

‘It’s Just Been Unreal’: Catching Up With Wilmer Hale’s Jamie Gorelick on Coronavirus Crisis Management and Matzah Ball Soup

Wilmer Hale partner Jamie Gorelick, who leads the firm’s regulatory and government affairs team, walks us through what clients are asking, and how the firm is responding. The fundamentals of crisis response? “One is to stay calm. Two is to exhibit leadership for the rest of the people who are in your organization. Three is to think very clearly about what needs to happen.”

BY C. RYAN BARBER

Last month, as widespread layoffs loomed in the U.S. economy and businesses stood on the verge of shuttering their offices amid the coronavirus outbreak, the law firm Wilmer Cutler Pickering Hale and Dorr sent all of its employees home with equipment to telework.

On March 13, the firm used a Friday to run an experiment—to gather a sense of how it would function with most of its lawyers and staff working from home.

“It worked,” said Jamie Gorelick, a Wilmer Hale partner who served as deputy attorney general at the Justice Department during the Clinton administration. “And then we never came back.”

In the weeks since, holed up at home in suburban Washington, Gorelick has been called on to help clients navigate the fallout of the coronavirus outbreak as a co-leader of Wilmer Hale’s crisis management group. It has been



Jamie Gorelick of Wilmer Cutler Pickering Hale and Dorr. Credit: Diego M. Radzinski / ALM

an all-consuming job. Only on Thursday did she finally get around to taking a day off—a “mental health break,” she said.

“There’s just so much time you can spend in front of a screen,” she said.

“I just had to exhale. I did. The good news is I know myself well enough to do that. The bad news is I was driven to it.”

In an interview with The National Law Journal, Gorelick shared insights into her experience guiding companies through the myriad crises and questions raised by the ongoing global health emergency. There has been little time diversion—"I have read the same three pages of a book over and over again, and then I fall asleep," she said—and unprecedented challenges. But along the way have come small victories, such as scoring matzah—at last—ahead of a Passover Seder last week.

"It was a triumph," she said with a laugh.

The following conversation was edited for length and clarity.

NLJ: *Thanks, Jamie, for taking the time to discuss life in this difficult time. First off, who's hunkered down with you at home?*

Gorelick: My husband [Dr. Richard Waldhorn], who is a physician. He was chief of medicine at Georgetown. He's not in the right cohort to go back into the ICU, but he's taking patients from people who can, so he's doing telemedicine in his study. He's affiliated with the Center for Health Security, so he's been very much involved in tracking the pandemic. So we have



Wilmer Hale's D.C. offices. (Photo: Diego M. Radzinski/NLJ)

both been just unbelievably busy.

That has to give you a closer view into the public health response. What has it been like to have your husband working on the medical side of this crisis?

In some ways it's reassuring. He does have a front-row seat on the medical and pandemic end. He's able to help people who need medical help. Seeing what the public health folks are thinking about before it's public has been interesting to him. And I am seeing pretty much all manner of COVID-related legal questions, because we stood up a COVID-19/coronavirus task force very early on. We put out what I think is an excellent letter every day to our clients and friends. That kept us in the loop as to what is on

people's minds, whether it's the Defense Production Act, or the PREP Act or the Payment Protection Program, or how to deal with their employees, what all the different state and local ordinances mean for particular businesses. It's been fascinating.

Has your workload been all coronavirus all the time, responding to crises immediately rooted in the outbreak, or have you also been juggling preexisting matters?

[Laughs] We still have the work we had before. This has just come on top, which is why I needed the break [Thursday], because I worked every day for a month, and long days. The coronavirus questions come on top of that, come on top of whatever you had beforehand. Now, I don't have all the travel time that I

used to have, so some of the [demands] on my time have been subtracted, but more has been added.

What have been some of the more complicated questions?

