

Validate Parking for Opposing Counsel?

What are your thoughts on validating opposing counsel's parking for a deposition at your office? I live in LA. Costs me \$20 to validate someone else's parking. Opposing counsel and their witness are coming to a depo at my office and have asked for validation. I'm inclined to just say no and save my client (or me) \$40. Is that rude? Do people expect opposing counsel to validate parking at opposing counsel's office building?

I've always just said "no" in the past, but am now rethinking it and wondering if I'm being rude...

I have never even asked opposing counsel to validate my parking. That is a bizarre request!

Jonathan Stein, California

Not in your market so hard to say what is right, wrong or appropriate. I do know that some of the firms here will validate parking for attorneys and clients for depositions and/or mediation/arbitration when parking is in a garage. It is a nice gesture, especially if you are requiring them to do the depo at your office. What do other attorneys in your area do?

Joseph A. DeWoskin, Kansas

If they are coming to your office for the depo, I'd validate the parking.

At least in Florida, the rule is depo's CAN be set at the attorney's office with the consent of OC; however if OC objects then it is to be set at "neutral" territory, i.e, court reporters office, at the courthouse, etc.

Look, would you rather travel to courthouse or court reporter to do the depo? This is convenient for you, right? They're accommodating you by this.

You're doing this in your own office? Is it worth \$40 to you not to have to pack up the dang files, get in your car, travel to the depo?

I, personally, get somewhat annoyed when OC sets depo at a place I have to pay for parking (Gainesville, for one); but if it's neutral territory I suck it up and pay it. But if it's at OC's office, and I have to pay for parking, then I get really annoyed; never asked them to pay for parking but it seems to me that this is a small gesture of goodwill.

Ronald Jones, Florida

I had a mediation and opposing counsel offered his office. I met my client at my office and drove my client. Opposing counsel validated parking. This was in Richmond, VA.

Mitchell P. Goldstein, Virginia

My southern sensibilities tell me it is rude (perhaps unknowingly) not to validate parking for anyone that you invite to your office, for a case or otherwise. I now live in too small a town to have paid parking, but I formerly practiced in Atlanta and have never heard of someone not validating parking - for opposing parties, for clients, for invited vendors

- it doesn't matter. I always got my parking validated downtown and midtown everywhere I went for business, usually by the receptionist, and usually they offered. It also doesn't matter how much you have to pay for each parking validation - if your building has a lot and you can validate, you validate. Now, if they park at a metered space or somewhere else where you can't validate, you don't pay for that.

But I'm not in LA, and you all may work differently there.

Cynthia V. Hall, Florida

I don't have enough experience of the subject to give a definitive answer, but a few thoughts:

- When I was with two different BigLaw firms here in the L.A. area, both firms paid for parking for employees in their L.A. offices, even though employees in all

other offices were required to pay for their own parking. I recall the Managing Partner of one of the firms declaring that was an expectation here, even if it was not in other cities around the country.

- Although I am not a litigator (so don't have direct experience with your question), my observation was that the receptionists at the two BigLaw firms I was with routinely validated parking for anyone who came to their offices—whether clients, opposing counsel, people coming to other sorts of meetings in the office, On the other hand, they both leased a sufficiently large part of their respective buildings that they may have gotten parking as part of their leases (such that there was no incremental cost to validating someone's parking).

- My one contrary experience was a mediation in a case I was involved in (as a party). At the close of the mediation, counsel who hosted the mediation validated parking for the mediator but not for opposing counsel. Opposing counsel was quite miffed. I do not know, however, if the refusal to validate was an across-the-board position of that attorney, or if it related to the fact that the mediation was not only spectacularly unsuccessful but was also quite heated.

Brian H. Cole, California

Here, in St. Louis land, if I have to go to Big Law's office for a depo, I ask for validation, and they usually do it without question.

Timothy A. Gutknecht, Illinois

It sounds like things may work differently in the South and Midwest. But, here, we OC and opposing party as guests in your house. Even when they are a hated enemy.

Matthew A. Kezhaya, Arkansas

I would validate. My sensibility is that you are the host so it's proper to offer to pay or, at the very least, to validate when asked.

Kristin Haugen, Minnesota

The cultural differences are really interesting. I would never want to suggest to Biglaw that I could not afford parking. I would be really concerned about the impression that would give.

Michelle Kainen, Vermont

When I was in an executive suite almost no one validated parking for anyone.

Martha Jo Patterson, California

If you don't want to pay to host them, go to their location. \$20 is a small price to pay to keep opposing counsel courteous to you.

Robert "Robby" W. Hughes, Jr., Georgia

I recently visited the SF Bay Area after more than twenty years away and also find the cultural differences fascinating. The cost of parking is exorbitant. They don't have parking meters in Brandon, where I live, or in Middlebury. I haven't paid to park in years. Whereas the meters in the Bay Area are everywhere, and they take credit cards. I seem to remember they do have meters in White River Junction.

L. Maxwell Taylor, Vermont

This was a topic last week, I believe.

I went to a deposition today just outside of San Francisco. The only parking was in the underground parking garage. Opposing counsel did not validate. My client and I each paid \$20 to park for the deposition. And we didn't finish so we will be back next week to finish up.

