WHAT THE HECK IS SETTLEMENT COUNSEL AND WHY DO YOU CARE?

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In recent years, there have been numerous articles, CLE programs, and "buzz" about the concept of Special Settlement Counsel or Negotiation Counsel. This article

will examine two things. First, the nature and definition of the concept of Special Settlement Counsel. Second, why you should care.

I. WHAT THE HECK IS SPECIAL SETTLEMENT COUNSEL?

Special Settlement Counsel (sometimes also called Negotiation Counsel) can be defined two ways—what it is not and what it is.

A. Distinguish Settlement Counsel from Other Roles

- **Special Settlement Counsel does not function as a mediator.** A mediator is a *neutral* ADR provider. Special Settlement Counsel is NOT neutral. Rather Special Settlement Counsel is a partisan advocate for one or more parties, with the goal of getting the most favorable resolution of a dispute on behalf of their client.
- **Special Settlement Counsel should not be confused with Collaborative Law.** Collaborative Law is a concept largely utilized in the family-law context. Among other differences, the Collaborative lawyer typically exits the scene if a pre-litigation settlement is not obtained, and the litigators then take over. In contrast, Settlement Counsel in such a situation stays on board and plans and implements a parallel settlement and negotiation strategy while the litigators pursue a litigated result.
- **Most importantly, Settlement Counsel does not serve in a frontline litigation function in connection with the dispute.** While Special Settlement Counsel will usually have a deep background in litigation, Settlement Counsel and litigation counsel will have separate and distinct

functions, tasks, and roles, each having their own areas of responsibility. To quote an old saying, "We don't ask our generals to be diplomats nor our diplomats to be generals." Of course, while Settlement Counsel and litigation counsel are serving two different functions and separate roles, their work will proceed down parallel tracks with significant cross-fertilization between Settlement Counsel and the litigation team.

B. Settlement Counsel Defined

- The structure and dynamic can be simply stated. Litigators litigate. Settlement Counsel negotiates and seeks to settle the case or dispute on optimum, acceptable terms for the client.
- Litigators primarily focus on the past: "what happened"; "who did what to whom"; "what claims and defenses can be asserted based upon those events." Settlement Counsel focuses on the future: "what does the client want to happen"; "what is the negotiation strategy to help make it happen"; "how can we achieve a settlement that is better than a fully litigated resolution."
- Litigators ask "who is right" or "who is liable." The litigator's focus is how to win at trial or in some other litigation context. Often the litigators seek to make life more difficult or painful for the other side. The litigators develop stratagems to increase the risk and perhaps the cost to the other side. On the other hand, Settlement Counsel asks, "what are the interests of the parties"; "what does a smart settlement look like for our client";

"how do we find out the best deal terms available from the other side";

"how do we optimize a settlement for the client."

C. The Role of Settlement Counsel.

Settlement Counsel specializes in the negotiation and settlement of legal disputes as a non-neutral, partisan advocate. Settlement Counsel has special training in problem solving, negotiation, mediation advocacy and other related experience and skills. Settlement Counsel deals only with the negotiated resolution of the case. Specifically, Settlement Counsel is the point person for all negotiation and settlement activities; whether they occur directly between counsel or at a mediation or other platform or setting. Settlement Counsel develops a strategic negotiation and settlement plan with the client and with litigation counsel and determines the best strategy to obtain those goals by way of a negotiated resolution. Settlement Counsel is then charged with implementing and executing that negotiation strategy while at the same time and on parallel tracks the trial team executes the litigation strategy.

While the litigators are lead counsel in the litigation proper, Settlement Counsel is the lead counsel in mediation, settlement meetings, and other negotiation processes and activities. Among other things, Settlement Counsel orchestrates, prepares for, and attends all "settlement events," including settlement meetings, mediations, and the like. Settlement Counsel also handles any phone calls or communications with opposing counsel regarding settlement related matters, including emails or correspondence related to settlement and mediation related communications with opposing counsel and with the mediator.

