amp;O Claims Book Two (West, 2013)(Author of Chapter 18)</li> <li>Authored various articles on "Legal Fee Connection", a blog published daily on Linkedin.</li> <li>Quoted by: Forbes, CNN Money, Reuters, Corporate Secretary, Business Finance, Wall Street Journal, The Deal and Westlaw News regarding legal fee issues</li> <li>Authored the E&amp;O Quarterly, and a monthly column in Professional Insurance Agents magazine distributed to Professional Insurance Agents members in NY, NJ, CT, NH;</li> <li>Weimer, Whitman and Hagglund, Law of Commercial Insurance Agents and Brokers (West, 2007)( Author of Chapter 7).</li> <li>Numerous articles [monthly] in the Professional Insurance Agent, regarding E&amp;O issues;</li> <li>Monthly newsletters: the E&amp;O Report, written for the Independent Insurance Agents of NY;</li> <li>Paige and Atwater, Errors and Omissions Litigation Prevention Manual, 1999;</li> <li>Lustig and Paige, The Liability Prevention Primer: A Forms-Based Approach, 1991</li> <li>Mr. Paige has been quoted in the following publications:     ~American Lawyer, "How a Big Law Fee Dispute Turned Into a Bitter, Cross-Country Litigation," January 13, 2017; http://m.americanlawyer.com/#/article/1202776824329/1/How%20a%20Big%20Law%20Fee%20Dispute%20Turned%20Into%20a%20Bitter.%20Cross-Country%20Litigation</li> </ul>
	~NJ Law Journal, "Legal Departments Still Sheepish on Third-Party Bill Review", August 17, 2015; http://www.njlawjournal.com/id=1202734927778

- ~Law 360, "4 tips to Avoid Client Discounts Amid Litigation Slowdown", May 4, 2015:
- ~Omaha World-Herald, "To benefit clients and attorneys, more firms trade the billable hour for flat fees.", December 20, 2014;
- ~Yahoo Business, "Six Tips for Reducing Legal Fees" August 21, 2013; http://smallbusiness.yahoo.com/advisor/blogs/profit-minded/6-tips-for-reducing-outside-legal-bills-for-small-businesses-182013818.html
- ~Wall Street Journal, "Law Firms Face Fresh Backlash Over Fees" October 22, 2012; http://online.wsj.com/article/SB10001424052970203400604578070611725856952.html
- ~Corporate Secretary, "Five Great Ways to Manage Outside Legal Costs" July 11, 2011; http://www.businessinsider.com/five-great-ways-to-manage-outside-legal-costs-2011-7
- ~Corporate Secretary, "Ways to Lower Outside Counsel Costs" May 16, 2011; <a href="http://www.corporatesecretary.com/articles/corporate-secretary-week/11898/ways-lower-outside-counsel-costs/">http://www.corporatesecretary.com/articles/corporate-secretary-week/11898/ways-lower-outside-counsel-costs/</a>
- ~Forbes, "'Grazing,' Photocopying and Other Tricks Inflate Legal Bills" May 11, 2011; <a href="http://www.forbes.com/sites/danielfisher/2011/05/11/grazing-photocopying-and-other-tricks-inflate-legal-bills/">http://www.forbes.com/sites/danielfisher/2011/05/11/grazing-photocopying-and-other-tricks-inflate-legal-bills/</a>
- ~Business Finance, "Are You Paying for Your Law Firm's Overhead?" April 27, 2011; http://businessfinancemag.com/article/are-you-paying-your-law-firms-overhead-0427
- ~Westlaw News and Insight, "Madoff Trustee Seeks an Additional \$45 Million in Fees" April 19, 2011; <a href="http://newsandinsight.thomsonreuters.com/Legal/news/2011/04\_-april/madoff\_trustee\_seeks\_an\_additional\_\$45\_million\_in\_fees/">http://newsandinsight.thomsonreuters.com/Legal/news/2011/04\_-april/madoff\_trustee\_seeks\_an\_additional\_\$45\_million\_in\_fees/</a>
- ~CNN Money, "Madoff Trustee Wants \$43 Million More in Pay" April 19, 2011; http://money.cnn.com/2011/04/19/news/companies/madoff\_lawyer\_fees/index.htm
- ~Various radio interviews, business radio [FL; WA; AZ][2014]

## Prior Positions

## March, 2009 to March, 2013: <u>Sterling Analytics Group</u>. Woodbury, NY **Founder, Managing Director**

Responsible for creating legal fees advisory and consulting company. Built on 20 years as an attorney, including experience as a general counsel, as a partner in litigation firms, and as an active litigator to create and grow international consulting and expert legal fees practice. Advised Fortune 1000 companies [including Groupon, Adventist Health Systems, RBS, Regions Financial] regarding methodologies for achieving significant reduction in outside legal fees and costs, monitoring monthly spend, as well as acting as a testifying expert involving legal fee disputes.

March, 2008 to March, 2013: <u>Sterling & Sterling, Inc.</u> Woodbury, NY **Managing Director, General Counsel: Insurance Brokerage and Risk Advisory** Responsible for facilitating business development, compliance, and all legal aspects of \$300 Million multi-state insurance brokerage operation. Continuing responsibility for policy interpretation, claims analysis, claims procedures, acquisition analysis, due diligence, contractual terms and conditions for acquisitions, insurance policy wording and placement. Creation and implementation of national insurance programs for affinity groups. Supervision of national litigation for company, compliance and payment of legal bills. Complex program specialist, creating European and South American customized placements. Specialist in construction risk, unusual and hard to place products, including London placements. Active participant in the Association of Corporate Counsel.

