Oral History of Robert P. Watkins
Fifth Interview
July 26, 2019

This interview is being conducted on behalf of the Oral History Project of The Historical Society of the District of Columbia Circuit. The interviewer is James McKeown, and the interviewee is Robert Patterson Watkins III. The interview took place at the law offices of Williams & Connolly on Friday, July 26, 2019. This is the fifth interview.

MR. McKEOWN: Good afternoon, Mr. Watkins.

MR. WATKINS: Good afternoon, Mr. McKeown.

MR. McKEOWN: When we last spoke, we left off with you at Williams & Connolly, which you joined in 1972. Is this correct?

MR. WATKINS: That's right.

MR. McKEOWN: And you became a partner in 1977 or thereabouts?

MR. WATKINS: That's right.

MR. McKEOWN: Your career spanned government time with the Judiciary, and, the largest part of it is private practice. I wonder if you could just sit back and tell me in the course of that, who was the people that came across your professional life and had special impact for you at Williams & Connolly.

MR. WATKINS: I can think of three people at Williams & Connolly. Bob Weinberg, David Povich, and William (Bill) McDaniels had a significant impact on my professional life.

I had a case with Bob Weinberg shortly after I was hired by the firm. He helped review and edit my first draft of a motion to dismiss a civil complaint. He returned the draft full of red marks. I rewrote the motion based on his input and it was very much improved. Bob was extremely helpful to me.

MR. McKEOWN: Did you get to work with him throughout your career at Williams & Connolly?

MR. WATKINS: I had one or two cases with him, and we were reasonably successful. My first case in court at the firm was defending a case in New Jersey. Edward Bennett Williams was the main lawyer. Weinberg was the number two man, and, I was the third man on the team. I carried the bags, wrote motions, and sent them to Weinberg to comment on. He reviewed the motions, made suggestions, and then forwarded them to Williams.

Weinberg was terrific. No one wrote better; no one could find cases that Bob hadn't located and read. He was a spectacular lawyer.

MR. McKEOWN: Did you have any experience like that before?

MR. WATKINS: I had had some experience, but not to that extent. My first job at the firm was to look through two file cabinets full of documents, review, and summarize the content. It took months and months to go through those documents; they covered around a four to five year period.

MR. McKEOWN: Was Bob like an encyclopedia?

MR. WATKINS: That's right. Williams used to say, "I like Weinberg. He can find points on a ball." Weinberg looked out for me; he was very kind.

The person I had the most contact with at the firm was David Povich. He was about a year older than me, but he was at Williams & Connolly a couple of years before me.

MR. McKEOWN: Any relation to the famous Maury Povich?

MR. WATKINS: He's the son of famous *Washington Post* sports columnist, Shirley Povich. Maury Povich, the television personality, is David's younger brother. We tried six or seven cases together. We were more successful than we should have been in many of those cases. What I liked about Povich was that he always had some fun preparing and trying cases. "If you're serious all the time, he'd say, you might miss something." We had great times. Let me tell you about one of the cases.

Before the lottery existed in the District of Columbia (D.C.), there was an informal lottery called the numbers game. There were certain people who were numbers backers and runners; Povich knew several of these people. The first case I tried with David involved a numbers backer. The police had seized much evidence from his house including hundreds of small pieces of paper, about the size of a 3" by 5" card on which the bets were written.

MR. McKEOWN: This was a criminal case?

MR. WATKINS: This was a criminal case in the Superior Court. We had a judge that badly wanted the defendants convicted. It was clear in his rulings that he was not happy with our clients. David had the main defendant, the numbers backer; I had the co-defendant, the runner. They were both caught in various situations.

MR. McKEOWN: I take it these were felony trials?

MR. WATKINS: It had to be a felony because these defendants were facing more than a year in jail. The government presented its case, and they called an expert

to testify why these documents were numbers paraphernalia. After the expert testified, Povich pulled out a book called *Scarne on Gambling*, which was a couple of inches thick, and he says, "Mr. So and So, are you familiar with *Scarne on Gambling*?" "Yes, I'm familiar with it." "Let me read you pages 4, 5, and 6. Does that comply with what you understand to refer to the numbers game?" And he said, "Yes." He said you know the stock market is like that, isn't it? People buy stock and hope they're going to go increase in value. That's what people with money do. My clients are not rich. The judge says, "Mr. Povich, that isn't part of this case." So he goes on and he puts this expert through an intense cross-examination to show that the numbers game was a poor man's stock market. In closing, David made the argument that the numbers game was comparable to a poor man's stock market. One could play them and might be successful. The fact that a poor man doesn't have lots of money like many others have isn't their fault, but they have to have a chance to get rich too. The judge was livid.

