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## Litigation Department OF THE Year

SPECIAL  
REPORT



## Bigger and **Better**

**COVINGTON** added muscle in all the right places to fight its way back into the top ranks of litigation firms this year.

**COVINGTON**  
COVINGTON & BURLING LLP

PHOTOGRAPHY BY MIKE MCGREGOR



# Bigger and Better

**COVINGTON** added muscle in all the right places to fight its way back into the top ranks of litigation firms this year.

BY MICHAEL D. GOLDHABER

**I**N THE SIX YEARS since Covington & Burling last appeared as a finalist in this biennial contest, its litigation group has grown a whopping 40 percent. Covington quadrupled its intellectual property team, beefed up white-collar, product liability and antitrust, and dived into arbitration. Most importantly, it shed its image as a cerebral firm that won't climb into the trenches, thanks partly to the 2009 hiring of Robert "Mike" Brock, who was a star offensive lineman for Bear Bryant's Alabama Crimson Tide.

BP plc has tapped Brock as its lead trial counsel (heading a team dominated by Kirkland & Ellis) in the Gulf of Mexico oil spill trial in New Orleans. "He's a humble, likable guy, and a hell of an advocate," says BP's American general counsel, John Lynch Jr. "He's simply one of the best trial lawyers in the country." Covington litigation chief John Hall adds: "People used to think of us as a good firm to write a summary judgment brief. Now they think of us for trial."

It's too early to judge BP, but in the past two years Covington has made clients happy on summary judgment, at trial, and everywhere in between.

**LITIGATION HIGHLIGHTS:** IndyMac Bancorp Inc. CEO Michael Perry faced \$1 billion in government and private claims over the failure of his bank. "Everyone wanted to make him the poster child for the financial crisis," says D. Jean Veta, who heads Covington's financial institutions group. Veta defied conventional wisdom by seeking summary judgment against the U.S. Securities and Exchange Commission, and eventually knocked out all but one claim, which she settled for \$80,000. The \$600 million in Federal Deposit Insurance Corporation claims settled for only \$1 million out of Perry's pocket, even though Perry's IndyMac colleagues lost a nine-figure jury verdict. "I would have been in bad shape but for my tremendous counsel at Covington," says Perry.

Two other clients escaped from SEC investigations with very little damage. NYSE Euronext got off with just a \$5 million fine over allegations that it released market data to some clients faster than others. Former Charles Schwab Corporation executive Kimon Daifotis was fined just \$75,000 for allegedly mis-

leading investors about Schwab's subprime exposure. Along the way, rising star Tammy Albarrán established the precedent that the Dodd-Frank Act does not apply retroactively.

At the other extreme, Glaxo-SmithKline plc set records when it paid \$3 billion in July 2012 to settle investigations into its sales and marketing practices. But to put that in perspective, the settlement concerned drugs with sales of some \$30 billion over the relevant period. Covington leaders say its regulatory expertise helps such clients get the best deal that they can. For GSK, health care fraud specialist Geoffrey Hobart could bring food and drug guru Richard Kingham to speak with the agencies. "We've maintained our regulatory practices while others have gotten rid of theirs," says Hall. "Marrying regulatory expertise with white-collar lawyers is an extraordinary advantage," says firm vice chair Lanny Breuer, who formerly headed the U.S. Department of Justice's criminal division.

In traditional litigation, Covington flexed its other strengths. IP litigator George Pappas preserved over \$1 billion in sales for a Johnson & Johnson unit in upholding the validity of a birth control patent at trial. Firm leaders in antitrust (Thomas Barnett), product liabil-

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**Department Size and Revenue**

Partners: 140 Associates: 263 Other: 66

**Department as Percent of Firm:**

54%

**Percent of Firm Revenue 2012:**

57%



**FROM LEFT:**  
Lanny Breuer,  
Tammy Albarrán,  
Mike Brock,  
John Hall and  
D. Jean Veta



ity (Michael Imbroscio) and appeals (Robert Long) teamed up to save Eli Lilly and Company from the charge that it had violated a diabetes drug collaboration. After California federal courts denied the injunction sought by Amylin Pharmaceuticals Inc., Covington won a settlement for Lilly worth up to \$1.6 billion.

In arbitration, Covington helped Occidental Petroleum Corp. win a record-shattering \$2.3 billion investor-state award against Ecuador (pending annulment petition). And it won a proof-of-concept arbitration for funds that owned a sliver of Yukos Oil Company, which could pave the way for a recovery by others against Russia in the tens of billions.

In pro bono, Covington helped win rulings that Arizona sheriff

Joe Arpaio racially profiled Latino drivers, and that the New York City Police Department racially profiled minorities in its stop-and-frisks. (The latter is now being challenged on the basis of the judge's conduct.)

We knew the American Civil Liberties Union would have nice words to share. But to our surprise, even Sheriff Joe's lawyer loves Covington, lauding its fluid document management and civility. "Claims of racial profiling are very emotional, and Covington did a terrific job of keeping it professional," says Thomas Liddy of the Maricopa County Attorney's Office. "Our common goal is to enforce the law while respecting civil rights."

**CLIENT FEEDBACK:** "They were highly ethical, really smart,

and got me the best outcome given the circumstances," says former IndyMac CEO Perry. Adds PD Villarreal, senior vice president for global litigation at GSK: "I'm a pretty experienced legal consumer, and their service level was astounding. They were there 24/7 for us."

**ON THE DOCKET:** The next two years will give Covington plenty of chances to keep up its winning ways. Among other things, the firm will help Asiana Airlines Inc. navigate the investigation into the crash in San Francisco last summer, defend Boehringer Ingelheim in multidistrict litigation alleging that the blood thinner Pradaxa leads to severe bleeding, and seek insurance protection for the National Football League in suits by players who suffered concussions.

# COVINGTON

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