Jonathan G. Stein, California

Show up for the depo about .1 or .2 of an hour late so as to make them pay....

P. Jayson Thibodaux, Washington

I don't have an office in downtown Chicago. On the rare occasions that I have to go to Daley Center (civil court), I pay a MINIMUM of \$30 to park near there. One hour is \$20 or so, 1+ up to around 4 or so is \$30-ish. All day parking around there without a monthly pass is at least \$40. Yeah. One of the many reasons I avoid Cook County Circuit Court.

Meg Tebo, Illinois

If you had been in downtown San Francisco instead of "outside" of SF your parking cost would have been around \$35 each or more for the day

Michael L. Boli, California

Lol lol try parking in Manhattan \$40.00 would be cheap.

Graham W. Kistler, New York

But where was the depo? Was it at OC's office or "neutral" territory, such as court reporter? If it's neutral territory I certainly would not expect OC to pay for parking; if, on the other hand, it was at OC's office, for OC's convenience, then OC should have offered to validate.

Ronald Jones

If you prevail on the case are these costs you can have taxed to the losing party?

Phil A. Taylor, Massachusetts

It was at her office. Fancy building too.

Phil, I cannot get these costs added in. The cost of the transcript yet, but not the cost of the parking.

Jonathan Stein

I'm not surprised that a lot of OC's don't offer to validate parking but that doesn't mean it's 'right'. Maybe it's different in big cities but at least in a small town, one thing you can be sure of is that you will be dealing with OC again at some point. And extending simple courtesies to OC simply makes good law practice; that means agreeing to extensions and continuances, agreeing to convenient dates, places and times, offering to accommodate the other side; and the other side acting in a like manner. By and large we don't pay for parking locally, though you have to pay if you go to Gainesville in some cases; but normally I would be happy to agree to having a depo in the office of OC. All of this, though, depends on the circumstances; if OC is taking advantage of me, or if there's a good reason not to accommodate them then fine.

Look, I had one case, it was complicated will/trust contest down in Orange County (Florida) long story short was there was an issue of where the probate should be brought; Florida or Ohio; and it turned on whether decedent was Florida or Ohio resident. If she was Florida resident, then the nominated PR, an Ohio attorney, could not serve as he was neither Florida resident nor a Florida attorney; whereas the daughter could serve. It mattered because statutory PR fees would run about \$60,000 under Florida law. The case was filed in Florida probate court.

Anyhow, daughter got Florida lawyer; general EP/Probate lawyer, not experienced probate litigator. Cleveland lawyer hired me; his girlfriend was also probate lawyer in Ohio; and there was a third EP lawyer in Ohio who was friends with both of them and was named alternate PR/TTEE under the Ohio will and trust. I got the third lawyer admitted pro hac vice in Florida and in fact he was simultaneously representing client in Ohio probate (this was god awful complicated). Well, the other side needed an Ohio lawyer to handle the Ohio aspects and hired a big Ohio firm, who shall remain nameless but Ohio types would recognize the name; they're big in Ohio. And this was a guy who is one of their probate litigation types; he was admitted pro hac to

Florida This particular Biglaw attorney had history with my client and the other Ohio lawyer on the case and they didn't like each other.

Anyhow, they wanted to schedule a depo of my client; the first fight was over WHERE the depo would be; initially they noticed it for Orange County Florida sure. lets make this as inconvenient and expensive for the Cleveland lawyer as we can; make him travel to Florida. Well, Florida law says that unless a defendant is seeking affirmative relief, and we weren't, that depo location is proper where they have a place of business or reside. Meaning, Cleveland, not Orlando.

Fine. We tentatively set depo for Cleveland. Then Biglaw attorney sets it for his office. Personally, I'm fine with that; I'm attending by phone, anyway; but my client objects; he really dislikes this guy and does not want to be 'intimidated' at this guys office; fine, the rule in Florida is 'neutral territory' unless the other side agrees to lawyers office; normally you agree but you don't have to. Well, Ohio Biglaw attorney just threw a fit; we always do it at our office, Ohio rules recognize this, blah blah, but I stuck to my guns; I told him I didn't give a d@^n what Ohio rules were, we were in Florida court and running under Florida rules, and if he insisted I'd move for protective order. It's not a fight I wanted to have but it mattered to client. Fine. So we set the depo, neutral court reporter office, I appear by phone, our local Ohio counsel is physically present, their Biglaw Ohio counsel is present and the dang depo Took 8 Hours. It could have been done in about 30 minutes but every single question resulted in an objection by our Ohio counsel and just back and forth by and large I'm keeping my mouth shut, I got cordless phone so every so often I could get up and walk out the door and smoke a ciggie while they wrangle.

AS it turns out, daughter got tired of paying \$ to Biglaw and dropped the case, so we won. But my point is, it could have been done a lot cheaper, a lot easier, less stress, if the attorneys hadn't been acting like jerks. Law practice is stressful enough without acting like a jerk. Be polite, extend courtesy to the other side, recognize that you may be dealing with this person again and again.

Ronald Jones

It is possible that OC is not set up to validate. I know some firms that operate that way even if the parking is in their same building.

Kristin Haugen