

Maryland Lawyer

News and analysis of legal matters in Maryland

Bethesda-based attorney focuses on construction law, here and overseas

By Kristi Tousignant

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Some call William K. Wilburn an attorney; others, a Rechtsanwalt.

Those who call him the latter are likely among the German clients that make up about 30 percent of Wilburn's clientele.

While Wilburn's Bethesda practice, **WKWilburn**, deals mostly in construction law with companies in the United States, the firm also has a significant international practice. That's where Wilburn's years of German come in.

Wilburn's father was in the Navy and the family moved around a lot while he was growing up. When Wilburn was in his early teens, his father was assigned a post in Paris. Instead of attending a local French school, he opted for a boarding school in a small Bavarian town.

He had studied one year of high school German when his parents drove him from Paris to Neubeuern, a small town southeast of Munich, in a Volkswagen Beetle in fall 1963.

"I had never seen the school before," Wilburn said. "I took a huge gamble."

The school, Schloss Neubeuern, was in a lesser noble family's castle.

"It looked like Heidi was about to come out of the hay field and Julie Andrews would be leaping over the hillside," Wilburn said. "It was so picturesque, it was almost a cliché of itself."

Wilburn was one of about five Americans out of about 280 students, mostly Austrian and German. He took intensive German language courses along with his other classes, all in German.

"It was marvelous to practice in 23 hours what you had learned in one hour," Wilburn said. "The big benefit for me is that it led me to have a practice that uses that."

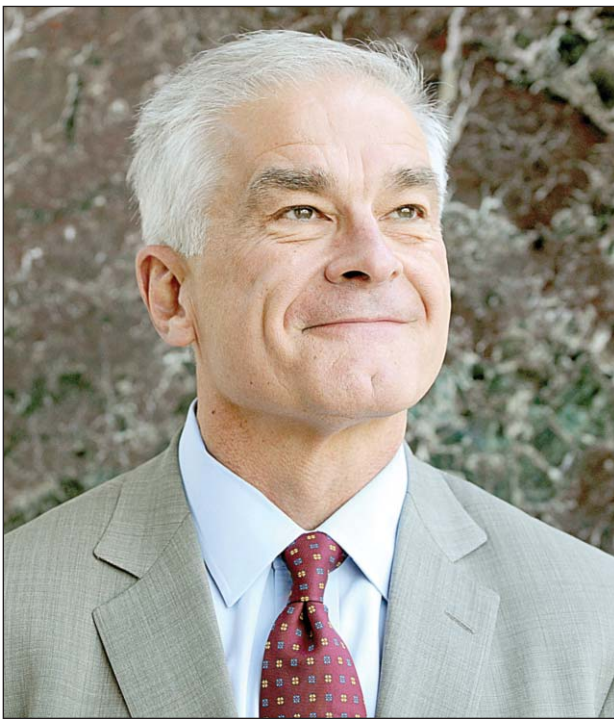
There and back again

Wilburn returned to the United States in 1965, spending his senior year of high school in Pennsylvania, then attended the **Johns Hopkins University** for his undergraduate degree. Afterward, he worked for a brief stint as a reporter for various organizations, including the Associated Press in Baltimore.

After the long hours in the newsroom began to wear on him, Wilburn decided on law school since many of his college classmates were enrolled — and he figured the pay would be better. He started at the **University of Baltimore School of Law** in 1974.

After law school, he clerked for former **Court of Appeals** Judge Alan M. Wilner, followed by two and a half years in the Maryland **Attorney General's Office** and six months in a Baltimore law firm, before he was drawn back into the international circle.

Wilburn learned of a program through the German Academic Exchange Service to study German and European law for a year. He applied and



MAXIMILIAN FRANZ

William K. Wilburn left a large Washington law firm five years ago to open his own small practice in Bethesda. While U.S. work is WKWilburn's 'bread and butter,' the firm has a significant practice abroad.

was accepted.

So, in 1980, Wilburn once again crossed the Atlantic, this time with his wife. He studied with lawyers from around the world at the University of Tübingen in the southern German state of Baden-Württemberg.

His classes were entirely in German, and the group studied subjects like the German tort system and the many forms of corporations in Germany. Wilburn spent the last few months of the program working at a law firm in Düsseldorf.

He returned to Baltimore in summer 1981 and started working for Clapp, Somerville, Black and Honemann, which merged with **Whiteford Taylor & Preston LLP** in 1985.

"It came at a good time for me to recalibrate my career," Wilburn said.

He took a job with Watt, Tieder, Hoffar & Fitzgerald LLP, a McLean, Va.-based firm that focuses on construction law. He continued to handle construction law and government contracts when he moved to Seyfarth Shaw LLP's Washington office in 1991.

Finally, in April 2007, Wilburn started his own firm, concentrating in construction law and an international practice.

"It doesn't work to be all things to all people and be nothing to everyone," Wilburn said.

The firm

As a small-firm lawyer, Wilburn cut his hourly rate and still keeps his office spare, forgoing even a receptionist. The firm includes two other American attorneys and a German administrator.

"I think Bill has purposely selected each team member to complement one another, and he's done that very well," said Jennifer A. Maged, an attorney with the firm. "It's a very cohesive, pleasant group. He's managed it well that way. I think that's different than other firms."

