

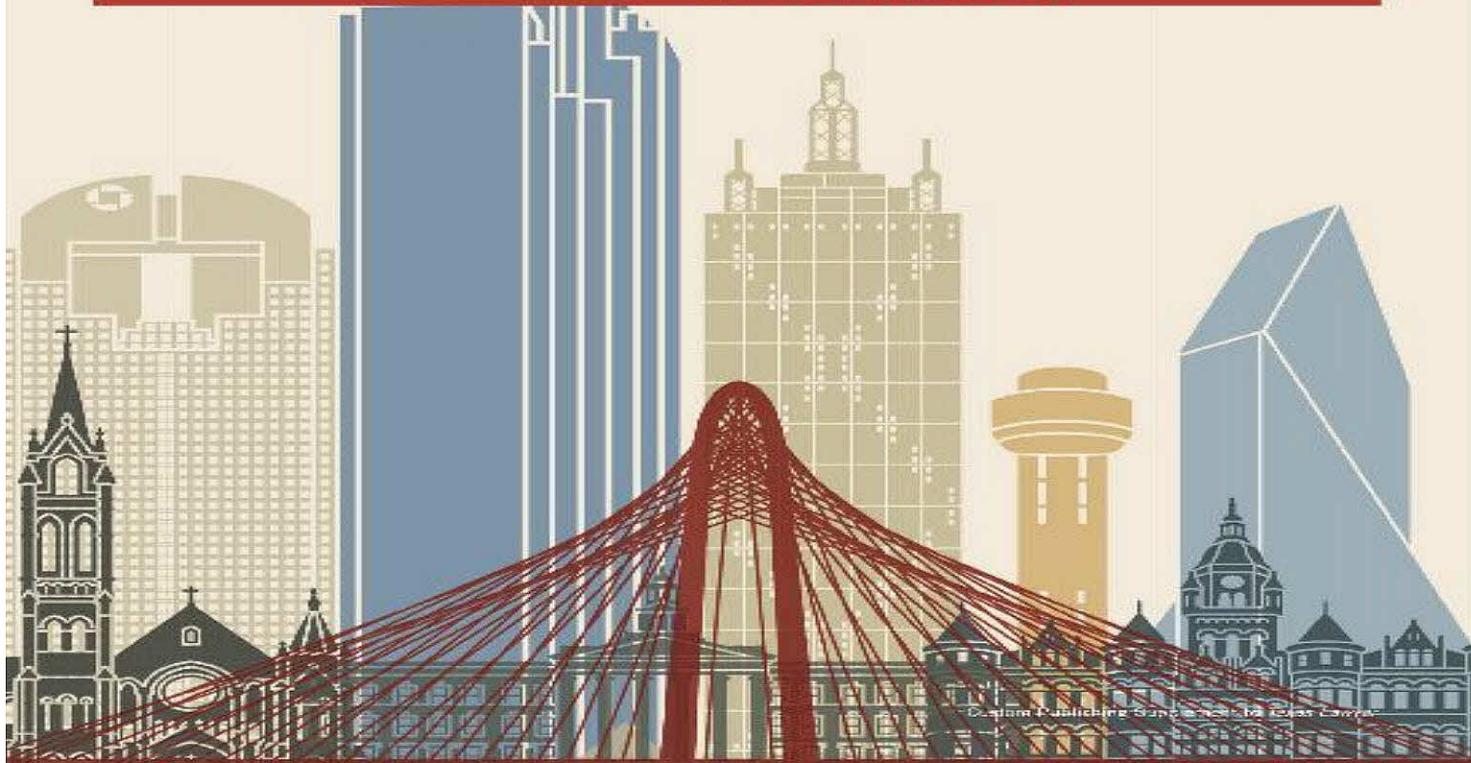
2019

TEXAS

# TRAILBLAZERS

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## CHRISTOPHER NOLLAND

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**PIONEER SPIRIT** In the world of high-stakes litigation, Christopher Nolland is the closer. Nolland works as special settlement counsel, entering litigation only to resolve disputes out of court. It's a lot like being a mediator, except Nolland is still an advocate for his client, not an impartial arbiter. He is to a trial lawyer what a diplomat is to a general. "George Patton was a great general. He probably would not be a good diplomat."

**TRAILS BLAZED** Nolland got interested in working out disagreements in the 1970s, when he read the book "You Can Negotiate Anything" by Herb Cohen. Although he started out as a litigator, Nolland has spent 30 years looking for ways to avoid contentious trials. His first assignment as settlement counsel came in the late 1990s, and he has worked on more than 130 cases since then (along with about 2,500 mediation cases). Not all cases get resolved. "Even if the case doesn't settle, it doesn't mean the engagement of settlement counsel was not useful. It frees up the litigator to focus on trial preparation."

**FUTURE EXPLORATIONS** The concept of settlement counsel gets a similar kind of pushback that mediation once experienced from trial lawyers. Some trial lawyers just don't see the benefit – or think hiring settlement counsel signals a lack of confidence in a client's case. Trial lawyers "tend to be true believers and sometimes drink their own Kool-Aid." And "just because you're a good trial lawyer doesn't necessarily make you a good negotiator." Noland thinks more clients – and lawyers – are beginning to understand what settlement counsel like him can offer, although for some, acceptance is slow. "It takes a very secure lawyer to recommend to a client that they engage special settlement counsel. And many lawyers are not that secure."