



# Firm spotlight – Wilkinson Walsh + Eskovitz

Formed mere months ago in February 2016, the Washington, DC boutique Wilkinson Walsh + Eskovitz is emblematic of a litigator’s dream shop, boasting composite qualities of diversity, youth, and a culture fostering a work-hard-play-hard ethos that its personnel takes to heart. The firm saw its genesis when revered trial star and consistently recognized Top 10 contender in Benchmark’s Top 250 Women in Litigation Beth Wilkinson decamped from Paul Weiss Rifkind Wharton & Garrison and teamed up with four other partners to launch Wilkinson Walsh + Eskovitz—a venture that focuses on high-stakes jury trials, a specialty that many

would argue has become ever-increasingly a rarity among litigators of recent vintage. Indeed, only two months after the firm opened its doors, it triumphed on behalf of Phillip Morris when, following a three-week trial, a St. Louis jury found that Phillip Morris had not deceived smokers with the marketing of Marlboro Lights, a claim for which the plaintiffs sought more than \$1.5 billion in compensatory and punitive damages.

Wilkinson spoke to *Benchmark Litigation/Top 250 Women in Litigation* editor Michael Rafalowich about the firm’s philosophy, as well as her own perspectives on driving her firm forward.

*Why would you leave what many would consider a coveted position at a prestigious firm like Paul Weiss in the first place?*

“Paul Weiss was a terrific place to practice law but over time they—like other large firms—were doing fewer and fewer jury trials. My practice and passion remained focused on trying cases, and I realized I could best pursue that passion by branching out from the big firm and building something new—with a culture freed from some of the restraints inherent in any big firm. I wanted to build a culture that would be attractive to, and help retain, the brightest and most talented lawyers who really want to try cases. I didn’t want it to be all about ‘me.’ I wanted to be able to build an elite trial practice from the ground up. I wanted to work with willing and able trial lawyers, and make it just as much about ‘them,’ and I’m proud to say that’s exactly what we’ve done. I may be the senior partner, but I would trust anyone else here to try a case, and have no problem recommending them to a client as the first-chair lawyer if I am not available to try the case myself.”

Wilkinson continues, “I have heard some comment on how ‘brave’ we are for starting our own boutique, but we have not really

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thought about it that way. Of course there is always some inherent risk when you leave a big firm and form your own, but we were much too excited about the possibilities to be worried about the potential downside. Right now, we feel very fortunate to be able to say that our book of business and pipeline of trial work is really strong. The firm has gained considerable traction in a very short time. Since opening in February, we have doubled in size. We are now at 21 lawyers, with four more joining us after their clerkships, and six partners.”

*And would the firm be looking to grow beyond that?*

“We are open to growing but not just for the sake of getting larger. We’re in the talent business. We have brought on partners from Kirkland, Quinn, Latham – some of the premier litigation firms – and we are looking to meet or exceed the standards of excellence set by each of those firms, while trying bet-the-company cases. But we also are working to foster and maintain what we think is a very different, perhaps unique, culture. This goes even beyond the partners and extends to our associates and paralegals as well.”

*Beyond size and a zest for trials, what else sets this firm apart?*

“For starters, we have an alternative billing structure. We are not trapped by the same billable hour fee structure of a big firm. We know what it costs to try cases, and this allows us to customize our model to suit the needs of the client accordingly. We often pair a fixed-fee structure with holdbacks and success premiums that align our incentives

with the interests of our clients. Clients appreciate that we are willing to put some skin in the game, and then we are free to staff the matter in way that makes the most sense for each matter. It also allows us to free our lawyers from the billable hour, which contributes to the team-oriented culture we are trying to cultivate. The goals are excellence and efficiency—not a certain number of hours logged.”

“The demand from clients for more accountability and flexibility regarding costs is undeniable, and yet it’s very difficult, if not impossible, to implement this efficiently at a big firm. If we have a case that has some complex legal issues and potential appellate issues, we can bring [appellate counsel] Lori Alvino McGill in from day one. On pitches we can sell this package deal right from the outset. Clients appreciate this – they often hire another firm to do what Lori does, and with this package we can offer them, that’s one fewer law firm they have to deal with.”

“We also promote a very flexible culture within the firm. For me personally, I find it fun to be my own boss. But part of that is making sure everyone else is having fun as well – that we all love coming to work. And we do. We don’t mind working around the clock when there is a trial date looming, but we also make a point of recognizing when that isn’t necessary. We (the partners) all have children, as do some of our associates. In fact, by September, we’ll have 20 kids among the partners! I have three kids of my own. There are some firms that make it extremely difficult to juggle work and family life, and I take pride in the fact that we really value time off to spend with

our families whenever possible. It’s become essential to who we are. So we have no formal vacation policy; we fully support the idea that when you’re done at trial, take some time off! We actually have a motto – though it’s not very catchy— ‘work hard and then take some time off.’”

“For example, one of our partners, Alex Walsh, is taking a sabbatical and going around the world with her husband and four children. She would probably never be able to do that at a large firm. We love that we can say, ‘go do that.’ Alex has more than put in her dues since law school, and she has definitely earned a break. And we truly believe when you give people time to recharge and devote time to other aspects of their lives, they will be better lawyers for it. We are lucky that we as a partnership are all committed to the team, and we’re able to make those opportunities happen by stepping up when one of us is taking a break.”

“Beyond that, our culture is deliberately very diverse. Of our six partners, half are women, all of whom are actively involved in high-level first-chair trial work. And when we look for talent, we are actively looking for candidates who will further contribute to the firm’s overall diversity.”

*Wilkinson Walsh is certainly the epitome of diversity at a law firm. Is this another unique aspect of the firm, and does this firm’s success provide a clarion call for other women litigators with an appetite for risk and who are eager to hone their trial acumen to try boutique life? Or is there still further to go?*

“I am disappointed by the lack of diversity in our profession. I have been a lawyer for over 30 years, and yes, on the whole I have seen some progress made. But there is still much further to go. How many women do you see as lead trial counsel on cases? Not nearly enough. I figured I could complain [about this situation] or I could choose to do something about it. I decided that, in launching this firm, I would create an environment that has emphasizes both diversity and top trial skills. In addition to half of our partners being women, we are also a relatively young group. I am the senior partner at 53, and I make a point of making sure that everyone I work with is adequately utilized and getting the best experience possible. I view that as very much a part of my job.”