



KIRKLAND & ELLIS LLP



Creating trial-ready lawyers

San Francisco-based litigation partner Jim Basile gives *fivehundred* the lowdown on the Kirkland Institute for Trial Advocacy, a firm-wide trial advocacy and litigation attorney training programme that prepares associates for all a courtroom can throw at them

Please give us brief history and overview of the programme.

Kirkland & Ellis started the Kirkland Institute for Trial Advocacy, or KITA, programme 41 years ago. It is the largest, most comprehensive litigation training programme at any firm. It emphasises core trial skills and becomes more complex as associates advance.

The associate view



Investing in me

KITA has been a highlight of my career at Kirkland & Ellis. The seminars on verbal communication provide valuable skills that can be applied not just to trials but also to all on-your-feet opportunities, like hearings or depositions.

The discussions of trial strategy help me understand how the groundwork for an effective trial strategy can be implemented long before the trial begins. Preparing witnesses for direct and cross examination has helped me appreciate the amount of work required to ensure that a witness is accurate, likeable, and credible. Testing theories and themes with real juries has helped me refine my own preferences and strategies for putting on a case. And aside from the specific skills learned, my experience with KITA always leaves me feeling reinvigorated to be a part of Kirkland & Ellis.

The fact that the firm allows partners and associates to dive into a mock trial for two to three days, despite the many other matters on our plates, shows me that Kirkland is invested in my individual development as a lawyer. Additionally, the ability to meet and collaborate with colleagues from across the country has helped me to expand my network within the firm and has helped foster friendships that would not have occurred without KITA. The KITA leadership always solicits feedback to make improvements to the programme, and I look forward to participating again next year.

Amarto Bhattacharyya, litigation associate

“KITA is always a special event at the firm. Many attorneys build lifetime friendships from their KITA experience”

In more detail, what does it actually involve for the participants?

In January and March, we hold KITA at conference hotels in Chicago and Washington DC. Around 300 litigation associates participate, along with scores of partners. First-years spend four days on examination drills. Second-years put on a bench trial before a partner. Third through sixth-years try a case before a live jury, using actual National Institute for Trial Advocacy (NITA) case files.

Jurors are recruited from the local communities. Professional actors from Actors' Equity serve as fact witnesses. Actual professional experts testify. Courtrooms have trial technology and court reporters. Kirkland partners serve as judges. After each examination, jurors are excused and two partners who have been observing spend about half an hour giving feedback,

critiques, and showing how they might do it. It is an incredible level and depth of direct partner mentoring and feedback on actual associate trial skills – the most valuable part of the programme.

It seems like a considerable undertaking in terms of time and financial costs, please can you give an idea of the scale of investment?

It's a significant investment of money, time, and resources – over 1,200 attorney-days' worth of time. This year, 300 associates, 93 partners, 200 jurors, and 160 witnesses participated. Including tech support, it takes over 800 people to run KITA. But the firm considers it a tremendous investment both for our associates and for our clients. KITA is a cornerstone of our shared firm culture.

How unique is the programme from what you know?

“KITA prepares our associates to be valuable trial team contributors from the beginning”

This is the most expansive trial training programme of any firm. But it is part of what defines Kirkland’s DNA. Our associates enjoy it and find it valuable, and it is a significant attraction for law students deciding between Kirkland and other law firms. KITA is always a special event at the firm. Many attorneys build lifetime friendships from their KITA experience. The programme also creates a common thread of shared experience in the firm. Everyone has participated in it as an associate and then gives back as a partner.

What is the value add for the firm?

KITA prepares our associates to be valuable trial team contributors from the beginning. That gives our partners confidence to put associates in on-their-feet roles, and allows partners to advocate to clients with confidence that our associates are ready for those roles. KITA also represents our fulfilment of two covenants Kirkland always expressly makes: one with our associates, that at this firm, they will be trained at the highest level in actual

litigation skills, and another with our clients, that the Kirkland teams will be trial-ready and well-trained.

Is the programme something you promote to clients in an active way? What’s the pitch?

Absolutely. In a very competitive marketplace, we think our associates are at a higher level of performance because they have practiced their technique over and over again – not just read about it or seen someone else do it. Rather than young associates getting their first trial training raw, unprepared, and on the client’s dime, Kirkland associates are getting that experience every year at the firm’s expense, with our own partners doing the work, making them ready for trial.

