Think Local—Engaging Local Counsel in South Carolina

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Every fan of courtroom cinema familiar with the film *My Cousin Vinny* knows the challenges out-of-town lawyers face when entering a new courtroom. The story centers on a brash-talking Italian lawyer from New York—Vincent "Vinny" Gambini (played by Joe Pesci)—who is hired to defend his cousin and a friend against criminal charges in a small town in the deep south. Although Vinny overcomes the odds and prevails in the movie's rural Alabama courtroom, competent lawyers in real life know better than to emulate his approach.



"When you come into my court looking like you do, you not only insult me, but you insult the integrity of this court!"

"I apologize, sir, but, uh… this is how I dress."

"Fine. I'll let you off this one time. The next time you appear in my court, you will look lawyerly. And I mean you comb your hair, and wear a suit and tie. And that suit had better be made out of some sort of… cloth. You understand me?"

Instead, a crucial step for out-of-state attorneys and law firms should be (and often is) to engage local counsel to assist on a matter in a foreign jurisdiction. The reasons for doing so are obvious and include: cost savings on travel and lodging; familiarity with local judges (and their customs and preferences), court staff, and even a potential jury pool; relationships with opposing counsel and expert witnesses; and local influence and prominence in the community.

"Lawyering is all about people," according to a recent ABA article. Similarly, The Florida Litigator had this to say about the importance of local counsel:

"Court rooms can be similar to high schools. There is a dress code, albeit unspoken. There are certain norms to be observed. One unspoken rule is that a lawyer should not stand out as being different from the other lawyers. Your lawyer should be one of the

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guys [or girls]."

This effect is magnified in a state like South Carolina—home to the second fewest lawyers per capita, with just a little over 10,000 out of a statewide population of roughly 5 million. While Charleston—and the South generally— is known for its hospitality, its traditions and strong local ties make it a formidable place to enter as an outsider. If lawyering is all about the people, then, one can imagine the difficulties a non-local lawyer encounters when dealing with opposing counsel and judges in an unusually small Bar like South Carolina.

So how do you choose the right local counsel for your particular case? What sort of criteria or standards should you look for? Consider the following:

- Will the firm be the client contact or just assist with trial preparation?
- Can we work together? You should meet with the firm and evaluate its capabilities, in addition to determining how well the firm fits with yours. And of course, never hire anyone without first checking references.
- Has the firm served as local counsel before?
- Do the local lawyers have the necessary experience?
- Are they "one of the guys or girls"? After all, don't forget the major reasons you need local counsel in the first place: familiarity with the courts, the other lawyers, and knowledge of how it all works *here*.

Whether it be as simple as having a local conference room available or knowing where to take a client to dinner, our firm is accustomed to all things Charleston and will make life easier for all parties involved. Throughout our more than 70 years in business, our firm has served as local counsel for global and regional firms, and even acted as local counsel to lawyers in other parts of South Carolina. We consider serving as your local counsel a partnership and hope for continued business and success.

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