MR. McKEOWN: This was being argued before a jury?

MR. WATKINS: Yes, this was being argued before a jury and the judge, an old white man from Maryland, was angry about Povich's argument. I am sure that he had some racial animus too because our clients were African-Americans.

MR. McKEOWN: Was this in Washington, D.C.?

MR. WATKINS: Yes. This was in 1972 or 1973. We made our arguments to the jury, Povich played his part; the numbers game was just a poor man's stock

market. You shouldn't convict the defendant. The judge calls him to the bench and says, "You can't do that, Mr. Povich."

One thing happened right following the judge's admonishment of Povich, but, I'm not sure whether it was important. I was sitting at counsel's table; a watch that my wife had given me that had an alarm on it went off during the prosecutor's argument. He raised hell.

MR. McKEOWN: The judge?

MR. WATKINS: The judge and the prosecutor did. They swore that I set the alarm to go off intentionally; I honestly had forgotten which day that I had actually set my watch alarm to go off. I said, "I'm sorry, Your Honor, it won't happen again." The jurors returned after a two hour recess with a not guilty verdict. As we left the courthouse, Povich said, "We had a great time. Don't you think we had some fun in there?" I said, "I know you did, but if I tried any of the stunts that you pulled in the courtroom, the judge would have sent me straight to jail!"

MR. McKEOWN: Were you representing a backer?

MR. WATKINS: I was representing the runner and my arguments were straight forward. The prosecutor didn't have sufficient evidence to convict my defendant as a numbers runner. The runner may have had slips of paper on him, but, many other people keep slips of paper on them too. As a matter of fact, the prosecutor might have had slips of paper in his own pocket. The judge was so angry with me.

MR. McKEOWN: How much prep time did you expend on a criminal matter like this, since this was one of your first cases at Williams & Connolly?

MR. WATKINS: We put in a lot of time in cases like this because they were difficult; we knew we might have to argue a case in front of hostile judges. We knew the police officers were after these defendants. They were after them because they lived pretty well. They had nice houses and cars, but, and they didn't have regular jobs. They worked some of the time. Both prosecutors knew about Povich. I personally knew one prosecutor from our days working at the U.S. Attorney's Office. Prosecutors were very upset; they were very angry that we were successful.

MR. McKEOWN: Was this one of your first cases where you were finally on the other side of the courtroom?

MR. WATKINS: I think it was one of the first cases where I was on member of a defense team.

MR. McKEOWN: How did that make you feel in terms of the burden on you? When you're a prosecutor, I guess you might feel that you're representing right side of the law and the public. Did that enter your mind at all?

MR. WATKINS: It did not enter my mind at all. Prosecutors go before jurors and say, "I'm so and so, and I represent the USA." That's part of their pitch to assure the jury that he wasn't going to do anything wrong. I represent the client, and my job was to get an acquittal. I didn't have any difficulty doing what I had to do. I made sure I stayed within the rules. I made the arguments that should have been made on the basis of the evidence, and I did

everything I could to discredit police officers. That's the way it worked. I didn't feel any reticence about it. In fact, people in the U.S. Attorney's Office respected me more if I beat them. But if you beat them, they'd say you cheated. Watkins did such and such. But they had a grudging admiration for me.

MR. McKEOWN: The two defendants were tried together?

MR. WATKINS: They were tried together. My client had been arrested for possessing numbers paraphernalia. The slips by themselves made a thin case, but when the police went into the house of David's client, they found all sorts of things there.

MR. McKEOWN: I've heard the term jury nullification. Was your case subjected to this?

MR. WATKINS: I think the arguments we made were reasonable in the cases that we tried. However, I don't think it was jury nullification. I think what hurt the prosecutor's case was how obvious it was that the judge wanted to convict the defendants. The judge did not give the impression of being an impartial arbiter of the issues that were presented.