Settlement Counsel does not directly participate in the litigation process and typically does not appear as counsel of record in the litigation, for several reasons. First, Settlement Counsel should not become just another member of the litigation team. Second, Settlement Counsel should not conflate their role as a negotiator by also having litigation responsibilities. Third, by distancing themselves from a direct role in the litigation, Settlement Counsel can avoid any potential taint or infection with the stresses or even bad blood that may occur among the litigators. Of course, while Settlement Counsel is not directly involved in the case as a litigator, they must nonetheless stay fully up to speed on litigation developments, substantive matters, procedural events, scheduling matters, and any other dynamics that affect the merits of the case and which could impact the negotiation strategy or the timing of settlement negotiations. Obviously, Settlement Counsel must be able to access confidential or attorneys-eyes-only documents and information in the litigation under appropriate terms in a typical protective or confidentiality order.

D. The Need for Special Settlement Counsel.

Most cases settle. Statistically, well over 95% of cases do not go to trial. In complex matters it is not unusual for parties to a dispute to hire teams of litigators, additional expert trial counsel, special appellate counsel, tax counsel, securities-law specialists, or specialists in other substantive and procedural areas of the law. Sophisticated parties recognize that one lawyer, firm, or even the same type of lawyer simply cannot do it all because of time, skill-set, and experience constraints. In the same vein, it makes sense to have specialized Settlement and Negotiation Counsel who have

the special training, focus, skill set, experience, reputation, and personal traits that make them an effective negotiator, advocate, and advisor with respect to settlement matters.

Many litigators' visceral response or reaction (some verbalized, some subconscious and not verbalized) to the suggestion of engaging Special Settlement Counsel are typically one or more of the following:

- We have never done it this way before.
- I can do everything well/great/better than anyone else.
- I'll lose control over the case (or an important aspect).
- If someone else settles the case, I won't be the hero.
- I don't like change.
- It's my client and I don't want an interloper.
- There could be additional costs to the client or the law firm.
- I want to decide when the case (and fees) will end.

The client and their advisors or in-house counsel may have some of these same questions, especially whether the engagement of Settlement Counsel will add to the cost. We will examine these concerns below and why the engagement of Special Settlement Counsel from a separate law firm is likely better for both the client and the litigators in significant matters.

E. Why Separate Negotiation and Litigation Functions?

First and foremost, litigators are properly focused on the stuff of litigation. This includes: document, electronic, or other data review (often a massive undertaking in and of itself); legal and factual research and analysis; developing a litigation strategy; engaging experts, dealing with day-to-day litigation concerns; initiating and responding

to discovery; taking and defending depositions; pre-trial matters including Motions to Dismiss and Motions for Summary Judgment; the preparation for and actual trial of the case; post-trial proceedings; and the appellate process. In a complex business case, even with numerous lawyers, there is never enough time to get all of the litigation tasks and needs addressed. Even with a team of lawyers and paralegals, it is not unusual to triage the litigation needs and responsibilities—leaving precious little time to properly develop, prepare for, and implement a settlement and negotiation plan and strategy. Inevitably, if the litigators try to do both in a major case, one or the other (and probably both) will suffer.

Second, although it is possible to have both superb litigation and trial skills and exemplary negotiation skills, this is not always (or even usually) the case. Different skill sets and perhaps different personality traits are involved in successfully litigating as opposed to successfully negotiating. Indeed, some of the personality traits that typically are seen as useful (if not essential) for an effective litigator and trial lawyer are not always useful or effective in the negotiation context. These include, a fair bit of love of the battle, perhaps some undue aggressiveness, and a need to demonstratively "win." In contrast, Settlement Counsel is typically more familiar with settlement and negotiation techniques and usually has extensive training and experience in negotiation and mediation and the underlying theory and dynamics of the negotiation process that the litigators generally do not have. Rather, litigators usually learn by doing—mostly learning by their mistakes.

Third, hard positions are often required in the litigation. Personal and/or professional conflicts in the litigation may create tension, bad blood, or other issues

between the litigators. Pleadings, motions, requests for sanctions, discovery and other pre-trial disputes, tension-filled depositions and hearings, and the inevitable misunderstandings, especially in high-stakes litigation, often make it difficult for the litigators to even have a civil conversation with their counterparts, much less the ability to develop and maintain even a modicum of the trust and credibility necessary for a successful negotiation. In contrast, Settlement Counsel is removed from the litigation milieu and can play the role of the "good cop," or at least the seeming voice of reason.

