

# Covington Leaders Reflect on Landing Am Law's California Regional Litigation Award

By Ross Todd

The American Lawyer last month named Covington & Burling the California Regional Litigation Department of the Year for the body of cases handled by the firm's litigators in California from Aug. 1, 2016, through April 30, 2018.

Among the cases the firm handled that period was an internal investigation at Uber, spurred by a former engineer's publishing of sexual harassment allegations at the company. Uber's board unanimously approved Covington's 47 post-investigation recommendations and made suggested changes to senior leadership, board oversight, internal controls, training, diversity and inclusion efforts, and human resources policies.

The firms also fought back on behalf of the city of Los Angeles when the Department of Justice tried to link federal funding to a jurisdiction's willingness to cooperate with ICE on immigration matters. Covington litigators secured a national injunction barring the policy changes in the Central District of California. The firm also represented the University of California Board of Regents in their successful bid for an injunction blocking the

Trump administration's rollback of the Deferred Action for Childhood Arrivals program.

The Recorder recently caught up with Clara Shin and Mitchell Kamin, two of the co-chairs of the firm's commercial litigation practice group—based in San Francisco and Los Angeles, respectively—to discuss the firm's approach to litigation and the California legal market.

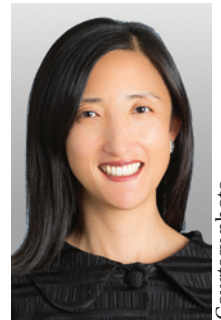
**Looking at the entrants this year for the California Litigation Department of the Year, Covington has among the largest California litigation departments of what I'll call the non-native firms—firms that have their roots somewhere outside the state. Only Sidley Austin, Reed Smith and Jones Day have a greater number of litigators in California among that group, according to the numbers I've seen. Frankly, that surprised me a bit. I didn't realize Covington had that many litigators in the state. Do you get that reaction often from clients and competitors?**

Clara Shin: Growing Covington's footprint in California has been a strategic imperative for the firm, and we are achieving this goal in a deliberate manner. The firm has

focused on building and strengthening relationships with an expanded West Coast client base for whom we handle important legal challenges from inception through trial.

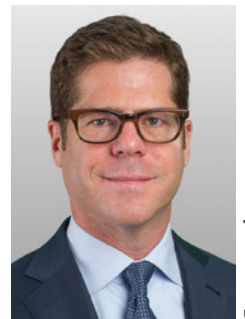
With over 150 lawyers in California, we advise our clients on a broad range of practice areas including privacy and data security, white collar criminal defense and investigations, intellectual property, insurance coverage litigation, and all manner of complex commercial disputes. The firm's associates are another competitive advantage; a client for whom we recently completed a trade secret arbitration described Covington associates as "a truly great team who delivered excellent work."

**What has been the firm's overall approach to the California market and litigation in particular?**



Clara Shin

Courtesy photo



Mitch Kamin

Courtesy photo

### **How does the firm's growth in litigation in California fit within its greater overall strategy?**

Mitch Kamin: Covington offers clients something they cannot find in California law firms—tremendous strength in litigation, investigations and corporate practices combined with deep knowledge of policy and policymakers as well as leading regulatory practices. This broad practice mix has allowed us to build broader, closer and more-enduring relationships with clients and individuals, for whom we can offer extensive value across multiple disciplines.

We have found that certain, highly-regulated California industries have particularly benefited from this combination, and our litigators in particular have worked with companies in entertainment and media, technology, life sciences and education sectors.

**What struck the judges about your entry, beyond the overall results, was the fact that the firm handled high-profile matters for a string of California institutions: The state Senate, Uber, the City of Los Angeles, McKesson and UC. I know each client relationship is a story unto its own, but how has the firm made inroads here, especially with this group of clients which has deep, long-standing relationships with local firms?**

Shin: Since opening its San Francisco office in 1999, Covington has handled high-profile and complex

litigation matters for California institutions, and our attorneys have served in board and other leadership roles with California-based public interest and bar organizations.

In addition to internal promotions, Covington has also recruited lawyers who have well-known and well-established practices with deep roots in the local legal and business communities. For example, Dan Shallman had previously worked with California legislative leaders and was instrumental in the firm's work for the State Senate, and Mitch Kamin had a long relationship with Los Angeles city attorney Mike Feuer, which led to the firm's work in the sanctuary cities litigation.

Sophisticated clients also appreciate that Covington's regulatory, public policy and industry expertise adds significant value to the work we do in complex litigation. We have the ability to staff litigation matters with multidisciplinary teams that take advantage of the firm's market-leading regulatory practices and industry expertise.

**In the matters handled for L.A., the state Senate and UC, the firm has found itself litigating against the current administration. Is litigating against the executive branch a comfortable place for a firm like yours—with Washington, D.C., roots and direct connections to the prior administration—to be?**

Kamin: Since the firm's founding, Covington has worked with clients

to develop legal strategies and responses to actions of the federal government. No matter the administration, clients will continue to face significant issues before the federal government that require experienced, skilled and nuanced legal counsel.

With one of the deepest benches of former government officials in private practice, Covington has a firm grasp of the regulatory landscape and the priorities of enforcement authorities. This absolutely helps us in tackling issues relating to how the government operates.

**What sort of demands does landing an assignment like the Uber internal investigation put on a litigation department? How do you even begin to staff it?**

Shin: For large, urgent matters like the Uber workplace culture investigation, we are able to build teams with lawyers from multiple offices with experience and substantive expertise, without any regard for who gets credit for the assignment. The Uber team was led by lawyers from San Francisco, Los Angeles and Washington and included experts in investigations, corporate governance, employment and commercial litigation.

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