MR. McKEOWN: So the prosecutor in this case, it seems, did not have to be the bad guy. It was the judge. Is that it?

MR. WATKINS: No. I think the prosecutor was doing what the police wanted him to do. They wanted to get convictions of these defendants and they worked with the police. He was doing what he was supposed to do; I was doing what I was supposed to do.

When we went out after that case was over, we were in a cab headed back to the office, I asked David, "Did you think that the judge would punish you? He said, No, but, our clients would have!" We laughed, had fun, and went out for drinks later.

MR. McKEOWN: How many days was this trial?

MR. WATKINS: This trial lasted a day-and-a-half. It was a felony case because the jurisdiction was in the Superior Court.

MR. McKEOWN: When did you fully retire from Williams & Connolly?

MR. WATKINS: November 2016.

MR. McKEOWN: So it's only been a couple years. Let's go back a little bit.

MR. McKEOWN: The name Williams & Connolly is a marquee name. Was it as marquee then as it is now?

MR. WATKINS: I didn't know about the rest of the country, but I knew in Washington it was a marquee name because when Williams tried cases, people crammed the courtroom to see what he would do.

MR. McKEOWN: Wasn't there a book about him called, *The Man to See*?

MR. WATKINS: Yes, there was.

[Mr. Watkins received a phone call at this point]

MR. McKEOWN: I find it funny, in a way, that your wife had better instincts about what Bob Weinberg was alluding to when you ran into him at that cocktail party, i.e., his invitation for you to meet him informally at Williams & Connolly, to meet several partners at the firm, and others over at lunch at Duke Zeibert's.

MR. WATKINS: That's just the way it was.

MR. McKEOWN: Your knees weren't at all kind of shaking when you entered the building?

MR. WATKINS: They were not shaking at all since I knew Bob Weinberg and Bill McDaniel. There were other lawyers that I was assigned to help.

MR. McKEOWN: Were their big name attorneys at the firm even then?

MR. WATKINS: Yes, there were big name attorneys at the firm at the time.

When I told people in the U.S. Attorney's Office that I was leaving and I was going to Williams & Connolly, everyone that I talked to said it would be a great job. How did you pull that off? How did you do that? It was pulled off by Bill McDaniels and my wife. Bill must have said something to Joe Califano. Many years after he had left the firm, I saw him at a restaurant in town. So I went over and said hi to him. He said, "I was glad to meet you when you were down there toiling in that U.S. Attorney's Office, and you'd never had done anything if it hadn't been for me. I pulled you out of that pit." I said, "Thanks, Joe. I really appreciated that [laughter]."

MR. McKEOWN: Maybe he counts as the fourth influential lawyer.

MR. WATKINS: When I say influential person, I mean people that I talked to and worked with and to whom I could go to if I had a problem or an issue and I needed some help with.

MR. McKEOWN: Did Williams ever play second chair to see some of these people in operation?

MR. WATKINS: I never saw him play second chair to anyone. Let me be clear. When I came to the firm it was Williams and his friends. It was his firm. He made most of the crucial decisions about what was going on and how things would be done, and everybody was happy with that because he was a very generous man. Law firms often have power play or money problems--how much so and so was getting paid or who could order people around to do things. It was never like that. He made all the decisions, but he exercised them in a way that nobody could complain. Nobody felt that they weren't treated fairly.

MR. McKEOWN: When you first joined, were there such things as billing expectations?

MR. WATKINS: It changed during my time here. When I came in each day, I had a book that I wrote down the matters I was working on.

At some time, I don't remember when it was exactly, but, we had to document not only what you did and how much time you spent on each case. I was expected to bill at least 45 hours a week.

MR. McKEOWN: What was the typical day like for you, e.g., when you came into the office, when you left, and how many days of the week you were working?

MR. WATKINS: When I first came to the firm, I was in the office at 8:30 every morning, no question about that, and I stayed until I got the work done, and often, that was past 5:00 p.m. My kids were young at that time. I'd go home to see my wife and children, and then I'd go back. I remember the Walter Jones case especially because I knew I had never been around someone like

Williams. I knew I had to make sure that he was happy with my performance. So I put in hours and hours and hours.

MR. McKEOWN: When you say you'd never been around a guy like Williams, was it his reputation or was there something else you noticed?

