

# DIVERSITY & THE BAR

MAR/APR. 2016

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# RISING STARS

HOW THE SBA CAN HELP

DIVERSE TEAM BUILDING

9 WAYS TO REDUCE  
BRIBERY RISK IN  
EMERGING MARKETS

SITTING IN JUDGMENT

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## Watching MCCA's 15 Rising Stars and the Future of the Legal Profession

AS YOUR NEW PRESIDENT AND CEO, I am thrilled to be in the pages of *Diversity & the Bar*. This issue, full of fantastic information, is written by and showcases diverse counsel. Our annual Rising Stars cover story about 15 upcoming lawyers to watch is a beautiful reminder of not only who some of our diverse counsel are but how they came to practice law and give back to the community.

Are you a small business or have clients who are? Hear from the Small Business Administration's General Counsel on how the SBA can help. You might be surprised what this government agency has to offer and some of the big name companies who were once small that they've helped along the way.

Team building. Everyone talks about it and wants to be the best at it. Find out how this law firm built its diverse lobbying team and how they work together.

Is your client or your company considering doing business in an emerging market? If so, our article about reducing bribery risk might be a good primer for you.

Statistics tell us that the legal profession is comprised mostly of men. The judiciary mirrors that. But, we interview three women of color who recount their experiences on the bench. Learn about their perspective in this article and see if you might be interested in this career path.

In our ongoing LMJ Scholarship Alumni series, we track the class of 2007 and interview a scholar who now weaves his legal expertise with teaching.



I hope to see you at our General Counsel Summit next month. GCS offers you and your senior team the opportunity to benchmark your legal department with five powerful educational sessions. This four-day event also provides you 17 networking possibilities in an atmosphere that fosters professional development and connections. Details about GCS, including our exceptional line-up of c-suite speakers, can be found at [www.mcca.com/gcs](http://www.mcca.com/gcs).

Your attendance and participation at GCS also helps fund the future through the MCCA LMJ Scholarship Program. The diversity pipeline starts with law students. Find out more about them and this program at [www.mcca.com/scholarships](http://www.mcca.com/scholarships).

I am excited to be here at MCCA. I look forward to seeing you all at our upcoming events or hearing from you directly about how we can grow MCCA for the future. And, I look forward to sharing my vision for MCCA and the great things we have in store as we prepare to celebrate our 20<sup>th</sup> anniversary in 2017. ■



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## Nonprofits: Keys to an Effective Board

Given the increased number and size of nonprofits, the proper governance of these organizations continues to be paramount. I've served on the boards of several nonprofits and find them to be incredibly rewarding experiences. Given that a nonprofit's key objective is to fulfill its mission, I view the creation and maintenance of an effective board as a key component to the organization's success. That being said I've learned over the years, that nonprofit boards are not all cut from the same cloth. The de facto roles and objectives for some boards are different from those of other boards. However, at the end of the day, there are several keys to having an effective board.

To begin, it is generally accepted that directors of nonprofit organizations have basic fiduciary obligations consisting of duty of care and duty of loyalty. The duty of care requires directors to exercise the care, diligence and skill that an ordinary, prudent person would exhibit under similar circumstances. The duty of loyalty requires directors to pursue what is in the best interest of the organization. This includes the avoidance of self-dealing and conflicts of interest.

However, the one constant is that building and maintaining an effective board is critical to a nonprofit's success.

The ability to fulfill such fiduciary obligations hinges, in part, upon the board's ability to meet certain basic responsibilities, including determining and developing a mission and purpose; selecting a qualified chief executive officer; assisting in developing the annual budget and providing financial oversight; ensuring adequate financial resources and fundraising; ensuring adherence to legal standards and ethical norms; ensuring that there is effective planning and assistance in implementing and monitoring the organization's goals; promoting support by articulating the organization's missions, goals and accomplishments; recruiting and building a competent board; providing support to the chief executive officer to further the organization's goals; and monitoring and strengthening programs and services.

Finally, to best position an organization to have an effective board, there are four primary factors to consider:

- Make reasonable efforts to ensure that individuals selected to serve on the board have fundamental characteristics that typically enhance one's ability to

be an effective board member. These characteristics include vision and leadership, personal commitment to the position, integrity, advocacy skills, knowledge and collegiality. Every effort should also be made to ensure that the board is diverse.

- A board's size and sophistication tends to dictate how often a board meets and whether the work is done during board meetings or whether it's done through board committees. Smaller boards tend to have greater discussion and interchange, which often results in more efficiency and accountability. For larger boards, much of the work is accomplished through committees who do so either with delegated authority or by providing well-vetted recommendations to the board.

- The board meetings should be efficient and effective. Much of this depends on the skills of the board's chair. However, some of the key recommendations are to have written agendas with limited agenda items, focus primarily on strategic and forward-looking issues, provide regular opportunity for discussion, use written reports and executive summaries and maintain order.

- Ensure that good governance practices are part of the board's culture.

