

MVP: Covington's Jay Carey

By Christopher Cole

Law360 (October 6, 2020, 3:37 PM EDT) -- Jay Carey, a partner in Covington & Burling LLP's Washington, D.C., office, helped data services giant Optum successfully protest a rival's \$600 million U.S. Department of Labor contract award, earning him a spot as one of Law360's 2020 Government Contracts MVPs.

HIS BIGGEST ACCOMPLISHMENT THIS YEAR:

Carey told Law360 he was proud of the Department of Labor bid protest — which involved pharmacy benefit management, or PBM, services — partly due to the sheer complexity of those types of contracts. The Government Accountability Office, where protests to bid awards are reviewed, eventually ruled in Optum's favor after several tough briefing rounds, according to Covington.

GAO "required us as a team to dig in and understand how these PBM contracts work," Carey said, describing it as an "arcane" space.

"It sort of encapsulates what we as protesters are called on to do, which is digest really complicated technical facts and then present them in a concise, clear way," he said.

In another high-stakes matter, this one involving the U.S. Department of Veterans Affairs, Optum — which had secured two government contracts — came out on top against TriWest and WellPoint, rival bidders that protested using a "scorched earth approach," according to Covington. The firm successfully defended that win at the U.S. Court of Federal Claims and again early this year at the Federal Circuit, where Carey presented oral argument.

HIS BIGGEST CHALLENGE:

The advent of the novel coronavirus brought about sweeping change at Covington, as it has in most workplaces, Carey noted. But the attorney said he believes the government contracts team is handling things smartly under the circumstances.

"I'm proud of a number of the ways in which we as a group have managed to stay close to each other



during the pandemic," Carey said. "It posed some obvious challenges to continuing the natural team-building and relationship-building — it's so critical to what we all do."

He said Covington's bid protest team started meeting more often to cover topics important to the practice once the pandemic hit, but they also set aside time "just for people to talk about what's going on" and connect "on sort of a more human level, if you will."

"It's hard to strike a balance — you don't want to add too many meetings to people's calendars. But at the same time, you want to figure out ways to stay connected," Carey said.

WHAT MOTIVATES HIM:

What keeps Carey going every day is interacting with smart and talented people, whether clients, colleagues or lawyers at government agencies, he said. Carey also pointed out that GAO attorneys have a mountainous caseload but handle it every year despite limited staff resources.

"What really motivates me is [the] people that I get to work with in this job. I have the good fortune to work with a lot of great clients," Carey said, adding that he also has the chance to work on bids and protests alongside "terrific people" at Covington.

"I see all of those people doing great work, and I want to do great work with them," he said.

HIS ADVICE FOR JUNIOR ATTORNEYS:

Carey shared a few tips for those just starting out in the profession, including the importance of finding a good match for what they hope to get out of their careers.

"One thing I would say is, find something you really love," he said. "Even within the legal profession, there are so many different kinds of work that require different skill sets ... I think it's important to realize that if you're doing one kind of work and it's not a good fit, there are other types of legal work out there that may be."

"It's obviously a lot easier to succeed at something if you enjoy what you're doing," he said.

Carey also extolled the value of patience, saying "that even when you have to move quickly to respond to a client or meet a deadline, it's always important to think deeply about whatever the issue is. Particularly in this day and age, where there's such a premium on speed, there can be a tendency to want to respond as quickly as possible."

But "it's important to make sure that you slow down enough to ensure that you have fully thought through the issues," Carey noted. "In our profession, you often can't do that at lightning speed. You have to take a little time to make sure that you've done things thoroughly."

— *As told to Christopher Cole*

Law360's MVPs are attorneys who have distinguished themselves from their peers over the past year through high-stakes litigation, record-breaking deals and complex global matters. A team of Law360 editors selected the 2020 MVP winners after reviewing more than 900 submissions.