Fourth, continued settlement overtures by the litigators may convey (accurately or not) weakness or an anxiousness to settle a case. It is somewhat of a dichotomy to say in one breath, "I am sure we will prevail at trial," (usually stated in more colorful terms) and in the next breath suggest settlement talks. Indeed, it is somewhat of an unwritten rule among litigators that they do not want to raise settlement with the other side because they don't want to look anxious or weak. On the other hand, Settlement Counsel, whose sole role is to unabashedly pursue settlement, or at least negotiations, is simply "doing their job." Leaving negotiation responsibility solely to Settlement Counsel imparts a different impression to opposing counsel, making clear that the litigators are not particularly enamored of settlement or even interested in pursuing negotiations—they simply want to litigate and try the case.

Fifth, the litigators may have their judgment distorted by day-to-day events. Developments in the litigation may cause trial counsel to become overly confident (or unduly anxious), particularly if dealing with the same attorneys against whom they just had a significant victory (or loss), whether during pre-trial proceedings, at trial, or post-trial. Inevitably, there are many "lying awake nights" for the litigators. Often opposing

counsel can sense fear or low morale in their counterparts. Negotiation Counsel, however, is less impacted by the typical "ups and downs" of the litigation and is not personally involved in the inevitable good and bad days in that process. Eliminating that peak-and-valley dynamic is much more conducive to a calm, reflective, and balanced approach to developing and implementing a negotiation and settlement strategy. In short, the involvement and presence of Settlement Counsel adds a balance to the passions of the day-to-day litigation process.

Sixth, litigators may also have their perspective clouded because they are simply physically, emotionally, or psychologically tired. Major litigation is exhausting on all of these levels. No matter how enthusiastic you are as a litigator, there will be points where you just want the case to be over. Some litigators may be so exhausted that they simply do not want to give up more weeks or months of their lives in connection with final trial preparation, trial, and post-trial proceedings. In such event, they may inadvertently send the wrong signals or signs of weakness to the other side if they are also the primary negotiators. This is particularly true as the trial nears and during the trial itself. In major cases, the period prior to trial is often seven-days a week, and 12 and 14 (or more) hour work days for the litigators for weeks on end. It is impossible to do a good job on trial preparation and trial and at the same time be distracted by the time, effort, and different mental state required for effective settlement negotiations. This is particularly significant in major cases because serious settlement negotiations often only occur shortly before trial or during the trial itself. Because Settlement Counsel does not have litigation responsibilities, they are not subjected to the same emotional, mental, personal, or

physical pressures and strains involved in the day-to-day litigation process and can bring a fresh energy to the negotiation/settlement process.

Seventh, on the flip side, litigators may often become "true believers" in their case. The litigators may be so anxious to go to trial and emerge victorious that they lose sight of the litigation downside and of the potential benefits of settlement. They may even view a settlement as capitulation and a loss. The litigators may need to "win" and have the other side "lose." Indeed, one cannot be a big time trial lawyer if all of their cases settle before trial. Settlement Counsel can provide a balance to the litigators' sometimes undue enthusiasm and add a different bigger picture perspective

F. Settlement Counsel Should Be From a Separate Law Firm and Brought Into the Process as Early as Possible.

Negotiation Counsel should be from a different law firm than the litigators to be fully effective. By not being part of the litigators' firm, it helps insure that Settlement Counsel does not get drawn into the litigation function and be seen as just another member of the litigation team. Because Settlement Counsel is not too closely identified with the litigators, any hard feelings or other issues that may develop between litigation counsel or with the opposing principals are less likely to taint Settlement Counsel and the negotiation process. Additionally, opposing counsel will more likely understand Settlement Counsel's limited function and role if from a separate law firm. While it is theoretically possible that one or more lawyers or group of lawyers can function in both capacities, in matters of significance there are many advantages to a dual-track approach—by different lawyers from different law firms. Having Settlement Counsel from outside the litigation firm will make clear those who are responsible for a litigated resolution while at the same time Settlement Counsel pursues an optimal settlement.

Ideally, Settlement Counsel should be brought into a dispute even before litigation starts. Early intervention and involvement of Settlement Counsel creates more options for early settlement and underscores that Settlement Counsel is not just part of the litigation team. Because Settlement Counsel is not one of the litigators, they need not break off communications simply because one side or the other decides to commence litigation. On the other hand, once the litigators have filed suit, they have "declared war," making it hard for them to pursue "peace" anytime soon. Again, distinguish Settlement Counsel from Collaborative Law attorneys. In the latter, the Collaborative lawyer exits the scene if a pre-dispute settlement is not reached. Settlement Counsel in such a situation stays on board and plans and implements a parallel settlement strategy while the litigators pursue a litigated result. Engaging Settlement Counsel early, not when negotiations commence, will yield the best results—allowing Settlement Counsel to plan and drive the negotiation process and not simply be reactive.