As is clear from the above, there are several factors that influence the effectiveness of a board. The size and composition of the board can vary from one organization to the other. However, the one constant is that building and maintaining an effective board is critical to a nonprofit's success. ■



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# How to Avoid Gary Gunner and Dora Dormat Syndromes during Your Career

DO YOU OFTEN FEEL LIKE THE MAGNIFICENT CONTRIBUTIONS that you make at work go unacknowledged? Adding to this scenario, do you often (or at least sometimes) feel like other people get real recognition for their contributions—even their small ones—while their snafus are either never mentioned or quickly swept from the memories of those who matter?

If you answered “no” to both of those questions, then lucky you. You are part of a fortunate, and I suspect minuscule percentage, of lawyers. For the rest of us, it is important to take well-reasoned steps to ensure that our efforts and contributions are acknowledged fairly in the workplace. Below are a few suggestions for getting the recognition that you deserve. Bear

Even if you are shy or non-confrontational, you can still let people know that your work should be recognized and valued.

in mind, however, that it may not be realistic to expect that your (or anyone else’s) contributions will be acknowledged in ways that are completely atypical for your specific group, department or organization. But with that caveat in mind, I dare say you should be strategic and deliberate about obtaining fair recognition consistent with the way comparable contributions are acknowledged in your work environment.

Interestingly, the act of seeking acknowledgment can border on shameless self-promotion for some

while seeming totally out of place for others. There are few people who naturally bear this task well and thereby make others feel good (or, at least, OK) in the process. As a preliminary step, I suggest you spend a little time identifying comfortable and natural ways to convey your value proposition, to make clear that you understand this must align with the organization’s needs and to convey your expectation that the relevant stakeholders meaningfully recognize your contributions.

In doing, beware of Gary Gunner Syndrome. Ambition is fine and, in my view, desirable. But the perceptions that others take away from your eagerness to perform and be spotlighted for your successes can be equally important. I have known some die-hard gunners who consistently engender goodwill and trust in their colleagues, but pulling this off is a very refined skill that the vast majority of people just do not have. For those of you whose natural tendency is to be a bit of a gunner, this can be a great attribute if properly managed; I am not suggesting you completely alter your personality. Rather, I suggest focusing some of your self-promotion efforts on circumstances that also promote other colleagues or that, at the very least, do not overshadow them.

It also is important not to slip

into Dora Doormat Syndrome. Let’s face it: The world loves a hardworking doormat. And if you routinely offer yourself up as such, it can be easy for others to adopt a “you give, I take” mentality toward you. Do not let this happen. Even if you are shy or nonconfrontational, you can still let people know that your work should be recognized and valued. Importantly, this is not about confrontation. Rather, advocating for yourself in a fair and appropriate manner not only benefits you but also can add value to your broader workplace.

Also, consider occasionally highlighting the purpose and progress of the work you are doing. This may help stakeholders better understand the value that is attendant to it, as well as help them feel more invested in the ultimate results and the recognition that you should receive.

Finally, as alluded to in the Gary Gunner discussion, openly acknowledge the value that others provide. One of the best ways to get recognition is to also give it! ■



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## Three Strikes? Not So Fast

DAD CAUTIONED I HAD THREE STRIKES. I was 1) a girl; 2) Philippine-born and thus a “foreigner” in the U.S.; and 3) with a stated interest in medicine or law, headed for a “man’s world.”

I was aware that I may confront discrimination, but I did not want to play the victim. Self-empowerment overcomes that.

### ***No one can take your education from you.***

Mom scoffed at Dad’s notions. She attended medical school in the 1950s. Few female doctors were role models then—in the Philippines or across the world. People here doubted Mom’s smarts when they couldn’t get past her heavy

saw me at both a Big 8 accounting firm and the Federal Reserve Board. JP Morgan (Morgan Guaranty) hired me as an internal auditor as I earned my BBA. In the 1990s, I summered at Weil Gotshal (as a 1L) and Dewey Ballantine (2L), landing a full-time offer at Dewey after I graduated law school. All this because Mom encouraged me to ensure that education—a key requisite for landing such plum jobs—was a core of my being.

### ***Stay in tax; you’ll always have a job.***

Some attorneys have easily recognized expertise. I am instead a specialized tax attorney with an ERISA focus—the law that regulates employee benefit plans. The economy might be good; it might be bad. In all cases, there are always tax issues that create jobs.

What’s even better, my practice is federal law in nature. I passed New York’s bar (and waived into the District of Columbia’s), but I would never have to sit for another bar exam ever again! As I approach the time to consider where in the

United States I will wind down my practice and then eventually retire, I might move to Kentucky. Or relocate to California. Or Hawaii or Alaska to practice ERISA because, well, I just can. How liberating!

### ***It’s not too early to start having your book of business.***

In law school, professors don’t tell students there tend to be two types of attorneys at law firms: rainmakers versus service attorneys. I saw this dichotomy immediately at my very first law firm. Sure, many of us lawyers (including me) service other attorneys, to a degree. But those who can “make rain” can survive a down-size at a law firm. A lawyer who has her book of business can always start her solo practice, if necessary.

