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AM LAW LITIGATION DAILYLitigation Leaders: Covington's John Hall on the  
Value of Specialization

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Welcome to another edition of our *Litigation Leaders* series, featuring the litigation practice leaders at some of the biggest and most innovative law firms in the country.

Meet **John Hall**, who chairs global litigation practice at **Covington & Burling**. Or, rather, meet him again. We checked in with Hall earlier in the series nearly five years ago. Since then, the practice has grown by hundreds of lawyers and landed a spot as an overall finalist in *The American Lawyer's Litigation Department of the Year* competition.

**Lit Daily:** John, you provided such a thorough and interesting recap of your bio when we last checked in with you—first-generation college grad from K.C., former federal prosecutor, and slalom water skier—that I hesitate to ask for more. But is there anything your partners at Covington would be surprised to learn about you?

John Hall: A key part of a practice leader's job is to motivate. So I've always leaned hard into being as visible and outgoing as I can be, regularly making the rounds of our offices, showing up at lots of events, engaging closely with my colleagues, being an energetic presence onstage. As a result, most of my partners probably think



Photo: Diego M. Radzinski/ALM

**John Hall, partner with Covington & Burling.**

of me as a natural extrovert. Given that image, I suppose it might come as a surprise—at least to some who don't know me as well—that in my private life, I'm basically a homebody. In at least one respect, I'm the person Johnny Carson was reputed to be—very comfortable in front of an audience, but if given the option, happy to skip most social gatherings and hang with my family.

**When we last checked in about five years ago, Covington had more than 600 litigators around the world. Where does that sit now? And has the geographic spread changed?**

The size and reach of our litigation practice has continued to expand. We now have just over

800 litigators and white-collar lawyers across the firm. Many are in Washington, but we have large and growing contingents in New York and in all three of our California offices—Los Angeles, Palo Alto, and San Francisco. We have more than 40 disputes lawyers in London and an active practice in the High Court, where we recently concluded a victorious nine-week trial for Deutsche Telekom. Covington is one of few firms to have U.S. and U.K.-trained litigators or investigations lawyers on the ground in Asia, Europe, the Middle East and Africa. We also have a global problem-solving practice group that includes a bevy of former senior diplomats and specialists who are well-connected across the globe and work seamlessly with our litigators. We handle arbitrations, conduct investigations, and coordinate cross-border disputes in practically every corner of the world. After more than a decade and a half of sustained growth, I like where we are positioned. We are big enough to handle the most complex matters, in the U.S. and abroad, but not so big as to risk losing our identity and culture of collaboration.

**You told us back then that your largest three practices were white-collar and investigations, patent and intellectual property litigation and insurance recovery. Does that still hold true? I know the firm has developed a significant mass torts practice.**

Those three high-value practices are still our largest. Our white-collar practice, which has achieved a remarkable run of DOJ declinations recently, hardly has a peer; it drives significant revenue for the firm, including from follow-on civil litigation. Our patent practice has obtained a string of multi-billion-dollar trial wins in the past several years. Our insurance coverage practice is truly in a class by itself, grabbing an

ever-larger share of the exclusively policyholder-side work that has been our domain for over 40 years. But I would call out three other practices that have driven substantial growth for Covington in the period since I last spoke to you.

First, our mass tort practice, which you rightly identify, is a three-time winner of AmLaw's Litigation Department of the Year award. In the pharma, medical device, and food product space, which generates the largest amount of this work, we've had an incredible record of success, winning bellwether trials before juries and precedent-setting appeals that have knocked out some of the most threatening mass torts in the country. We are also one of the leading firms defending a growing wave of tort claims alleging corporate facilitation of human rights abuses and terrorism-related incidents around the world. Moreover, Covington has been at the forefront of two of the largest multi-jurisdictional disputes in the country—the sprawling opioid-related litigation and, more recently, the “teen mental health” cases alleging social media addictiveness.

Second, our class action defense practice has exploded—in antitrust, consumer protection, product defect, data privacy and security, ERISA, you name it. We have a deep bench of specialists on both coasts, but we are especially strong in California, a class action hotbed. In the past year, we've defeated class claims against some of the most iconic brands in the country—for Bayer, Facebook and Procter & Gamble.

A third booming area of our practice is government litigation. A Covington specialty, we are regularly adverse to the U.S. government—whether it's in regulatory/APA litigation, the demand for which has never been higher

and will only grow given the Supreme Court's rulings this past term; defending companies in civil enforcement actions brought by the FTC, EPA, CPSC or other federal agencies; or novel constitutional litigation like the high-profile TikTok federal ban case now before the D.C. Circuit. We are also up against state AGs—who are increasingly active, both Democrats and Republicans, often with different targets—battling them in state courts across the country.

