

Trial Pros: Kelley Drye's Bill Escobar

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William Escobar is a partner in Kelley Drye & Warren LLP's litigation practice and is one of the firm's leading trial lawyers. Escobar has tried cases in federal and state courts around the country and is skilled in developing and executing a trial strategy that puts clients in the best position to solve their complex business disputes. He has experience in trial, arbitration and mediation of complex high-stakes litigation, including cases involving false claims, fraud, antitrust, RICO, lender liability, reinsurance, intellectual property, technology, complex contractual matters and employment matters. Escobar served as chairman of Kelley Drye's national litigation practice group from 2006–2013.



William Escobar

Q: What's the most interesting trial you've worked on and why?

A: Representing one of the leading financial institutions in the United States in a trial arising from the Enron collapse, with over a billion dollars at stake, was the most interesting trial with which I was involved. It encompassed most of the major insurance companies and all parties were represented by high caliber lawyers. The case moved very quickly under an aggressive schedule in the U.S. District Court for the Southern District of New York and culminated in a four week trial that was very intense. It was a personally satisfying because the jurors complimented my work and even gave me a flattering (for a trial lawyer) nickname: "The terminator."

Q: What's the most unexpected or amusing thing you've experienced while working on a trial?

A: In a case in federal court in Champaign, Illinois, during oral argument on motions in limine, the court took a break from our case to hold a hearing regarding two or three Mexican defendants who had been arrested in Illinois for transporting a very large amount of marijuana in a truck. The defendants were brought into the courtroom and the judge called the clerk's office to send a translator as the defendants did not speak English. It turned out, that the translator had gone home. From the gallery, I heard the judge's clerk suggest to the judge that given my name he might ask me if I spoke Spanish. The judge called me up and when I confirmed that I spoke Spanish he asked me if I would help and act as the translator and I agreed. The hearing proceeded and I translated for the court and the defendants. My opposing counsel did not look too happy with this situation as I was obviously getting in the court's good graces. We finished the hearing and argued our motions. Things got even better when the court asked me to come up and gave me a form to fill out and get paid for my translating services. I told the opposing lawyer it was the best day I ever had in court because not only did I win the motions but also got paid by the court.

Q: What does your trial prep routine consist of?

A: Trial preparation has to be on your mind throughout the case but for this question I will focus on trial preparation after discovery and 60 days before trial. I carefully sift through the discovery and read all the evidence that is likely to be used. The cases I deal with generally involve large volumes of documents and testimony. I like to read documents in chronological order and follow a timeline as that gives you the best sense of the competing stories. As I do this I try to develop three or four themes on which my client's story is built and which address the other side's case. Once I have completed this I work on a closing argument to hone the points and evidence that I want to drive home to the court or jury. All this then gets constantly refined and tested. Alongside this effort you prepare the witnesses and cross examinations all with an eye towards supporting the themes and the story with a clear and credible set of evidence. As you get closer to trial everything is honed, simplified and planned because during the trial you want everything to be as orderly and clear as possible. I find that this preparation also imbeds in my mind the information that invariably you have to recall quickly as things develop during the trial that were not anticipated.

Q: If you could give just one piece of advice to a lawyer on the eve of their first trial, what would it be?

A: Simplify your case, work on your themes and storylines and be credible yourself as that will carry over into the court or jury's view of your case.

Q: Name a trial attorney, outside your own firm, who has impressed you and tell us why.

A: Jeffrey Feldman a terrific trial lawyer in Anchorage and Seattle. Jeff is an extremely organized thinker who can distill complicated issues and present them in crystal clear fashion. In court he commands attention and respect and knows how to present his case in a manner that jurors easily follow. He has an easy confident manner that supports his credibility.

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