

## Trial Ace: Paul Weiss' Beth Wilkinson

By **Emily Field**

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Playing a lead role in the prosecution of one of the highest-profile domestic terrorism cases of the 1990s and securing the death penalty for Oklahoma City bomber Timothy McVeigh taught Beth A. Wilkinson of Paul Weiss Rifkind Wharton & Garrison LLP the skills she would later use to deliver major victories for large tobacco and pharmaceutical companies.

The lead prosecutor in the trials against McVeigh, Joseph Hartzler, stressed the importance of only showing the jury the most important evidence and trying a narrowly focused case, according to Wilkinson, a 2015 Law360 Trial Ace.

"Joe was a master at showing you why it's important to only put the essential evidence in front of a jury," Wilkinson said. "I have used that lesson to my great benefit."

Wilkinson turned these lessons into courtroom success when she was brought in by Philip Morris at the beginning of the last decade to turn the tide after a string of defeats in personal injury and product liability claims, winning two trials for the tobacco company in 2003 and 2005 and marking a turning point in the litigation.

Juries "need to know what the essence of the disagreement is and what they have to decide," Wilkinson said. "Some lawyers hear that and think that means talk down to jury — I think that is a fatal error. You have to talk to jurors about what is essential in the case. Most facts are not essential."

Before Wilkinson came on board, Philip Morris had been hit with a \$3 billion and then a \$28 billion judgment for lung cancer patients, although these judgments were later reduced to the low millions.

In representing major corporations — which aren't always winning in the court of public opinion — Wilkinson's ability to relate to jurors and build a compelling narrative focused on the essential facts of the case has earned her one of the best track records in the country, according to peers.

"I think Beth Wilkinson is the best trial lawyer of her generation," said Ted Wells, co-chairman of Paul



Beth Wilkinson

Weiss' litigation department and fellow Law360 Trial Ace. "There is no lawyer in the country that can match her winning streak over the last five years."

Wells and Wilkinson met when they began doing jury trial work for Philip Morris in the early 2000s, Wells said.

"I used to marvel at Beth's commanding presence and trial skills," he said. "She was one of the best cross-examiners I had ever seen."

Following up her wins for Philip Morris, Wilkinson was able to turn around a similar losing streak for Pfizer in suits over Prempro, a hormone replacement therapy produced by Pfizer unit Wyeth Pharmaceuticals Inc. that plaintiffs claim causes breast cancer.

She brought in four victories in two years after six losses for the pharmaceutical giant.

Wilkinson is also representing Pfizer in litigation involving its blockbuster antidepressant Zoloft, in which plaintiffs claim that the medication causes birth defects.

In April, Wilkinson scored a victory for Pfizer in the first trial over the alleged defects, when a state jury in Missouri shot down claims by a woman who had argued that taking the medication during her pregnancy caused her son's heart problem.

And she brought a second win for the company in June, when a Philadelphia jury cleared Pfizer of liability in a \$2.4 million case alleging Zoloft caused an 8-year-old girl to be born with serious heart defects.

In cases pitting sympathetic plaintiffs against large corporations, Wilkinson said, it's natural for juries to feel an affinity for the plaintiff, and a defense lawyer has to respect that.

"You have to respect the jury's feelings and deal with those feelings, instead of belittling or ignoring the juror's perspective," Wilkinson said. "It's very normal to favor the individual over the corporation. We tell jurors those feelings are understandable, but in the courtroom, the law treats every party equally."

This skill to communicate with jurors without condescension makes her stand out from her peers, Wells said.

"She has a God-given gift in terms of communicating with people and an ability to get to the essence of a case, to make the complex simple and explain it in a way that regular lay jurors get it," Wells said. "I think it's a gift. I don't think it can be learned."

Wilkinson's legal career began in the U.S. Army, where she earned the rank of captain and served from 1987 to 1991.

She was also appointed as a special assistant U.S. attorney in Florida to join the prosecution of Panamanian military leader Manuel Noriega in 1990. The dictator was convicted on racketeering, money laundering and drug charges before he was extradited to France and later Panama, where he is now imprisoned for crimes committed during his rule in the 1980s.

After prosecuting the government's case against McVeigh and his assistant Terry Nichols, Wilkinson

became the only two-time recipient of the U.S. Department of Justice's highest award in the late 1990s.

Following her government service, Wilkinson was nabbed by Latham & Watkins LLP and co-chaired the white collar crime group in its Washington, D.C., office. She then served from 2006 to 2008 as executive vice president, general counsel and corporate secretary at government-run mortgage finance giant Fannie Mae.

Since 2009, Wilkinson has been at Paul Weiss. In addition to her work representing Pfizer, Wilkinson has represented major sports leagues, including Major League Baseball in a nationwide antitrust action and the National Football League in multidistrict litigation over head trauma sustained by ex-players.

And to add to the variety of her experience, Wilkinson is representing Cheryl Mills, former chief of staff for Hillary Clinton at the U.S. Department of State, in the public records proceedings over Clinton's emails.

Wilkinson said she prepares for trials by starting at the end of the trial — figuring out what the jury's instructions will be, what she will want to say in her closing arguments and being very disciplined about what the arguments will be about.

"I love trying cases," she said. "It is always fascinating to analyze people, assess the issues involved and develop a strategy."

And making sure a trial lawyer has a "terrific" team in place is also the key to success, Wilkinson said, noting that she often hears from court deputies, clerks and judges how easy her team — from paralegals to associates — makes it for the court.

"It should look easy when you're standing up there, but that's deceiving because you don't see how much work has been done by the entire team," Wilkinson said.

--Editing by Jeremy Barker and Christine Chun.