
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

had worked for Con Ed and other utilities in the past. Also, he read information on the Internet and visited medical libraries, which was time-consuming — but not costly.

But this case was not the only one on his plate. Mr. Slavin said he has 60 other active cases. In order to give this matter his full attention when it was needed, and at the same time to service his other clients, Mr. Slavin asked other solo practitioners for help.

For example, during the month-long trial for damages while Mr. Slavin spent most of the week in court, he asked other attorneys to cover his in-court appearances and file timely documents in other matters.

But Mr. Slavin said he turned only to friends he could trust whose work he knew well. To keep clients happy, it is more important to hire an attorney who does quality work as opposed to someone who is cheap, he said. "The key is to hire someone who will do as good a job as you would so you don't have to redo their work," he said.

According to Mr. Slavin, when a solo is entwined in a large matter, it is important to realize that getting help from a secretary, an office manager, a paralegal or another attorney might be necessary. And that these people must be top notch, he said.

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