

Rising Star: Covington & Burling's David Pinsky

By Vidya Kauri

Law360, New York (April 19, 2016, 3:58 PM ET) -- Nearly four decades after David Pinsky's Jewish parents fled the Soviet Union for fear of persecution, the international arbitration attorney at Covington & Burling LLP returns to his birthplace to represent Ukraine's state-owned oil and gas company as it works to settle investment disputes against Russia, after having successfully won similar arbitral cases for other big-league entities.

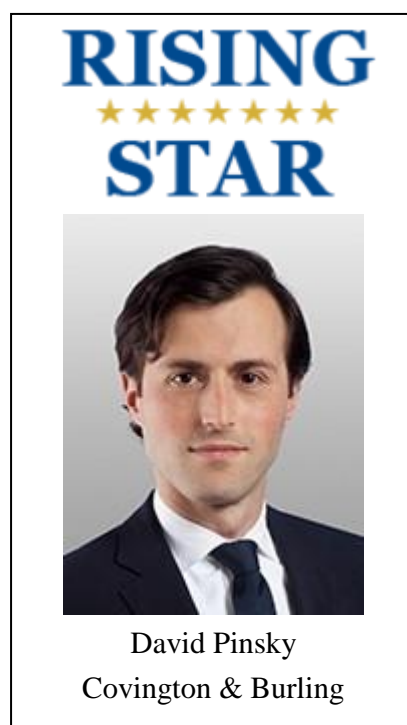
Landing in Kiev on his 39th birthday — and on Law360's Rising Stars list of top attorneys under 40 — two years after he made partner, Pinsky not only heads his firm's Russia and Eurasia initiative in the arbitration practice, he helped develop Covington & Burling's Russia-focused arbitration practice early in his career by leveraging his knowledge of the ex-Soviet region's politics, playing a key role in victorious, precedent-setting arbitration proceedings for Spanish minority investors in Yukos Oil Co. and enlisting high-profile business clients faced with sanction threats from Russia.

According to Covington & Burling, it was Pinsky who recently assembled a team and successfully pitched the firm's virtues to Ukraine's NJSC Naftogaz when the oil company was looking for counsel to help it recover damages from Russia's seizure of its investments in Crimea.

But in an interview with Law360 before his one-week trip in connection with his role as lead counsel in the Naftogaz matter, Pinsky was reluctant to take full credit for his accomplishments, saying that Covington is a collegial and collaborative place that has nurtured his career from the ground up since long before he became the firm's first partner in New York focused on international arbitration work.

"Thinking about how I was essentially going to build a practice in New York that was focused on the former Soviet Union, I had to rely in large part on my colleagues ... and the willingness of my partners to introduce me to firm clients who had business in the former Soviet Union, to vouch for me and introduce me to energy clients in the United States," Pinsky said.

Team-player skills aside, it is Pinsky's connection to Ukraine that is the driving factor behind his passion and dedication to his clients. After graduating from New York University School of Law in 2004, a



yearning to pursue further education in the former Soviet region took Pinsky to Moscow for a year to study press freedom on a U.S. State Department-funded fellowship before joining Covington in 2005.

Right around this time, Covington had begun advising U.S. investors in the onetime oil giant Yukos in their allegations that the Russian Federation was trying to renationalize the scandal-ridden oil company without compensation, and as one of the few associates who spoke Russian and had a solid understanding of the Russian political scene, Pinsky said he was soon drawn into disputes arising from the Yukos expropriation.

"That was something I was able to bring to the table — both an understanding of the politics of the region and also [knowing] the language. That's how I was able to differentiate myself as an associate to work on that matter," Pinsky said.

He was a key member of the Covington team, the firm said, that won an arbitral claim against Russia on behalf of Spanish minority investors in Yukos, and that award served as a precedent for the \$50 billion award won later in July 2014 by Yukos' majority shareholders after a tribunal in The Hague unanimously held that Russia had breached its international obligations under the Energy Charter Treaty by destroying Yukos and expropriating its assets.

Pinsky's involvement in the Yukos files served as a steppingstone for further client-development efforts in Russia-related arbitration matters.

In 2014, following the entry of Russian troops into Ukrainian territory, Pinsky successfully retained a major U.S. multinational company that was seeking advice on how to structure its investments in Russia in a way that would best secure arbitral jurisdiction over disputes with the Russian government.

Covington then asked Pinsky to lead another pitch to represent a U.S. energy company in a "high-value commercial arbitration" arising from the threat of Russian sanctions, and that confidential arbitration was resolved in the company's favor last year, the firm said, adding that it could not disclose the names of the U.S. companies.

In addition to his arbitration work, Pinsky also maintains an active pro bono service focused on immigration law and has won asylum and other forms of immigration relief for clients from Uzbekistan, Iran and Afghanistan. Pinsky said that the inspiration for his pro bono work comes from a desire to pass on the resettlement help that his parents received when they left the Soviet Union in 1979 as refugees with their two children, including Pinsky who was 2 at the time, \$100 in cash and a few personal belongings.

"I focus my pro bono practice on immigration law because I recognize the importance of the help that my family received, and I'd like to play some part in helping others who are similarly in need," he said.

--Additional reporting by Erik Larson. Editing by Brian Baresch.