Obviously, Negotiation Counsel must be fully knowledgeable about the facts and the substantive strengths and weaknesses of the case on an ongoing basis. Settlement Counsel must also be fully up to speed on any prior settlement dynamics and events before they entered the scene, the personalities of the players, the prior negotiation history, and the current procedural posture and developments of the litigation. Clearly it is better for Settlement Counsel to gain this knowledge early and in "real time,"—not as a data dump late in the case just as settlement discussions start in earnest.

Further, in order to be the most effective, Settlement Counsel should have the time to develop and implement a considered settlement and negotiation strategy and plan—not simply commence negotiations. A successful and optimal negotiation is a

process, not an event. Successful negotiations require time, patience, and a plan, as well as a willingness to walk away from negotiations, at least for the time being, without unduly damaging the relationship and in a manner that leaves the door open for future discussions.

As part of the negotiation process, it is also important for Settlement Counsel to develop a relationship of credibility and trust with the other side—both with opposing counsel and perhaps their principals—prior to the hard-core negotiations. The tone of that relationship and the information exchanged during even very preliminary contacts and interactions should be a thoughtful part of an overall negotiation strategy and plan. This is a process that cannot and should not be rushed and must be started as early as possible.

There are other reasons why Settlement Counsel should be brought into the process early. A settlement opportunity may arise unexpectedly. Settlement Counsel must be fully prepared and up to speed so they can recognize and act to exploit the opportunity for a timely settlement. Early involvement also allows Settlement Counsel to properly time the implementation and execution of the negotiation strategy rather than being driven by events outside their control or under undue time constraints. Of course, as with any successful lawyer, Settlement Counsel will often have a very full schedule. Early involvement allows Settlement Counsel to be actively involved in the timing and scheduling of negotiation and settlement events and activities to ensure their full time, attention, and availability. Finally, bringing in Settlement Counsel at the inception of the case (or even earlier) underscores that it is simply standard operating procedure. If

Settlement Counsel first appears as negotiations are heating up, it might convey (accurately or not) an undue anxiousness to settle.

G. How Does Settlement Counsel Work with Litigation Counsel?

Most importantly, litigation counsel must recognize the separate roles of Settlement Counsel and litigation and trial counsel. Settlement Counsel will not be directly involved in the litigation process. Litigation counsel must understand and agree to defer to and refer any settlement overture or other matters relating to settlement to Settlement Counsel. While the litigation strategy and the negotiation strategy should be coordinated from the inception of the litigation (or even earlier), they are two separate and distinct functions. Settlement Counsel will be the point person with the other side for all matters regarding negotiation and settlement. For instance, Settlement Counsel will deal with the timing and selection as well as the interfacing with any mediator. This requires litigators and trial counsel with a strong sense of self and self confidence; those who won't feel threatened and can get comfortable with a team approach and division of responsibilities; and those who can recognize that a settlement is a victory for the litigation team because it means the litigators successfully made the litigation alternative (or "BATNA") unacceptable to the other side.

At the mediation, although the lead litigators and trial counsel typically make a presentation and address substantive issues and the merits of the litigation, Settlement Counsel will be the lead negotiator and take the lead in the mediation efforts and especially the interaction and communication with the mediator. The litigators are and remain an essential part of the mediation team. They know the substantive case in considerably more detail than Settlement Counsel. Their mere presence is a constant

reminder to the other side of the alternative to settlement—continued litigation and trial. It would often not be inappropriate for the litigators to make their "jury speech" (or at least their summary judgment or appellate speech) in the joint session together with a detailed presentation of the merits of the case, factually, legally, and perhaps procedurally.

