



## Diversity Committee Elects New Chairs

In this issue, Tim Hester talks about Covington’s long history of promoting diversity and inclusiveness inside of the firm and more broadly. Michael Baxter discusses the DC Roadshow, a collaborative effort by more than a dozen Washington law firms to encourage African American law students across the country to practice law in DC. In a new feature, Covington First Person, Loretta Shaw-Lorello writes about her own “path less taken” to partnership and to Covington. This issue profiles the Minority Corporate Counsel Association (“MCCA”) and its work to increase lawyer diversity in law firms. There are also a number of updates on our activities with the Hispanic National Bar Association, Lambda Legal, and the firm’s Women’s Forum.

This is the first issue of Diversity Update for the firm’s new Diversity Committee. We thank Linda Goldstein and Mike Labson for their terrific work during their tenure, including overseeing the launch of the Diversity Update. We have three new diversity chairs: Bruce

Deming, Rubén Kraiem, and Andrea Reister.

Bruce Deming is a San Francisco-based partner with a broad corporate and securities transactional and advisory practice. Rubén Kraiem is a New York-based corporate partner who advises companies with interests in Latin America, companies based in Latin America and on cross-border matters. He is also co-chair of the firm’s Cleantech and Carbon Markets and Climate Change Practices. Andrea Reister is a Washington-based partner who co-chairs the firm’s patent practice and regularly advises clients on patentability, validity, and infringement issues.



**Bruce Deming**



**Rubén Kraiem**



**Andrea Reister**

Over the next few years, the goal will be to significantly improve the return from our efforts to attract and retain LGBT, Asian, Hispanic and African American lawyers. Collectively, this group will improve upon the recent overall progress the firm has made in diversity, by focusing even more closely on our efforts in San Francisco and New York.

**Bruce Deming, Rubén Kraiem, and Andrea Reister  
Co-Chairs of Covington’s Diversity Committee**

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## Management Committee: Recruiting Gains, Next Steps

Covington has a long and deep tradition of promoting the diversity and inclusiveness of its partners and associates. As early as the late 1950s, prominent Covington partners played a leadership role in persuading the Bar Association of the District of Columbia to open its membership to African American lawyers. The firm elected its first African American partner in 1975, and today an African American partner serves on the firm's management committee and seven of our 170 partners are African American—placing Covington among the very top of *AmLaw100* firms for African American partners. All told, 103 of our US lawyers are minorities, representing 17 percent of the firm's total lawyers. The firm elected its first woman partner in 1974. Today, some 22 percent of our partners are women, including one who serves on our management committee, and 38 percent of the firm's lawyers are women. The firm elected its first openly gay partner in 1989, and today more than a dozen of our lawyers are openly gay, including three partners.

But with all of that said, Covington remains enthusiastically committed to doing more to promote the diversity of its lawyers going forward. We've made important progress in recent years—for example, our two most recent associate classes are nearly 10 percent African American. In the last two years *The Minority Law Journal* has ranked

Covington's diversity among the top 50 firms nationwide. This summer we've welcomed a summer associate class to the firm that is nearly 50 percent women, 19 percent racial or ethnic minorities, and 4 percent openly gay—a further building block in expanding the future diversity of our lawyer ranks.

We see a diverse and inclusive group of lawyers as fundamental to the future of the firm. By enhancing the diversity of our firm, we enhance the quality and depth of the legal services that we provide to our clients—and we enrich the life of the firm. This is not merely a question of recruiting diverse lawyers but also involves strengthening our professional environment in a manner that will improve the retention of *all* of our associates. We are currently launching systematic programs aimed at better facilitating the professional development and retention of our associates because we understand that our younger lawyers are the bedrock of the firm's future. We are pleased with the progress we have made but recognize that there is much work still to be done. We welcome suggestions and ideas on ways we can improve our efforts.



by Timothy Hester  
Chair of the Management Committee

## The DC Road Show: Q&A with Michael Baxter

### What is the history of the DC Road Show?

The DC Road Show began about four decades ago by the major Washington, DC law firms. Its foundation lay in the observation, at the time, that most African American law students interested in big-firm practice generally looked to New York, believing the DC practice was limited to careers in the federal government. The DC Road Show was conceived for the major DC law firms to go "on the road" to meet with African American law students in an informal setting to inform them of the opportunities available in the DC practice. The Road Shows are not firm-specific recruiting devices used to persuade African American law students to join any specific law firm. Our message is more fundamental and unites all of the Road Show firms in one mission: to encourage African American law students to come to DC to try big-firm practice.



