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# Litigation Leaders: Covington's John Hall on Plaintiffs-Side Work, Partner Promotions and the 'Plus Factor'

**"While some disputes can be solved with a jury verdict, many of the most challenging problems for today's global businesses are bigger, more complicated and multi-faceted, requiring creative solutions in more than one jurisdiction and one type of forum. "**

**By Jenna Greene**
**September 9, 2019**

Welcome to another installment of our Litigation Leaders series. This month, we're highlighting John Hall, who chairs Covington & Burling's global litigation practice. A former federal prosecutor, Hall has a wide-ranging commercial practice, litigating on behalf of clients including Chiquita Brands International, Inc., the National Football League, Samsung Electronics and Hewlett-Packard Co.

**Tell us a little about yourself – beyond what's in your law firm bio.**

John Hall: I grew up in Kansas City. A first generation college graduate, I am the son of a union laborer and a clerk typist. My ambition to be a trial lawyer—which arose in part from my modest success as an actor and debater in high school and college—led me to law school. I started my legal career as a Covington associate, but impatient with big law at the time, I soon left to return to Missouri where I worked as assistant U.S. attorney and then in a mid-sized litigation firm, trying a slew of cases and honing my skills as an advocate.

Much as I loved my active trial practice in Missouri, eventually I came to miss the big pond. For many firms, my Midwest sojourn would have been a one-way ticket. Not so with Covington, which welcomed me back. I'd like to think I've returned the favor, helping to strengthen and expand the Covington litigation practice while serving as chair for the past decade.

My wife of 32 years and I live near the Potomac in Alexandria, Virginia, with a boat that is not far from the back door. Many Saturday mornings in the summer you can find me doing my favorite thing—slalom water skiing, just as I did as a kid on the Lake of the Ozarks. To shake things up, four years ago, we got an apartment in New York City, primarily to spend more time with our adult children, one a hedge fund analyst and the other an emergency room physician. It has been terrific to work out of Covington's New York office and learn a new market first-hand; meanwhile, my wife, a former lawyer, retooled her career to become a psychotherapist after getting a MSW degree from NYU.

Covington's John Hall

**How big is your litigation department and where are most of your litigators concentrated geographically?**

Covington has more than 600 litigators around the world. Many are in Washington. But we have large contingents in New York and in our California offices (San Francisco, Palo Alto, and Los Angeles). Remarkably, our firm, long known for its Washington roots, won California Litigation Department of the Year honors in 2018. We have eight litigation partners in London and a very active practice in the High Court, a key forum for international disputes. Further enhancing our global problem-solving capabilities, we have U.S. and U.K.-trained litigators and investigation lawyers on the ground in Asia, Europe, the Middle East, and Africa.

**In what three areas of litigation do you have the deepest bench?**

Our three largest practices are:

*White Collar and Investigations:* Other firms have government veterans but few can match the depth and breadth of talent in our senior ranks, which includes a former U.S. Attorney General, three former heads of DOJ's Criminal Division, both Democrat and Republican; several dozen former federal and state prosecutors; and alumni of virtually every key enforcement agency of the U.S. government,

including the SEC. Although the past two years have brought a significant drop in both the number of white collar prosecutions and the scale of corporate fines and penalties, Covington's white collar practice has continued to flourish.

*Patent and Intellectual Property Litigation:* Over 140 lawyers practice in this area, more than half with technical degrees, including two members of the American College of Trial Lawyers, one of the leading Federal Circuit appellate lawyers, a former ITC chairman and commissioner, two former PTAB judges, and one of Asia's leading intellectual property and Section 337 lawyers. We have strength in both technology and life sciences, and in all of the key forums for dispute resolution: federal courts, the ITC, and the PTAB.

*Insurance Recovery*: It is common today to hear defense-side firms talking up their plans to expand into plaintiff-side work. At Covington, we've been doing substantial plaintiff's work for thirty years—representing corporate policyholders in coverage lawsuits against insurance companies. According to the most recent rating guides, Covington has the top-ranked policyholder practice in the U.S., as well as one of the leading practices in the U.K. In what often requires hardball litigation in state courts, and the skill to take cases to verdict, our litigators have recovered in excess of $20 billion for our clients.

**As head of the department, what are some of your goals or priorities?**

Since I have been chair, we have focused on four key objectives:

1. *Adding scale and strength*: While the economic downturn led many firms to retrench, we knew that we needed to get bigger to compete for the largest, highest-stakes matters. So we continued to promote new classes of diverse and talented litigation partners at a record pace, welcomed the return of several of our stars from government, and selectively recruited laterals to add new dimensions to our disputes practice across all of our offices. We are now seeing the benefits of that, as many of our younger partners are coming into their own, leading important matters and winning new business. It bodes well for the future.

2. *Diversifying our ranks:* We know that to succeed we must look like the juries to whom we are arguing. We have made significant strides to increase the number of women and minority senior litigators, and this continues to be our priority.

3. *Investing in areas of the highest value to our client base*: In a comprehensive review of the practice that we did just before I became chair, Covington made a strategic decision to invest heavily and build or maintain market-leading substantive practices in high-value areas that generate the most significant and novel disputes. That includes not just the three largest practices identified above, but also product liability/mass tort, antitrust, international arbitration, class action defense, commercial litigation, and appellate.

4. *Enhancing our ability to handle international and cross-border disputes and investigations*: There was a time when U.S. corporates dominated our client base. Increasingly our work is for emerging companies around the globe—in Asia, Latin America, the Middle East, India, Africa, and Eastern Europe. To accommodate this, we have expanded our worldwide footprint, language capabilities, and practice mix, including creating a "Global Problem Solving" group chaired by Eric Holder.