The firm's goal, Wilburn said, is to act like a specific practice within a large firm, but without the high overhead costs.

"One of the things we think we do well, and it's an intangible thing, is we can avoid a lot of problems and unnecessary costs to clients," Wilburn said.

Wilburn said the firm's "bread and butter" are its U.S. clients, local and around the country.

"We advise clients on the nitty-gritty of American law," Wilburn said.

Wilburn has worked with Canam Steel Corp. almost since his firm opened. Ron Peppe, vice president and general counsel at the company, said Canam used to work with large, national firms, but decided to shift to regional boutique firms like Wilburn's a few years ago.

The company has construction projects around the country, and Wilburn handles contract issues, injury cases and disputes when something goes wrong on a project. Wilburn is representing the firm in a highway bridge project in New York that finished five years behind schedule.

"[Bill] knows the subject matter in and out and knows how the process works," Peppe said. "That's what I look for nowadays ... bang for my buck."

While the firm's international practice is smaller than its domestic practice, it is still significant, Wilburn said. Its clients are mainly foreign companies with offices in the U.S., but it also represents American companies overseas.

"I like that the matters at the firm are complex, and the international element adds a flair," Maged said.

International barriers

Practicing law in other countries has its challenges, both legally and culturally, said Michael E. Burke, chair of the American Bar Association's Section of International Law.

The first hurdle is figuring out the terms under which an American firm can practice law in a foreign country, Burke said. Then there are linguistic barriers as well as cultural ones. Lawyers have to understand the country's legal system and how it varies from the United States' system, too, Burke said.

Lawyers also need to be aware of ethics codes and privilege issues in different countries, including which attorney-client communications are protected, how the country views attorney work-product issues and what a government can ask to see, Burke said.

It is easier to practice law in Germany than in many other countries, Burke said, with China, Russia, Brazil and India being the most difficult. These countries have many restrictions on foreign lawyers practicing within their borders, he said.

"Germany is not easy, but it's going to be a lot more familiar to a U.S. lawyer," Burke said. "I think linguistically, the German language is closer to English than French or Spanish, but you know, you are going to have some linguistic challenges."

Competition could be the biggest obstacle, Burke said, with so many American firms and firms from the United Kingdom operating in Germany.

"As you go overseas and operate in places like Germany, you are competing against big U.S. firms that are operating there as well as U.K. firms and a couple of big domestic German firms," Burke said.

Germany also has a civil law system, in which its law is dependent on its codes, whereas in the United States, there is a common law system, where previous court rulings set precedents in the law.

Germans also tend to be more formal in the workplace and in their business dealings, Burke said, and German companies are more hierarchical.

German >> Familiarity with culture, language a definite plus in doing business abroad

This means it is common that an attorney will be answering the same set of questions as legal work moves its way through the company's internal process, Burke said.

"Americans have to adjust their interpersonal communications or how they interface with other lawyers and German business people," Burke said.

Always a challenge

One of Wilburn's German-based clients, Josef Gartner GmbH, manufactures and designs modern steel architectural work. Lars Reinhardt, general counsel at the company, said Wilburn's fluent German

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He speaks German almost like a German. So, it's fantastic.

LARS REINHARDT
Josef Gartner GmbH

was part of his appeal when the company hired him.

"He speaks German almost like a German," Reinhardt said. "So, it's fantastic."

Wilburn also understood the German mindset and German laws.

"This is very good, you know, because he has an idea of the continental code law approach and he understands things or strategies ..." Reinhardt said. "He very quickly knows where to explain where the law in the state of New York is different to German ones, so this makes things easy with him."

Wilburn has represented the company in general matters like union disputes in the United States, but also when a fashion group alleged there were defects in the flagship store Josef Gartner had built. Wilburn helped settle the dispute out of court and prevented it from going to litigation, Reinhardt said.

"I could really appreciate that Bill handled the whole proceeding in this way to avoid painful litigation and huge expenses," Reinhardt said. "It was settled very cheaply and very quickly."

Wilburn also advises the German military, which has several locations in the United States, including



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From left: Katharina Maes-Roopchansingh, administrator/paralegal Ulrike Koch, William K. Wilburn and Jennifer A. Maged meet in WKWilburn's office in Bethesda.

one in Virginia, Maged said. Wilburn and his staff advise the military on U.S. insurance issues.

"There are different insurance opportunities here they are just not used to," Maged said.

Another client was a German contractor who had refurbished a fleet of vehicles for the U.S. Army overseas. There was a dispute over the cost of the contractor's services.

Wilburn travels overseas a couple times a year to meet with clients, though he said he used to go more frequently earlier in his career before email simplified communication across the Atlantic Ocean.

When a client's problems deal with specific European laws, however, the firm refers it to local counsel in that area, Wilburn said.

"There is a certain point with overseas work where you have to engage with local counsel,"

Wilburn said. "I think the thing we do best is advise senior management when the stakes are high and not only on the applicable legal stakes and risks, but also the unwritten risks."

Working at WKWilburn is always a challenge, Maged said, since they practice in different locations around the country, as well as the world.

"It keeps our procedural skills sharp because we are abiding by the procedural laws of different venues all time, whether it's different states, we have to learn each venue," she said. "Because we are in so many venues, it keeps it exciting."

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