The necessity of an education, finding a recession-proof job, feeling unrestricted geographically and building one’s own revenue source is a strategy for not only minority lawyers but perhaps anyone embarking on any new career. Here’s to self-empowerment! ■

In law school, professors don’t tell students there tend to be two types of attorneys in law firms: rainmakers versus service attorneys.

Filipino accent, yet this legal immigrant thrived in New York and Virginia patient communities with a decades-long cardiology practice. She credits disciplined education for allowing her to flourish. Mom underscored that education was not a gift or right—it is a necessity.

College internships in the 1980s

As a columnist for *Diversity and the Bar*, I have an opportunity to share the many voices of diversity. As in all successful communities, there is strength in common support and mentorship, but there is also power in an individual’s resilience. What advice have you been given that has contributed to your progression? What advice would you give to others? In this guest column, my partner Jewell Esposito describes her unique journey, and her personal theme of self-empowerment.

—Misti Mukherjee



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## Some Things to Consider When Hiring Outside Counsel

RETAINING AND MANAGING GOOD OUTSIDE COUNSEL is one of the most important functions a general counsel will perform. Yet so frequently, the choice of outside counsel is made based on past friendships, default choices based on past practice or a desire to ensure that one's career is protected with the board of directors—i.e., “if I hire a big and expensive law firm and the matter goes south, I have protection.”

The choice of outside counsel can have a significant impact on the direction of the case, the amount of money spent on the matter and whether your attorneys and staff, who have to deal with the firm on a regular basis, are happy and feel well-served. Here are some criteria to consider when hiring outside counsel.

There are times when you need to hire the firm for the one talented partner, but those instances are rare. Hire the law firm, all of it, not just your favorite lawyer.

**Look for law firms that have a long-term view of the relationship.** Too many times law firms look at a matter as a way to bill hours and make money now. These firms don't see the relationship as long term; instead, they see the case as a short-term solution for generating profits. Avoid these law firms. Choose firms who understand that the present representation is just one event in a long-term relationship that, over time, will generate significant work and, yes, billable hours. These firms will

partner with the business, tell you when you should settle a weak case, won't churn the file just to bill hours, and will take your phone calls and give quick advice, answer a question or just help you get through an issue without sending you a bill.

**One of the measures of what a law firm's true personality is like is how they treat the staff.** Avoid hiring law firms that treat the staff as simply a means to an end. Treating staff with little respect or as cogs in their litigation machine says a lot about how the law firm views your business and your company. Law firms should have the same approach to discussing matters with the staff as they do with speaking to executives or members of the board—treat everyone with respect and as a valued client.

**Deep and broad competence and legal acumen are a must.**

Too many times general counsel retains a law firm because of a single talented partner and ignores the rest of the lawyers at that firm. Once the matter is over, the general counsel will want to reward the talented partner with additional work, work that is given to other attorneys in the office who don't have the same dedication to the client, intelligence, raw talent or

approach to practice. There are times when you need to hire the firm for the one talented partner, but those instances are rare. Hire the law firm, all of it, not just your favorite lawyer.

**Look for firms that will take the time to learn and understand your business, the players in your company and the things that matter most to you.** That's partnership, and the firm that takes the time to develop this knowledge will give you the best, most meaningful advice.

**Diversity is an essential criterion in evaluating any law firm.** Diversity in race, gender, ethnicity, sexual orientation and education means you will maximize your chances of getting the most creative, diverse and meaningful opinions, the most creative approaches and the most efficacious solutions. Firms that look the same and who hire attorneys who all went to the same school will have a flat and homogenous approach that frequently leaves too many questions unasked and creative approaches missed.

Take the time to do your homework before retaining outside counsel. It's important not only to the result of a single matter but in forming long-term and successful relationships. ■



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# Where is the Black Swan?

## *The Hidden Secret of Success—Part Two*

IN THE LAST COLUMN, we discussed the importance of situational awareness in litigation, and described the first of several questions that must be asked in order to “know where you are.” Below are the additional questions that will assist us in settling into to any environment during the litigation process.

I encourage you to read “The Black Swan: The Impact of the Highly Improbable” by Nassim Nicholas Taleb. The book describes the impact of “outlier” or hidden facts/events, and explores the human tendency to explain the existence of those facts/events retrospectively.

The premise of the book centers around the assumption made many years ago that black swans didn’t exist—primarily because no one had seen one. Once a black swan was actually discovered, the

lost in the shuffle of trial go a long way in developing a deeper sense of connection.

### Why?

The question why is one of the most powerful questions in the human language. It forces us to seek the purpose behind any and all actions, and compels us to focus on the proper outcome related to such behaviors and actions. In order to craft an appropriate trial strategy during any portion of your litigation you have to have a reason for doing it. Consequently, when you wish to develop the right answer, it is critical that we begin with the correct question.

