

Applying Complementary Skill Sets, Women Investigators Get the Goods (and a Life!)

By Jennie Lee Anderson

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After 15 years of representing plaintiffs in complex securities and antitrust litigation, Kimberly C. Epstein had established herself as a successful attorney in a rough and tumble practice. A partner at a prominent law firm in San Francisco, she had achieved what

many attorneys consider the end goal. Despite her many successes, however, Epstein couldn't help feeling there was something missing. "There were some things I liked and some things I didn't [about being a litigator]," Epstein explained. While tired of fighting endlessly with opposing counsel, Epstein discovered that she really enjoyed developing the facts of the case. Having worked with investigators for years developing securities cases, Epstein decided to leave the law firm to focus her efforts on case investigation. "What better way to engage in fact-finding than actually being an investigator myself?" she recalls asking herself.

A short time after embarking on this career change, Epstein had the good fortune of meeting up with Martha C. Lewis, a private investigator with 10 years' experience running her own investigation firm in San Francisco. Like Epstein, Lewis had achieved significant success in her field by any standard, and yet, she too, was looking to grow. Ms. Epstein's background in complex litigation appeared to provide that opportunity.

"The dialogue ended with us forming Epstein & Lewis," Ms. Epstein said. After four months of building the infrastructure for the firm, Epstein & Lewis formally opened for business August of 2007. A year later, the firm has a staff of three, a pool of five other investigators with whom they work, and a lot of business.

What differentiates Epstein & Lewis from other investigation firms is the unique background of its founders. "The fact that I have experience in securities litigation and 15 years of litigation experience means that we are more focused," Epstein noted. "Martha and I sit in the same room and talk about all these things. She brings a wealth of inves-

tigation experience, and I help to focus that experience on the proper people or the proper issues," Epstein said. "This saves the lawyers time because they don't have to fill us in as much on what the case is about," she added.

Drawing on its partners' respective experience, Epstein & Lewis has offered investigation services for securities, consumer and employment cases from the beginning. Since joining forces, the firm's practice has expanded to include a variety of antitrust and subprime lending cases, demonstrating its owners' unique ability to react to an ever-changing legal environment. As noted on their Web site, "[w]ith the Supreme Court's latest word on the antitrust pleading standards, alleging detailed facts is more important than ever. Epstein & Lewis can help you allege 'enough fact(s) to raise a reasonable expectation that discovery will reveal evidence of illegal agreement' as set forth in *Bell Atlantic Corp. v. Twombly*, 167 L.Ed. 2d at 940." Similarly, their knowledge of legal claims and the facts needed to support them has allowed Epstein & Lewis to respond proactively to the subprime mortgage crisis, providing investigation support in cases seeking to redress fraud and discrimination in the industry.

What further sets Epstein & Lewis apart is the fact that they are women operating in a male-dominated environment, which has its pluses and minuses, according to Epstein. On the upside, Epstein and Lewis have both found that women are skilled at making other people feel comfortable. "Once they feel comfortable, they are willing to talk, and that's what we really need is for people to tell us what's going on," she said. "It's about establishing a rapport and getting to a more personal level faster than perhaps a male interviewer would." On the downside, Epstein says that women investigators need to be more concerned about safety. This means taking safety measures such as meeting a witness at Starbucks rather than at the person's home.

Epstein is also a wife and mother of two small children. While juggling a career as an investigator and home

continued on page 6

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Skill Sets continued

life has its difficulties, Epstein says the benefits far outweigh the challenges. As an investigator, "I can juggle the timing of things in a way that is beneficial for the cases and beneficial for the family," she said. While both kids are in school, for example, Epstein takes advantage of uninterrupted time during the day. She can also take advantage of evenings to reach witnesses at home and in different time zones. "Even in crunch periods, I still get to see them when they get home from school and check in with them before getting back to work," she said. Investigation is also very results oriented, which allows for more flexible hours. "It's important to the client and my life and everyone involved that the focus be results, not time put in. That's our focus—getting results for our clients," Epstein added. As such, Epstein has more flexibility in her schedule than when she was a litigator commuting to a downtown office and feeling regimented in her hours. A downside is that investigators frequently have to work on the weekends, to reach witnesses who have jobs or do not answer their phones in the evening. This, too, has advantages, however, providing her husband with some quality one-on-one time with the kids. "It's mainly good," Epstein admitted. ■