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**Lessons from Big Cases for Small Cases
and *Vice Versa***

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LESSONS FROM BIG CASES FOR SMALL CASES AND VICE VERSA

By Erica W. Harris

One of the best things about my practice is that it is incredibly varied. Because my firm is known for representing both plaintiffs and defendants on contingency and other alternative fee bases in a variety of civil contexts, the types of cases I have handled runs the gamut. I have worked on multi-state class actions and single party employment disputes; multi-party antitrust and environmental cases that span decades; and individual versus individual breach of contract actions involving only a single disputed question of fact. The benefit of the vast array of cases – besides staving off boredom – is the education each case provides. Those lessons go beyond just learning about a different field of law or about a different series of facts. To the contrary, there are many generally applicable lessons learned from handling big cases that are applicable to small cases and *vice versa*.

I. LESSONS FROM BIG CASES FOR SMALL CASES

A. Use a task sheet.

Larger matters generally have large trial teams. That means you need greater coordination to ensure that each team member knows what he or she is supposed to be doing. A detailed task sheet is the standard tool to accomplish this.

The task list sets forth each task assigned to any trial team member. Tasks are set forth in great detail. So if there is legal research to be done, the task is not just “legal research” but rather “legal research to determine whether we can challenge standing.” Tasks are generally assigned to one – and no more than one – team member. (If you assign a task to more than one person, the chance of the task getting done in a timely manner substantially decreases.) Exceptions to this general rule may include meetings, hearings or trial, which may require the presence of more than one team member. All deadlines are included on the task sheet. So, for example, task lists

will reflect every deadline found in the court's scheduling order, every deadline dictated by the applicable rules of civil procedure, and all internal deadlines necessary to meet external deadlines and move the case forward. Task lists are circulated to all trial team members, and at least one representative of the client is on each trial team. An example task list is included in the Appendix at Tab 1.

Using a task list in even the smallest case is a valuable tool that is worth the few minutes it takes to create. A formal task lists reflects all the work you are doing, gives the client an appreciation of how much work there is in each case, and keeps the client apprised at all times of the status of the case and work being done. If a paralegal is employed, a task list ensures that the paralegal knows what he or she is tasked with and by what date the task must be completed. Tasks are more likely to be completed if they are listed on a task list just by virtue of the task list including due dates for each task.

Even if you are the only person working the case, task lists keeps you organized and on course. For practitioners who handle a large number of small cases at any one time, a task list is a perfect way to avoid missing a deadline and having a quick reference to remind you of where you are in the case. Simply put, using a task list in even a case where you are the only lawyer working the case will keep you on task and the case moving forward.

B. Arrange standing conference calls.

In large active matters, we use weekly calls with the entire trial team to review the task list, keep the client informed, and ensure the case is moving forward. Clients are invited to each call. The weekly calls are generally thirty minutes or less no matter how large the case. The purpose of the call is to make sure everyone is on the same page as to the status of the case, to ensure that tasks are being completed in a timely manner, and to avoid the multiple calls that

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