

White Collar Group Of The Year: Covington

By **John Petrick**

Law360 (February 4, 2019, 12:16 PM EST) -- Covington & Burling LLP served as co-counsel on an investigation into claims of sexual misconduct at CBS News and, specifically, by CBS Chairman Les Moonves, and made recommendations on a racially charged, headline-grabbing incident between a Starbucks employee and a customer over the last year, earning the firm a spot among Law360's 2018 White Collar Groups of the Year.

"Victories" in the white collar field of law are a little more difficult to measure than in some other disciplines, say attorneys at the firm. They don't always come in jury wins or case dismissals.

Sometimes, a "win," comes in quieter, more serious ways, through sensitive investigations, findings and recommendations that try to change the rulebook in terms of acceptable workplace behavior or that shine a light on racial or sexual discrimination to prevent it from happening in the future.

Covington is an international firm with 13 offices around the world. With more than 140 lawyers in its white collar division alone, including 40 former prosecutors, a former U.S. attorney general and three former heads of the U.S. Department of Justice's Criminal Division, Covington was well-equipped to work on cases this past year that ranged from nationally publicized to quieter and lesser-known, if still every bit as important.

The CBS Corporation Board of Directors chose Covington to co-lead what is perhaps one of the most nationally noted #MeToo investigations so far, triggered by allegations of sexual misconduct against Moonves and against the culture at CBS as a whole.

Moonves stepped down in September following several allegations of sexual misconduct.

A draft report of the internal probe leaked to the New York Times in December, accusing Moonves of destroying evidence and including more sexual misconduct allegations beyond the original 12 that led to Moonves' forced resignation in September.



Moonves has denied any wrongdoing, describing his sexual encounters as consensual.

“That matter is an example of how we have built a reputation as one of the top firms handling investigations into allegations of sexual misconduct for companies, schools, sports organizations and others,” said attorney Nancy Kestenbaum, a partner in Covington’s New York office.

The firm also represented the United States Olympic Committee amid allegations of sexual abuse of gymnasts by U.S. Gymnastics team doctor Larry Nassar. And led by partner and former U.S. Attorney General Eric Holder, Covington helped formulate recommendations on how to train employees on diffusing sensitive situations at Starbucks stores nationwide after a widely publicized, racially charged episode in Philadelphia.

“We made recommendations that will strengthen the organization going forward,” Kestenbaum said.

Covington also scored big on the international stage as lead counsel to the Independent Committee of the board of directors of Millicom, a Luxembourg-based telecommunications company with operations around the world.

The firm was involved with an internal investigation of foreign bribery allegations in Luxembourg, Sweden, Guatemala and the U.K., after it self-reported the misconduct to the DOJ and Swedish Authorities and has been cooperating since then.

The DOJ informed Millicom just a few months ago that it would not bring any charges. It is one of more than a dozen such outcomes the white collar team has gotten in recent years.

“We cooperated with a number of law enforcement agencies around the world. At the end of the day, the DOJ declined to bring any matter. That’s one of the hallmarks of our work, which is that we work through these issues. They are complicated and hard, and in large part, we get good results,” said partner Mythili Raman.

In the past two years, the firm has handled white collar matters on five continents and nearly 70 countries, according to partner Steven Fagell.

“We are at the forefront of every significant area of white collar enforcement, whether it involves the Foreign Corrupt Practices Act, work place culture, money laundering, general corporate crisis [or] consumer protection,” he said.

“We have a very hard-earned reputation for our depth of government expertise, our regulatory know how and our rigorous and tenacious approach,” he added.

--Editing by Alyssa Miller.

Correction: An earlier version of this story misstated the number of offices the firm has. The error has been corrected.