

VANESSA NATALE)
Former Staff Attorney at Covington & Burling LLP)
1411 Delafield Place NW)
Washington, DC 20011-4346)
)
Defendants)
)

Yolanda Young (“Plaintiff”), appearing pro se, as and for my Complaint against the law firm of Covington & Burling LLP (“Defendant” or “Covington” or “Firm”) and others, alleges as follows:

PRELIMINARY STATEMENT

1. This is an action against Covington for declaratory and injunctive relief and monetary damages for injuries Plaintiff has sustained as a result of Covington’s discrimination and retaliation on the basis of Plaintiff’s race in violation of Title VII of the Civil Rights Act of 1964, Section 1981, and the District of Columbia Human Rights Act. This is also an action against Covington partners, officers, employees and former employees mentioned herein who aided and abetted in Covington’s discriminatory and retaliatory treatment of Plaintiff in violation of the above mentioned laws. This complaint arises from the systematic discrimination and campaign of retaliation by Covington partners—including Pat Davies and Steve Anthony—and current and former Covington employees, Caroline Reid Reynolds, Vanessa Natale, and Sarah Wittig against Plaintiff based on Plaintiff’s race. Plaintiff has been subjected to cruel and illegal conduct including, but not limited to: (i) Covington and its partners conspiring to create a staff attorney group comprised largely of minorities then purposely setting out to discriminate against the staff attorney group; (ii) Covington disallowing staff attorney promotions after the group’s makeup became largely minority; (iii) Davies analogizing Plaintiff to a monkey; (iv) Wittig harassing Plaintiff by reading racial slurs; (v) Davies attempting to force Plaintiff to work off the

clock; (vi) Davies, Anthony and Reid Reynolds conspiring to falsely accuse Plaintiff of overbilling; (vii) Davies discouraging other black staff attorneys from filing complaints; (viii) Davies, Anthony and Reid Reynolds conspiring to retaliate against Plaintiff by reducing her 2007 bonus to nearly half what Plaintiff received in 2006; (ix) Anthony and Reid Reynolds conspiring to manipulate the JPMC case's error rate in order to fabricate a reason for Plaintiff's lower bonus and termination; (x) Davies conspiring with Natale to taunt Plaintiff. For example, Natale, following a night partying with Davies, taunted Plaintiff by implying that Davies was going to fire Plaintiff; (xi) Covington and Mr. Davies firing Plaintiff; and (xii) Covington refusing to rehire Plaintiff.

JURISDICTION AND VENUE

2. This court has original jurisdiction over this matter pursuant to D.C. Code §11-921.

3. Venue properly lies in this Court because the Plaintiff resides in the District of Columbia, Defendants are located in the District of Columbia, and the controversy involves Defendants' behavior in the District of Columbia.

PARTIES

4. Plaintiff is an African American female residing in the District of Columbia. Plaintiff was employed as a staff attorney by Covington from February 2005 to August 2007.

5. Defendant Covington & Burling LLP ("Covington") is a limited liability partnership with its principal place of business located at 1201 Pennsylvania Avenue, N.W., Washington, D.C. 20004. Defendant was Plaintiff's employer from February 2005 to August 2007.

6. Defendant Patrick Davies is a partner at Covington & Burling LLP.

7. Defendant Steve Anthony is a partner at Covington & Burling LLP.
8. Defendant Sarah Wittig is a staff attorney at Covington & Burling LLP.
9. Defendant Caroline Reid Reynolds is a former associate at Covington & Burling LLP and is currently an associate at Zuckerman Spaeder LLP.
10. Defendant Vanessa Natale is a former staff attorney at Covington & Burling LLP.

GENERAL BACKGROUND & FACTS

Overview

11. Plaintiff was hired by Covington in February 2005. In January 2006, Plaintiff was awarded a top bonus of \$9,000. During her annual review she was told that her work was excellent, that associates and partners enjoyed working with her, and that her diligence and efficiency made her extremely valuable. In March 2006, after being subjected to months of discriminatory and harassing treatment, plaintiff complained about, among other things, being referred to as a dog and later a monkey; being subjected to white staff attorneys' constant use of racial slurs; having her white colleagues conceal case information from their black case team members; and being systematically discriminated against as a member of the staff attorney group. Immediately thereafter, Covington management set out on a campaign to discredit Plaintiff. At a staff meeting, a partner said that Plaintiff had overreacted in reporting the use of racial slurs. As punishment, Plaintiff was reassigned to an office with no minorities. Covington management further retaliated against Plaintiff by subjecting her to increased, unwarranted scrutiny, falsely accusing her of overbilling and commanding her to work off the clock. In February 2007, Plaintiff was given a low bonus of \$5,000. Plaintiff was told that she was being targeted for firing. In fact, Plaintiff was terminated on August 14, 2007. When Plaintiff learned that Covington rehired laid off staff attorneys with less seniority and lower billable hours than

Plaintiff, she reapplied for her staff attorney position. Covington did not rehire Plaintiff.

