



May 9, 2012

Volume 8 Issue 4

THOMSON REUTERS
WESTLAW™

Thomson Reuters Westlaw offers everything in a single location. Online briefs, trial documents, ALR®, Forms, Jury Verdicts, Enhanced Cases, Expert Reports, Case Management tools and more.

DRI Resources



Join the DRI Community



In The Whisper

[The Chair's Corner](#)

[Best Practices for Serving as Local Counsel: A Young Lawyer's Opportunity](#)

[Using Experts Overseas: How Procedures, Processes, and Business Dealings Are Successfully Negotiated When Working Projects Internationally](#)

[You Have a New Discovery Request: Canadian Courts Balance Privacy and Discovery Rights in Facebook Production Motions](#)

[Leadership Profile](#)

[New Member Spotlight](#)

[DRI Young Lawyers Seminar in Miami Beach, Florida](#)

[Young Lawyers Seminar Testimonial by Will Purnell, Corporate Counsel for Caterpillar Inc.](#)

Featured Articles

Best Practices for Serving as Local Counsel: A Young Lawyer's Opportunity

by Justin Rice



We've all been there, wondering when we'll get "our shot" – perhaps a high-profile role at trial, taking an important expert deposition, or simply face time with the firm's largest client. And, despite the insecurities that naturally accompany the rigors of a demanding job, most of us are probably less concerned about our capability for

handling high-level responsibilities as we are about simply getting opportunities to develop the skills they require.

While there is obviously no single path to skills-development, effective leadership, and internal promotion, one important and often overlooked opportunity for a young lawyer to advance his or her career is by mastering the role of local counsel. In fact, as anyone who regularly serves as or manages local counsel in large national litigation will tell you – good local counsel is critical for the defense. Good local counsel not only gets work done, but adds insight and perspective to the litigation, and value to the defense team.

This article is just a starting point. But the best practices offered below – framed under six objectives, to provide context – should take you a long way toward demonstrating to law firms and clients around the country that your firm has the capable and dependable people they need as local counsel for their matters.

Objective #1: Be Helpful

The beginning of any local counsel work – often occurring at or near the time a lawsuit is filed in your home jurisdiction – provides an immediate opportunity to help national counsel with the case. Without being asked, provide information to national counsel about the venue, judge, opposing counsel, jury pool, deadlines, and any important local rules governing the initial pleadings. Some of this information can be obtained quickly by sending a short email to the attorneys in your office. You can also be helpful by sending national counsel copies of example pleadings or motions that may be relevant, and by offering to complete and file the necessary paperwork for national counsel to be admitted *pro hac vice*.

As the case progresses, continue to anticipate the needs of national counsel, and consider that national counsel may be busy with multiple cases and deadlines across many jurisdictions. Clearly label your emails to remind them of the specific case and topic for discussion. Responding quickly to




[Turn up the Heat in Miami by Sponsoring the Young Lawyers Seminar!](#)

[Announcements](#)

[The Whisper Editors](#)

[Increase Your DRI Membership Value](#)

Committee Leadership

	<p>Committee Chair Robert Craig Mayfield Hill Ward Henderson cmayfield@hwlaw.com</p>
	<p>Committee Vice Chairs James L. Pattillo Norman Wood Kendrick jpattillo@nwkt.com</p>
	<p>Jennifer Snyder Heis Ulmer & Berne jpheis@ulmer.com Click to view entire Leadership</p>

Seminar



ADVANCE REGISTRATION DEADLINE: MAY 25, 2012

DRI
The Voice of the Defense Bar

**YOUNG LAWYERS SEMINAR—
SUCCEEDING AT ALL STAGES OF LITIGATION**

JUNE 14–15, 2012
EDEN ROC RENAISSANCE
MIAMI BEACH
MIAMI BEACH, FLORIDA

IN-HOUSE SPEAKERS INCLUDING:

- TONY FASO
ROYAL CARIBBEAN CRUISES LTD.
- SARAH M. PADGITT
BAKTER INTERNATIONAL INC.
- SIMEON D. RAPOPORT
BRIDGE LLC
- SUE A. SPERRY
ASSURANT EMPLOYEE BENEFITS

REASONS TO ATTEND

- Network and build relationships with corporate counsel
- Refine and bolster your trial skills
- Learn how to be an invaluable central resource
- Meet other young defense lawyers from across the country
- Enjoy up to 12 hours of CLE, including 1 hour of ethics credit

DRI DELIVERS RESOURCES TO BUILD YOUR PRACTICE

[Young Lawyers Seminar](#)

emails and completing assignments early is crucial. Important briefs, correspondence, discovery, etc., will often need to be reviewed by several layers of lawyers from national counsel on up to the client. This inevitably takes time, and an important brief received by national counsel the day before it is due will surely frustrate them.

