

7 Questions For Covington Disputes Co-Chair Louise Freeman

By Paige Long

Law360, London (May 15, 2020, 9:07 PM BST) -- Louise Freeman's title at Covington & Burling LLP is officially co-chair of commercial disputes, but getting involved in the firm's women's networks and diversity initiatives also rank high on her agenda.

After spending nine years at King & Wood Mallesons, in January 2017 Freeman joined Covington, where she found the firm's approach to collaboration particularly attractive. Now, she regularly hosts forums for the firm's female professionals.

"All of that really drives a great culture," Freeman told Law360. "I was also genuinely impressed by the number of women in the firm's leadership when I was looking around."

Women make up nearly 26% of all-equity membership in partnership in the U.S. and three of the eight lawyers on the management committee are women.

At the same time, the firm's disputes work in London has also significantly expanded.

Six months after Freeman took the job, Covington set up a new practice group for commercial litigation globally and asked her to co-chair it with colleagues from the U.S. She took on a second role a few months after that, as co-chair of European dispute resolution covering litigation, arbitration and white collar cases.

Here, Freeman talks to Law360 about leadership, what clients and the legal industry can do to help boost diversity efforts and how the firm is dealing with COVID-19.

How did you work to develop leadership skills?

It happens quite incrementally. As soon as you become a partner you have some kind of responsibilities, usually for the team you're working with, but then over time you take more on. By the time you're co-chair, you've been on something of a journey toward it.

One of the many, many nice things about the firm is that you get a lot of younger partners in leadership



Louise Freeman

roles, which is quite unusual — certainly for the London market where a head of a litigation department is usually going to be someone who has been there 25 or 30-plus years, waiting their turn. We don't have any of that. Instead we get a tap from the management committee asking you to take on the role. And you say yes.

How has the practice of litigation changed over the last few decades?

It has to be the pace at which we now work. When I was a trainee I could disappear to the library for three days to get a research task done. You'd have your head down, focus for hours, and come out of it all with a lovely memo to hand over to your supervisor. Now, trainees are given an hour to do their research. Their supervisors don't want a memo, they just need them to come back and give them an answer.

Correspondence has changed too. It's all very back and forth. Some of my colleagues' clients want advice on WeChat — and so how do you give nuanced legal advice in a meaningful way over a text message?

There are also more women in leadership roles. Some clients are helping with that. For a while there's been this carrot or stick discussion among clients — whether it's more effective if they have a stick to beat you with if you don't have a diverse team — or is it better to have a carrot as a positive incentive, such as paying the firm an uplift if the team working on the case has a diverse team. I think both can work.

Do clients ever come to you for help improving diversity within their own ranks?

A lot of organizations are acting more proactively in that space now. We've been asked for instance to carry out some of the leading investigations into corporate culture, particularly when there have been allegations of gender discrimination or other issues including harassment.

We also work more broadly with clients on diversity challenges, such as by setting up programs for them. Ten years ago women's networks were focused on keeping women in the workplace, more generally. Now, it's more about: How do we get more women into senior positions and keep them there?

What key themes do you think are important to talk about?

Bystander training is a very hot topic at the moment, which entails learning to be aware and how to react when someone says something to another woman - or anyone - that is not flagrantly rude or sexist, but has an undertone that doesn't sit right.

You may have heard someone say something like, "Don't you have to go pick the kids up?" which isn't so blatant as, "You're a woman, what would you know?" But it has made you think: Well, that's a bit off, and you've stewed on it, then regretted not saying something when it happened. We're doing training on that for men as well as women.

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Everyone is grappling with this in the post-Me Too era. You don't want to go too far the other way where everyone is walking on eggshells and unsure of whether they can say anything at all. But equally you have to be able to call out behaviors when they're inappropriate.

There is only so much you can achieve as a group of women sitting around talking about women's issues. You need to have men in the room too. A lot of those conversations need to move into "parenting" discussions rather than "mother-related" discussions. Childcare, for example, is not just a women's issue.

What would you say is the biggest challenge keeping lawyers, male and female, in the profession?

There has always been an assumption in the industry that everyone who becomes a lawyer wants to work their way up the career ladder and become a partner. It's the way law firms are set up. It's definitely a challenge when you've got a superstar midlevel associate who turns around one day and says, "I'm leaving, not because I have a problem with the firm but because I'm going to do something different now." The law firm then has to replenish the pool and replace that brilliant midlevel associate with somebody else.

Historically the profession has also been quite closed-minded to people who want to try in-house roles — because they have rarely come back. But I think we have to change that, to handle leavers much better and say, "Okay go off and work in-house or at a regulator like the FCA for a few years and then come back."

People are now talking about associates' careers, right from their first year, finding out their interests, objectives, where they want to get to. We didn't used to have that.

What skills do you most value in a disputes lawyer?

In litigation, you want people who are very bright and very able in different areas of law, to dig into lots of information to find the relevant flashpoints, trends, issues and themes. You can see pretty quickly people who get it and people who don't.

We like people that ask good questions and know how to listen to clients. It's a real skill. You can't assume to know what a client's objectives are. It may not be to win the argument, or win at trial in two years' time. It may be: Get me out of this by the end of next week because I've got a board meeting and need this sorted. Or, I need to string this out for six months to put pressure on someone, until X happens.

And if you don't have that conversation with clients at the start and regularly throughout the process, you don't know what target you're trying to meet and you really can't fit the litigation around it.

And lastly, how is your firm dealing with coronavirus and the new normal of remote working?

COVID-19 has fundamentally changed the way we are working as a team. It's such a challenging time for everyone, whether they are alone in a flat with no outdoor space, trying to educate their children whilst working, or caring for vulnerable relatives.



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It has been heartening to see the whole firm adapt so willingly and swiftly to remote working, with a new-found enthusiasm for video calls, virtual coffee meetings, WebEx training sessions, and getting to know each other's families as they wander in and out.

We are also seeing really interesting legal issues emerging, particularly relating to force majeure and frustration but also insurance, M&A-related disputes and defamation. As we saw in the financial crisis, it will take some time for these to develop into full-scale disputes but there are certainly issues to be resolved by the courts.

--Editing by Rebecca Flanagan.