

 [Click to Print](#) or Select 'Print' in your browser menu to print this document.

Page printed from: [The Recorder](#)

Working in Harmony as a Trial Team

Suann Ingle and Nancy J. Geenen, The Recorder

June 30, 2015

Litigation

Winning trial teams almost always have at least one thing in common: individual members capable of working in smooth concert with one another to achieve a desired outcome. A trial often brings together a diverse group of intelligent, driven and competitive people for the first time—and there's typically little time to find the rhythm and working style necessary to win. As with the most successful rock bands, each member of the trial team must excel individually while also blending seamlessly into the whole. The lead trial attorney is the lead singer, responsible for rapidly cultivating a powerful team culture and developing skilled members who collaborate with a single focus.

No Solo Acts

Admittedly, some trials are won despite the disparate inner-workings of a trial team. In these cases, the trial tends to center around an experienced, winning trial attorney who has a "my way or the highway" approach to trial preparation. Communication goes in one direction—and associates find themselves in deep, fast water. This trial team wins more often than not, but usually at the expense of talented associates who are skilled at performing assigned tasks and willing to suffer the indignities of modern day servitude, lacking both meaning and autonomy. There is little training, even less learning, and virtually no teamwork involved. Winning the difficult case feels good in the moment, but does not make for a meaningful trial experience.

Building a strong trial-team culture takes self-confidence, discipline and communication. The self-assured leader has experienced both success and failure because that attorney has a track record of taking measured and strategic risks. She understands and accepts that miscues and setbacks can provide important lessons that lead to victory. This winning team is guided by a leader who outlines the strategy of the case to the team, relies on smart, candid feedback and welcomes suggested modifications. She introduces the client to the team during trial preparation, and remembers to say please and thank you. She is always learning from individual members and is respectful of the individuals. The team leader demands only one thing from members: to always do the best work possible for the client, keeping the client's goals in mind.

Battle Strategy

Discipline is having a plan that starts with the end in mind. Members of the trial team have a solid understanding of the trial strategy and the importance of the role each member plays. Within 100 days of trial, the team collectively sets the schedule for final trial preparation, including assignment of witness preparation, motion writing, trial procedures and trial logistics. Managing workflow is a significant time investment with an even larger payoff on the eve of trial.

The team leader is often the first in the war room and holds weekly team meetings to keep everyone energized and focused. These meetings allow for regularly scheduled synchronicity and spontaneity; the team gets and gives input, starting with the most junior member of the team. Junior or newer members of the trial team are not burdened with the traditional methods. Instead of asking why, these associates ask why not? There are rabbit-holes that require investigation, but not a significant expenditure of resources because the team is using the same sheet music. Having the big picture in mind helps sort out the sharps and the flats. Time is not wasted, but ideas and creative thinking are encouraged. Singular focus is key. Great teams put everything else on hold.

Finally, establishing excellent, fluid communication is the primary key to creating a winning team and a team that wins. A winning team knows it is a singular entity that must speak with one voice. Monthly, the team leader carves out a block of time for big thinking and "SWOT" (strengths, weaknesses, opportunities, and threats) roundtables that get the trial team out of the weeds and looking at the big picture. A strong leader is an active listener who encourages vigorous debate and exchange of ideas, and then requests unity of decision. This communication style is neither "command and control" nor "consensus building." This leader uses a communication style that is fair: team members are seen, heard, and valued by one another.

The successful lead trial attorney walks a delicate line between preparing for the role and understanding how to manage the supporting cast. And for the most part, the best teams are made up of members who inspire and encourage each other—deriving a great sense of accomplishment from playing a part. A successful trial showcases major talent around the lead trial attorney. This rock star keeps the team informed, engaged and on stage. The members of the band recognize the demands on the trial attorney and are willing to commit to the trial strategy that is understood intimately by the team.

Musical Models

Trial leaders looking for inspiration are encouraged to watch the 2013 Academy Award-winning documentary "20 Feet From Stardom." This film explores the significant roles played by the long-time backup singers to legendary performers like Bruce Springsteen and Sting. Springsteen uses the long walk from backstage to the microphone to honor the backup singer who has chosen to support rather than pursue stardom. Sting states that one of his greatest accomplishments on stage is "to stand back and let them do what they can do." Sting does just that, while Lisa Fischer, one of the most famous backup vocalists, shines—frankly, in a way many lead singers do not. Fischer, currently on tour with the Rolling Stones, best exemplifies the attitude and behavior of the winning trial team member, and her description of the ideal backup singer sums it up: "She is honored to carry on the legacy of her mentor, striving for

excellence, taking care of business, getting up early, staying up late, showing up on time, letting the music take control, singing her heart out, night after night." Trial team leaders who create this culture win.

Suann Ingle and Nancy Geenen are the managing partners of New York-based trial consulting firm Suann Ingle Associates, where they advise high-stakes trial teams across a wide range of litigation matters on visual communication, trial technology, trial strategy, witness preparation, jury selection and more. They have more than 500 verdicts behind them as well as extensive experience in U.S and international arbitration.

Copyright 2015. ALM Media Properties, LLC. All rights reserved.