### Start with why

Each piece of litigation brings with it a different set of circumstances that must be addressed, and the why changes based on the situation. The use of trial consultants can assist with crafting the why questions as well, and they should be used as often as possible, particularly in mass tort matters that might require a different why in each case within the universe of cases.

Why do the jurors feel like that? Why am I filing this motion at this time? Why am I using this piece of evidence? Why am I calling this witness in this order? To constantly question our tactics is to constantly refine them to our benefit. Never underestimate the power of why, and never forget that this important question can help you determine both where

you are, as well as where you need to be in your case.

### How Will I Escape?

This question is not as dramatic as it sounds. As I mentioned in the previous column, I have talking quite a bit with my children about the concept of situational awareness. In those discussions, we talk about “escape routes,” and making sure that they know any and all escape routes available to them in a given situation. The same theory holds true—in many ways—in litigation: the notion that we have to be “stuck” living with the decisions we make and circumstances we find ourselves in is a myth—there is always an escape route. Do not give up on the notion that witness testimony can be better explained, certain evidence can be placed in better context, or certain rulings by the court can be navigated going forward. Always know your escape routes, and keep them locked in a reliable department in your mind.

Situational awareness in trial can be a significant factor in our success as trial lawyers. The ability to know your surroundings, navigate your situation and prepare for escape is critical. When developing you’re your trial themes and crafting your plan, always remember that situational awareness is key. ■



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**The human need to know and feel a part of something often trumps our ability to admit that we do not know something.**

immediate reaction was to rationalize why they had not been seen before in order to justify the prior lack of awareness. The human need to know and feel a part of something often trumps our ability to admit that we do not know something; consequently, when something or someone gives us the aha moment that “reminds” us of what we knew or should have known, we tend to feel a sense of connection to that something or someone.

Our role as trial attorneys is to give the triers of fact the aha fact or facts that empower them to advocate for our position during deliberations. Reminding the trier of fact of the document(s), testimony or expert opinion(s) that may have been

## Lois Bingham

EARLY IN HER TENURE AS GENERAL COUNSEL at Yazaki North America, Lois Elizabeth Bingham had to convince the company's new CEO that Yazaki even needed an internal legal department. Having worked previously in European companies, and focused on cost savings and efficiency, the new chief executive wanted evidence that insourcing could bring greater value than outsourcing Yazaki's legal work.

Fortunately, Bingham's diverse skills, experience and professional network had prepared her well for the task. She has led Yazaki's highly successful 10-person internal legal department for more than five years.

Growing up in Detroit, Bingham's exposure to various careers was limited. Her mom, who headed up the single-parent household and worked at the post office, made her intentions for Lois clear: "Excellence was drilled into me from the very beginning. I was going to be a first-generation college student." Bingham planned to be a doctor.

Undergraduate life at the University of Pennsylvania was an awakening. "I'm from Detroit, and yet people called me 'country.' I was exposed to different cultures, people, religious differences, enormous wealth," Bingham said. "It was an extreme adjustment." Below-par grades in her first semester pre-med science courses made it clear that Bingham was not likely to become a doctor. "Other than the teachers I knew, I didn't have other professionals around me. I didn't know any business people, so that left law." Bingham switched her major to political science, then enrolled in law school at Temple University upon graduation.

"I loved law school. It was an educational awakening," she said. Bingham explains that she "went through the motions" at Penn doing what was necessary to maintain a B average but did not take full advantage of the educational opportunities there. At Temple, she found kindred spirits and role models. The first black law school dean was there; Bingham had two black female professors, and there was an active black law student population. "I never felt as though race was an issue at Temple," she said.

She owes a debt of gratitude to early mentors, including third-year law students who guided Bingham to make the most of her law school experience. She thrived, eventually becoming president of Temple's Black Law Students Association, being elected to serve on the regional board of the National Black Law Students Association, launching a regional Law Day for Students of Color and being voted by the faculty as the student who made the greatest impact on the law school community. Mentoring, on both ends of the relationship, became a theme for Bingham as she began to pursue her career. She started out at Butzel Long in Detroit.

"The job market was very difficult when I graduated from law school. I joined the firm to get big-firm experience; it wasn't really about wanting to be a partner," she said. Having joined the firm in the litigation practice group, she soon transitioned into the business transactions and finance practice group but found herself adrift after a couple of years. "I had no practical experience in business and didn't really understand the mindset."

Bingham worked alongside partner Arthur Dudley, who provided substantive training and would become one of her influential mentors. "Lois is very organized, efficient and smart," he said. "She can analyze situations quickly to move things forward, and she also deals well in crisis mode." Dudley set an example by his strong commitment to community and civic involvement.

While at Butzel Long, Bingham chaired the Scholarship Committee of the Wolverine Bar Association, an affiliate of the National Bar Association, and was elected to serve on the State Bar of Michigan's Young Lawyers Council. Later, Bingham would take on the pro bono representation of a nonprofit organization that provided transitional housing for underprivileged women and children. Becoming deeply involved with the work, she left the firm to become chief operating officer of the organization, a move that positioned her well for her future as in-house counsel.