Michael Baxter

### What is Covington's role?

While Covington has been involved with the DC Road Show since its inception, for the past 10 years, Covington has taken the lead in organizing the DC firms for the annual Road Shows. Each December, Covington connects representatives from interested law firms, who then coordinate with local BLSA chapters to host Road Shows on campuses across the nation.

### How long have you worked with the Road Show?

Tom Williamson actually brought me to my first Road Show in 1983. Since then I have remained committed to the Road Shows. About 10 years ago, I began to coordinate fundraising for the Annual DC Road Show Reception, which is held each summer to connect law students exploring DC practice. For the past five years, I have also been charged with connecting participating law firms to host Road Shows each year. Continued on page 8

## Covington First Person: Loretta Shaw-Lorello

*Loretta Shaw-Lorello is a partner in the firm's New York office. Her practice focuses on advising sponsors of private equity funds globally in matters related to fund formation and operations. She regularly advises clients on organizing and operating a wide range of private equity funds, including buyout*



**Loretta Shaw-Lorello**

*funds, venture capital funds, real estate funds, distressed funds and credit opportunity funds. She also advises fund sponsors on structuring carried interest plans and on the formation of vehicles to facilitate employee co-investments.*

*Loretta joined Covington in March of this year as a partner in Private Investment Funds practice. She is the mother of 11-year old Anna and 9-year old Drew. She is a 1985 graduate of Yale and a 1993 cum laude graduate of Fordham where she was a member of the Order of the Coif and an Associate Editor of the Fordham Law Review. After graduating from Fordham, she clerked for the Honorable Lawrence W. Pierce, U.S. Court of Appeals, Second Circuit.*

I have been an attorney since 1994. I found one of my earliest legal mentors in the Hon. Lawrence W. Pierce, for whom I clerked while he sat on the U.S. Court of Appeals for the Second Circuit. His advice to me, his mantra really, was "Given an opportunity, work hard, pursue excellence, and you will always have more opportunity." I found his attitude inspiring not only because he lived his advice, but also because it seemed to have served him well. Judge Pierce was a fellow alumni of Fordham Law. He graduated at the top of his class and could not get a job at any of the large law firms in NY. The reason he was most often given was that he could not be offered a position because no secretary would work for him.

I have always known that I wanted to have a fulfilling and challenging career and a rich and full family life. My commitment to these twin goals has given me a good guide for determining what I wanted to do—and where I would be successful doing it. After my clerkship, I joined Sullivan & Cromwell as a litigation associate. S&C is a great firm now and was a great

firm then. However, I came to the conclusion that succeeding at the firm and also having my meaningful family life were incompatible goals. I was not aware of any successful women attorneys who appeared to be balancing their work and family lives.

I decided to actively seek a firm where I could strike a better balance. I chose Hertzog, Calmari & Gleason. It was a boutique founded by three former Cravath attorneys. The firm was started by people who wanted to create a small, family-friendly environment, that would take on smaller, but equally challenging, matters that often arose out of large litigations for major clients. I often represented individual defendants in securities matters and corporate defendants in employment litigation and really enjoyed the work. The firm clearly lived what they espoused, and almost everyone there was a mother or father and all clearly balanced their roles as lawyers and parents. Both of my children were born while I was at Hertzog.

When I returned from maternity leave, I discovered that the firm had voted to become part of Winston & Strawn, a large, national firm that started in Chicago. The firm had a first-rate litigation group and reputation. However, at the time, it was doing the kind of big, document intensive class action litigation that I had joined Hertzog to leave behind. Although many of my peers were the same people, the place felt different and the environment began to feel more and more like a place I would not have chosen, if I were choosing a bigger firm.

About six months after I returned from leave, I was approached by a recruiter who said she had an opportunity in "investment funds." The opportunity was with O'Sullivan, Graev & Karabell, a small, highly respected corporate firm in NY. The opportunity was to be one of the first three associates to work for this new practice. It was quite the leap of faith for a litigation associate—and it turned out to be a wonderful career move. When I talked to the two partners, they convinced me that the opportunity would be one to learn a new area of law together as a team. They all had children and seemed genuinely committed to making work-life balance a priority. They truly believed that you could be successful at more than one thing. It turned out to be exactly what I had been led to believe and more. *Continued on page 4*

## Shaw-Lorello, continued

Our “new area” grew into a very successful private equity and funds practice. We had a terrific team who became my friends, and the younger of the two partners became a mentor to me as well as a close friend.