H. What About the Cost of Settlement Counsel?

One concern the client may have is that the engagement of Special Settlement Counsel will increase the cost of resolving the case or dispute. While on its face a seemingly real concern, the engagement of Settlement Counsel is unlikely to result in increased costs and almost surely will result in reduced overall attorneys' fees and other litigation expenses. First, someone needs to attend to settlement and negotiation. If Settlement Counsel is not retained, those tasks will likely be left to the litigators who will, of course, bill for that time and effort on whatever fee arrangement they have agreed upon with the client with respect to the litigation. Engaging Special Settlement Counsel will reduce and limit the time (and the distraction) of the litigators in connection with settlement and negotiation matters. Accordingly, at worst the engagement of separate Settlement Counsel simply shifts the cost of those efforts from one set of attorneys to another and should not increase those costs in any material respects. Moreover, because Settlement Counsel is focused and experienced in settlement negotiation dynamics, is not distracted by litigation responsibilities, and has the time and ability to plan a thoughtful approach to negotiations, there should be less wasted or non-productive time and effort, greater efficiencies, and actually a cost savings.

Likely more significant to the cost issue, if Settlement Counsel can obtain a resolution of the dispute earlier than later, there will be massive savings in litigation-related attorneys' fees, out-of-pocket costs and expenses, expert costs, internal costs, business-opportunity and disruption costs, and the hassle and brain damage of being involved in a major litigation. Additionally, it is likely Settlement Counsel will achieve a negotiated resolution on terms significantly better than that which would have been achieved otherwise—typically multiples of the cost of Settlement Counsel. In short, engagement of Settlement Counsel has a high likelihood of decreasing costs and adding significant value. It is a structure and model with a likely high return on investment.

II. WHY SHOULD YOU CARE ABOUT THE SPECIAL SETTLEMENT COUNSEL CONCEPT?

A. The Client and In-House Counsel.

From the clients' perspective, there are significant and clear benefits from the engagement of Settlement Counsel. First, there will be another smart lawyer involved in the case—a lawyer who can provide a bigger picture perspective than the litigators who are in the day-to-day trenches of the litigation. Second, Settlement Counsel brings a different and perhaps unique skill set and experience dynamic to bear on the negotiation process. Third, Settlement Counsel is not subject to the same inherent conflicts as hourly compensated litigators. The big elephant in the room, as many litigators candidly admit, is that when the case settles, the litigation work and fees end. This generally is not a problem for the highest quality litigators, who almost always have more work than they can handle—itself an impediment to fully focusing on negotiation and settlement matters in a planned and thoughtful manner—but still is a real concern of most clients.

Engagement of Settlement Counsel eliminates this tension because the litigators and trial counsel do not have primary responsibility for settlement matters.

Finally, the client, particularly if they have in-house counsel, might believe they can dispense with the engagement of Special Settlement Counsel and move the settlement and negotiation responsibilities to in-house counsel. While at first blush that would seem to provide many of the benefits of separating the negotiation and litigation responsibilities, it is almost always unwise. One of the benefits of engaging Special Settlement Counsel is to have a second opinion from a more balanced and objective outside counsel. While in-house counsel are generally not subject to the same day-to-day litigation passions and pressures as the front line litigators, they may be influenced by internal business dynamics, pressures, and politics, or even have been personally involved in the underlying events giving rise to the litigation—all of which could limit their approach, advice, perspective, and ultimately their effectiveness. Outside Settlement Counsel is simply not subject to those dynamics. Additionally, in-house counsel is typically too close to the decision makers (or may in fact be the actual decision maker) such that they will not get the benefits of having an agent with limited authority as the point person for the negotiation. As most students of negotiation know, having an agent as the point person for negotiation confers a substantial advantage because the agent only has the ability to make "subject to approval by the principal" overtures, proposals or trial balloons.

B. The Litigators and Trial Counsel.

The engagement of Special Settlement Counsel by the client, especially with the litigators' encouragement, has numerous benefits for the litigators, their reputation, and

their relationship with the client. First, it immediately tells the client the litigators are not seeking to churn attorneys' fees on the matter by delaying or even derailing settlement. Because litigation counsel is encouraging the hand-off of negotiation and settlement responsibilities to another attorney—an attorney with expertise and experience in these matters—that potential financial conflict is eliminated. Second, since most cases are resolved by settlement, having another smart attorney with special skills fully focused on settlement and negotiation will likely result in a better outcome for the client. Third, by not being distracted by settlement and negotiation responsibilities, the litigation and trial team can be fully focused on the litigation—again likely doing a better job and creating for the other side a poor alternative to settlement. There is nothing more likely to drive home how confident litigation and trial counsel are about litigating the case than responding to a settlement overture from opposing counsel by saying, "I am not and will not be involved in settlement. I am getting ready for trial and do not want the time, energy, or focus distractions. If you want to talk about settlement matters, speak to our negotiation counsel."

