

The Soft Skills It Takes to Succeed as Part of a Virtual Law Firm Trial Team

The multi-firm, all-star approach to staffing multidistrict and mass torts cases may not be a panacea, but it's got its upsides — especially for litigators who aren't afraid to share the credit.

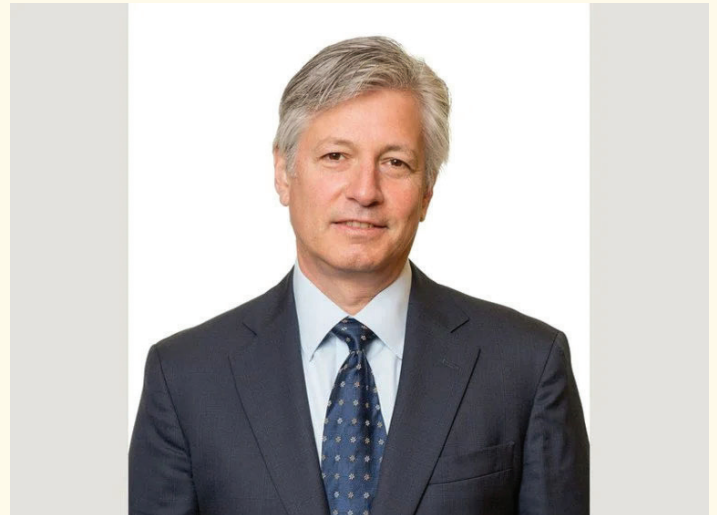
By Ross Todd
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Mark Cheffo, co-chair of the product liability, insurance and mass torts litigation practice at Dechert, said that in the early days of clients pulling together coalitions of lawyers from different law firms to build defense teams, there was some skepticism about the approach.

He remembers one general counsel in particular telling him that the “virtual law firm” arrangements she'd seen usually ended up in a situation where “one firm does virtually all the work.”

Cheffo said the GC's critique wasn't an indictment of the entire virtual firm approach, but a call for more collaboration within it. And from what he's seen, law firms have heard that call. He says firms that are regularly asked to participate in defense-side coalitions have learned to embrace the diversity of perspectives, specialties and skill sets that working in a multi-firm setting can provide. And he says some of his biggest points of professional pride have been walking the halls of makeshift office spaces preparing for big hearings with those sorts of teams.

“You kind of walk down the hallway and you would think it's all one firm,” he said.



Mark Cheffo of Dechert.

“It requires some TLC and some leadership. And some people do it better than others,” Cheffo said. “But it is, I think, a very useful and powerful tool in order to be both efficient, which is important for clients, but also to essentially, in many regards, put the best the best team on the field.”

So what does it take to make such coalitions work? It's a question we've been putting to pretty much everyone we've been talking with about the current environment for high stakes trial practices. After all, clients have been calling in multiple firms to collaborate in some of the highest stakes of

late: **Gibson, Dunn & Crutcher** and **Paul, Weiss, Rifkind, Wharton & Garrison** representing Apple in its antitrust showdown with Epic Games and Dechert and **Kirkland & Ellis** teaming to defend 3M in the [Combat Arms Earplug litigation](#) come quickly to mind.

All the litigators we've spoken with who have successfully navigated such coalitions agree that anyone with a need to claim credit for every good idea doesn't make a good fit.

"You have to be able to not essentially have sharp elbows right and realize sometimes when there's a particular person at another firm or another team that could do a project better more efficiently than you're able to," Cheffo said.

Kirkland's **Hariklia ("Carrie") Karis**, one of the lawyers in the 3M cases, called soft "sandbox" skills "an essential part of practicing in the big leagues" of trial practice these days. "Number one, whether you go to trial with another team or whether you're taking over a case from another team, the ability to collaborate and to work together to deliver a great result is essential," she said. Her Kirkland colleague **Jim Hurst** said that listening to others and acknowledging when they have a good idea is likewise important. "You've got to be open to ideas and give credit when those ideas come in and not from your firm, but from the other firm to the client and just to make sure people feel valued," Hurst said.

Bart Williams of **Proskauer Rose**, who has collaborated with a number of firms defending

Monsanto from lawsuits claiming its Roundup herbicide causes cancer, said working in such coalitions isn't for everyone. "There are really well known really good lawyers, who are rather disfavored when it comes to working on a virtual team because they're hard to work with," he said, declining to name names.

There's clearly a difference between being hard to work with and simply disagreeing on a certain approach or point of strategy. Cheffo said he thinks sharing differences of opinion in virtual firms is healthy. His Dechert product liability and mass torts co-chair **Sheila Birnbaum** taught him to seek out various perspectives back when he was an associate working under her at **Skadden, Arps, Slate, Meagher & Flom**. "But there was also a point when the team agrees to move in a direction that you need to move in that direction," Cheffo said. "Being the squeaky wheel at that point is not helpful."

All this said, Cheffo stressed that the virtual firm approach is not a "panacea."

"I think it has to be the right litigation," Cheffo said. Clients want to make sure that they're driving efficiencies on price points and billable hours. Cheffo said if a piece of litigation is relatively contained, bringing in other firms can create redundancy. "It's a lot easier for me to ask my associates to go and do X, Y and Z as opposed to — at least in the initial stages — having to go through a partner at another firm and then kind of triage the work."