

ATTORNEY OF THE YEAR

KEVIN McDONOUGH

PARTNER, LATHAM & WATKINS

BY ANDREW DENNEY

IN HIS 12 YEARS of practice, Latham & Watkins partner Kevin McDonough has represented his share of deep-pocketed clients, but has recently spent considerable time tackling an issue that for some epitomizes injustice for poor defendants: the sprawling jail complex at Rikers Island.

McDonough works as chief counsel to the Independent Commission on New York City Criminal Justice & Incarceration Reform—better known as the “Rikers Commission”—which this past spring released a report that included a recommendation to remove prisoners from Rikers and instead send them to local jail facilities in each of New York City’s five boroughs.

McDonough supervised a team of more than 30 Latham & Watkins attorneys and staffers who collectively spent more than 3,000 hours over the course of about a year to assist the Rikers Commission at various stages of its work, including advising on the formation of the 27-member commission, negotiating with City Hall and other government agencies for the release of sensitive data and drafting the commission’s 148-page report.

Jonathan Lippman, the former chief judge of the New York Court of Appeals who is of counsel to Latham & Watkins and chair of the Rikers Commission, said McDonough and his team were tasked with a massive effort that was akin to “moving a big ship.”

Another challenge in the effort to release the report was Mayor Bill de Blasio, Lippman said. The mayor wanted to endorse a proposal to close Rikers, and thus McDonough’s team needed to work at a feverish pace to get the report completed a few weeks ahead of schedule.

But, Lippman said, McDonough’s temperament as a leader and his organizational skills made him the “logical person” to guide the effort.

“It was a large undertaking, to say the least,” Lippman said. “I can’t think of a pro bono project here or anywhere of this magnitude.”

JONATHAN LIPPMAN, THE FORMER CHIEF JUDGE OF THE NEW YORK COURT OF APPEALS WHO IS OF COUNSEL TO LATHAM & WATKINS AND CHAIR OF THE RIKERS COMMISSION, SAID McDONOUGH AND HIS TEAM WERE TASKED WITH A MASSIVE EFFORT THAT WAS AKIN TO “MOVING A BIG SHIP.”

McDonough continues to work with the Rikers Committee as it pushes for implementation of its recommendations, which also include changes in the court system, such as expedited handling of cases and additional diversion programs.

McDonough, who works in Latham & Watkins’ securities litigation and white-collar defense practices, also serves on the firm’s pro



Kevin McDonough at Latham & Watkins.

bono committee as well as the board of directors for New York Lawyers for the Public Interest.

With his experience working pro bono to represent a man on death row in Louisiana, he was no stranger to issues in the criminal justice system when he took on the Rikers project. But he admits that, before the effort began, the problems facing Rikers were “a little distant” for him.

That changed as he learned more about what goes on behind the walls of the jail complex, such as poor inmates who are left there for lengthy stays because they can’t afford bail, throwing their lives into disarray.

“Even if that’s just for a couple of days, the data quite clearly indicate that that can disrupt your life in a very meaningful way,” McDonough said.

McDonough said that Rikers is “out of sight and out of mind for a lot of us,” and that his experience working with the commission has brought it into sharp focus.

AMONG THE MAJOR securities and white-collar cases that McDonough has tackled in his tenure are his successful defense of Ernst & Young in the Lehman Brothers securities litigation from §10(b) and §11 claims, in which he also won full dismissal of an arbitration claim brought by the Lehman Brothers estate.

A 2005 graduate of the Seton Hall University School of Law, McDonough joined Latham & Watkins after graduation, and left the firm for a year starting in September 2006 to clerk for Joel Pisano, who was at the time a U.S. District Judge for the District of New Jersey.

Last year, McDonough was presented with both the Legal Aid Society’s Pro Bono Publico award and the Brooklyn Volunteer Lawyers Project’s Champion of Justice award.