

## WASHINGTON LITIGATION DEPARTMENTS OF THE YEAR

A SPECIAL REPORT

In this special report, *The National Law Journal* takes the measure of litigation shops in our nation's capital. We asked litigation practices there to tell us about their operations—headcounts and revenues, their biggest wins, even their losses. Our staff in Washington and elsewhere in the country scrutinized these data and selected the six firms you'll read about in these pages.

### COVINGTON & BURLING

#### WHITE-COLLAR DEFENSE



BRUCE BAIRD AND D. JEAN VETA

The best white-collar defense lawyers pride themselves on staying out of the spotlight—of making the client's problems quietly go away. Still, Lanny Breuer's return to Covington & Burling in March after four years at the U.S. Department of Justice was cause for just a little public celebration.

Breuer left the firm in 2009 to serve as assistant attorney

general for the Criminal Division, overseeing teams of prosecutors in high-profile fights ranging from mortgage and health-care fraud to international money laundering. Covington's white-collar defense practice co-chairman Bruce Baird described Breuer as a major addition to the firm's already sizeable stable of former prosecutors.

"If you're in that job, you're drinking from a fire hose every day," Baird said. "There are cases and new subject matters and new legal ideas and new theories...coming at you all the time."

Covington's practice, rooted in Washington, spans the globe. As the Justice Department and other federal agencies have beefed up investigations and enforcement actions related to the Foreign Corrupt Practices Act, Baird said, the firm has upped its FCPA muscle to meet the demand. Covington now has lawyers doing global FCPA work in Washington, New York, San Francisco, London and Beijing.

The targeted approach has paid off. Last year, Baird was part of a team that represented Deere & Co. after the farm equipment manufacturer became the subject of an FCPA investigation. In January, Deere announced that the U.S. Securities and Exchange Commission had informed the company that it wouldn't bring charges.

"We really pride ourselves in digging into the facts and

not just going in to settle a case," Baird said. "If you really put [the government] to it and ask them to look at the facts and really examine the facts, it turns out they don't have a case. To the government's credit, they realized that in the Deere case."

Partner Geoffrey Hobart, who specializes in pharmaceutical investigations, said that when he joined the firm in 2005, he appreciated that lawyers in different practices, particularly from the regulatory and banking arenas, collaborated with the white-collar group.

"It gives us an ability to put resources to a problem that are pretty unparalleled," he said.

Hobart was part of team that represented Glaxo-SmithKline PLC in reaching a \$3 billion settlement last summer resolving a series of criminal and civil investigations related to some of the company's blockbuster products, including the diabetes drug Avandia.

The Justice Department billed the settlement as unprecedented in its size and scope, but the defense considered it "an extraordinarily successful outcome" for the client, Hobart said. The deal allowed the company to keep doing business with the federal government and represented a relatively small percentage of the company's total sales of the products at issue.

Grant & Eisenhofer partner Reuben Guttman, who represented a GlaxoSmithKline whistleblower in civil claims against the company, described Covington as a firm that "acts professionally and ethically." He said its white-collar lawyers faced the "daunting" task of steering changes in corporate culture for clients facing big government investigations while still trying to secure the best possible outcome.

In the GlaxoSmithKline matter, Guttman said, "a result was achieved for a client that had diverse constituency, including customers, shareholders, doctors [and] the government. There's a lot of tentacles that that company touched."

Covington partner D. Jean Veta said the federal

government increasingly is using its experience going after pharmaceutical companies to target the financial-services industry.

"The government is looking for deep pockets and high-visibility targets," she said. "Our job is to establish that the government is overreaching and to put forward accurately what these financial institutions are doing."

Last fall, Veta and partner Benjamin Razi represented IndyMac Bancorp chief executive officer Michael Perry against lawsuits brought by the Securities and Exchange Commission and the Federal Deposit Insurance Corporation in connection with the bank's collapse. After a judge dismissed the bulk of the SEC's case, Perry agreed to pay \$80,000 without having to admit or deny the allegations. In the FDIC case, Perry, who faced upwards of \$600 million in potential damages, ended up paying \$1 million of a \$12 million settlement.

"Our strategy was to take nothing for granted," Veta said. "We fought every step of the way in every case and in the end we were successful in gutting the government's cases."

Baird acknowledged the firm doesn't make headlines as often as some of its peers for handling high-profile cases, but added that was usually a good thing. Still, he said, Breuer might help generate greater visibility for the firm. He "has a huge network of people that he knows and subject areas that he now knows to an extent that few people do," Baird said.

The fact that the practice was often out of the spotlight was a testament to its strength, according to Hobart. "If you're in court and you're making an opening statement for a client," he said, "95 percent of the time, you've already lost."

—ZOE TILLMAN

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## FIRM BIO

Litigation partners	145
Litigation partners in D.C.	92
Litigation associates	273
Litigation associates in D.C.	188
Other litigators	61
Other litigators in D.C.	40
Litigators as percentage of firm	65%
Litigators as percentage in D.C.	73%
Percentage of firm revenue	57%
Percentage of D.C. revenue	72%

## KEYS TO SUCCESS

- ▶ "You're in these cases to serve your client, you're not out there trying to make headlines or to get your name in the paper. You're trying to serve the client's interest in the lowest-key way possible. The best way these investigations can end is no one ever hears about them. If you can solve something like that, clients remember that."
- ▶ "You also have to be able to fight. You can't be someone who gets a reputation for settling every case that comes in the door. Your client is often not

served by that. The way to make the government go away is not to settle the case, but to say to them, 'Look, I don't think you have all the facts.' "

- ▶ "When you fight, you have to be good on it, on the facts and the law."

- ▶ "Ultimately, it's the substance. You need to be out there every day solving somebody's problem. And if you do that, clients will come back."

—BRUCE BAIRD, WHITE-COLLAR DEFENSE PRACTICE CO-CHAIRMAN