After deciding to return to the practice of law, she went back to



Butzel Long as Of Counsel. Dudley observed the change the experience wrought: “To be successful at a large private law firm, you must have the ability to maneuver. The nonprofit experience sharpened her skills. Being a lawyer made her a better executive, and being an executive made her a better lawyer,” he said.

After returning to the firm, Bingham also took on a part-time contract role with R. L. Polk, an information service provider to the automotive industry. This role would jump-start her international practice and in-house career, ultimately leading to her becoming the first African-American vice president in the company’s 100-plus-year history and the first African-American woman to serve as chair of the State Bar of Michigan’s International Law Section. These experiences prepared her for the move to Yazaki, a tier one automotive supplier with global operations.

What drew Bingham to Yazaki was the prospect of working under

then-General Counsel Marcia Goffney, an African-American woman who had held the role for several years and had a stellar reputation in the legal community. “I wanted the benefit of that. Although I was initially hesitant to give up my role at Polk to take on a corporate counsel role in another small legal department, the idea of working for Marcia was what drew me to Yazaki. All of my previous mentors had been African-American men; I had not had the opportunity to work under a more senior black woman,” Bingham said.

Bingham worked under Goffney for four years, working to ensure that she was gaining the necessary skills to become marketable as a general counsel. She observed Goffney’s management and leadership styles and considered what she might do in similar situations. “Marcia was less a mentor than a teacher. As I watched her, we discussed different approaches. She had a better sense of the organizational culture. Marcia was a superb guide,” she said.

Taking over as general counsel at Yazaki in 2010, Bingham embraced the challenges she faced. “I love the uncertainty of any given day, even though it can be frantic and stressful. It’s definitely a challenge to have the appropriate balance.” Before Yazaki, Bingham describes herself as “not especially adept” at striking a balance between work and life but said that she learned valuable lessons when her children were small, especially how to say no.

Bingham understands the potential, and feels the obligation, of providing valuable opportunities to other professional women.

“I focused more on how my time was spent. You just can’t do it all; I had to retire the cape,” she said, laughing.

Despite Goffney’s successful tenure in the company, Bingham felt sometimes her gender was still an issue, especially in the male-dominated auto manufacturing environment. “I have battled the expectation that I am supposed to be soft, conciliatory, to ask for permission. Women in automotive become successful by being direct and by delivering results. Culturally, working for a Japanese company can be a challenge at times to my natural directness. As for race, I’ve been fortunate that for the majority of my career, the quality of my

work has overshadowed whatever issues others may have had about me being black,” she said.

Bingham understands the potential, and feels the obligation, of providing valuable opportunities to other professional women. When Yazaki became a client at Foley and Lardner, Bingham requested that her mentee, Jenice Mitchell Ford, become Yazaki’s relationship partner; it was Ford’s first time in that role.

“It makes a big difference to young attorneys who are trying to build a book of business,” said Ford, who had gotten to know Bingham

ed, and we struggled with efficiency and building internal customer respect for the quality of department operations, which is different from the quality of the advice provided,” she said. Working with an outside consultant, Bingham and her team put metrics in place to measure legal department efficiency and outcomes. They aligned their services with the lines of business and adopted a “relationship manager” model to improve customer service. Technology, such as an automated Legal Services Request process in SharePoint, also helped to drive improved efficiency

them out of their comfort zones.”

Ford has been on the receiving end of similar efforts. “I am very averse to change, but Lois encouraged me to consider changing firms. She has a way of asking you to do things without really asking you,” Ford said. An enthusiastic proponent of the in-house law practice, Bingham has encouraged Ford to consider making a similar move.

Under Bingham’s leadership, Yazaki was recognized as a 2015 ACC Value Champion. Bingham was named 2015 General Counsel of the Year for a private business with revenue over \$1 billion by *Crain’s Detroit Business*. According to Nigel Thompson, Yazaki’s current president and CEO, “Lois’ commitment to excellence and fiscal stewardship is evident in the passion she brings to her role as the company’s general counsel and compliance officer. She is successfully executing the various elements of our strategic plan in the legal function, resulting in a substantial decrease in overall department spend and effective management of internal and external resources. We are proud of her and the awards she and her team have received this year.”

“I love in-house work: the pace, the connectivity, the collaboration, the chance to use all of your skill sets,” Bingham said. “When I went in-house, I fell back in love with the practice of law, and at Yazaki, I have a great team that helps that love stay in full bloom.”

**JENNIFER J. SALOPEK** ([jjsalopek@cox.net](mailto:jjsalopek@cox.net)) is a freelance writer based in McLean, Virginia.

“The law department in a manufacturing company is the last thing people think about. I want the members of my team to see the growth opportunities that exist for them. I push them out of their comfort zones.”

through their mutual involvement with the Minerva Education and Development Foundation. “It really takes that kind of request from a general counsel to ensure true support for young African-American attorneys.”

