

Rising Star: Covington's Shankar Duraiswamy

Law360, New York (July 19, 2017, 3:37 PM EDT) - The role of Covington & Burling LLP's Shankar Duraiswamy in defending air bag maker Takata Corp. in high-profile litigation in the wake of the largest public safety recall in U.S. history and regulatory investigations landed him a place among the five product liability attorneys under 40 honored by Law360 as Rising Stars.

HIS MOST CHALLENGING CASE SO FAR:

As a partner, Duraiswamy said that the Takata matter has been the largest matter he has handled to date, given the scope of the issue, the publicity surrounding the recalls, the U.S. Department of Justice's now-concluded investigation into the air bags and the added wrinkle of the company's bankruptcy filing and restructuring.

Millions of the allegedly defective air bags have been recalled, and in February, the company pled guilty and agreed to pay \$1 billion as part of its settlement with the DOJ. This was on top of a \$200 million fine levied by the National Highway Traffic Safety Administration on Takata, the agency's largest ever.

Duraiswamy leads Covington's team in defending Takata in multidistrict litigation in Miami, in which drivers claim that the company's airbags can deploy improperly in car accidents, leading to injuries and deaths.

"Having to manage the litigation within that context is very different from having an isolated piece of litigation, even if it has significant exposure," Duraiswamy said. "We have worked very hard to align the litigation strategy and broader

RISING ★ ★ ★ ★ ★ STAR



**Shankar
Duraiswamy**
Covington & Burling

Age: 37

Home base: Washington, D.C.

Position: Partner

Law school: Harvard Law School

First job after law school:
Associate at Covington

restructuring strategy that I think will allow for an orderly restructuring that will allow the company to play its role in the recall process and satisfy its public safety obligations."

HIS PROUDEST MOMENTS AS AN ATTORNEY:

Duraiswamy said that his proudest moments often come from his pro bono work. In one case, he helped represent deaf and hard-of-hearing postal workers in the wake of the anthrax scare, shortly after 9/11. Letters containing anthrax were sent to news media outlets and U.S. senators and several postal workers died from being exposed to the letters.

"As my colleagues found out as they were investigating, there were deaf and hard-of-hearing employees who had no idea what was going on, so they were scared to death about this issue," Duraiswamy said. "They had no ability to find out what was going on."

Currently, Duraiswamy is working with the ACLU of Michigan and the NAACP legal defense fund on a class action on behalf of low income homeowners in the city of Detroit facing eviction for failure to pay property taxes, which he said are over-inflated even by the city's own admission.

"I try to have something active like that all the time — I think it's an important part of my practice, and I think it's important for all attorneys, frankly, as a professional responsibility," Duraiswamy said. "It enriches the overall experience, and it adds to the diversity of the matters that I handle."

WHAT DREW HIM TO PRODUCT LIABILITY:

As an undergraduate, Duraiswamy said that he applied to both medical school and law school. While his interest in government and policy issues ultimately led him to decide on law school, he says his earlier academic work — in law school, he taught MCAT classes — still comes in handy in his legal work.

"When you do these pharmaceutical mass torts, it's critical to understand the science, to be able to understand the medical issues," Duraiswamy said. "You have to have a deep facility with that material, and you can't just rely on your raw litigation skills."

HIS ADVICE TO YOUNGER ATTORNEYS:

Regardless of the matter, there's no substitute for having a deep mastery of the facts — no legal or strategic brilliance can save you if you don't have an understanding of the issues at a deep level, particularly for litigators, Duraiswamy said.

"That's something you don't need to have years of experience as a lawyer to be able to do," Duraiswamy said. "That's something that is worth focusing on early in your career."

And more senior attorneys may be relying on a younger attorney to provide that kind of detailed knowledge, he said.

— *As told to Emily Field*

Law360's Rising Stars are attorneys under 40 whose legal accomplishments belie their age. A team of Law360 editors selected the 2017 Rising Stars winners after reviewing more than 1,200 submissions. This interview has been edited and condensed.

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