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Gerald Knapton is a partner in the Firm's Los Angeles office. As one of the few litigation management and fee dispute experts in California and nationally, he has reviewed over two billion dollars in legal fees and work product in class actions and a vast array of individual matters. He has written extensively on the subject of attorney's fees, has lectured on "cost control" and has trained others to perform this task "in-house". His experience includes qualifying and testifying in more than 30 matters as an expert witness and by declaration in numerous cases. Mr. Knapton has represented both opponents of fees and (in separate matters) proponents of fees. Considered one of the industry's preeminent experts in fee dispute matters for over 15 years, he has not only served as an expert on the reasonableness and necessity of legal fees, ethics and prevailing market rates, but has been designated to prepare a binding report on fees in disputes by opponents. Mr. Knapton has also served as a chief outside auditor of legal fees for several government agencies and has been retained by insurance companies, law firms, corporations and private individuals as a fee expert, in support of, and opposing requests for fees in matters where the fees have ranged from a few hundred thousand to hundreds of millions of dollars.

Mr. Knapton received his J.D. from the UCLA School of Law in 1976 and earned his B.A. with highest honors from the University of California, Berkeley in 1973 after attending Brown University. He is admitted to practice in all California state courts and the United States District Courts for the Northern, Eastern, Central and Southern districts of California as well as the Third and Ninth Circuit courts of appeals. He is a Registered Foreign Lawyer in Hong Kong. As a result of an extensive and confidential peer review by members of the bar, he has been awarded the highest possible rating by Martindale-Hubbell, a prominent national attorney rating service. Mr. Knapton has lectured on his specialty to law firms and professional associations. As a member and chair of the California State Bar's Committee on Mandatory Fee Arbitration he prepared MCLE program materials and spoke at the Annual Meeting of the State Bar of California for several years and will do so again in 2008. He was one of the principal drafters of the State Bar's sample retainer agreements.

[Gerald Gould Knapton](#)

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Practice Areas

- Litigation Management/Cost Control/Fee Disputes

Education

- University of California, Berkeley, 1973 B.A.
- University of California, Los Angeles School of Law, 1976 J.D.

Court Admissions

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

Representative Experience

Practice Area: International, Litigation Management/Cost Control/Fee Disputes

Key Issues: Litigation Management

Venue: San Francisco County Superior Court & Arizona

Client Type: Alcohol Producer

A Korean Soju producer made many rather speculative investments in the United States and some of these resulted in litigation. The company was experiencing problems managing the litigation and explaining its concerns to the American counsel while being charged very large sums of money for some of the litigation which was being incorrectly staffed and badly managed by the law firms. The distant client felt powerless to change the situation. Through business connections in Asia, we negotiated reasonable charges for some litigation, suggested a change of counsel in others, and monitored the ongoing cases for general counsel. A systematic procedure for budgeting, staffing and monitoring the litigation and the charges was implemented.

Result:

Our work resulted in a substantial reduction in the charges to the client.

Practice Area: Litigation Management/Cost Control/Fee Disputes

Key Issues: Litigation Management; Legal Fees; Gang Violence; Police

Venue: Los Angeles State and Federal Courts

Client Type: City

A city decided to offer a defense -using outside counsel- to a large number of employees who were 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.

Result:

The matters resolved for far less than predicted.

Practice Area: Class Action/Complex Litigation

Key Issues: Class Action Fees

Venue: Northwest Area

Client Type: Large Restaurant Chain

A large restaurant chain tentatively agreed to settle a class action matter involving calculations of overtime wages but its accountants and litigation counsel required assurances that the fees requested by class counsel were not unreasonable by a lodestar method. We met with counsel and prepared a report on the amount of fees and costs which could be supported as reasonable and class counsel accepted the suggested number.

Result:

Both parties compromised on amount recommended.

Practice Area: Litigation Management/Cost Control/Fee Disputes

Key Issues: Litigation Management

Venue: Los Angeles County Superior Court

Client Type: Construction Co.

An enormous public works project gave rise to a complex litigation and at the end of the case a claim was proffered for very substantial legal fees under several theories including certain language in bond documents under "private attorney general" statutes and case law. We analyzed the application under very trying circumstances set by the court and prepared a declaration isolating and quantifying fees and costs which might be considered reasonable.

Result:

Trial Court's contrary order reversed on appeal

Practice Area: Construction, Lawyers, Litigation Management/Cost Control/Fee Disputes

Key Issues: Retainer; Alternate Fees; Examples

Venue: Los Angeles

Client Type: Individual

This was a complex retainer agreement for legal malpractice retention. We negotiated the retainer agreement with a number of alternatives depending on the results with 10 examples of how fees would be determined and how the matter could be compromised by the client. The law firm is one of the well-known specialty firms.