Three years after I moved to O’Sullivan in 2001, the firm merged with O’Melveny & Myers, a large, national firm with roots on the West Coast. Our practice group merged intact, and it was business as usual for us, which felt very comfortable, even as the size of the office more than doubled with the merger of O’Sullivan and O’Melveny’s NY office. I became a counsel and later was elected to the partnership in 2007, eight years after my leap of faith into a new and much different practice area. For years I had known that I added value for my clients, I understood the business and was respected by my peers. Nevertheless, the election to the partnership—the offer of membership to the club—was still immensely satisfying and validating! As Judge Pierce had counselled a decade before, “Work hard, strive for excellence, and opportunity will come.”

The road to Covington started with a call from Scott Smith, one of the co-chairs of Covington’s corporate practice and member of the firm’s management committee. Scott is the consummate salesman: equal parts persuasive, persistent and patient. What my mentor, now colleague, and myself saw in Covington was a firm that understood our practice area, the potential it represented, and was committed to providing the support we would need to continue to be successful. We saw a place led by smart people. Scott also showed us that he wanted us, the whole lawyer and whole person. I talked to more than 60 partners at Covington as part of the mutual decision process. They were a thoughtful, collegial, diverse group who did not try to sell me on the firm. They just engaged me in conversations that let me get to know them as people and allowed them to get to know me.

It is early here at Covington for me, but so far, it has been everything I hoped and even more. It is clearly a place that meets my requirement for an environment conducive to work-life balance. The firm is routinely and regularly rated as one of the 100 Best Places for Working Women by *Working Mother* magazine

and as one of the best places for women lawyers by a host of surveys. The collegiality and warmth of my colleagues has been everything I saw during my early meetings.

The client development and marketing support for our practice area has been outstanding—and the entire rest of our team has joined us at Covington.

The only real surprise I have had was finding out that I was the first African American partner in the NY office when I was approached to tell my story for Diversity Update. Covington is a diverse firm. More importantly, the feeling of the firm is one of excellence, collegiality, and diversity. Almost 10 percent of the lawyers I had met were African American, half of them were women and the whole feel of the firm was so comfortable, that I had no idea that I was a “first.” I am looking forward to being part of the effort to continue to broaden and deepen diversity in our office and across the firm.

## Deming Appointed to Lambda Legal Board

Partner Bruce Deming has been appointed to the national board of directors of Lambda Legal, the oldest national organization pursuing high-impact litigation, public education and advocacy on behalf of equality and civil rights for lesbians, gay men, bisexuals, transgender (LGBT) people and people with HIV.



Bruce Deming

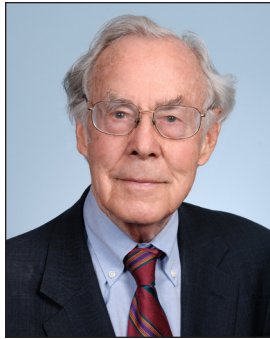
“We are pleased to have Bruce on our board of directors and look forward to his leadership as Lambda Legal continues its pioneering civil rights work on behalf of LGBT people and people with HIV,” said Kevin Cathcart, Executive Director of Lambda Legal. “We are also pleased that Covington & Burling encourages its lawyers to devote their personal time to important causes.”



## Pro Bono: McKay Veterans Award; Guantánamo Victory

### McKay Honored for Veterans' Benefits Work

Senior counsel Jim McKay received a singular honor from the United States Court of Appeals for Veterans Claims, which on April 14, 2008 presented him with the Hart T. Mankin Distinguished Service Award. At the age of 91, Jim continues to use the legal skills he has honed during his long and distinguished career to effect positive change in the veterans' benefits claims arena. Jim earned his law degree from Georgetown in 1947, after serving four years in the Navy during WWII. He served as Assistant U.S. Attorney for the District of Columbia from 1948-1949, and became a partner at Covington in 1957.



