

Joint Ventures and Associating Counsel: Do Not Overlook the Opportunity to Put Together A Powerful Trial Team

3.20.12

It is no coincidence that just about every recent successful plaintiff's verdict or settlement in significant tort cases reported in Lawyers Weekly or other newspapers has listed multiple trial lawyers as representing the plaintiff. This phenomenon can best be explained by the increasing complexity of civil litigation and the increasing specialization by trial lawyers. Joint venturing or associating counsel is often the best way to maximize a client's recovery and successfully compete with well-funded insurance companies, corporations, and large defense law firms. Indeed, for extremely busy lawyers who are already stretched too thin, lawyers who have little or no experience in the type of case facing them, or single practitioners with limited resources, joint venturing or associating counsel may present an ideal solution for handling certain cases. Associating counsel is a sign of strength and confidence, rather than a sign of weakness. No lawyer is well versed in all subject matters, so the decision to associate with another lawyer with a skill set specific to the subject matter at issue in a case may be the wisest approach.

Some of the typical scenarios which lend themselves to joint venturing or associating counsel in plaintiff's cases include the following:

1. Cases involving complex scientific or technical issues;
2. Cases requiring extensive funding;
3. Cases requiring extensive staffing;
4. Cases outside a lawyer's bailiwick or comfort zone;
5. Cases where it is best "not to reinvent the wheel" in situations where associate counsel has previously had success;
6. Cases in foreign states, where local counsel is required;
7. Cases in a lawyer's home state, but outside of his or her familiar geographic area, where local counsel would be advisable;
8. Cases which simply require more time, effort, and attention to detail than a lawyer can provide.

In many situations, it is in the plaintiff client's best interests for the client's lawyer to joint venture or associate counsel in the client's case. By so doing, the client may be provided with a strategically designed, powerful trial team that the defense cannot match. Participating in a successful trial team not only often results in significant recoveries for the client, but also is typically professionally rewarding for the team's lawyers.

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