In those cases in which litigation counsel is handling the matter with a contingent-fee component, Settlement Counsel will likely obtain both an earlier settlement that reduces the attorney hours and out-of-pocket expense invested in the case *and* a better substantive settlement, resulting in an improved economic outcome for the client and for trial counsel. In short, engagement of Settlement Counsel makes the litigators' lives easier, lets them do a better job, sends the right signals to the other side, and will improve trial counsel's relationship with the client. If a contingent-fee matter, engaging

Settlement Counsel likely improves the economics for both trial counsel and, more importantly, the client.

Of course, even in those situations where the case does not settle, Negotiation Counsel adds real value. First, while there is never certainty in any endeavor, the engagement of experienced and skilled Settlement Counsel should ensure no settlement opportunities are missed because of lack of time, miscues, or other dynamics. Just as importantly, if the case does not settle, the litigators will likely achieve a better trial result because they are not physically or psychologically distracted by trying to serve two roles—rather they can fully focus on their trial responsibilities.

C. Mediators and ADR Providers.

The Settlement Counsel structure is a new paradigm. It is much like mediation was 25 or 30 years ago. Initially, there were questions as to whether the mediation process was needed at all because lawyers had always been able to communicate and settle their cases directly among themselves. Since then, attorneys, clients, and the courts have seen the structural and other benefits of mediation. We are on the cusp of seeing the same happening in the context of engaging Special Settlement Counsel. Because of its many benefits to the client and to trial counsel, it will become standard operating procedure for sophisticated clients. Mediators will more and more frequently deal with Settlement Counsel as the point person at mediation and in follow-on negotiations. In fact, it would not be unusual for Settlement Counsel to have had extensive mediation training and experience as a mediator. Settlement Counsel, although non-neutral, is a further credible resource for the mediator—not quite a co-mediator, but close.

D. The Future.

The engagement of Special Settlement Counsel has not yet become the norm. However, it is far from the unfamiliar concept it was 15 or even 10 years ago. As litigators, clients, and in-house counsel become familiar with the concept and experience its benefits (or observe the benefits such an approach brought to the other side), it will be embraced by sophisticated clients and trial counsel in disputes and litigation of significance. At some juncture, it will hit a tipping point, such that it will be unusual not to have Settlement Counsel as part of the team in pursuing a parallel settlement and negotiation track while the litigators pursue a litigation and trial resolution.

Over the past 15 years Christopher Nolland has established a national practice as Special Settlement Counsel, acting as the primary negotiator for one party ***in a non-neutral role***. Nolland has been engaged as Special Settlement Counsel in over 100 significant matters, primarily complex business and significant fiduciary disputes, including major trust and probate litigation, director and officer litigation, professional liability, and partnership and closely held business litigation, as well as significant insolvency and litigation trustee matters. Special Settlement Counsel activities now account for over 50% of Mr. Nolland's practice. His Settlement Counsel practice has been the subject of numerous articles in leading legal and business publications.

In addition to his Settlement Counsel practice, Mr. Nolland has been a mediator and arbitrator since 1993. He has conducted over 2,000 mediations and numerous arbitrations, primarily in complex business and commercial matters and fiduciary litigation. Nolland's mediation and arbitration practice focuses on large, complex, multifaceted disputes. His mediation and arbitration practice is also national in scope.

Mr. Nolland is an Adjunct Professor of Law at SMU Law School and for the past eighteen years has taught a full semester course on Negotiation to 2nd and 3rd year law students and LLM candidates.

After law school, Mr. Nolland served as an appellate law clerk and thereafter practiced law in New York City with a major national firm and in New York City and Dallas, Texas as a partner with a well-known national business litigation firm. Mr. Nolland is admitted to practice in Texas and New York and numerous United States Courts of Appeal and United States District Courts, as well as the United States Supreme Court.

Mr. Nolland is a member of the American College of Civil Trial Mediators; the National Academy of Distinguished Neutrals, The Association of Attorney Mediators; and the ADR and Litigation sections of National, State and Local Bar Associations. Mr. Nolland has been repeatedly been selected as one of the leading attorneys in Dallas and in Texas by Super Lawyers, Texas Monthly, and D Magazine in their annual and bi-annual surveys and by US News and World Report in its annual selection of the Best Lawyers in America.

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