

In the News

When It's David v. Goliath



By Victoria Rivkin, *New York Law Journal*

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GOING UP against a large company that employs an army of lawyers is never a simple task, especially for lawyers on their own.

Barton L. Slavin, a personal injury lawyer with **Slavin & Slavin** in Manhattan, knows this firsthand. Three years ago, a man walked into his office claiming he received an electric shock while talking on a public telephone in Greenwich Village. After researching the case and the injuries, Mr. Slavin decided that the man was telling the truth, and that the injuries had financial worth.

He also established that Consolidated Edison Company of New York negligently installed a water pump in a high-voltage vault under the sidewalk where the phone stood. Only after this evaluation did Mr. Slavin decide to take on such a formidable opponent. The same deep pocket that makes large companies so attractive to plaintiffs' attorneys also makes them tough adversaries, able to vigorously defend themselves.

For Mr. Slavin, who has been on his own since 1993, the suit proved to be lucrative: a Manhattan Supreme Court jury last Thursday awarded his client \$1.9 million. And although Mr. Slavin asked for \$25 million, it was never a sure thing that he would receive a dime.

For instance, Mr. Slavin claimed that his client suffered irreparable brain damage and could not work, but because the client had no visible external injuries, Con Ed argued that he had no lasting injury. The risk was always there, as with all contingency-based cases, that the jury's award could be so small it would not have covered Mr. Slavin's expenses, which were \$115,000 over the course of the three-year litigation.

Mr. Slavin, 45, found himself up against roughly five attorneys and an investigator. Trying to keep costs down but realizing that he needed help, in particular with research, he hired a law student to work part-time. To become familiar with the scientific evidence, he consulted with a neurosurgeon, a psychiatrist and an expert from the Massachusetts Institute of Technology who

