

Texas

CHRISTOPHER NOLLAND

LAW OFFICES OF CHRISTOPHER NOLLAND

What was the genesis of the path that has made you a trailblazer?

I was a frontline complex business case litigator for many years and was also a student of negotiation, particularly after somewhat serendipitously reading one of the early books on negotiation dynamics as a young lawyer. Ultimately, my interest in negotiation led to my mediation and arbitration practices – roles I still find rewarding. In the mid-90's I was asked to help find trial counsel for a major trade secret matter. I contacted friends at McKool Smith. They obviously didn't need my help for the day-to-day litigation. Our roles in that case naturally evolved - I became the point person for settlement while they robustly litigated. We favorably settled the case on the eve of trial. Having the trial lawyers stay in the background of the settlement negotiations allowed them to focus on trial preparation and also sent the right message. We worked together in the same roles on other major cases over the following years. Other counsel and their clients have since engaged me as Settlement Counsel in well over a hundred significant matters.

What sort of change has resulted from the concept?

The Special Settlement Counsel approach has gained national traction in the last dozen years. Confident litigators recognize the structural benefits in bifurcating the litigation and negotiation functions - delegating the latter to an independent lawyer - as well as the disparate skillsets and personal traits needed for each role.

What bearing will this have on the future?

Clients recognize that separating those roles reduces any potential subconscious economic conflicts and allows trial counsel to remain focused on what they were hired to do. It is no longer an unknown concept – rather it is becoming the norm for sophisticated litigators and clients in matters of significance.