**What do you see as hallmarks of Covington litigators? What makes you different?**

Winning the biggest cases requires a suite of skills at which Covington has long excelled—rigorous fact-finding, outstanding case management, creative legal arguments, exceptional written briefs. But it also requires the very best stand-up advocacy before judges, juries and arbitrators. I take personal pride in Covington's growing stature as a top trial firm, which I've championed throughout my tenure as chair. A key reflection of this, in the past year alone: three additional Covington partners were inducted as Fellows of the prestigious American College of Trial Lawyers—**Kevin Collins, Phyllis Jones** and **Paul Schmidt**. And many of the wins featured by *The American Lawyer* in naming us a finalist for Litigation Department of the Year were trial wins—sometimes unexpected trial wins under challenging circumstances. It has become an important differentiator for us.

In addition to outstanding trial lawyers and appellate advocates, the core aspect of our brand and the thing that has always made us unique is the close collaboration of our litigators with Covington's superb collection of industry, regulatory, public policy and global regional specialists. This collaboration—the Covington “plus factor,” as I call it—is what allows our

litigators to see around the corner, devise the most creative arguments, find the right strategy to win or resolve the most complicated, multi-dimensional, multi-forum disputes. A classic example is the advantage we gain from having the country's top FDA practice—in pharmaceutical product liability defense, Hatch-Waxman patent litigation, government marketing and pricing investigations, and class action product claims, among others. The same pattern has been replicated across many industries and areas of regulation. No area is busier for us today than litigation addressing the new frontiers of tech regulation where we also have deep expertise, in critical areas such as privacy, data security and Section 230.

**I've heard you say that if I looked at Covington's department a decade or so ago, it had much more of a generalist model. I know some firms—especially the traditional Wall Street firms—still tout their generalist approach, but Covington has embraced specialization. Why is that? And what has that embrace yielded for you as a group?**

The simple answer is that the market demands specialization, at least in the types of litigation where we have built strong practices—such as patent/IP, mass torts, antitrust, international arbitration, insurance recovery, class action and white collar. There is, of course, plenty of general business litigation. And if your litigation practice is mostly in support of a larger corporate transactional practice, perhaps a generalist model works. But at Covington, our litigation practice is a huge driver of new client work and relationships. So, for us, having market-leading practices in a number of specialty areas—areas of recurring high-value litigation for today's global businesses—is absolutely the right approach.

**You don't have origination credits in your compensation model. How do you think that plays to your advantage in the litigation practice?**

We don't have origination credits and we don't have individual P&Ls measuring performance by lawyer, practice, or office. That sort of tracking can create incentives to hoard work and limit relationships. Our system is designed to encourage bringing the right person to the job, promoting collaboration and sharing of expertise across practices and geographies, and building durable long-term relationships that can benefit clients in multiple ways and survive lawyer transitions. Do we leave money on the table by not driving our lawyers to grab every last dollar? Perhaps. But sophisticated purchasers of litigation services recognize the value of our model, and frankly we have won plenty of new work as other firms have moved away from that model. Our system also helps us in recruiting the best young lawyer talent, who see greater opportunities to succeed in our system. Unlike so many firms dependent on aging stars, we have one of the best cohorts of young, talented, diverse litigators in the country. That foundation is going to serve us, and our clients, well for decades to come.

**What were two or three of the firm's biggest in-court wins in the past year, and can you cite tactics that exemplify your firm's approach to success?**

I would highlight a few of the wins that have earned us plaudits from the Litigation Daily in recent months, all of which reflect the superb advocacy, creative thinking and "plus factor" collaboration I previously mentioned as

Covington hallmarks. First, our win against the Montana AG, securing a federal court injunction against that state's ban of TikTok on First Amendment and other grounds (arguments similar to those now being raised in our challenge to the federal ban of TikTok before the D.C. Circuit); our California state court win for Meta dismissing claims brought by school districts asserting novel theories of public nuisance to try to hold our client, Meta, and other social media companies responsible for alleged economic harms purportedly attributable to a teen mental health crisis; and a Sixth Circuit appellate win for Bristol-Myers Squibb and AstraZeneca effectively bringing an end to hundreds of lawsuits claiming that their diabetes medications caused heart failure.

**What does Covington's coming trial docket look like?**

We have 14 cases set for trial in the next six months. Our patent litigators just finished trials for AstraZeneca and Samsung, with a third patent trial for Lenovo set for October; we have a multi-week opioids trial beginning in September for our client McKesson, in which the City of Baltimore is seeking more than \$11 billion in alleged abatement costs; and we have two high-stakes product liability trials upcoming, one in St. Louis for Mead Johnson involving claims made against the company's lifesaving preterm infant formula, and one in Los Angeles for Hain Celestial involving claims of alleged heavy metal contamination of baby food, a case similar to one in which we previously won a directed verdict in Texas. There is a busy fall ahead!