

Covington Adds Ex-Deputy Assistant AG To Appellate Group

By Taylor Arluck

Law360, New York (February 6, 2017, 6:04 PM EST) --A former deputy assistant attorney general in the Civil Division of the U.S. Department of Justice who defended the Affordable Care Act and former President Barack Obama's immigration executive orders has joined Covington & Burling LLP's appellate and U.S. Supreme Court practice in Washington, D.C.

Beth S. Brinkmann joined Covington & Burling on Jan. 31, after serving as deputy assistant attorney general since 2009. Earlier in her legal career, she clerked for Supreme Court Justice Harry Blackmun in the 1980s and has since argued 24 cases before the court.



Beth Brinkmann

Before serving as deputy assistant attorney general, Brinkmann previously chaired Morrison & Foerster LLP's appellate practice. She told Law360 on Monday that she is excited to return to private practice.

"The teamwork and collaboration at Covington is incredible and the strength of its appellate practice attracted me to the firm," Brinkmann told Law360 on Monday.

In the ACA case, Brinkmann helped write briefs for and presented oral arguments in defense of the constitutionality of consumer subsidies under the ACA's federally established exchanges, which were challenged on the basis of the law's "established by the state" provision. In June 2015, the high court upheld the subsidies in a 6-3 ruling.

Brinkmann also helped defend Obama's executive orders on deferred deportation and work authorization against 26 states after they won an injunction in February 2015. After almost four months of deliberations, in November 2015 a Fifth Circuit panel denied in a 2-1 split the Obama administration's request for a block on a lower court's stay.

In one of the last cases Brinkmann worked on at the DOJ, she argued before the D.C. Circuit in defense of a law regulating protest before the Supreme Court building.

"The case really brought me back to my time at the Supreme Court as a clerk," Brinkmann said. "It was fun to have a case about the court itself. I dug into the architectural history of the building and we were able argue that."

In August 2015, a unanimous D.C. Circuit upheld the law.

Before joining the DOJ's Civil Division, Brinkmann worked at Morrison & Foerster from 2002 to 2009, where she chaired the firm's appellate practice.

From 1993 to 2001, Brinkmann served as an assistant to the solicitor general in the Department of Justice, where she argued 18 cases before the Supreme Court — more than any other woman in the past 30 years prior to 2002, according to Morrison & Foerster.

Brinkmann earned her bachelor's degree from the University of California, Berkeley in 1980 and her law degree from Yale Law School in 1985.

Brinkmann clerked for Supreme Court Justice Harry Blackmun during the high court's October 1986 term.

--Additional reporting by Jeff Overley and Allissa Wickham. Editing by Stephen Berg.