For several clients, we are cataloging every single state and local ordinance, and then helping them figure out what it means for each of their businesses, where clients are in multiple, in some cases all, jurisdictions and have multiple businesses. That's been No. 1. No. 2 has been the stimulus, so either advocacy for our clients who want to ensure that whatever stimulus comes out is structured in a sensible way, and once the CARES Act passed, it was helping companies apply. The Defense Production Act, which we have a lot of expertise in, has been an unbelievable amount of our work—issues like repurposing an industrial factory to make ventilators or respirators raises all kinds of questions. Then you have issues like force majeure. We have any number of pieces of litigation in which the companies or the plaintiffs have decided they would really rather mediate or arbitrate. So cases that were in active litigation are now being handled in a different way. Our arbitration practice has increased in



U.S. Justice Department headquarters in Washington, D.C. Photo credit: Diego M. Radzinski/ The National Law Journal

that regard. I could go on and on. It's just been unreal.

In the white-collar defense practice, many lawyers talk about the importance of being in the room with somebody—whether for a meeting with a client, with the government or in an interview during an investigation. Now Zoom has become a household name and everyone's videoconferencing. What have you found to be the highest hurdle or practical challenge to working in this period?

For me, it really hasn't been that hard. I'm used to working virtually, we have excellent WebEx tools. I can use any of the other many platforms really easily. We are undertaking the sexual harassment investigation for the University of Michigan.

That's ongoing, and you could imagine it's hard to do virtually. But you have to do it.

In internal investigations like that, how have you gone about assessing what can move forward and what should be delayed until we can all leave our houses again?

We're doing it, as you might guess, on a one-by-one basis. Each one of them is different. Sometimes you can gather what you need via email, sometimes you need a phone call, sometimes you need a video. And sometimes you say that one is too sensitive and we'll just put it off.

How far are you comfortable putting things off?

That is really the big question. Everybody's going to be revisiting everything every

couple of weeks. That's one of the big debates. I don't know what's going to happen. I think that whatever anyone does to "reopen the economy," I don't think people are going to go back to work until they think it's safe.

Under the Clinton administration, you were second-in-charge at the Justice Department and general counsel at the Pentagon. You advised BP in the response to the Deepwater Horizon oil spill. What experiences have you drawn on in responding to this particular crisis?

I personally have dealt with a lot of crises. So, whether they're small or large, geographically distinct or global, the skills and the characteristics that you need to summon are the same. You think about the Oklahoma City bombing, where I was at the Justice Department, or the 9/11 attacks, where I was inside a company. Or you think about any number of crises when I was at [the Defense Department]. It may seem weird to say this, but this is what I do.

It's unbelievable. It is of a scope and scale that is different

than anything else anyone has seen in terms of the economy shutting down, the level of death and destruction. It is different in that way.

What do you see as the fundamentals of crisis response?

One is to stay calm. Two is to exhibit leadership for the rest of the people who are in your organization. Three is to think very clearly about what needs to happen. And four is to imagine what is likely to happen next or could happen next before it happens and prepare for it.

On a lighter note, you mentioned that you have been working around the clock. But have you found any time for diversion—a book, a Netflix show?

Well, I'm exercising every day, which is not all that different from the norm, but I'm trying to be very disciplined about that. We are having virtual dinners with friends pretty much every night. So that's my time to relax.

I've been so flat out that I work pretty much all day and most of the evening, and then I go to sleep. I have read the

same three pages of a book over and over again, and then I fall asleep. That has to stop, but that is where I currently am.

And happy Passover. How has it gone for you?

We had a lovely Seder with extended family on Wednesday, and had another one on Saturday. And we managed to find some matzah. It's a little weird to have Passover when you can only find some of the ingredients you need for the food part of it. It's a celebration of continuity, it is a commitment to freedom and to repairing the world. And, of course, it features plagues, so it's a pretty apt holiday.

I am definitely making my mother-in-law's matzah ball soup, which is an all-day proposition. For ours, you start with a chicken carcass. It's legit. Then you add sweet potatoes and celery and carrots—everything pureed. And, oh, it's unbelievable.

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