Goffney had introduced Bingham to the value techniques of the Association of Corporate Counsel Value Challenge, which include law firm convergence, alternative fee arrangements, shared risk, legal process outsourcing and the judicious use of technology. When that new CEO came calling in 2010, requesting that Bingham justify her department’s existence, she armed herself with those weapons.

“In a small legal department, you’re always two days behind. Many processes aren’t document-

and workflow transparency.

After evaluating Yazaki’s current and future legal needs, Bingham successfully presented a business case to support the hiring of four additional lawyers and began to reduce Yazaki’s reliance on outside counsel for strategic, high-risk, high-volume or highly valued work. These steps and others, such as project management and foreign language training, benefited not only the company but the professionals working in the legal department. Bingham is committed to their development and success.

“The law department in a manufacturing company is the last thing people think about,” Bingham said. “I want the members of my team to see the growth opportunities that exist for them. I push



# RISING STARS

By Dianne Hayes

MCCA'S ANNUAL List of Rising Stars proves that the profession has upcoming talent who may or may not be of a certain age group or practice law as a second career, but they all give back.



# 2016 MCCA Rising Stars

Their backgrounds are as diverse as their practice areas, but what these Rising Stars have in common is their love of law, their diligence and their pursuit of excellence, while possessing a compassion for those in need and a strong desire to give back to others.

They are dedicated to their profession but have also learned the art of balancing work with a life that includes being expert speakers and authors, parents, culinary and sports enthusiasts, and volunteers and leaders in their communities.

Though they are different ages and at varying stages in their careers, they share a common goal to pursue justice in its various forms.

The nomination pool of talented Rising Stars included more than 220, but the Minority Corporate Counsel Association narrowed the field down to 15 stellar attorneys whose accomplishments and dedication to the field and to their community place them among those “attorneys to watch” in the legal profession.

We salute the MCCA Rising Stars!

## SALIM E. AWAD



*Attorney*  
**Coulter Lambson LLC**  
Clayton, MO

**Years Practicing: 6**

Salim Awad is an attorney at Coulter Lambson LLC, a small litigation practice comprised of five attorneys in St. Louis. His ever-growing practice concentrates on family law and business litigation.

Awad attributes his success to his own diversity, in addition to hard work. Born and

raised in Colombia, South America, Awad is of Lebanese descent. He's a veteran who is Hispanic, Middle Eastern and a foreign-born American. "I came to this country with almost nothing, and I struggled to succeed. I think the diverse elements of which I'm comprised add a lot to what I have to offer, both to my clients and the St. Louis legal community."

A significant percentage of Awad's clients are Spanish speakers. "Hispanic people are definitely a significant demographic in my practice. In St. Louis, there aren't a lot of other family law practitioners who are bilingual. So I'm proud to be here to help them."

Awad first came to the United States as a student in the late '90s but was called home when his mother was tragically murdered. He returned to the States to join the U.S. Army, serving for several years as a deep sea diver. During his time in the military, he earned a BA degree. After completing his term of service, he left the military and went on to earn his JD at St. Louis University Law School in his wife's hometown.

"In your career, the most important thing is to 'always do the right hard instead of the easy wrong,'" Awad said. "It's an expression that I got from the Army. It means do the right thing no matter how hard and always follow your values. For me, that means challenging stereotypes attached to being a Hispanic attorney and doing what it takes to succeed while maintaining my integrity and advocating for my clients' interest."

## LESLEY HORTON CAMPBELL



*Associate General Counsel—Global Real Estate & Store Development*  
**Tiffany & Co.**  
New York, New York

**Years Practicing: 8**

"It's exciting to use my skillset on behalf of a historic luxury brand that I enjoy," said rising star Lesley Horton Campbell. As associate general counsel—global real estate & store development at Tiffany & Co.

in New York, she advises business leaders on global real estate matters, including office space, industrial facilities and retail stores. Campbell negotiates leases and construction contracts and resolves disputes and litigation matters.

"Anything real estate-related falls within my wheelhouse," she said. "The work is extremely interesting. Because we're a global company with no in-house legal outside of New York we have to work with local counsel in places like Dubai or Milan, so there are often language and regulation challenges. On any given day I might be dealing with a historic property in Paris or a Hong Kong landlord who doesn't speak English."

Prior to Tiffany & Co., Campbell was assistant general counsel at L+M Development Partners Inc. She simultaneously served as a commissioner with the New York City Lobbying Commission. She started her practice in Paul Weiss' New York office.

"The consistent thread throughout my career has been real estate. But I remain flexible," said the Raleigh, N.C., native. "I've worked in varied areas of real estate from casino development to mixed use projects. Don't be set in your path from the gate, but rather be open to pivot so that you can seize new or unexpected opportunities when they arise."

Early in her career Campbell learned a valuable lesson. "If a senior partner takes an interest in you and makes you their mentee and guides you along the way, that's great. But you can't bank on it. If you have aspirations you must be deliberate and as proactive as possible to generate your own luck."