Jim McKay

Jim's abiding passion has been the provision of legal services to veterans. He has handled 24 cases before the U.S. Court of Appeals for Veterans Claims under the Veterans Consortium Pro Bono program—more than any other lawyer. Jim obtained a favorable result for the veteran in 17 of them. One of those resulted in the veteran recovering roughly \$225,000 in accrued benefits—one of the largest recoveries under that program. Jim's cases also include one, still pending, in which he is pursuing his fourth appeal. He regularly serves as a mentor to junior lawyers at Covington who have taken cases under the program. Under his leadership and guidance, several lawyers have taken on representation of veterans at the initial stage of filing benefits claims for service-connected injuries, a stage that historically saw no legal representation, either paid or pro bono.

Jim's exceptionally devoted service to individual claimants is not all that he has done on behalf of veterans. The Veterans Judicial Review Act of 1988 prohibited veterans, when claiming benefits for service-connected injuries, from retaining counsel prior to a final appeals board decision. In 2006, Jim wrote an op-ed piece in *The Washington Post* titled "Who Can Fight for the Soldiers?" The op-ed ignited an effort by Congress to amend a law which, since the Civil War, had effectively barred veterans from hiring lawyers to represent them in disability claims filed with the Veterans Administration, culminating in the December 2006 passage of a law allowing veterans to hire lawyers in disability proceedings before the Board of Veterans' Appeals.

Jim was an active participant throughout the legislative reform process and in July of last year, he was presented with a citation from President George W. Bush at a special session of the seven judges of the U.S. Court of Appeals for Veterans' Claims. The citation thanked him both for his military service in WWII and for his efforts to help veterans. Jim was recently named a "Legend of the Bar" by *The Washingtonian*. His commitment to public service is truly extraordinary, and his vision has inspired many lawyers—both at Covington and across the country—to devote time to this issue.

### Covington Secures Victory for Guantánamo Detainee

After six years of litigation, Covington won our first victory in favor of a Guantánamo prisoner in the D.C. Circuit on March 14, 2008. In its decision, the court overturned a decision by District Judge Collyer allowing the U.S. government to send an Algerian Guantánamo prisoner, Ahmed Belbacha, back to Algeria, where he would likely face torture or death at the hands of the government or the local Al Qaeda organization. District Judge Collyer refused even to consider Belbacha's motion for preliminary relief on the basis of the D.C. Circuit's decision last winter in *Boumediene v. Bush*, in which the court held that the district court lacked jurisdiction over cases brought by Guantánamo prisoners. *Boumediene v. Bush*, which is now before the Supreme Court, is widely considered to be the biggest case of this term.

The D.C. Circuit's court opinion in *Belbacha v. Bush*, written by Chief Judge Ginsburg, held that the district court has jurisdiction under the All Writs Act to enter preliminary relief pending the Supreme Court's ruling on the underlying jurisdictional issue in the *Boumediene* case. The D.C. Circuit therefore returned the case to Judge Collyer to consider whether Belbacha is entitled to preliminary relief under the traditional four-part test. The D.C. Circuit's decision bars Belbacha's return at least until the district court can consider and decide his claims, and possibly until the Supreme Court issues its decision in *Boumediene*.

Covington has been representing Guantánamo prisoners since July of 2004, when the Supreme Court held in *Rasul v. Bush* that the prisoners were entitled to bring habeas actions in federal court. A Covington team, led by David Remes, has been deeply involved in all of the leading Guantánamo cases since then. Currently, the firm represents 16 prisoners—14 Yemenis, one Pakistani, and one Algerian.

# The Hispanic National Bar Association Convention

## A Report from Covington Associate José E. Arvelo

The statistics of Latino representation in the legal profession present a relatively poor picture. According to a recent ABA report, Latinos comprise about three percent of all lawyers in the United States, even though Latinos make up over 12 percent of the total US population. Many law schools, professional associations, and law firms—including Covington—have taken steps to address this issue. Among other initiatives, Covington has supported groups that have as their mission the increase of professional opportunities for Latinos in the legal profession. The Hispanic National Bar Association (“HNBA”) is one of these groups. Covington has served as a sponsor of, among other things, the HNBA’s annual convention and has sent a junior associate to attend this event.



Founded in 1972, the HNBA is a national association of over 33,000 Latino attorneys, judges, law professors, and law students from the United States and Puerto Rico. Its core goals are to address legal issues of concern to the Latino community and to increase professional opportunities for Latinos in the legal profession. The annual conventions of the HNBA help further these goals by bringing together Latino and non-Latino lawyers, law students, and public officials from across the United States to network and to discuss issues of common concern.

