



Profile: Amy Eskin

“Fierce and committed,” she’s taken on big pharma and other giants over 28 years at Hersh & Hersh

STEPHEN ELLISON

The infamous Watergate scandal was hardly what one would call a source for inspiration. After all, it exposed corrupt politicians, tarnished America’s trust in its government and eventually brought down a presidency.

For a 14-year-old girl named Amy Eskin, however, it had such a lasting impact that it helped define part of who she is today.

Eskin, a partner with Hersh & Hersh of San Francisco, will never forget that summer of 1974, when she watched intently as the Watergate ordeal unfolded daily on national television. While most teenagers were at the mall or the movies or riding bikes through the neighborhood, young Amy was developing an unyielding passion for the legal system and the idea that no one – not even the highest power in the land – should be able to rise above it.

“I watched the hearings and found the whole thing fascinating. *Big guy versus ordinary person*, that’s how I perceived it,” Eskin recalled. “I was absolutely struck by what people with absolute power thought they could get away with. That’s basically what inspired me to be a lawyer.”

To this day, even after spending nearly three decades at the same plaintiffs’ law firm, Eskin still gets a charge out of representing the so-called underdog. From the time she first set foot inside the Hersh offices in 1981 to her most recent day in court, her drive to stand up for the rights of those who have suffered tragedy at the hands of another hasn’t diminished one iota.

“The word *advocate* comes to mind – it is a word often used synonymously with



Eskin

lawyers, but it really rings true with Amy,” said Charles Kelly, also a partner at Hersh. “She really goes the extra mile to do a good job for her clients. And she doesn’t shy away from a fight. Plus, she gives every client that

personal touch, and that’s something I think is really important.”

Career woman

Eskin attended undergraduate school at UC Berkeley, studying rhetoric and political science and “learning the art of persuasion” through reading, writing and speaking. From there, she wasted no time applying those skills toward a career in law, landing a job at the Hersh firm as a paralegal. She remembers well the day she was hired not only because it was her first law job and it was with a prestigious firm, but also because the day already had special meaning.

“I was hired on my 22nd birthday,” Eskin recalled. “I had had six interviews with the firm – you know, because everyone wants to meet who they are potentially going to hire. I remember I got a call from Nancy (Hersh), it was a Friday afternoon, and she said, ‘How would you like to come to work for us?’ And I said, ‘You mean right now?’ And I would have done it. But she said, ‘How about Monday?’”

“It’s the only place I’ve worked my entire career,” she added. “I’m probably one of only a few lawyers still around who can say that.”

As a paralegal, Eskin got her feet wet assisting on a high-profile drug case and then took a year off to attend law school

at Golden Gate University. During her second year of law school, she returned to the Hersh firm as a clerk. When she graduated from Golden Gate, Hersh hired her as an associate.

Eskin immediately thrived in the trial arena not only through her flair for the art of persuasion but also through an unrivaled adeptness in the art of preparation. Toss in a dash of that ever-important intangible, fearlessness, and it’s easy to see why Eskin has become a model for success among her peers.

“Her greatest traits as a trial lawyer? She’s fierce and committed,” Kelly said. “And when I say committed, I’m not just talking about to the client. She’s committed to putting in time to prepare, to the arguments that she believes will help her case and to making sure she’s exhausted all possibilities. And she never backs down.”

Eskin attributes her diligence and work ethic to the fine training she received at the Hersh firm as well as her own desire to stay one step ahead of her adversary. “This may sound kind of weird, but I really love doing grunt work,” Eskin said. “I learned early that, as a plaintiffs’ lawyer, you have to work harder and work better than your opponent. It’s about what you need to know, what you don’t know and what you’re going to find out. Being a good trial lawyer is all about preparation and not losing sight of who you’re working for. It’s about keeping things focused and not being afraid of who’s on the other side.”

Taking on Goliath

Eskin received her baptism into litigation while she was still a paralegal working on a mass tort case against multiple manufacturers of the drug,



diethylstilbestrol, or DES, which was advertised as a miscarriage preventative. Leroy and Nancy Hersh, with Eskin assisting, demonstrated that the drug not only didn't work but it also caused the daughters of those who took it to develop vaginal cancer and misshapen reproductive organs, among other illnesses, Eskin said. The case grew into a mass tort involving 400 to 500 clients, she said.