Objective #2: Determine Your Role

Not every local counsel role is the same. It can range from signing the initial pleadings to first chair trial counsel. Usually, local counsel's role is somewhere in between. Depending on the client, there may even be written guidelines and expectations for local counsel. Be sure to request any such guidelines as early as possible. Absent formal guidelines, however, the role and responsibilities of local counsel may be driven by such factors as the busyness of the litigation, personalities involved, and specific skills of the lawyers, to name a few. With this in mind, local counsel should (1) work quickly to determine his/her role; (2) stay within the confines of that role; and (3) be ready for that role to change. Flexibility is key, as is a proper respect for the relationship between national counsel and the client. Local counsel work should not be used as a platform to establish one's own business connection with the client. You will gain respect from all members of the defense team when you perform your role well. And when in doubt concerning your role, just remember the first objective: be helpful.

Objective #3: Be Proactive (within reason)

This objective goes hand-in-hand with determining one's role. Once you know your role, make sure you do not get lazy. Monitor the docket and let national counsel know right away about any filings. Send reminders when deadlines are near. Provide regular updates, even when there is seemingly nothing new to report. (The lack of developments in a case can nonetheless be significant. And, at least everyone will know you are on top of things.) As early as possible, ask national counsel for educational materials concerning the subject of the litigation that they think would be helpful for the performance of your responsibilities. Anticipate the needs for depositions or hearings, such as reserving conference rooms and court reporters, and recommending food, lodging, and transportation. Of course, you should not "overwork" the case. But a proactive approach to your representation will instill confidence in you and your firm, and increase your value to the team.

Also, just one quick piece of advice: draft your updates with the client in mind. You likely will be expected to report to national counsel on updates in the case, who then has the discretion to determine whether or not the information needs the client's attention. Draft your email so that it can be cut and pasted into a new email by national counsel, or simply forwarded to the client. This is helpful to national counsel, and can provide an opportunity for national counsel to commend your good work.

Objective #4: Give Advice

You can add great value to the defense team by being more than a taskmaster. Local counsel is often hired for their judgment and perspective on issues, in addition to the tasks necessitated by the location of the case filing. Do not shy away from giving an informed opinion, especially when asked. Whether working directly for a client, firm partner, or outside law

**June 14-15, 2012
Miami Beach, Florida**

DRI Publications



**Young Lawyer
Drug and Medical
Device Primer
2008 CD**

[Print to PDF](#)

firm, providing advice is a necessary part of our job. Think carefully, articulate your thoughts, and give your advice. Experienced lawyers know this is difficult, and will appreciate your input.

Objective #5: Build Relationships

One of the benefits of serving as local counsel is that you can be introduced to new clients, other law firms, and experts. Try to take advantage of these opportunities to build relationships. These connections will make you and your firm more valuable for future work, in any capacity.

Objective #6: Remember the Ethical Rules

Do not forget that you could be held responsible for the decisions of national counsel, depending on how they are carried out. Although you are acting under the direction of another person, you are still bound by the rules of professional conduct. (See Model Rule of Professional Conduct ["MRPC"] 5.2(a)). Similarly, a lawyer should not practice law in a jurisdiction in violation of the regulation of the legal profession in that jurisdiction, *or assist another in doing so*. (See MRPC 5.5(a)).

And do not forget Civil Rule 11, under which your signature certifies that you read the document, believe there is good ground to support it, and that it is not meant to harass or delay. Rule 11 can be particularly troublesome for local counsel when national counsel provides documents just before they need to be filed, and expects local counsel to simply sign and file them. You should carefully review documents before they are filed, and work respectfully with national counsel to ensure there is time to do so. While the implications of these ethical rules are beyond the scope of this article, they are nonetheless offered for consideration.

In short, be helpful, be proactive, stay within the confines of your role, and be careful. For the young lawyer who takes advantage of such opportunities, serving as local counsel can be a very rewarding experience.

Justin Rice is an Associate with Tucker Ellis LLP in Cleveland, Ohio. He practices primarily in the areas of products liability and business litigation. As a member of Tucker Ellis's Medical & Pharmaceutical Liability Practice Group, Justin works with law firms around the country in both national and local counsel capacities, defending manufacturers of pharmaceuticals and medical devices. He can be reached at justin.rice@tuckerellis.com.

[Back...](#)