



# FDCC E-Newsletter

News from and about your fellow members and friends.

March 2017

## Trial Tactics, Practice And Procedures Section Update

As I sit in my hotel room in Charleston reviewing a draft of an initial litigation plan for a new lawsuit, it dawned on me that this might make a good topic for the broader group. Most insurance carriers and many corporations require an initial litigation plan. While the questions asked are similar, the answers are not. Every case has its own dynamic. For instance, two trucking accidents wouldn't be handled the same way. Litigators must consider –

- the nature of the injuries
- the liability facts
- the quality of the witnesses
- the adequacy of the client's training and safety program
- the nature of the venue and
- the Plaintiff's lawyer, among many other considerations.

Having drafted hundreds of these plans, I am always curious to see the assigned associate's perspective of the case. Their initial draft highlights the associate's understanding of the case – their level of training, legal expertise and knowledge, skill, and strategic thinking. At the follow-up meeting with the associate, I especially reinforce the need for strategic thinking. I don't spoon feed changes to the plan, but tick off the variables and discuss how they would address each one. By engaging the associate early on in the litigation process, senior litigators teach them valuable skills. The initial litigation plan is a road map for the early handling of the case, which facilitates litigators as we excogitate to achieve the best possible resolution for the client. The supervising partner now has an associate invested in the case with a strategic plan for the future, as well as a written guideline for the case. Keeping our associates focused on strategic thinking – rather than cookie cutter answers – builds better associates, elicits better results and ultimately retains loyal clients. Please send me your thoughts and comments to [myoung@cokinolaw.com](mailto:myoung@cokinolaw.com).



**Marc A. Young**  
*Principal*