

Joint Ventures and Associating Counsel: Keys to an Effective Trial Team

3.22.12

A well planned and organized joint venture or associating of counsel can be quite effective in maximizing the recovery in many significant plaintiff's cases. Success in serious personal injury, medical malpractice, and wrongful death cases typically depends upon the experience and knowledge of trial counsel in the matters specific to the case and upon a keen attention to detail in strategizing, developing, preparing, and presenting the case. Joint venturing or associating experienced counsel is often the best solution for a lawyer who lacks the requisite experience and knowledge or does not have the time or resources necessary to spend on the details of the case. Once the decision to associate counsel has been made, it is essential that all members of the trial team have a good working relationship and clear understanding of their duties and responsibilities. By so doing, the plaintiff's trial team can efficiently carry out all of the tasks needed to achieve success in the case, often with the defense unable to keep up with what the plaintiff's trial team is doing.

Some of the keys to ensuring the trial team operates smoothly and efficiently are:

1. Clearly set forth, in writing, the basic understanding between the lawyers, including the anticipated fee split or fee formula and the responsibility of each lawyer in assuming expenses.
2. The lawyers should meet to discuss and decide the most effective way to assign duties to each lawyer and staff member. Such duties should obviously correspond to the strengths and experience of the respective members of the trial team. Once these assignments have been made, it can prove to be a nightmare for the defense in trying to keep up with multiple trial team participants who are each covering selected portions of the case in a "divide and conquer" approach.
3. After the lawyers have met to assign duties, memorialize these assignments in writing for the members of the trial team.
4. Maintain a close communication between all members of the trial team, both attorneys and staff members, throughout the case, so that each person knows exactly what the other person is doing.
5. Maintain a close communication between members of the trial team and the client. This will ensure not only that the client is kept abreast of the developments in the case, but also that the client will have multiple opportunities to give his or her input to the members of the trial team.
6. Park your ego at the door and be open to suggestions from all members of the trial team because multiple heads and perspectives are always better than one. Indeed, this is the element of joint ventures that is the most rewarding for the trial team members and ultimately the client.

Following some basic guidelines can ensure that the trial team is organized and efficient. A well organized, thorough, and relentless plaintiff's trial team can prove to be a nightmare for the defense and result in maximizing the recovery for the client in serious injury or death cases.

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