"It was tremendously gratifying, great work. It was a groundbreaking thing," Eskin said. "It was eight years of litigation, and ultimately the cases were resolved. The amazing thing I learned from it was when you connect with clients and they connect with you, they can really see the system working for them.

"Doing drug cases really have left me with a sense of how important it is to stand up for people hurt by big corporations," she added. "Unfortunately, the system can't keep people from dying."

That fact was never more clear to Eskin than during another big drug case for which she worked front and center. This time Wyeth was the big, corporate opponent, and the culprit was a diet drug called fen-phen. Eskin and Nancy Hersh were able to prove that the drug caused primary pulmonary hypertension. Eskin described the ailment as such: When you have high blood pressure in the lungs, the heart has to work harder to push the blood out the left side. The right side of the heart eventually grows weaker, and basically you strangle to death. Wyeth initially contested liability but has since paid out billions of dollars in damages.

"Those were hard cases – lots of documents," she said. "The significance and importance of getting these people's voice heard – I mean it was a really big responsibility ... to meet with these people, always knowing that it was their first connection with the legal system ... but also letting them know that there was someone there to talk to if they needed.

"It touched me tremendously," she continued. "I had been to their homes and met their families and, unfortunately, went to a lot of funerals."

On the lighter side

When Eskin's not in trial – or preparing for one – she enjoys teaching in any one of several venues. She has taught products liability and trial practice at the University of San Francisco, trial advocacy at Stanford University and has served as the education chair for the San Francisco Trial Lawyers Association, overseeing the organization's various lawyer education programs. She also lectures regularly at her alma mater, Golden Gate University Law School.

In the professional development realm, Eskin is a pioneer of sorts. She was the youngest woman ever admitted to the Bay Area chapter of the American Board of Trial Advocates.

And, of course, she makes time for her Hersh colleagues.

"Most telling about Amy, for me personally, is that our professional relationship has extended to a personal relationship – she is someone I socialize with outside of work," Kelly said. "She is also someone I go to for input, regardless of whether or not it's work-related. I value her opinion."

Oddly, Eskin's alternative career choice makes for quite a leap from her law and education background. "Honestly, other than being a lawyer, the only other thing I ever wanted to do was be a cardiovascular surgeon (doing heart transplants) because I love learning about the human body, how it works and how it doesn't work and the quest to fix what's wrong," she said. "I gave up on the idea when I realized that I would have to go to school for about 15 years before I would ever get a chance to actually do a transplant. Doing personal injury work allows me to keep learning about different types of injuries, cutting edge medical treatments and experts, and that fulfills my urge to wear the white coat."

Eskin also takes time to stay in shape by running. When she's training for a long-distance event – she recently began entering marathons – she tries to run three or four days a week, about 10 to

12 miles at a time, she said. She has found the sport to be very exhilarating and quite therapeutic. "When you're running, it's a time to sort of be by yourself," said Eskin, who participates in Team in Training to help raise money for leukemia research. "You're able to process everything or think about nothing."

While balancing a career with family time and a social life isn't easy, Eskin seems to manage quite well. She and her husband Mitchell – an attorney for the California Public Utilities Commission – have an 18-year-old daughter and a 14-year-old son. "Funny story," Eskin said with a chuckle. "Coming home one night years ago, my son was about 18 months old, and as I walked in the door, he said, 'Hello, Mommy, my name is Benjamin.' Like I had forgotten my own son's name!"

On the subject of her future, Eskin said it would be tough to walk away from her first love – trial law. Not surprisingly, she offers a pretty convincing argument to continue trying cases and continue to do it for Hersh & Hersh.

"When you never give up and push and push to find the (evidence) that will hold corporations accountable, you can give clients back a piece of their lives," Eskin said, explaining the rewarding aspect of trial law. "You can never make them whole, but you can give them back that piece.

"Hersh is a wonderful place to work," she continued. "I love going to trial; I love litigation. I get up every day and really love what I'm doing."



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