

Rising Star: Covington's Dustin Cho

By Jeff Sistrunk

Law360 (July 13, 2020, 3:05 PM EDT) -- Covington & Burling LLP partner Dustin Cho has been instrumental in helping the NFL reach settlements with several of its insurers over coverage for former players' concussion claims, landing him a spot among the insurance practitioners under 40 honored as Law360 Rising Stars.

WHY HE'S AN INSURANCE ATTORNEY:

Cho said he was drawn to the space because insurance is a critical part of the U.S. financial system that determines "how so many social and financial risks are spread." For Cho, insurance work provides the "intellectually rewarding" opportunity to be involved in a diverse array of coverage disputes that stem from "cutting-edge issues of our society and our economy."

"I also really enjoy the close interpretation of policy language, which I have an opportunity to do on a daily basis in this practice area," Cho added.

THE BIGGEST CASE OF HIS CAREER:

Cho said the biggest case of his career thus far has been the NFL's sprawling, years-long dispute with its insurers over coverage for concussion claims brought by retired football players. In fact, his work on the case dates back to the beginning of his tenure at Covington in 2012.

"The case involves decades of general liability policies purchased by the NFL and its affiliate NFL Properties from a multitude of insurance carriers that brought the case in an attempt to avoid providing coverage under those policies," Cho explained.

Cho led the briefing on several recent discovery disputes in the case and took part in the negotiation and drafting of settlement deals with several of the insurers.



Dustin Cho
Covington & Burling

Age: 34

Home base: Washington, D.C.

Position: Partner

Law school: Harvard Law School

First job after law school: Clerk
for U.S. Circuit Judge Debra Ann
Livingston, Second Circuit

HOW HE APPROACHES NEW CASES:

Cho's approach to new cases is twofold: reviewing the language of the client's policy, then becoming closely acquainted with the facts of the insurance claim.

"So much of that is understanding your client's business and the nature of the loss they are looking to get covered," Cho said. "You cannot ignore one to focus on the other; I enjoy both."

ANOTHER INTERESTING CASE:

In addition to his work on the NFL coverage case, Cho is part of a team representing Merck & Co. in a lawsuit seeking insurance coverage for losses it suffered due to the "NotPetya" malware that affected the company's computer systems several years ago. The insurer is attempting to rely on an exclusion for losses related to "war" to reject coverage, Cho noted.

"This case deals with an interesting fact pattern, and I've found it interesting to learn about the malware and how it affected Merck," he said.

Cho added that, while he has always been interested in the workings of technology, the Merck case "has taken it to a new level."

"That is one aspect of what makes working on insurance coverage so fascinating," he said. "You get the opportunity to learn about these cutting-edge events and figure out how the insurance policy responds when these events happen. By their very nature, these events are unexpected, and that is what people buy insurance for."

— *As told to Jeff Sistrunk*

Law360's Rising Stars are attorneys under 40 whose legal accomplishments belie their age. A team of Law360 editors selected the 2020 Rising Stars winners after reviewing more than 1,300 submissions. Attorneys had to be under 40 as of April 30, 2020, to be eligible for this year's award. This interview has been edited and condensed.