Most people are lucky to have just one great mentor to help nurture and guide their careers. Robert McKirgan, a litigator at Lewis and Roca, had several. He credits these remarkable professionals with shaping his development as a respected trial lawyer—no small feat given that he belongs to a firm brimming with some of the area’s most distinguished litigators.

“A law professor, who knew I was looking to move to Phoenix, told me that if I wanted to learn from the best of the best, Lewis and Roca was the firm to join,” said McKirgan, who graduated from the University of Illinois College of Law in 1987. “Once here, I had the benefit of getting incredible on-the-job training from some of the best litigators around.”

**Learning the Fundamentals**

McKirgan learned something different and distinct from each of his Lewis and Roca mentors.

Jordan Green, a former partner, was instrumental in teaching McKirgan how to try a case. “I spent a few years ‘carrying Jordan’s bag’ in the Herbert and Bunker Hunt fraudulent transfer case in Dallas,” McKirgan said. “He involved me in every aspect — meeting with clients, going to court and taking depositions.”

McKirgan also worked for over 20 years with the legendary Peter Baird, who passed away in 2009. Baird taught him how to think creatively and to trust his instincts.

“Thanks to Jordan’s influence and training, I really learned the process of litigation and how to effectively present a case regardless of the subject matter,” he said. “Because of this, I’m comfortable litigating on a variety of issues. And that is what makes the practice so much fun; the process is the same but what goes into that process is always different and unique.”

**Being Effective in the Courtroom**

Jerry Smith taught McKirgan “not to be intimidated by anyone or anything.” Smith, still with Lewis and Roca, accomplished this by throwing the young litigator into several large, high-profile cases with large national firms on the other side. In the Hunt case, McKirgan, while still an associate, was the second chair in representing two bankruptcy trustees in a fraudulent transfer suit that resulted in a significant recovery for the bankruptcy estates.

Smith also tapped McKirgan to head up the investigation and prosecution of claims of the Boston Chicken bankruptcy estate, which resulted in a significant recovery for the estate. “Jerry has a national reputation in the bankruptcy field and simply being his partner gave me instant credibility with opposing counsel and the court,” McKirgan said.
Another mentor, Rick Halloran, now deceased, also had a lasting impression on McKirgan after the two successfully tried a jury trial together. “From Rick, I learned the importance of precision and attention to detail,” he said. “He was a master at taking the complicated and making it simple. He also was incredibly adept at using technology in the courtroom, which I believe is very important.”

“A law professor, who knew I was looking to move to Phoenix, told me that if I wanted to learn from the best of the best, Lewis and Roca was the firm to join.”

In court, McKirgan uses PowerPoint presentations, exhibit presentation software and video clips from depositions when presenting his arguments. “I really believe judges and jurors absorb information more effectively visually,” McKirgan said.

Developing Other Key Qualities

From Patricia Norris, McKirgan’s first mentor and now a judge on the Arizona Court of Appeals, he learned how to be a professional. To him, that means “playing by the rules and treating all involved in the process — the parties, opposing counsel, the court, the court’s staff and witnesses — with respect.” Norris also underscored that the ethical rules were just a minimum standard of conduct. “Pat told me, if you have to ask yourself the question ‘is this ethical to do,’ then don’t do it.”

Although McKirgan believes in aggressively representing clients, he strives to be courteous and professional with his adversaries. “Making it personal is not effective and always counter-productive,” he said. “I prefer fighting the good fight and then having a beer with my adversary afterwards.”

McKirgan also worked for over 20 years with the legendary Peter Baird, who passed away in 2009. Baird taught him how to think creatively and to trust his instincts. “Peter would often say ‘my tummy is telling me this is what is really going on.’ And he was almost always right,” McKirgan said. “He had a knack for reading clients, adversaries and witnesses. Most importantly, Peter taught me that the practice can be a lot of fun; don’t sweat the small stuff; keep your sense of humor; and have fun.”

Client-Focused Approach

Over the years, McKirgan has distilled what he’s learned into his own style and approach. Being client-focused is one of his guiding principles. He seeks to really know and understand each client’s business and the client’s ultimate goal in pursuing or defending litigation.

“In addition to bringing a legal perspective, I think it is my responsibility to offer my client an economic perspective,” McKirgan said. “Oftentimes, you have to advise the client to set aside the emotion, focus on the economics and come up with a game plan that makes sense from a business perspective.”

Paying It Forward

Having had such great mentors makes McKirgan strive to be a good mentor himself. “Because most of my cases involve a team of lawyers, my approach to mentoring is to involve associates and partners in every phase of litigation,” he said. “I often adjust the client’s bill to allow me to more deeply involve the younger lawyers. It is a significant investment of time and money to train and mentor, but it is well worth it. The younger lawyers make my life a lot easier when they can take on responsibility.”

McKirgan is proud that Lewis and Roca remains a strong litigation firm with 100+ litigators. “I have lasted long enough to be considered ‘senior’ around here,” McKirgan said. “But the next generation of litigators is as good, if not better, as Lewis and Roca has ever had. Randy Papetti, Robert Schaffer, Kim Demarchi and Brian Pollock… to name just a few. These lawyers — and many others — will lead the firm into the future and train the generation of lawyers behind them. This has always been the firm’s tradition.”