

SMALL FIRMS,
BIG COMPANIES
How innovation pays off

Small Mississippi firm makes big name for itself

73-lawyer Watkins & Eager represents five of the 10 highest-revenue corporations in America.

BY LEIGH JONES

Watkins & Eager's roots might be in a traditionally plaintiff-friendly jurisdiction, but the 73-attorney shop has made a big name for itself defending large companies beyond Mississippi's borders.

With 47 partners, the 114-year-old firm in Jackson focuses on mass tort and commercial litigation with a roster of clients that includes energy giants Exxon Mobil Corp., Chevron Corp., Sunoco Inc. and ConocoPhillips, in addition to other big-name clients such as General Motors Corp., Ford Motor Co., Bayer Corp., Toyota Motor Sales USA Inc. and R.J. Reynolds Tobacco Co. It tops the list of most-mentioned firms for torts and negligence in this year's Who Represents Corporate America survey with seven mentions—five of them for companies in the top 10 of the *Fortune* 100—beating out much larger firms.

No doubt, the firm's ability to undercut the competition on hourly

rates is an advantage, but because clients often turn to it on bet-the-company matters, hiring outside counsel on the cheap doesn't seem to be the reason for Watkins & Eager's popularity. It is one of the 16 law firms that make up Pfizer Inc.'s list of outside counsel.

Attorney William F. Goodman III, who has



GIL FORD

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—WILLIAM F. GOODMAN III

practiced at the firm for 33 years, describes the years from 1998 to 2004 as "a blur" for the firm, which was swamped with automobile, tobacco and pharmaceutical litigation in Mississippi. It experienced its biggest attorney growth during that period as well. Those years, Goodman said, enabled the firm to prove its litigation mettle and paved the way for national assignments. Today, Goodman spends almost

all his time handling cases outside Mississippi.

Part of the attraction from big clients may be the Southern mannerisms of the Mississippi attorneys, which defy the typical button-down image of Big Law and can make them more appealing to jurors. "We travel well," Goodman said.



In general, expansion has been modest, said

Watkins & Eager Chairman Paul H. Stephenson III. In the mid-1970s, the firm had about 15 attorneys. By 1998, it had grown to 46 attorneys. In 2004, it reached its census high wof 77.

Stephenson points to one tobacco case that he said helped the firm push its name beyond Mississippi. In 2003, it represented R.J. Reynolds in a jury trial in the state circuit court in Hinds County, Miss. The jury rejected claims



PAUL H. STEPHENSON, III:
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WHO REPRESENTS CORPORATE AMERICA



LEFT TO RIGHT: WILLIAM F. GOODMAN, III, PAUL H. STEPHENSON, III, AND MICHAEL W. ULMER (SITTING)

that the company was liable for the fatal lung cancer of a three-pack-a-day smoker. Watkins & Eager also prevailed on appeal. "We truly functioned in a co-lead role with national counsel," Stephenson said. Jones Day served as the other lead counsel.

Personal injury attorney Crymes G. Pittman has run up against Watkins & Eager routinely in the 44 years he has practiced in Jackson, Miss., where he is a partner at Pittman, Germany, Roberts & Welsh. "I've won some and I've lost some," Pittman said of his cases against Watkins & Eager. He said the firm's attorneys have a reputation for being formidable advocates. "That doesn't bother me at all," he said.

The firm's top performers include Michael Ulmer, who represents Lincoln Electric Holdings Inc., a welding-rod litigation defendant. He

also represented Ford and General Motors in asbestos litigation, among others. He has cases pending in Ohio and Pennsylvania. Another star is David L. Ayers, whose products and premises liability clients have taken him to Florida, South Carolina, Tennessee, Oklahoma and elsewhere. His clients include Toyota, Lockheed Martin Corp. and Bridgestone Firestone North America Corp.

Goodman currently is working with Bartlit Beck Herman Palenchar & Scott to coordinate the defense of Bayer CropScience in *In re Genetically Modified Rice*, a multidistrict litigation pending in St. Louis. He has related cases in state courts in several jurisdictions. The first trials are set later this year and early next year.

THE IN-HOUSE VIEW

Toyota Motor Sales managing counsel Don Marshall is satisfied with the service he gets for his outside-counsel spend on Watkins & Eager. Toyota has used the firm to represent it in rollover cases and has worked with Ayers. "They do the things you want law firms to do," Marshall said, adding that he likes its solid lawyering, responsiveness and thoroughness. "What more could you ask for?"

Historically, Mississippi has been one of the most plaintiff-friendly states in the country, a distinction that earned some of its counties the title of "Judicial Hellhole" by the American Tort Reform Association. Although voter action, court decisions and legislation have reduced some of the court traffic, big



MICHAEL W. ULMER



DAVID L. AYERS

business still is wary of the area.

"It's a tough place," Marshall said. "It's one of those jurisdictions where you need Mississippi lawyers. The juries are more receptive to Mississippi lawyers."

Watkins & Eager was founded in 1895, when William Hamilton Watkins became the 20th member of the Mississippi bar. He argued more than 20 cases before the U.S. Supreme Court. In 1916, Pat H. Eager Jr. joined the firm. The first woman attorney from Mississippi to

argue before the U.S. Supreme Court was Elizabeth Watkins Hulen of the firm. The firm divides itself into three main practice areas: litigation; business and public; and government and administrative law.

The vast majority of its lawyers come from the University of Mississippi School of Law; however, the firm includes graduates of fifteen law schools across the country. It has six women partners and 11 women who are associates or other types of counsel. It has two African-American partners and one African-American associate.

Stephenson hesitates to provide a pithy observation about the firm's success. "If I had it, I'd bottle it and sell it," he said. Still, he said that a solid foundation of the hardworking attorneys at the firm who came before him put the firm in good stead. "Our leaders sought to instill in us to be lawyers' lawyers."

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WATKINS & EAGER has been recognized by well-respected publications such as *Chambers USA: America's Leading Lawyers for Business* and *The Best Lawyers in America*. The most recent Chambers edition listed fourteen W&E attorneys, totaling 30% of the firm's membership, and ranked the Firm in the following categories:

Labor & Employment
Litigation - General Commercial
Real Estate
Corporate/Commercial
Energy & Natural Resources, and
Products Liability (National)

Additionally, *Best Lawyers* recognizes twenty-eight W&E attorneys, or 60% of the firm's members, in twenty-two categories of law, including ranking the Firm as number 1 in Mississippi for:

Bet-the-Company Litigation (#1 Mississippi);
Insurance Law (#1 Mississippi);
Land Use & Zoning Law (#1 Mississippi);
Mass Tort Litigation (#1 Mississippi);
Medical Malpractice Law (#1 Mississippi);
Oil & Gas Law (#1 Mississippi);
Products Liability (#1 Mississippi); and
Real Estate Law (#1 Mississippi).

The firm's website (www.WatkinsEager.com) contains a full listing of practice areas and primary contacts for each practice area. For general information, please contact:

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