What’s your professional background?

I have been at Kirkland & Ellis for my entire career. I was a litigation partner in our Washington, DC office from 1989 to 2003. In 2003, I was a founding partner of Kirkland’s San Francisco office and headed our Bay Area litigation practice for 13 years. I

The associate view



The science and art

KITA is the kind of programme that builds associates from the ground up. From year one, it equips Kirkland lawyers with the fundamentals of trial advocacy, and puts young associates in a position to do the kind of trial-level blocking and tackling that often only comes with experience. That has been the biggest benefit of KITA in my own practice: it has given me the confidence to stand up in court because I've effectively done that with partners and colleagues from Kirkland offices across the United States.

KITA has exposed me – and hundreds of other associates – to different styles of lawyering on a regional and individual level, which has allowed me to develop and refine my own voice. KITA therefore allows associates to both 'learn by doing' and 'learn by watching'. I can't count how many times over the past four years that I've borrowed an approach, style, or theme from other associates.

By educating me in the 'science' of trial advocacy, KITA creates space for me to explore the 'art' – with professionals who have practice for years, actual experts who serve as witnesses, and laypersons who serve as jurors. There's no substitute for standing up, examining witnesses, and delivering arguments to a jury. So, to the extent Kirkland has a reputation as a 'trial ready' law firm that is in large part due to KITA.

Terence McCarrick, litigation associate

The associate view



Becoming an asset

When I was in law school, Kirkland stood out to me because of its significant investment in its associates through its training programmes. KITA has proven to be one of the most valuable programmes for my growth as an attorney. I am also a stronger asset to my teams because of my experience.

I have participated in KITA since I was a summer associate; each year for the past four years, I have learned new skills. It provides an opportunity for junior attorneys like myself to analyse a complex case file, put together case themes and determine which evidence is most compelling, work in teams to try a case, and receive feedback from partners who are the best litigators in the country.

In addition to the substantive experience, Kirkland ensures that all resources are at our disposal just as they would be in a real trial for a paying client – from trial technicians and court reporters to graphic designers and support staff. Kirkland spares no expense. As a result, I have had a safe but realistic environment to stand on my feet, examine witnesses, and present arguments instead of having this experience on the fly in real life when a client is expecting outcomes in a bet-the-company case.

My experience has taught me to understand how the pieces of a case come together so that I can better help my real-life teams throughout the life of a case – for instance, I understand how critical clean deposition testimony is for impeachment at trial and how documents obtained throughout discovery are the key pieces to defending a case. A case is won long before trial even begins. Additionally, because the partners I work with know that I have had meaningful training, they are comfortable having me depose witnesses, draft trial outlines, and engage with clients at an early stage in my career, and I feel confident doing so.

Katie Lencioni, litigation associate

“KITA is a major recruiting draw for young litigators, and it’s something our associates truly value when they are here.”

am also the partner in charge of the KITA programme and oversee all firm-wide litigation training.

Did you go through the programme?

Yes. As a matter of fact, I participated in KITA as a summer associate in 1988 and have been involved in the programme every year since then, either as an associate participant or as a partner teacher.

What’s your sense of how the associates view the programme?

KITA is a major recruiting draw for young litigators, and it’s something our associates truly value when they are here. Among large law firms, we are the only one that makes such a clear commitment to teaching trial skills. Whether associates stay with Kirkland for their whole careers or move on to other things, they will always be trial lawyers.

What would be your advice to graduates who want to make it in Big Law?

Hard work, smarts, and dedication

are indispensable. But none of them are sufficient if one does not have a passion for this work and is not really planning a career, rather than just having a job or paycheck. Make sure that you are investing in yourself, seeking worthwhile opportunities, and refining your own skillset.

Another important element is to take every courtroom and trial opportunity that comes along. They often arise at the most inconvenient times and frequently are frightening propositions for young and untested lawyers. But one must take those opportunities when they come – they are the key to opening up experience, confidence, and client connections. I also would advise young lawyers to seek out and watch their most accomplished seasoned partners in action. Seeing such lawyers in action is worth weeks of reading about theory or practice. ●