MR. WATKINS: He not only worked hard, he was smart. He was very smart. He could analyze a problem in a minute. You'd tell him the name of a case, and he'd say, "Oh yeah, I remember that," and he'd remember it down to the details. He was a detail man.

There's a story about him that I heard before I got here. There was a case, the Spy Mike, e.g., microphone case, where one of the issues was invading someone's privacy when you took a mike and put it in the wall to listen to what people were saying. The case was out of California. Williams sent somebody to California to see exactly how the mike was placed, to see the mike itself, and, to find out who placed it there. That information turned out to be very relevant for the case. I believe that case went to the Supreme Court. One of the things they asked Williams was how do you know what was going on? Where was the mike placed? He said the police put the mike through the wall from in the next room. There was a hole that the mike was pushed through.

This was an example that showed that not only did Williams work hard and was smart, but he knew what was important, and he was going to make sure that if he said anything in court, he was would be able to back it up. And that required lots of time.

His talent was better than his reputation. I believe that he trained for the Walter Jones case because he knew it was going to be a long and difficult, three-week trial. One has to be in great physical shape to be ready for a long trial. So training and knowing the facts better than anybody else is one of the ways that he was as successful as he was. And he knew the law backwards and forwards.

MR. McKEOWN: And he liked smart people around him.

MR. WATKINS: He really did like to have smart people around him.

MR. McKEOWN: They just weren't as smart as he was.

MR. WATKINS: That's why he liked Weinberg. Weinberg would write a motion and he'd say where did you get this, and he'd tell him.

MR. McKEOWN: I don't want to dwell too much on Mr. Williams, but his trial work was mostly criminal matters?

MR. WATKINS: No. He had many civil cases. It involved money. That's what it was. It wasn't just criminal cases.

MR. McKEOWN: But the high-profile cases were the criminal cases, I take it.

MR. WATKINS: I think that may have been 50 but he had many civil cases.

There's a case where a former chairman of Exxon or Esso or at that time sued *The Washington Post* for libel, and the case was tried by Irving Younger, and he lost. And then it went to the Court of Appeals, and *The Post* said, Ed, we want you to be the advocate in the Court of Appeals. He had just learned that he had cancer and wasn't coming into the office regularly, but every day, the people who were working on that

case would go out to his house to work with him on the case from 3:00 pm until 8:00 pm telling him what the cases said, discussing the arguments with him, and working on the case. He really worked hard.

MR. McKEOWN: You said in that particular case, the New Jersey case, that you were the third person on the case. This is all in the pre-computer days, right?

MR. WATKINS: There were no computers. Here's what happened. The firm had an apartment in New York on 63rd Street. We stayed in the apartment, got up in the morning, and all of us were driven to Newark, NJ where the case was being tried. We rented an office in a building directly across the street from the court house where we kept four file cabinets with all of the documents. During the trial, Williams cross-examining someone, and he said, "Watkins, get that document." I said, "What document," he said, "The document you showed me about such-and-such." I didn't remember that document. I left the courtroom and ran to the office where we kept the files and fortunately, Williams gave me enough information so that I could find it. I ran back to the courthouse and gave it to him before he finished his cross-examination, and he used it in a very effective way.

MR. McKEOWN: Wow.

MR. WATKINS: Herb Stern was then the U.S. Attorney in New Jersey who was supposed to try Walter Jones because it was a big profile case argued at the court house. Jonathan Goldstein, Stern's assistant, showed up to try the case. I heard that Stern did not want to lose because he said Williams was the best

lawyer that he had ever seen. Stern didn't give out compliments easily because he thought he was the best.

MR. McKEOWN: There's a certain amount of ego at that level.

MR. WATKINS: That's right. I didn't really have a close relationship with Williams after that case. But, he was very kind to me.

MR. McKEOWN: Sticking with that case for just a moment more, it sounds to me like the pre-trial preparation was extremely intense as it is in many cases.

MR. WATKINS: Weinberg wrote a lot of the motions. He allowed me to write one motion, and then ran it by Williams; it passed muster was filed. We lost the motion, but won the trial.

MR. McKEOWN: I guess what I was asking was how did your private sector experiences differ from your experience in government? Was that sort of a sea change in the way you saw cases being prepared for trial?

