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Keith H. Bensten

A Case for Litigation: How Early Experiences Shaped a Career

Working as a law clerk for the Virginia Supreme Court gave Day Pitney Partner Keith Bensten a unique window into litigation, the judiciary and the court system. What he saw were some of the best, most seasoned attorneys win and lose and smart judges discussing difficult and complex cases. He also pored over transcripts of trials and learned how lawyers developed their case strategies and presented their stories to judges and juries in a wide variety of cases. This perspective provided Keith with valuable lessons that he still carries with him as a litigator.

Serving as a law clerk for a justice of the state's highest court was not Keith's first close brush with the bench. His father is a retired state court judge who has been one of Keith's many mentors throughout his legal career. "Having grown up with a judge as a parent, one could say that I have had a lifetime of practice persuading judges," Keith notes. "I became interested in the law as a career as I talked to my dad about his work on the bench. Throughout my career, my dad has always set the bar high in terms of his work ethic."

After clerking, Keith spent several years developing his lawyering skills, first as a litigator for a local government in Northern Virginia and then as an associate at a litigation boutique in the Boston area. This diverse background has given Keith the opportunity to litigate an array of matters involving business disputes, product liability claims, employment issues, construction disputes, telecommunications matters and land use cases. Keith has had significant first- and second-chair experience at both the trial and appellate levels and in arbitration proceedings. He draws on these experiences in serving clients today at Day Pitney.

"I am very drawn to the competitive nature of litigation and the opportunity that it presents to tell a story that advances a client's objectives," Keith notes. He also enjoys working with teams of lawyers on large matters and developing and implementing litigation strategies. While some disputes will inevitably result in litigation, Keith works closely with clients to find creative solutions to problems without having to resort to the court system. "I always do my best to work collaboratively with both clients and other lawyers here at Day Pitney on all matters," Keith notes. "Often the best solution is developed as a result of working closely with others and understanding the clients' business and interests as best we can."

"Keith is very responsive, analytical and organized," says a senior assistant general counsel for a large financial services firm. "He's demonstrated calm under pressure, even with a very aggressive plaintiff's counsel and during some very demanding discovery requests with tight deadlines.

"He's very willing to think things through with a client—to come up with a solution, as opposed to simply dictating a resolution," adds an in-house attorney at a multinational manufacturing client.

Outside his practice, Keith enjoys outdoor activities of all sorts, experimenting in the kitchen and on the grill, beach adventures, and spending time with his wife, son, daughter and rescue black Labrador mix.

COMPLEX COMMERCIAL LITIGATION

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