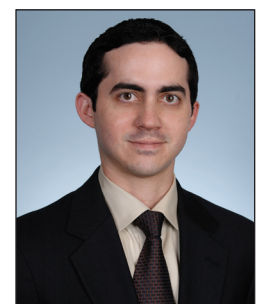
The HNBA’s 32nd convention was held on October 3-6, 2007 in San Juan, Puerto Rico; just miles from where I was born and raised. The convention enjoyed the participation of hundreds of attorneys, law students, and public officials, including the Governor and the Attorney General of Puerto Rico. Needless to say, the conference was an ideal forum to meet Latino colleagues from diverse regions and practice areas. The convention also featured events at the Puerto Rican Capitol and at the Bacardi refinery.

In addition to serving as an excellent networking forum, the HNBA conference featured interesting panel discussions where important issues of

particular concern to Latinos and Latino sub-groups were discussed. For example, the subject of one of the plenary sessions was “The Puerto Rico Status From a Legal Point of View,” a thorny issue that is at the heart of political debate in Puerto Rico. Puerto Rico has been a territory of the United States since 1898, and there is sharp disagreement among Puerto Ricans about whether this status should be reformed or replaced in favor of independence or annexation as the 51st state of the union. The conference organizers set up a balanced panel of distinguished legal scholars with diverse views about the rather unique legal status of Puerto Rico within the U.S. constitutional framework. Their discussion of the issues was thoughtful and civil, in sharp contrast to the often acrimonious exchanges of politicians on the island.

Conference sessions also dealt with subjects of more general interest. There were panels on electronic discovery, effective trial advocacy, ethics, corporate social responsibility, among others, for which CLE credit was available. By attending these panels, I acquired insights from seasoned practitioners which have contributed to my professional development.

At the HNBA conference, I realized that—despite the poor statistics on Latino representation in the legal profession—Latino lawyers are present and influential in a wide variety of practice and geographic areas. Latino corporate counsel, firm partners and associates, public officials, and judges were among conference panelists and attendees. This fact demonstrates that the HNBA’s goal of greater Latino representation is certainly achievable. Covington’s support to the HNBA and similar groups evinces the firm’s commitment to this goal. I am proud to be part of this effort as a member of the diverse Covington family.



by José E. Arvelo  
Covington Associate

## MCCA Expands Scope and Services, Covington Responds

The Minority Corporate Counsel Association (“MCCA”) is one of the nation’s leading advocates for under-represented groups in the legal profession. MCCA was founded in 1997 to advocate for an increase in hiring, retention, and promotion of minority attorneys in corporate law departments and the law firms that serve them.

According to Executive Director Veta Richardson, “MCCA exists for one purpose: advancing diversity in the legal profession.” Having recently celebrated its first decade of empowerment, advocacy, and leadership, MCCA is now broadening its scope to address issues beyond racial diversity and moving from a primarily events-based organization to an organization focused on research and education.

For its first ten years, MCCA’s primary mission was to increase racial diversity in law firms. While lawyers of color remain MCCA’s primary focus, over the past few years MCCA has broadened its scope to include advocacy for other underrepresented groups including female attorneys, disabled attorneys and LGBT attorneys.

MCCA has also expanded its slate of services over the past 10 years to include general counsel roundtables, CLE Expos, annual conferences, networking events, and Employer of Choice award dinners. Covington has long partnered with MCCA in sponsoring many

of these events, including the 2007 Western Region dinner held in Los Angeles last winter and attended by Covington lawyers Tammy Albarrán, Stephen Chien, Bruce Deming, Wendy Feng, and Anita Stork.

Increasingly, MCCA is dedicating resources to its groundbreaking publications and substantive research. MCCA conducts empirical research regarding important diversity issues facing large law firms and then published best practices guides for employers based on research results. In conjunction with its research and publishing, MCCA is expanding into the area of diversity training and education, providing guidelines for how to implement and maintain diversity in law firms.

Covington lawyers Eric Holder and Mike Labson have been involved with MCCA since its inception. According to Thomas L. Sager, Vice President and Assistant General Counsel of DuPont and a member of MCCA’s Board of Directors, “The support of Covington & Burling has been invaluable.” Richardson, however, cautioned against resting on our laurels—as MCCA expands its mission she promises that Covington will be called on to work with MCCA in new and expanded ways.

by Veta T. Richardson,  
MCCA Executive Director  
and Rachel Levy,  
Covington Associate



## Recent Honors & Awards

**The Daily Journal, “Top 75 Women Litigators,” 2008**  
Partner Sonya Winner was named for the second consecutive year a top woman litigator for her leadership role in the firm’s class action litigation practice group.

