



## An Interview with Robert S. Rivkin, Senior Vice President and General Counsel, United Airlines

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*Robert S. Rivkin has been the senior vice president and general counsel of United Airlines since March 2019. Before joining United, he held a number of high-profile positions, including many in the transportation industry: senior vice president and deputy general counsel of Delta Air Lines, general counsel of the U.S. Department of Transportation, and general counsel for the Chicago Transit Authority. He has also served as Deputy Mayor of the City of Chicago.*

### **A&SL: Tell us a little about your background.**

RR: I attended Harvard College and Stanford Law School. After clerking for a federal judge, I spent five years as an assistant U.S. attorney in Chicago prosecuting a broad range of criminal cases and arguing appeals. I then worked on policy and special projects for Chicago's corporation counsel before joining a Chicago law firm as a litigation partner. After a few years, I accepted an unexpected offer to become general counsel of the Chicago Transit Authority, which was my first job in the transportation sector. I decided I enjoyed in-house practice, so after a few years I joined Aon Corporation as deputy general counsel. In 2009, after co-leading the Obama campaign's transportation policy group, I joined the U.S. Department of Transportation (DOT) as general counsel. After four years there, I joined Delta Air Lines as deputy general counsel. I returned to Chicago in 2016 and served as deputy mayor until United brought me on as general counsel in March 2019.

### **A&SL: What drove your interest in transportation and, more specifically, aviation? Were you always interested in aviation?**

RR: Probably like most of us, as a kid I was an enthusiast for planes, trains, and automobiles (and trucks, buses, and boats)! I had traveled around the world from my earliest years, living in Europe and Africa, but I first became interested in transportation issues as part of my engagement in civic and political matters as a young lawyer, and I worked on some aviation issues for the City of Chicago. But it wasn't until I arrived at DOT that I became heavily involved in aviation.

### **A&SL: You've been both a government lawyer/regulator and in-house counsel/advocate. What are the keys to success for these roles, and are there critical differences?**

RR: In my experience, large organizations, whether private sector or governmental, share certain key dynamics. The decision-making processes can be cumbersome, and the interplay between HQ and field functions and executives is similar. In any large organization, a new general counsel has to get to know the operational executives and ascend the learning curve as quickly as possible to understand the scope and strategy of the different business and operational units, whether they be FAA/FWHA/NHTSA/FTA/etc. or Flight Ops/Tech Ops/Network/Finance/etc. Legal departments also have to try to organize themselves to serve a matrix of business units, geographies, and subject matter challenges. I'm not sure there's one structure that is optimized to handle that. The most important key to success is hiring and developing the best people.

### **A&SL: For young lawyers interested in aviation or another transportation sector, what are your thoughts on obtaining federal agency experience before moving into the private sector?**

RR: Serving in government as a young lawyer is a great way to quickly gain responsibility and experience in a chosen field. You can gain credibility as an expert before you embark on a private-sector career.

### **A&SL: What functions are in the United legal department, and what additional functions report to you as general counsel?**

RR: The United legal department includes the corporate, securities, finance, commercial, litigation, government contracts, intellectual property, antitrust, environmental, regulatory, labor and employment, employee benefits, legal operations, and international groups. I am also responsible for security, facilitation, compliance, ethics, and investigations.

**A&SL: What do you and your team do to be part of business decisions at United? How do you integrate into the larger business team?**

RR: This is one of the biggest and most persistent challenges for in-house counsel. My philosophy is that lawyers need to get out of their offices, learn the business, focus on being business partners who bring solutions and not just identify problems, and in that way earn trust so that a business leader is inclined to include us in her core team processes and decisions. That is much easier said than done. But if lawyers are called upon only to document an already negotiated deal or to handle a dispute once litigation is filed, we are much less effective in helping the company achieve its goals.

**A&SL: Going forward, what are your top priorities as general counsel, and what are the legal and/or regulatory challenges that concern you the most?**

RR: In the wake of the economic impact of the pandemic, we have to figure out how to do our jobs more efficiently with fewer lawyers. That also means we have to use outside counsel more efficiently. We will be dealing with the effects of the pandemic on our personnel, union relations, and liabilities for quite some time. And we will be evaluating our diversity, equity, and inclusion policies, as a company and as a department, to see where we can do better and take appropriate action.

**A&SL: How has the United legal team assisted in contributing to United's response to the coronavirus pandemic?**

RR: We have been working at the core of the executive team, helping to raise liquidity and figure out how we transition into being a smaller and more flexible

airline ready to snap back as soon as travel demand returns. For example, we've been working with our finance colleagues to negotiate complex financing deals with the private market and with the Treasury Department under the CARES Act, advising on CARES Act compliance, defending against putative class actions stemming from United's response to the crisis, working with DOT and DHS regulatory agencies regarding new requirements imposed under the pandemic, and negotiating changes to contracts of all sorts.

**A&SL: How have you utilized outside counsel during this period, and what are your expectations going forward?**

RR: We have relied heavily on outside counsel for difficult and innovative financing deals and labor issues. We will continue to spend more on outside counsel than we do employing in-house counsel, but our budgets will be smaller until the airline is once again operating at full throttle.

**A&SL: What are the top two or three pieces of advice you would pass on to young lawyers interested in an aviation legal career?**

RR: Wait until the pandemic is over! All kidding aside, there are not many aviation practices in the country, and very few outside of Washington. I would tell young lawyers without enough experience to get a job at an airline to pursue a position with the FAA, the DOT Office of General Counsel, NTSB, TSA, or an airport authority.

**A&SL: What are you looking forward to doing when things get back to, or approximate, normal?**

RR: Traveling the world once again (on United, of course)! I've got cabin fever.