MR. WATKINS: As one of my friends used to say, being an Assistant U.S. Attorney is like shooting fish in a barrel. You have the FBI and the police departments conduct all of the investigations and provide you with a report on everything that you want and need. If you need anything else, you ask an FBI agent to conduct an interview or obtain more documents for the case. When I came to the firm, we didn't hire investigators. While I was with the firm, we conducted most of our own investigations and we also took depositions. The individuals assigned to conduct the depositions were thoroughly familiar with the cases. They knew the law and the facts. We were very well prepared for our cases.

MR. McKEOWN: Was your case load larger while you were an Assistant U.S. Attorney than your load at Williams?

MR. WATKINS: I only had a little bit of volume in my section while I was working at the U.S. Attorney's Office. I knew I had a police department and I had the FBI gather any other information that I needed, so, I didn't have to go out and beat the bushes.

I never thought about my work in terms of case load in private practice or the Federal government. When I had a case, I did the best I could.

MR. McKEOWN: When you started with Williams & Connolly, at least with regards to this New Jersey case, you said something about being the third person. So now you're a partner five years later. During the course of that time, could you describe a little bit about how you went from being the third person on cases to the second person. What was that progression like?

MR. WATKINS: At that time, the firm was called Edward Bennett Williams and his friends. The firm was not a place where attorneys were hired, placed in a department, with a department head, and with an established hierarchy. I was given a problem and told to conduct that which was necessary to address the specific matter at hand. In hindsight, I believe that I performed all that was expected and required of me. If I had any questions, I would go back to whomever I was assigned to assist on a case and obtain clarification from them. The response they would provide to me was that I on the wrong track and they would advise me, or, to proceed, I was doing it fine.

Becoming a partner was a mystery to me. I never thought about it. I think Joe Califano was one of the people at Williams that said you had to have a partnership. That's my impression of what he meant; I honestly can't say that that's the way it worked.

MR. McKEOWN: Did any of that have to do with the cancer Williams had?

MR. WATKINS: I don't know.

MR. McKEOWN: One heard stories about big firm practices today where an attorney could become almost an equity partner, and never took a deposition, tried a case in court, and yet, they call themselves litigators. How was your experience different?

MR. WATKINS: In some firms, lawyers file complaints, motions, and maybe argue them. In our firm's case, if I wrote a motion, I expected to argue it. I didn't hand it off to somebody and have them take the papers, and argue the motion. I think that's the way everything worked at Williams.

Let me give you an example. I was sitting in my office one day and one of the attorneys in the firm called me and asked how much time did I have? I asked them what they have in mind. He said, "I want you to try a case. We're having a potential client coming in to discuss representing them." I wanted to know who the potential client was. "It's CSX, the railroad company." Well, they had already been sued by some of their own employees.

MR. WATKINS: This was in the public records. The company had been sued by a group of employees and their unions for not paying them appropriate wages. The

labor contract was negotiated provided that the employees were to be paid in both Canadian and United States (U.S.) dollars; the union was comprised of Canadian and U.S. members. At the time the contract was negotiated, the Canadian dollar was worth more than the U.S. dollar. After a few years, the U.S. dollar was worth more than the Canadian dollar. The Canadian members said for the past five years, they had not been properly paid; they thought they should have been paid in U.S. versus Canadian dollars. The company sued in D.C.

The company had a Baltimore lawyer who had originally tried the employee accident and rail crossing cases. I was told the case was ready to be tried again in 60 days; discovery was to be cut off in 30 days. When I received the files, I realized the case was not ready for trial, particularly if discovery were to be closed in thirty days. I couldn't try the case in sixty days. I had to learn the case, take numerous depositions of the people who negotiated the contract, and retain experts. The first motion I filed was for an extension for the discovery time limits.

MR. McKEOWN: Were you a partner at this time?

MR. WATKINS: Yes. I went to court and saw a judge who I had known when she was in the U.S. Attorney's Office. I said, "Your Honor, I was just assigned this case yesterday. I know very little about it, and I need more discovery time." "You have thirty days, she said. It closes in a very short time." I said, "Your Honor, I need sixty days at least. I promise you I won't ask you for any more, but I need sixty days." She said, "No. This case is

going to trial on such and such date, and I'm not going to give you any more time for discovery." I begged and pleaded for more time. The plaintiff's counsel didn't object. Finally, she said, "I'll grant you a thirty-day extension of discovery."