## 2016 MCCA RISING STARS

### MICHAEL CHANG



*Vice President,  
Business & Legal Affairs  
Warner Bros. Consumer  
Products Inc.*

**Years Practicing: 20**

With 20 years of experience, Michael Chang said he is more late bloomer than rising star.

As vice president of business legal affairs at Warner Bros. Consumer Products Inc., a subsidiary of Time Warner Inc., Chang's name is an ever-brightening tag on the

company's marquee. Warner Bros. Studios is one of the world's largest producer of motion pictures and television, whose Burbank-based, global practice focuses on the creation, acquisition, protection and licensing of intellectual property.

"Beyond having the skill set to do the job, it's important to make yourself indispensable," said the UCLA Law School graduate. "I have a proven track record of success in profitably building brands and navigating deals and partnerships that grow the consumer products business, particularly in emerging Asian markets such as China, India, Vietnam and Korea. I speak English, Mandarin Chinese and Japanese. Being that purple dragon that can do things that no other young lawyer can do gives you a leg up on your career."

At 12, Chang emigrated with his family from China to the San Francisco Bay area. He has mixed feelings about the experience: "I was bullied, and it was painful." Yet, being intimidated by others forced him to adapt quickly. "I can pick up languages and adjust to different cultures. That ability to quickly adapt to surroundings has proved invaluable in my career."

Chang advises younger lawyers: "Everyone should define early what success means to him or her and not be afraid to let that definition evolve. If at first you don't succeed, then redefine success. For me, success means pursuing a career that I love and having an environment where I can learn and grow and help others to grow."

### LARRY M. CHATTOO



*Regulatory & Public  
Policy/Government  
Relations Attorney  
Bank of America  
Washington, D.C.*

**Years Practicing: 12**

As a regulatory and public policy attorney at Bank of America in Washington, D.C., Larry M. Chattoo identifies, analyzes and manages emerging and current international, federal, state and local issues that affect the political and

business environment for the bank and banking industry. "The work is challenging but rewarding, and the bank provides great professional and personal opportunities."

Chattoo describes himself as an absolute self-starter, but concedes he would not be where he is today without the mentors he's known throughout his career. "At my first job out of USC Law School, my mentor said, 'Larry, sometimes you need to jump off the cliff and build your wings on the way down.' I have applied that wisdom to every stage of my career."

"Growth doesn't happen unless you're willing to leap without the safety net. Letting go is the key to moving ahead and creating an exciting career regardless of how long you've practiced."

A native of Trinidad & Tobago, Chattoo immigrated to Brooklyn with his family when he was still a young boy. "Although I grew up in some pretty rough housing projects, I was frequently reminded by my grandparents that our coming to America was a once-in-a-lifetime opportunity and I need to make the most of it."

After high school, he joined the United States Marine Corps. There, he learned the core values of what has driven his career: discipline, a strong work ethic and duty to public service. Additionally, it was also where he learned that diversity and inclusion are more than buzz words. "The Marine Corps does an amazing job of bringing individuals from all walks of life and teaching them to move as one effective team. During my various deployments, including time in the Persian Gulf on an aircraft carrier, it became clear to me that a diverse team is critical to accomplishing missions."

## NEHA DAGLEY



*Chair of the India Practice Group*

**Salazar Jackson**

Miami, Florida

**Years Practicing: 10**

Be fearless in your thought process. Never sell yourself short. These are rules to work and live by for rising star Neha Dagley.

At 14, she left her native Mumbai for Las Vegas, where her mother had recently relocated to care for a sick relative.

“At my mother’s insistence, my father and I joined her in the U.S. It was a gutsy move on her part. Other than an ill aunt, my mother knew no one. Despite the hardships, she was determined to survive here solely for the sake of my future.

“Even at the young age of 14, I came upon a realization when I stepped off the airplane that if ever I was to have a chance to succeed, this was it and I needed to act. It was my golden ticket, if you will.”

Today, Dagley is chair of the India Practice Group in Salazar Jackson’s Miami office. “We want to capture a piece of the incredible economic growth that India is presently experiencing,” Dagley said. “We are capturing clients who are interested in doing business in India, as well as the Indian investors who are looking to grow their wealth abroad,” she said. “We launched the India Practice Group in 2014 so that I could focus upon my ties to India. Our ultimate goal is to be the go-to firm for Indian clients.”

## ANDRÉ DE LA CRUZ



*Attorney*

**Sheppard Mullin**

**Richter & Hampton LLP**

Orange County, California

**Years Practicing: 9**

A senior associate in Sheppard Mullin’s Intellectual Property Practice Group, André De La Cruz attributes his rising star status to a strong work ethic rooted in his East Los Angeles upbringing. “I was raised by a single mother and three older brothers who subsisted on

little more than back breaking manual labor. Having firsthand experience with modest poverty, I was motivated to be both a financial provider and professional role model for my family.”