January, 2003 to March, 2008: Dewitt Stern Group, Inc. New York, NY **Chief Operating Officer: Insurance Brokerage and Risk Advisory**Responsible for the growth and development of a \$400 Million independent insurance brokerage involving all aspects of acquisitions, operations, including contractual, regulatory, due diligence, adherence to legal responsibilities and ethics and business planning. Set protocols for legal billing and payment of legal bills. Interpretation and negotiation of policy forms, claims disputes. Specialist in construction risk, unusual and

hard to place products, including London placements. Creation of internet product platforms, and opening/expansion of Los Angeles, Chicago, San Francisco and Ft. Lauderdale offices.

November, 1999 – December, 2004: Nicoletti, Hornig, Campise, Sweeney & Paige New York, NY

### **Insurance and Commercial Litigator, Of Counsel**

<u>Concentrations</u>: Partner and member of executive committee. Retained by major insurers, private corporations on commercial and on legal fee disputes. Complex insurance coverage litigation and defense of insurance agents and brokers in professional liability litigation on a regional and national basis; Commercial Litigation, including insurance regulatory disputes and class actions, coverage analysis and litigation. Advised insurance agents and brokers on sale and acquisition of insurance businesses.

<u>Professional Liability Loss Control</u>: writing, lecturing and audits regarding methodologies for avoidance of E&O liability.

1987–November, 1999: Lustig & Brown, LLP New York, NY **Founding Partner and Manager**, New York City Office

<u>Managed and supervised</u> the defense of hundreds of complex coverage litigations, legal fee disputes, commercial and professional liability disputes, including suits across the United States;

<u>Successfully conducted trials</u> and/or settlements of numerous litigations in New York State, Iowa, Texas and New Jersey, including federal class actions and complex arbitrations.

<u>Litigation and Analysis of Complex Coverage Insurance Issues:</u> examples: construction insurance; continuous trigger analysis, Personal Injury coverage, Personal lines, business interruption, highly protected risks, ocean/inland marine covers, London placements, excess lines, entertainment insurance, surety issues, construction insurance, environmental insurance, products liability insurance, D&O insurance, non-concurrency issues, general liability, life/disability insurance, "vanishing" premium issues, TPA Liability, advertising agency liability.

Representation of insurance agents and brokers in regulatory proceedings; Advised insurance agents and brokers on sale and acquisition of insurance businesses.

1986–1987 Moot & Sprague Buffalo, NY Litigation Associate

1985–1986 Saperston & Day Buffalo, NY Litigation Associate

## Lecturing

- CLO Summit, 10 Practical Solutions for Reducing Legal Fees, Pasadena, CA, March, 2019
- CLO Forum, Legal Billing Issues and Solutions, Newport beach, CA, June, 2016
   -Association of Corporate Counsel [TN] Lecture on Value Based Billing vs AFAs, July, 2015
- -Appellate Judge's Education Institute, [ABA Judicial Division], Lecture on Legal Fees and Costs, November, 2014
- -Corporate Counsel Conference: Lecture on Selection of External Counsel, October, 2014
- -American Bar Association, Lecture on reasonable billing practices, August, 2014
- -Chief Litigation Officer Conference, Lectured on best practices for legal billing, Palm Beach, FL
- CLO Summit, Las Vegas, NV: "Six Tips for Beginning the Process of Reducing Legal Bills" [2014]
- Corporate Counsel Exchange: "Reducing Legal Fees, while Improving Relationships", Amsterdam, NV [2013]

- -Danish Industrial Counsel Association: "Strategies for Managing and Controlling Billing Practices," Copenhagen, Denmark [2013]
- -Association of Corporate Counsel: "Legal Billing Myths," [2013]
- -Lecturing on behalf of the NALFA, the ALM regarding legal fee disputes, ethics and methodologies for controlling legal costs.
- -CLM webinars regarding legal cost controls and ethics issues, November, 2012.
- -Presented seminar on ethical issues in legal billing disputes at CLO Conference, Amelia Island, FL, January, 2012.
- -Lectured on behalf of the Association of Corporate Counsel; speaker at the 2009 Annual Meeting.
- -Previously lectured for many years for the Professional Insurance Agents of NY, NJ, CT and NH and the Insurance Broker's Association of New York on regulatory and liability issues:
- -Prepared and conducted at least ten seminars per year since 1988 regarding E&O loss control on behalf of IIANY and Assurex International.
- -Conducted private insurance agency seminars throughout New York State, Texas and North Carolina.
- -Certified CE instructor by the New York State Insurance Department.
- -Lecturing on Attorney Malpractice liability for the ABA.

ACORD Task Force: Participation with risk managers and IIAANY in drafting the 1997 revision to the ACORD standard certificate of insurance.

Thompson Reuters Westlaw Roundtable Group: Member of Advisory Board

# **Expert Retentions**

Expert Retentions: multiple retentions as an expert concerning the propriety of legal fees; qualified as an expert on legal fees in federal, state courts; attorney's breach of professional responsibility; retained as an expert in broker E&O litigations; retained as expert in insurance coverage actions nationally as a standard of care expert re broker, underwriting and adjuster conduct; qualified as an expert in insurance disputes; Bad faith insurance practices

### **Arbitrator**

Retained as arbitrator in major dispute re interpretation of insurance agreements.

## Expert Assessor

Assessed Insurance Authority, UAE Government Excellence System, Abu Dhabi, UAE, October, 2016; Retirement Authority, October, 2017; Retirement Authority, October, 2018; Fellow, Business Excellence Institute

### **Education**

1985 Syracuse University College of Law Syracuse, NY J.D., *Magna Cum Laude* Editor, <u>Syracuse Law Review</u>

1979 Michigan State University E. Lansing, MI M.A., Special Education

1977 Syracuse University Syracuse, NY B.A., Special Education, *Cum Laude*.

#### Personal

Mr. Paige resides in New York, New York with his wife, Jeannette.