



Jeff Geiger Counters

Litigator vs. Trial Lawyer

By: Jeff Geiger. *This was posted Thursday, April 29th, 2010*

I find it distressing that recent statistics point to an ever decreasing number of civil jury trials in Virginia. In 1999, there were 2,042 jury trials. In 2009, only 570. That's a decline of 72%. On the one hand, that means that a lot of cases are being resolved. A good thing, right? That can save clients money, time and emotion. As Abraham Lincoln famously intoned, "Discourage litigation."

Still, lawyers need to be able to legitimately profess the ability to try cases before juries if they are to have credibility with their clients and, perhaps more importantly, opposing counsel. So, statistically, 2% of lawyers in Virginia had a civil jury trial last year (assuming that there are roughly 25,000 active lawyers in Virginia and a further extraordinary assumption that any such lawyer only had one jury trial). Just saying: mediation is a great way to resolve disputes but the process becomes less credible where lawyers are not able to effectively represent clients at trial such that the expense and lack of experience push them to implicitly see mediation as an end versus a means to resolution. My concern, then, is that lawyers and judges, especially new lawyers and judges, become unfamiliar with a process that is a bed rock of our democracy and judicial system. So, who do you want representing you: a trial lawyer or a litigator?

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