I gathered my team together, and I told them we've got to interview these people who were involved in the labor negotiations. We have to find all the files that cited how these employees were paid, the amount of money they were paid, and how it was paid--Canadian dollars or U.S. dollars? Then we had to depose the Canadian employees because they were saying we didn't get paid enough. The fact was they got paid more when they were being paid in U.S. dollars initially, but, when the U.S. dollar fell below the Canadian dollar, they wanted to be paid in Canadian dollars. They wanted to be paid in the currency that was highest, and there was nothing in the labor contract that said anything about being paid in one specific currency versus the other, only that they be paid in dollars. At that time the Canadians were being paid in their currency and U.S. employees were being paid in U.S. dollars--U.S. employees were paid a bit less; Canadian employees were paid a bit more. When the values of the Canadian and U.S. dollar changed, all employees wanted to be paid in the more profitable currency.

We had several depositions to take. We had house counsel in Florida where the company was based, and Williams wanted to know what we were doing. I told him that I would confer by phone with him several

times a day. He'd call and he would ask me about specific things I was doing and/or why something had not been done and I would tell him. He was on me a lot.

I had a team of five people, some of whom were taking depositions; some were interviewing employees. I called several experts, many of whom rejected my requests to testify. I finally found someone and I explained the essence of the case to them.

One day, in the midst of preparation, I received a call from one of the company's attorneys. He was General Counsel or the entire CSX. He asked me. "Well, have you tried to settle the case?" I said, "Sir, I was told not to try to settle this case and that is what me and my team plan to do."

He said, "I want you to approach the counsel for the plaintiffs about settling the case." I said, "What's my authority?" He said if it's under $10 million, we don't even have to put it on the balance sheet. "I said, are you saying that I have $10 million to settle this case?" He said, "We would like to settle it for less, but, get back to me." I had been fighting with one of the plaintiff's attorneys to make a settlement offer at the time we were getting close to trial. I really didn't want to approach them about a settlement because it would convey a sign of weakness and that I didn't have confidence to win the case.

He said, "Yes, I'm going to leave it up to you, but if you try it, you MUST win it; you had better win it." I asked myself what I ought to do. I

had to sit down and plan with my team about how to approach the opposing counsel and say we'll consider settlement.

I called him and said, "Oh, by the way, had you discussed settlement?" He said he had not. I said, "Well, do you want to talk about it now?" I told him to call me if he wanted to talk about it at some point. I guess that gave him a lot of confidence in his case. He said, "I think this case is worth $20 million, but I'll take $15 million." I went back to the company's general counsel and told him they want $15 million. He said, "Try it, and you better win it." We kept on working. The house counsel who was head of the CSX division that was involved in the case decided he wanted to see what we were doing. He came up to monitor how we were getting ready for the trial. We must have impressed him because he went back and told the company's general counsel that we were all working like hell.

I met with the company employee who had negotiated the labor agreement. The crucial question to him was did anybody ever raise the issue of pay in Canadian dollars or U.S. dollars? He said nobody ever raised that. I asked him whether he was sure and whether there was anything about it in the contract? No, we just said dollars. That's all we meant. "I said, Well what did you mean?" He said they meant U.S. dollars. To be totally honest with you, I wasn't really sure what they meant.

I didn't go to Canada, but went to Detroit and deposed the negotiator for the union who was the main plaintiff. I asked him about the negotiations, and how he had arrived at a particular figure. He said he had done thus and so. I wanted to know how many times he discussed Canadian dollars. He said that wasn't an issue raised during the negotiations. I had the deposition and the testimony I wanted. We presented our arguments in front of a judge who was very, very smart. His name was Stefan Gray. We tried the case in Superior Court for about five days and won it.

I had an interesting experience regarding this case. I wanted a particular jury instruction that would have been very favorable to CSX. I spoke to the individual who was handling instructions and asked them to determine whether our team could present the instruction that was relevant for the case. They came back to me and said the judge granted the instruction. I was astonished and said, "Are you serious?" They said yes. So we went to the court the day of the argument and the judge called us to the bench and says, "I thought about the instruction you requested and decided I'm not going to give it." I pitched my argument to the judge to no avail. He said, "I'm sorry, Mr. Watkins, I'm not going to give the instruction."

