

From bench to bar

Former federal chief judge makes tough transition

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When Greenville lawyer Billy Wilkins returned to private practice after retiring from the U.S. Fourth Circuit Court of Appeals in 2008, he vowed to be a “hard worker” in his new job at Nexsen Pruet.

A year later, Wilkins has 10-hour workdays, a Greenville office with memorabilia on the walls and a desk laden with neatly organized briefs and law books. And he said his wife worries that he works too hard.

When he first walked into his office on Oct. 6, 2008, the former Fourth Circuit chief judge had a daunting task. He would head up Nexsen Pruet’s white-collar crime, appellate advocacy and corporate compliance/crisis management practice groups and advise its business litigation group.

Since then, he’s added a slew of other challenges, including mediation, mentoring, lecturing, testifying as an expert witness, overseeing an environmental cleanup and defending a Greenville entrepreneur accused of murder.

With his key role in Boeing’s decision to open its second 787 jet production line in North Charleston, he also became a surprise player in an historic economic-development coup for the state.

After 27 years on the bench, jumping back into practice has been rewarding but not easy, Wilkins said.

“The pace is pretty furious. Most of my days are 10-hour days. I work a portion of the weekends, too,” he said.



Photos by Fred Horlbeck

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"I was asked, 'How did you adjust from being a judge to a lawyer?' I said, 'Well, I didn't have a choice.'

The reason: In his first week on the job, he became lead counsel for the defense in *Harris v. Experian Information Solutions, Inc.*, a class-action suit with up to 4 million plaintiffs who sought combined damages of up to \$4 billion. U.S. District Judge G. Ross Anderson granted summary judgment to Wilkins' client in June.

That was a welcome outcome for Wilkins and his client, but the case underscored a new reality in his professional life.

"I had to adjust very quickly," Wilkins said.

But he said he has no regrets.

"I'm very, very pleased that I made the decision. The year has gone very quickly, and I attribute that to, really, the opportunity I've had to be involved in some complex civil litigation from the very beginning," he said.

'Just so busy'

For the few federal judges who do what Wilkins has done, fast adaptation is a key factor in their success.

Not all get the hang of it, though. For one thing, there is the loss of the perks that go along with being a judge, especially one who reaches retirement age.

"It's a comfortable life," said former U.S. District Judge Frank Bullock, a lawyer at Womble Carlyle Sandridge & Rice in Winston-Salem, N.C., since 2006. "You're your own boss, in effect, and, once you qualify for retirement or senior status, you certainly don't have to meet any certain number of hours or workloads."

Walter T. Cox of Charleston, a former chief judge of the U.S. Court of Appeals for the Armed Forces, agreed.

"Once you get back into private practice, of course, you not only have to be responsive to the clients' needs and desires, but you also have to be responsive to the firm's needs and desires," said Cox, who is now of counsel with Nelson Mullins.

That means adjusting to time-consuming tasks such as monitoring bill-



able hours, a routine chore that Wilkins said he's embraced.

What he hasn't embraced is lawyers' preoccupation with work to the detriment of mentoring and social interaction. He blamed the increase in lawyers in South Carolina, the growth of big firms into bigger firms and the tendency for the disputes they handle to cross state lines.

"I think we're just so busy," Wilkins said.

But a busy practice is a sign that Wilkins will succeed where other retired judges haven't, said David Dukes, managing partner at Nelson Mullins.

"I haven't seen it very much in the Southeast, but in the Northeast I've seen more judges who have left the bench and returned to private practice, and I think one of the key issues is whether they're just returning to private practice in order to kind of retire or whether they're returning to private practice to practice law. Certainly, in Judge Wilkins' case, it's clear that he's very actively engaged," Dukes said.

"It doesn't always work that way, at least from I've seen around the country," he said. "I think he landed at the right place at the right time."

'A certain stature'

Beyond his work ethic, Wilkins may have an edge because of his work as a trial lawyer and his national stature, observers say.

His experience as a U.S. district judge and Fourth Circuit chief judge is a big plus, Cox said.

"You just gain a variety of experience and get to know people and understand what juries like and understand what judges like," he said. "It gives you a certain stature. ... I think it opens some opportunities for you to work on really large cases. I know Judge Wilkins is having good success at that."

Another of Wilkins' strengths is his experience as a trial lawyer, according to Cox.

Wilkins was a private practitioner before serving as the chief prosecuting attorney for the Greenville-Pickens judicial circuit during the 1970s and into the early 1980s.

"He has really got national stature, but in addition to that he's a really good trial lawyer. He's as good as I've ever seen in the courtroom," Cox said.

Generally, that kind of hands-on legal

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experience works well for judges when they return to practice, Dukes said.

"If someone was recognized as an expert in a certain area of law, then went on the bench and then returns to practice, it seems like it's easier to be successful than if they have been on the bench a long time and then are trying to re-engage in the practice of law for the first time," he said.

The right age

Even if Wilkins re-entry into private practice is unusual, it may be the outcome of a trend that started with his appointment to the federal bench in 1981, Bullock said.

Wilkins and Bullock were among the first in a wave of younger federal judges whom then-President Ronald Reagan began appointing during his first term in the early 1980s.

Appointed earlier in their careers, jurists may retire earlier, in some cases to supplement retirement packages with lucrative salaries in private practice, Bullock said. Such salaries are likely to be in six figures, he said.

Wilkins, now 67, was 39 when Reagan nominated him in 1981 to serve on the U.S. District Court of South Carolina. In 1986, Reagan appointed him to the Fourth Circuit, where he served as

chief judge from 2003 until his retirement.

Bullock was 44 when his appointment came in 1982.

Reagan "specifically said, 'Frank, I want you to serve 20 or 25 years,' and I said, 'Yes, sir.' And I did, and so did Billy. That was a kind of a trend that had not always been the case," Bullock said.

Bullock retired in 2006, having served 24 years on the bench, including seven as chief judge of the U.S. district courts of North Carolina.

"Some of the younger judges who may be leaving now are still educating children, as I am, and the income factor becomes an incentive," he said. "I think you'll see more of it if things stay like they are."

For Cox, salary and job satisfaction were key factors in his decision to practice again at age 61.

"It was lucrative. Even though we get a good salary, we don't get paid a lot compared to successful attorneys," he said. "So it was an opportunity to refill the coffers, so to speak, after 20 years of public service."

Landing Boeing

Wilkins didn't comment on his salary. Instead, he emphasized satisfaction he gets out of service such as his role in the Boeing success.

"In late August, I was at a meeting

and it was just casually being discussed by some other folks that there was concern that Boeing was not serious about South Carolina, they were just using us to leverage the state of Washington," Wilkins said.

"And so that afternoon I called a top-level executive at Boeing and repeated that conversation. And he responded to me after, I'm sure, checking with others, that Boeing was indeed serious about South Carolina but so far they hadn't seen much activity on the part of South Carolina reaching out to Boeing."

The executive asked Wilkins whether Nexsen Pruet would form an economic development team and "see what South Carolina can really do," Wilkins said.

Wilkins wouldn't confirm that the executive was Boeing's chief counsel, a former member of the Fourth Circuit, but he said the exec's request got immediate action.

Nexsen Pruet formed the team, which included Wilkins, and then had the Boeing exec fly in for a meeting with state leaders.

"That's when the tide began turning," Wilkins said.

The upshot was a \$450 million incentives package that won approval from the state House and Senate in late October and the company's decision to build in North Charleston.