Portfolio Media. Inc. | 111 West 19th Street, 5th Floor | New York, NY 10011 | www.law360.com
Phone: +1 646 783 7100 | Fax: +1 646 783 7161 | customerservice@law360.com

Covington Snags Undefeated Litigator From O'Melveny

By **Dani Kass**

Law360, New York (July 6, 2017, 3:55 PM EDT) --
A former O'Melveny & Myers LLP litigator with an undefeated trial record has joined Covington & Burling LLP as a partner in Los Angeles in the litigation and white collar defense and investigations practices.

Carolyn Kubota

Carolyn Kubota has scored more than 20 trial victories on behalf of companies, including Johnson & Johnson and executives of W.R. Grace & Co.. At Covington, she will continue her trial work, focusing largely on attorney general investigations and suits in the life sciences space.

“A friend of mine once said, [trials] are the most fun you can have wearing a suit, and I’m a strong believer in that,” Kubota said. “I find [that], professionally, I'm never more engaged than when I'm in trial, and even though they're demanding, for me it’s the part of being a lawyer that I like the most.”

After graduating from Cornell University with a bachelor of arts and a law degree, Kubota worked for Latham & Watkins LLP, where she took part in her first trial, an unfair competition case. She then spent more than a decade as a federal prosecutor in Los Angeles, focusing on financial and accounting fraud, particularly tied to the savings and loan crisis.

At O'Melveny, her most memorable trial was that of Jack Wolter, a former W.R. Grace official facing criminal charges of violating the Clean Air Act. The chemical company operated a mine in Libby, Montana, where workers mined vermiculite. However, that mineral was contaminated with a type of naturally occurring asbestos, and townspeople got sick. Five former executives were charged.

“The case in Montana was infamous — everyone knew each defendant and what their roles were,” Kubota said. “People would yell at us in the street. It was a very intense situation. We defended that case for three months and in the end the jury deliberated one day and acquitted all the defendants. It was just so emotionally charged because basically the defendants were accused of killing the town of Libby.”

Protestors were outside the courthouse, adding to that emotional charge, Kubota said. In the end, Kubota said the situation was “a very, very serious and tragic situation” but “it wasn’t a criminal case.”

“I believed 100 percent in the innocence of my client,” she said when asked if those protestors ever

made her rethink her side. “A tragedy isn't a crime. They’re different and Jack Wolter had spent his entire career at Grace trying to improve conditions for the people working in the Libby mine. He had bought a retirement home in Libby, which isn't consistent with believing it's contaminated with deadly asbestos.”

Since then, she has worked with Johnson & Johnson on pelvic mesh and opioid crisis-related litigation, matters she will continue at Covington. She said her goals are to expand the firm’s attorney general investigation practice and get into the courtroom more, where she hopes her streak will continue.

“It’s kinda peculiar — I’ve had hung juries, but no adverse verdict,” Kubota said. “I’m always kinda stunned.”

Global litigation Chairman John Hall said in a statement that “Carolyn is a world-class litigator with an exceptional track record of trial success, and her tenacity and depth of experience will be highly valuable to our clients. Carolyn’s core practice, particularly her experience in high-stakes matters for pharmaceutical clients, fits perfectly with our long-term goals to grow both our Los Angeles and global litigation capability.”

--Editing by Stephen Berg.

All Content © 2003-2017, Portfolio Media, Inc.