Result:

The agreement was signed by both sides after an exhaustive series of negotiations.

Practice Area: Litigation Management/Cost Control/Fee Disputes

Key Issues: Reinsurance; Federal Expert Report; Reasonable & Necessary Fees

Venue: USDC: Northern District of Illinois (Eastern Division)

Client Type: Fertilizer factory

Massive tort claims arising out of 100 years of toxic operations gave rise to multi-million dollar claims. Settlement agreements had ambiguous language vis a vis carriers and reinsurers. Insured is Fortune 100 company and it was pursuing a claim for payment by a reinsurer which the reinsurer was resisting based on possible settlement and release language in a complex inter-corporate agreement. One of the issues was the reasonableness and necessity of the charges incurred by one of the entities with its NLJ 100 law firm.

Result:

Matter resolved on terms very close to the recommendation of the expert report.

Practice Area: Insurance Services, Litigation Management/Cost Control/Fee Disputes

Key Issues: Cost of Litigation

Client Type: City & Insurance Company

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 which they agreed would be binding on them both.

Result:

Both parties agreed to report's recommendations

Practice Area: Litigation Management/Cost Control/Fee Disputes

Key Issues: Fee Shifting; Civil Rights; Expert Opinion, First Amendment

Venue: Los Angeles Federal Court

Client Type: City

This was a fee shifting matter seeking very high charges.

Result:

The court accepted expert opinion in part.

Practice Area: Litigation Management/Cost Control/Fee Disputes

Key Issues: Legal Fees; Cost of Litigation

Venue: ITC & USDCs

Client Type: Mobile Telecommunications Company

A large, publicly traded company acquired an operating business and suspected that the purchased company was being charged excess fees for ongoing litigation of a very technical nature. We were brought in to analyze the fees and costs and to negotiate an acceptable charge for the services.

Result:

Substantial discount negotiated

Practice Area: Litigation Management/Cost Control/Fee Disputes, Real Estate

Key Issues: Other Side's Legal Fees

Venue: Santa Clara County Superior Court

Client Type: Retailer

A litigant lost a case and was asked to pay the fees and costs of its opponents under the "prevailing party" clause of a written agreement. The fee application sought fees for many millions of dollars in fees and costs even though the aspect on which the applicant prevailed was quite isolated. We prepared a comprehensive report/declaration recommending a fee of \$85,000 which the court adopted as its opinion for the matter.

Result:

Court adopted opinion

Practice Area: Insurance Services

Key Issues: Fee Dispute, Litigation Management

Venue: USDC: Central District of California

Client Type: Telecommunications Company

An insured disputed its carrier's contention that only a very small part of very substantial fees were payable due to defamation. We prepared a comprehensive report and testified in support of the fee request that the underlying facts were inextricably intertwined in a manner to support most but not all of the fees. Furthermore, that the fees were within a range of reasonable fees given the complexity and relentless pace of the litigation with the multiple attempts to obtain a TRO during a public offering of the client.

Result:

The court accepted our recommendation.

Publications

- Author, State Justices to Rule on Labor Code Fee-Shifting Provisions, *Los Angeles Daily Journal*, February 17, 2012
- Author, Recoveries in Self-Representation, *The Recorder*, 11/7/2011
- Author, U.S. Supreme Court Clarifies Recoverable Attorney Fees for Public Entities in Successful Litigation, *Public CEO*, 7/22/2011
- Author, The Fine Art of Collecting Legal Fees, *National Law Journal*, 06/15/09
- Author, Watch Your Language, *The Recorder*, April 2, 2009
- Author, Billing Guidelines Offer Base Against Which to Measure Results, *San Francisco Daily Journal*, November 12, 2004
- Author, Vroom, Vroom, *The Recorder*, August 18, 2004
- Author, Ethics of Attorneys Fees, *California Lawyer*, July 1, 2004
- Author, Attorney Liens Must Comply With "Fletcher" Requirements, *San Francisco Daily Journal*, June 19, 2004
- Author, Catch All, *San Francisco Daily Journal*, June 4, 2004
- Author, Attorney-Client Fee Conflicts Seem Likely to Rise in July, *Daily Journal Extra - Copyright 2004 Daily Journal Corp.*, January 26, 2004

News

- "Ropers In" Two Lateral Partners", July 1, 2002