It was a class action with five subclasses. We won on all but one subclass which included about 50 Canadian employees. The judgment for

that one subclass was less than $400,000. Paying that judgment was below $10,000,000; CSX was happy to pay it.

The company owned a resort hotel at that time. The firm's General Counsel was so pleased that he gave me, and my team and our wives (or husbands) a free weekend at the hotel.

MR. McKEOWN: I would like to focus a little bit now on about how you formed your teams. Let's explore it now. Did you have departments?

MR. WATKINS: No. We didn't have departments; we had teams. There was a woman called Nicole Seligman who was a Radcliffe and Harvard College graduate; she was an attorney for CSX. She was editor of the *Harvard Crimson* and a very talented lawyer.

MR. McKEOWN: She became famous during the Clinton impeachment. She was the one of the lawyers for Clinton along with David Kendall.

MR. WATKINS: Right. She was the second person on the team for our case. The third person on our team was Phil Deutsch who was a new attorney at the company. He was great so I gave him as much work as I thought he could handle.

MR. McKEOWN: I guess what I was really asking, though, was when you got a new case at Williams, was the team in place or did you have to go out and form it?

MR. WATKINS: It was my responsibility to identify the people I needed and wanted. Fortunately, an attorney Jack Vardaman at Williams & Connolly, telephoned to talk to me about the case. He somehow knew the general counsel at CSX. Jack was the person who asked me whether I was willing

to try the CSX case. I said I needed a team; I couldn't try the case by myself. He helped set the stage for me to select attorneys that I wanted to work with from the company [because of his relationship with CSX's counsel]. I requested Nicole Seligman, Phil Deutsch, and a paralegal. I was someone the company's staff could say no to, but they couldn't say no to CSX's general counsel/assistant general counsel; an attorney at the company would ever say no to their counsel without providing them with some sort of explanation. They might have said that they were working on thus and so; a particular case was occupying all of their time; and/or they could only afford to devote but a limited amount time to assist you with on a case. I told Jack via CSX that I needed all of Nicole, Phil, and the paralegal's time on the case. Nicole Seligman was assigned to the case; she was terrific.

MR. McKEOWN: She was impressive during the impeachment hearings.

MR. WATKINS: She's a very shrewd person and a smart attorney.

MR. McKEOWN: She went up to New York eventually.

MR. WATKINS: That's right. She went to New York to work for Sony; she later became the firm's general counsel.

MR. McKEOWN: Mr. Watkins, we're going to call it a day. Thank you very much.

MR. WATKINS: I have all these things. I'm afraid I'll forget them. Could you provide another overview of one other case with me?

MR. McKEOWN: Absolutely.

MR. WATKINS: David Povich at Williams asked me to try another case with him. It involved an Assistant U.S. Attorney who took bribes from undercover D.C. cops posing as Mafia dons. The cops had a videotape of him taking cash on two occasions. We spent months gathering the facts and preparing a defense for the case. We put the client through rigorous pretrial direct and cross-examination as we discovered more facts in the case.

We told the client, whose name was Don Robinson, not to talk to anyone. This included his father who was coming down from Syracuse, NY to visit his family. We told him that the only people he could speak to were his attorneys and his wife, because, they were protected by attorney-client privilege.

As David and I were driving back to our office after Robinson's testimony David said, "I told you I would get him to cry on the stand at trial." David knew that he could, and Robinson cried on the stand because he was embarrassed that he had to testify that he'd had an affair with the prostitute who introduced him to the undercover cops and was afraid of what they might have done to his wife. The jury was sitting there and they were absolutely fascinated by Robinson's breakdown on the witness stand. They believed his testimony; they didn't believe the police about the chain of events happened in the case. The jury went out to deliberate after David's closing arguments. They came back with a not guilty verdict. We won the case after much investigation and preparation.

MR. McKEOWN: Did he leave the prosecutor's office here in D.C.?

MR. WATKINS: He went back up to Buffalo, NY where he was from and taught school, but, when the school board learned about the case in which he was acquitted, they fired him. He eventually sold real estate and did reasonably well.

MR. McKEOWN: That's an interesting way to end this session.

MR. WATKINS: It's one of the great stories.