Subsequently, Plaintiff was contacted by a placement agency hired by Covington to recruit additional staff attorneys. Covington still refuses to rehire Plaintiff.

Plaintiff's Education and Professional Background

12. Plaintiff is an African American. She graduated from Howard University with a bachelor's degree in business administration (accounting) in 1991. In 1992, Plaintiff entered the Georgetown University Law Center. After graduating from Georgetown in 1995, Plaintiff, who is also a writer, sold her first book, *On Our Way to Beautiful*, to Random House. She lectured at universities, including Vassar College and Louisiana State University, provided commentary for National Public Radio, and wrote frequently for the *Washington Post*, *USA Today*, and other periodicals. She also founded the legal website, www.onbeingablacklawyer.com. For additional income, Plaintiff kept her resume on file with legal placement agencies and often did contract legal work.

Covington Hires Plaintiff

13. In February 2005, Plaintiff was hired as a staff attorney by Covington.

14. During her interview, she was told that two staff attorneys had been promoted, one to special counsel and one to associate.

15. Both were white; however, neither had attended a top-14 law school, been on law review or been invited to join Order of the Coif.

16. Since Covington had promoted staff attorneys in the past, Plaintiff and other staff attorneys believed they too could be promoted.

Pat Davies

17. Mr. Davies is white. He has stated to the staff attorney group that it took him

seventeen (17) years to make partner at Covington.

18. Mr. Davies supervised the Firm's social programs; including, the Firm's Holiday Party, the Firm's Friday Happy Hour, and the Firm's illegal NCAA Tournament Pool.

19. Mr. Davies' organizational, managerial, and communication skills were scrutinized by administrators, staff attorneys, and other attorneys at the Firm.

20. For example, Mr. Davies was criticized for his handling of the staff attorney pro bono program. He missed deadlines in the pro bono planning phase. Mr. Davies would sometimes provide staff attorneys with only a day's notice to report for their pro bono assignments.

21. Covington's general counsel, Jeffrey Huvelle questioned Mr. Davies' judgment in using an anecdote about the latter's pet monkey during a discussion of racially offensive language.

22. Staff Attorney 4, in a resignation statement to Mr. Davies, was very critical of Mr. Davies' performance as the leader of the staff attorney program.

Kathleen Maloney

23. Kathleen Maloney is white. She joined Covington in April 2007 to administer the staff attorney program. She often expressed to staff attorneys that Mr. Davies made all the decisions and that she was merely an administrative facilitator of his rules and instruction and often deferred to Mr. Davies regarding staff attorney evaluations, bonuses and the pro bono program rotations.

Staff Attorney Position

24. The staff attorney position evolved into a non-partnership track position (unlike that of the associate position). Staff attorneys typically provided document review on large case

litigation. Because of electronic communication, parties to lawsuits frequently retain millions of documents that must be reviewed for relevance and privilege, and frequently must be coded for subsequent retrieval.

25. This work does little to advance the growth and professional development of attorneys in the critical areas of legal analysis, advocacy and client relationships.

Covington Deliberately Hires a Disproportionate Number of Black and Minority Staff Attorneys

26. The following statistics apply to Covington's Washington, DC office:

27. Of Covington's partners, less than 5% are black and less than 10% are minority.

28. Of Covington's associates, special counsel and counsel, less than 5% are black and less than 10% are minority.

29. Of Covington's staff attorneys, approximately 30% are black and approximately 50% are minority.

30. According to a demographic study by the American Bar Association ("ABA") based on the 2000 census less than 5% of licensed lawyers are black and less than 13% are minority. (Exh. A)

31. One must conclude that Covington deliberately set out to hire five times the national average of black and minority attorneys for the staff attorney group.

32. Covington was able to achieve such lopsided numbers by instructing recruiters to refer minority attorneys to the Firm.

33. Once employed by Covington, staff attorneys were periodically asked to refer friends to the Firm. Those referred tended to be of the same race as those doing the referring, so Covington was able to maintain its racial mix.

Covington's Demonstrably Discriminatory Motive for Hiring a Disproportionate Number

of Staff Attorneys

34. In 2004, only months before Covington began staffing its staff attorney group, General Counsel signed the "Call To Action" initiative that reads in part:

"In an effort to realize a truly diverse profession and to promote diversity in law firms, we commit to taking action consistent with the referenced Call to Action. To that end, we pledge that we will make decisions regarding which law firms represent our companies based in significant part on the diversity performance of the firms. We intend to look for opportunities for firms we regularly use which positively distinguish themselves in this area. We further intend to end or limit our relationships with firms whose performance consistently evidences a lack of meaningful interest in being diverse." (Exh. B)