**What do you see as hallmarks of your firm's litigators? What makes you different?**

Three things:

First, we are tenacious courtroom advocates. We have tried more than 50 cases in the past three years, more than some of the self-proclaimed litigation powerhouses. At the time of this interview, our Los Angeles partner Carolyn Kubota is leading the defense of J&J in the mesh marketing trial against the State of California. In October, our partners Phyllis Jones and Paul Schmidt will be going to trial for McKesson in the Opioid MDL in Cleveland. We've had a string of significant appeal wins, including Beth Brinkmann's recent Supreme Court victory in the *Return Mail* patent case.

Second, we combine that courtroom skill with what I call the "Covington plus factor"—deep regulatory knowledge, government enforcement experience, and political savvy. While some disputes can be solved with a jury verdict, many of the most challenging problems for today's global businesses are bigger, more complicated and multi-faceted, requiring creative solutions in more than one jurisdiction and one type of forum. Our approach of teaming our litigators with our outstanding regulatory specialists, enforcement lawyers, and public policy professionals gives us an especially valuable offering.

Third, we structure all of our internal incentives to promote collaboration. At Covington, there are no individual clients or origination credits. Everything is designed to ensure that the right person is brought to the job. Sophisticated clients appreciate this, and it has given us many deep and longstanding client relationships. Beyond that, it makes Covington a great place to work. Many of my closest friends are my Covington colleagues.

**How many lateral litigation partners have you hired in the last 12 months?**

Most of our partners come from internal promotion, but we selectively recruit laterals to fill specific needs in specific locations. The decision is based entirely on talent and fit, and

has little or nothing to do with portable business.

In the past year, we've added a half-dozen lateral litigation partners. In New York, we welcomed Teena Sankoorikal, a commercial/IP litigator who spent most of her career at Cravath, and Kevin Otero, who specializes in tax controversies.

In Dubai, we added Philip Norman who handles international arbitration focusing on project finance and construction.

In Frankfurt, Robert Henrici, an experienced investigations lawyer and litigator, joined us from Linklaters.

In Washington, we added two more government veterans: Terrell McSweeny served as a FTC Commissioner and senior Antitrust Division lawyer; she focuses on antitrust enforcement, privacy, and data security issues. Trisha Anderson re-joined Covington after serving most recently as Principal Deputy General Counsel of the FBI; she is a leading light in the complex and multi-dimensional field of national security law, an area that is increasingly important for the private sector, both in the U.S. and abroad.

**What were some of your firm's biggest in-court wins in the past year?**

- We won a precedent-setting dispute before the U.S. Supreme Court on behalf of Return Mail in a case that attracted significant attention in the patent field, particularly within industries that involve competition or collaboration with the federal government.
- We won a significant victory in the Seventh Circuit for our client Deutsche Bank, affirming an earlier win in the Southern District of Illinois against claims that the bank should be held liable under the Anti-Terrorism Act for deaths and injuries sustained by American troops in Iraq.
- We are extremely proud to have won five significant cases against the current administration related to DACA, the travel ban, sanctuary cities, the census citizenship question, and most recently a trial win in Ohio striking down the Ohio Congressional map for unconstitutional partisan gerrymandering.
- Our product liability litigators have successfully defended their clients in courtrooms across the country. In New Jersey, we obtained one of the most significant victories in 2018, ending over 2,100 Accutane cases, and the decision will have long-lasting ramifications for the pharmaceutical industry. We also won three bellwether trials in Connecticut state court defending a client facing 3,000 cases alleging Pradaxa can cause serious and fatal bleeding.
- Covington secured a major victory on behalf of Ukraine's state-owned oil and gas company in an international arbitration against Russia. A Hague tribunal concluded that Russia unlawfully expropriated Naftogaz's assets following the 2014 invasion and illegal annexation of Crimea.
- Just last week, we had another huge arbitration win, defeating a $1.4 billion trade secret misappropriation claim against our client Lilly.

**Can you give an example or two of tactics that exemplify your firm's approach to litigating cases?**

The Covington formula that I described—where we combine top trial and appeal skills, with unparalleled regulatory insight, in a culture of collaboration to achieve the best results for our clients—is exemplified by the remarkable success of our Product Liability Practice.

Ten years ago, Covington essentially had no such practice. Relying on a strong base of pharmaceutical company clients for which product liability lawsuits were among their greatest litigation risks, we set out to build a market-leading practice in that space. Today, even though we remain smaller than many of our competitors, we are the AmLaw Litigation Department of the Year category winner from 2016 and this year's NLJ's DC Product Liability/Mass Tort Litigation Department of the Year winner.

We have done this by winning defense verdicts in bellwether cases before juries and making new law through seminal appeals, and by a collaborative approach to cases in which our trial lawyers and appellate advocates work seamlessly with our FDA regulatory specialists and technical experts. The results have been historic wins, knocking out thousands of claims against multiple pharma defendants. It is one of the firm's great success stories, and it speaks perfectly to the way we litigate and collaborate.

**Where are you looking to build or expand in the next year?**

We like where we are positioned today, though we continue to see opportunity to add scale and grow our market share in California, New York, and internationally.

***Jenna Greene*** *is editor of The Litigation Daily and author of the "Daily Dicta" column. She is based in the San Francisco Bay Area and can be reached at jgreene@alm.com.*

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