

MVP: Covington's Ashley Simonsen

By Y. Peter Kang

Law360 (September 10, 2021, 1:50 PM EDT) -- Ashley Simonsen of Covington & Burling LLP helped Facebook fend off a class action accusing the social media giant of charging advertisers for bogus clicks and helped student loan servicer Navient resolve a class action over loan payments, earning her a spot as one of Law360's 2021 Class Action MVPs.

HER BIGGEST ACCOMPLISHMENT IN THE PAST YEAR:

Simonsen, a Los Angeles-based partner, and the Covington team persuaded a California federal judge to decline to certify a class of advertisers who claimed that Facebook charged them for bogus clicks, finding that they failed to show that the putative class members were all exposed to the social media giant's allegedly misleading statements.

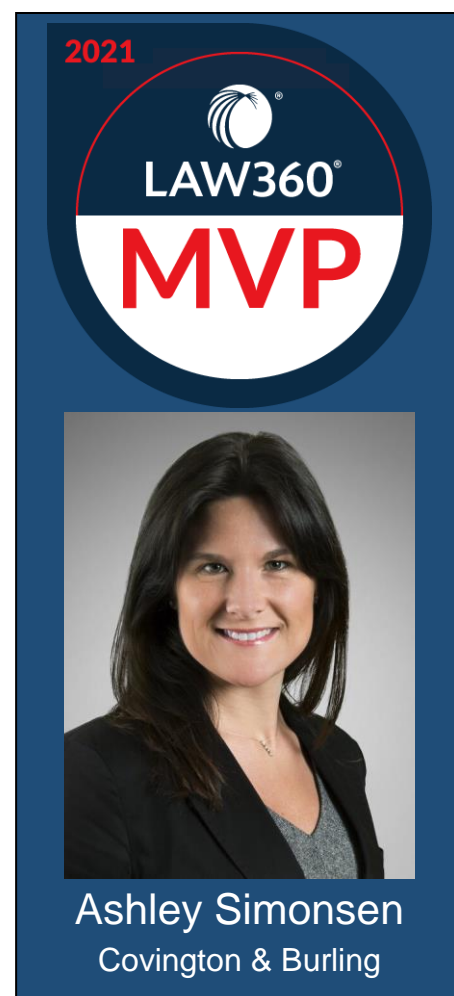
U.S. District Judge William Alsup ruled in June that the three statements in question — which website hosting company DotStrategy Co. claimed showed that Facebook promised not to allow people to create accounts using fake names — were buried on only a handful of Facebook's many webpages.

Simonsen said the key to winning the case was whittling down the number of allegedly misleading statements from 40 to three via a partially successful motion to dismiss.

"As a result we were able to really focus, at the class certification stage, on those three alleged misstatements," she said.

Simonsen said utilizing early motions to dismiss to narrow a case and "telling the court your client's story early in the case" is a strategy she learned from her fellow class action partners at Covington, Sonya Winner, Emily Henn and Andrew Soukup, whom she refers to as "titans of class action defense."

"These are just brilliant lawyers with the greatest instincts for procedural maneuvering and early strategic moves that can position you well for later on in the case," she said. "Even if you can't achieve a complete victory at [the motion-to-dismiss] stage, you can achieve partial victory that can help you win down the road."



HER BIGGEST CHALLENGE IN THE PAST YEAR:

Simonsen said the most daunting aspect of her practice has been dealing with the coronavirus pandemic, particularly in navigating the virtual workplace while serving as a Los Angeles hiring partner, a co-chair of the firm's summer associate program and the LA lead for the firm's affinity group for female attorneys.

"Obviously in all of those roles I have a lot of interactions with associates and summer associates and I take those responsibilities very seriously because it shapes a culture here at Covington that I cherish so deeply," she said. "The virtual environment has presented challenges because we aren't in the office forging in-person bonds that we used to."

She added, "Particularly when it comes to hiring, the entire on-campus interview process moved off campus and to virtual this year. That was a real challenge which we rose to but it's hard to convey the close-knit nature of the attorneys and staff when you aren't allowed to walk an associate or potential associate through the halls of the office and let them see how connected we are."

WHY SHE IS A CLASS ACTION ATTORNEY:

Simonsen said when she was in law school she enjoyed taking classes on legal procedure and was particularly drawn to crafting creative procedural arguments, which laid the groundwork for her future career as a class action lawyer.

After a stint in New York working on the plaintiff's side, the former Covington summer associate returned to the firm in 2014 as a fourth-year associate assigned to work under Winner, who currently serves as the chair of Covington's class action litigation practice group.

"She took me under her wing and I worked with her on three class actions for Navient, defeated two at the motion-to-dismiss stage and took over a third case from another firm and defeated certification for the main class in the case," she said. "I just loved the experience of the creative procedural maneuvering that class action law affords you and I was kind of hooked."

Simonsen said other aspects of class action law that she loves is the brief writing and dispositive motions practice.

"I just love the legal research, the writing and argument of the law," she said. "Class action law is work that enables you to do that kind of research and arguing but still at the trial court level."

HER ADVICE FOR JUNIOR ATTORNEYS:

Simonsen said becoming a "master" of assigned tasks, no matter how tedious, is one important way a junior attorney can stand out and become an integral team member.

"You often hear about attorneys complaining about document review, but document review is how you become the master of the case and it is one way for junior attorneys to be indispensable to the team when they dive in and master the documents of the case," she said.

Simonsen said while most associates recognize the value they add by digging through case law and finding the proverbial needle in the haystack to advance the case, finding key documents can be just as important.

"I see equal value in them finding that one key document that'll make or break the case, or even coming up with an argument that others haven't even considered because they aren't going through the documents one by one," she said.

The attorney added that as younger attorneys advance in their careers, it's also important to own up to one's team responsibilities.

"In this profession you have to care about the case, the client and the outcome and really get invested in it and have fun with it if you can," she said. "That's what makes for a successful junior associate."

— *As told to Y. Peter Kang*

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 2021 MVP winners after reviewing nearly 900 submissions.