35. Several of Covington's clients are included on the list of corporate signatories for the "Call To Action" document.

36. Covington reported its staff attorney numbers to its clients.

37. In fact, some General Counsel strongly encouraged attorney diversity on their client matters handled by Covington.

38. One Covington client even called a co-worker of Plaintiff's to verify her race.

39. In some of its advertising and marketing literature, Covington includes minority staff attorney figures.

40. Including staff attorney numbers makes Covington's attorney demographic more diverse than it would otherwise be.

Covington Discriminates Against the Staff Attorney Group

41. After setting out on a deliberate scheme to build a staff attorney group largely made up of minorities, Covington discriminated against them. Plaintiff spoke out about many of Covington's discriminatory practices in a Huffington Post essay, "Law firm Segregation Reminiscent of Jim Crow." Many of the Firm's discriminatory practices are detailed below. (Exh. C)

42. In 2004 or early 2005, Covington promoted two white staff attorneys, one to associate and one to special counsel.

43. During Plaintiff's tenure at Covington, no staff attorney was promoted.

44. At staff attorney meetings and in emails to management, staff attorneys expressed a desire for the group to have promotion potential.

45. Staff attorneys were excluded from attorney-only firm retreats. They were not allowed to participate in the Firm's mentoring program, its professional development program or its Women's Forum.

46. Covington paid staff attorneys less than other attorneys at the firm and denied them maternity or jury duty leave.

47. Unlike other law firms which provide staff attorneys with office space and website placement similar to that of their other attorneys, Covington provided staff attorneys with an inferior office space and web presence. Groups of as many as ten or more work in converted file rooms (in some instances enormous volumes of files are stacked alongside staff attorney desks). The offices often had poor ventilation and would probably fail to meet other Occupational Safety and Health Administration (OSHA) standards.

Covington Partners and Associates Discriminate Against Plaintiff and Other Black Staff Attorneys

48. Mr. Davies, along with other white partners and associates, communicated via email and phone with white staff attorneys more often than they did with black staff attorneys.

49. Mr. Davies and white partners and associates socialized with white staff attorneys inside and outside of the office more often than they did with black staff attorneys.

50. It is a well-established belief in the legal community that formal and informal socializing is a necessary component of building a legal career, particularly in a law firm. It is

why Covington and other firms spend hundreds of thousands of dollars entertaining summer associates. By denying black staff attorneys this social interaction, Covington associates and partners, including Mr. Davies, limited Plaintiff's and other black staff attorneys' ability to advance at Covington.

51. White partners also took more of an interest in cultivating the careers of white staff attorneys.

52. For example, George Pappas, a white partner, assisted Staff Attorney 8, who is white, in raising his profile at Covington by allowing him to bill hours to the partner's client development account. The Firm then allowed Staff Attorney 8 to take summer associates to lunch and other activities.

53. Conversely, Mr. Davies, a white partner, rebuffed Plaintiff's attempts to become more involved at Covington.

54. For example, in the fall of 2006, Plaintiff organized a book club for disadvantaged girls at Cardozo High School. When Plaintiff discovered that Covington had a program at Cardozo, she sought to work with the firm to help students there; however, Mr. Davies did not respond to her emails regarding the matter.

55. Ms. Young continued with the book club at her own expense.

56. On another occasion when Plaintiff tried to involve the summer associate planning committee in an event featuring a prominent black legal scholar that was being sponsored by an internationally recognized literary foundation on which Plaintiff is a board member, white associates did not respond to Plaintiff's emails.

JPMorgan Chase & Co. ("JPMC") Case

Racial Make Up of JPMC Case

57. During her time at the Firm, Plaintiff worked primarily on a high profile case involving JPMorgan Chase (“JPMC”).

58. The Firm originally staffed the project with seven staff attorneys who had to be approved by JPMC before starting on the case. JPMC was provided with staff attorney resumes.

59. JPMC was interested in the racial make up of the JPMC team members.

60. Plaintiff, Staff Attorney 1 and Staff Attorney 2 were the three black staff attorneys assigned to the case.

61. Vanessa Natale, Sarah Wittig, Staff Attorney 3, and Staff Attorney 4 were the white staff attorneys assigned to the case.

62. Staff Attorney 4 eventually resigned, leaving the project staffed with three (3) black women and three (3) white women.

Steve Anthony, Supervising Partner on JPMC Case

63. Steve Anthony, a white Covington partner, lead the JPMC case. Mr. Anthony presided over meetings with the JPMC Staff Attorney team. Even when Mr. Anthony wasn't present at meetings or included in emails, the supervising associate made it clear that her directive came from Mr. Anthony.

Caroline Reid Reynolds, Supervising Associate on JPMC Case

64. Caroline Reid Reynolds, a white Covington associate at the time, who is now an associate at Zuckerman Spaeder LLP, was the supervising associate on the JPMC case.

65. Ms. Reid Reynolds socialized outside the office with the white staff attorneys. Black JPMC team members were never invited to join them.

66. Ms. Reid Reynolds took a special interest in the white staff attorneys, especially Vanessa Natale, who had a special relationship with Mr. Davies--often speaking with him on the