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For the Defense: Wellman becomes chief of VADA

By Alan Cooper
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When Stanley P. Wellman joined the firm of Browder, Russell, Butcher & Morris in 1987, he received the type of advice one expects from a mentor, especially one who specializes in insurance coverage: work hard and pay attention to detail.

The mentor, John M. Claytor, had personal advice as well: date your wife and take care of your family.

Wellman, 46, took both the personal and the professional advice from Claytor to heart. He makes sure there's a dinner out, a walk or a movie every week with his wife, Mary Lou, and he tries to include at least one activity a month alone with each of his three children, Matt, 19; Sarah, 16 and Sam, 11. Dinner and breakfast together are part of the family routine.

His work as a civil defense attorney for the Glen Allen firm of Harman, Claytor, Corrigan & Wellman PC and in various bar organization demonstrate his commitment to hard work and attention to detail as well. He became president of the Virginia Association of Defense Attorneys at the group's annual meeting in Richmond Oct. 31.

He's also president-elect of the Henrico County Bar Association and has served on sections and committees of the Virginia and American bar associations, including the committee that recently adopted the Principles of Professionalism.

The son of an Air Force officer, Wellman grew up on military bases in this country and in Japan before his father retired to Northern Virginia. He attended public schools there and graduated from West Virginia University and the University of Richmond law school before joining Browder Russell.

The firm had "great lawyers and great characters," Wellman said, but imploded in 1990, after two groups of lawyers went to other firms. He and the other name partners in his current firm – Michael E. Harman, Claytor and David P. Corrigan – formed it as what he calls a civil litigation boutique after a brief stop at another firm.

"We've fought growth every step of the way" and thought the firm might top out at 15 attorneys, Wellman said, but it now has 22 lawyers. Wellman maintains a broad litigation practice involving commercial disputes, premises and product liability, construction and insurance coverage. Wellman is the third VADA president to come from the firm. Claytor and Corrigan preceded him in the post.

Wellman said he is perturbed by the decline in the number of civil jury trials, down nationally and by more than two-thirds statewide in the last decade. As an associate, he tried upward of 40 jury cases to verdict, but young lawyers today have little opportunity for such courtroom experience, he said.

Many cases that would have been tried in the past now are resolved through mediation, he noted. "It's hard to say that's a bad thing," but the absence of trials means that trial lawyers "aren't going to be as capable as they need to be" when a case must be tried, he said.

Wellman said mediation also has undercut the art of negotiation because attorneys often propose it as a way of resolving a case before little has occurred in the way of direct talk between lawyers.

Another factor Wellman finds troublesome is pressure from judges to resolve cases, especially through court-ordered mediation, which he views as a contradiction in terms. The message young lawyers take away from such pressure is that if you have to try the case, you've failed.

Wellman said his goals for the VADA include what he describes as a subtle shift in the organization's legislative agenda. He said he believes the VADA should promote issues that level the litigation playing field, such as permitting the use of depositions to support summary judgment motions, adjusting the state law on nonsuits and allowing defense attorneys to show that plaintiffs in personal injury cases could have mitigated their damages by using a seat belt.

The VADA should not be as involved in issues of primary concern to the industries with which it is often associated, healthcare, insurance and manufacturing, Wellman said. As examples, he said, healthcare lobbyists should be the ones addressing the medical malpractice cap and insurance industry representatives should be the ones responding to measures to increase the minimum coverage limits set by state law.

"We don't need to be carrying the water on those sorts of issues," he said.

Wellman said he would like to improve the VADA's relationship with the Virginia Trial Lawyers Association. He belongs to both organizations, in part because, "I want to be seen as a very reasonable attorney." As an example of a joint effort, he said, he would like to see the groups sponsor a joint trial tactics workshop.

Part of that improvement would address some of the civility issues described in the Principles of Professionalism, he said. Too often, he said, conversations between attorneys are "like the TV talk shows. Everybody's yelling. Everybody's angry."

Wellman also would like to redefine the brand of civil defense attorneys. At times, they are viewed as capable of handling only routine personal injury cases. In fact, "they are extremely gifted civil litigators who try all sorts of cases," he said.

Along those same lines, Wellman wants to advocate "the interest of our own members" in their relationship with insurers.

Although insurers typically pay the fees of civil defense attorneys, "The client is the defendant. Carriers can't come in and affect a decision by defense counsel to represent his client well," he said.