**IP Law and Business, “Top 50 Under 45,” 2008**  
Partner Laurie Self was recognized for the leading role she has played in the development and enforcement of intellectual property laws across the globe.

**Minority Media and Telecommunications Counsel, Distinguished Pro Bono Award, 2008**  
The firm was recognized for extraordinary assistance for the cause of diversity and inclusion in the media and telecommunications industry.

**National Law Journal, Appellate Hot List, 2008**  
The firm was recognized among 20 top firms for outstanding, high-profile appellate practice.

**PLC, Top Ranked Life Sciences Practice, 2008**  
The firm was ranked first in Life Sciences Industry and Life Sciences Regulatory worldwide for the third consecutive year.

**SportsBusiness Journal, “Top 40 Under 40,” 2008**  
Partner Peter Zern was recognized as one of the best and brightest executives in the sports industry under the age of 40.

## Upcoming Events

### Mentoring and Networking

- 6/12 Wine-tasting and reception at Vinopolis, sponsored by the **London Women's Forum**.
- 6/14 **Musical production** at the Duke Ellington Theater to benefit City at Peace, a local non-profit performance arts organization for teenagers that promotes cross-cultural understanding.
- 6/19 **MCCA's Mid-Atlantic Region Diversity Dinner** honoring the General Counsel of Bank of America and Freddie Mac. Covington is a platinum sponsor of the event.
- 6/25 **London Women's Forum** reception with featured speaker Professor Rachel Mulheron, Queen Mary College, University of London.

## DC Roadshow, continued

Continued from page 2

### What happens during the Road Shows?

At the Road Shows, firms discuss subjects and issues relevant to or of interest to the students including: why come to DC, choosing a practice area, being African American in a major law firm, and how to succeed at a law firm. The Road Shows offer students an opportunity to ask questions that they are reluctant to ask in the interview process. In the context of the Road Show, free from the strictures, politics, and repercussions of the interview process, the students feel more comfortable asking the questions that are on their minds, and we endeavor to answer them candidly.

### What schools participate in the Road Show?

Road Shows have been held at Berkeley, Boston College, Boston University, Chicago, Columbia, Duke, George Washington, Georgetown, Harvard, Howard, Northwestern, NYU, Penn, Stanford, UVA, and Yale.

### What firms participate in the Road Shows?

While initially the Road Shows were organized solely by DC-based firms, the establishment of Washington offices by major law firms based outside of DC has expanded the number of law firms now involved in the Road Show. Today, the Road Shows are conducted by over a dozen major law firms.

## Recent Events

### Educational

- 4/16 **The Work-Family Balance Group** hosted a seminar with Derek Coburn, partner at Washington Financial Group LLP, who discussed education savings plans for children and grandchildren.
- 2/28 **The San Francisco office** sponsored attendance at an informational webinar hosted by LexisNexis entitled "Women in the Legal Profession: The Keys to Successful Rainmaking."

### Mentoring and Networking

- 5/21 **London Women's Forum** reception with featured speaker Dr. Sabine Bahn, Director of Psynova.
- 5/15 **London Women's Forum** reception with featured speaker Gail Lione, General Counsel of Harley-Davidson.
- 4/29 **Brussels Women's Forum** luncheon to discuss cross-office programming.
- 4/16 **London Women's Forum** luncheon with featured speaker Nicoletta Adda, image consultant.
- 3/31 **London Women's Forum** luncheon seminar with featured speaker Rachel Edwards-Stuart, nutritionist.
- 3/13 Annual **San Francisco Women's Forum Dinner** at Frisson.

### Recruiting

- 4/24 Covington hosted an informational panel and buffet dinner for law students at Berkeley School of Law entitled "Choosing a Diversity-Friendly Law Firm." **Bruce Deming, Deanna Kwong, Jonathan Mukai, Chelsea Tanaka-Delgado,** and **Amy Toro** participated in the panel discussion.

### Sponsorships

- 5/07 **Hispanic National Bar Association** "Legislative Day and Capital Awards Dinner."

## Contributing to our Diversity Efforts

If you would like to become more involved with diversity efforts at Covington or contribute information to upcoming issues of the Diversity Update, please contact Andrea Reister at areister@cov.com.