Urged by his oldest brother, who served as a surrogate father, De La Cruz joined the Navy at 17. He completed the Naval Nuclear Propulsion program, an academically intense experience that pushed him to his educational limit. “I came out of the Navy thinking I could do anything,” he said.

He worked his way through college and law school at Loyola Marymount University while keeping a successful stint as a network engineer by day. Upon graduating from law school, he immediately joined the ranks of “Big Law.”

Today, he focuses his practice mostly on intellectual property but continues to devote a significant amount to representing pro bono clients and remains actively involved in mentor programs that target minority communities. With the assistance and guidance of a member of the federal judiciary, he helped launch a program to support local high school seniors considering a career in the law and who come from populations traditionally under-represented in the U.S. legal community.

De La Cruz scripted his plan when his career was in its infancy: “join a mega firm, make partner and retire with the very same firm one day.” That plan was quickly met with the reality of today’s legal market of people moving firms to find what best suits their needs and those of their clients, he said. It is this unpredictable movement that has led him to new firms, all the while staying on track and focused on meeting his professional objectives. “I would not consider myself a rainmaker yet, but I am making a little mist!”

His advice to others: “Leverage your life experiences to guide your success. Everyone has a unique story; find the greatness within it, and share it with all who will listen.”

## 2016 MCCA RISING STARS

### WILLIAM T. "TOBY" EVELAND



*Partner*

**Arnstein & Lehr LLP**  
Chicago, Illinois

**Years Practicing: 11**

When mentoring younger lawyers and students, Toby Eveland said he cheekily references Elle Woods from the 2001 comedy "Legally Blonde." "Elle questions Aristotle's philosophy that law is reason free from passion," said Eveland. "I agree with Elle. To be good at what you do, you must be

passionate. I happen to have a passion for advocacy. Pursuing that passion benefits my clients and my career."

As a partner in Arnstein's Chicago office, Eveland's litigation practice focuses on all aspects of business disputes, premises and product liability defense, class actions and complex insurance matters in fields such as real estate, manufacturing, higher education, risk management, employment and governmental law. He is often retained by a variety of clients given his track record and savvy in the courtroom.

Before attending Loyola University Chicago School of Law, he worked for a NASCAR team in North Carolina where he learned marketing. From there, he joined Alabama Gov. Don Siegelman's staff. "I really liked the job, but after a while I thought I can help someone who is governor or I can better myself and potentially become a governor down the road someday, so I pursued law school," he said.

Also, as an openly gay man who came of age in Alabama, he understands the challenges those before him faced and the importance of laws protecting the LGBT community. "And while laws have improved in recent years," said Eveland, who is marrying his partner in May, "we still have to change hearts and minds and cultures." Eveland devotes a lot of his time to fighting for equality.

Like other Rising Stars, Eveland credits his success to a strong work ethic he inherited from his parents, who made endless sacrifices to ensure he was the family's first college graduate. "Since I was a kid they taught me if I worked hard, I could do anything," he said. "I may not be the smartest person in the room, but I refuse to let anyone outwork me, and it's always been that way."

### KARLA GILBRIDE



*Cartwright-Baron staff attorney*

**Public Justice**

Washington, D.C.

**Years Practicing: 8**

As a staff attorney at Public Justice, an organization dedicated to protecting consumer rights, the rights of low-income workers and environmental sustainability, Karla Gilbride focuses her practice on consumer fraud. Her cases typically address conduct that

abuses or targets low-income vulnerable consumers. She also challenges mandatory arbitration provisions that prevent people from bringing individual and class actions to the judicial forum.

"My work is interesting because of the legal issues, and it's rewarding because we're going after people who are manipulative in the worst ways," said Gilbride, a graduate of Georgetown Law School. "It's one thing for a business to operate in good faith, but when people are taking advantage, it feels great to be able to hold them accountable."

Blind since birth, Gilbride attributes her rising star status to determination, a strong work ethic and a willingness to take on the next challenge. Prior to joining Public Justice, she spent three years as an associate at Mehri & Skalet; before that, she was at Disability Rights Advocates in Berkeley, Calif. "I've always been eager to learn from people who are doing work that interests me. I'll put myself in the path of that person."

"Being blind sometimes opens conversations, and it's also taught me to be flexible," Gilbride said. "Very often, I'm navigating a new environment or inaccessible technology that I must figure out. By necessity, I've learned to come up with work-arounds and solutions to succeed. These skills translate to dealing with questions, reshaping arguments."

Gilbride likes many aspects of her work, especially the process of taking a challenging case from "almost impossible" to the realm of "hey, we might be able to win this."

Getting to that place is the most satisfying part of the job," she said.

## KHURRAM NASIR GORE



*General Counsel, Chief Strategy Officer, Corporate Secretary*  
**Personal BlackBox Company PBC**  
 New York, N.Y.

**Years Practicing: 7**

As general counsel and chief strategy officer at Personal BlackBox, Khurram Nasir Gore is the executive focused on the daily legal needs of a growing business and the strategic direction of the

company's technology platform for personal data ownership and consumer privacy.

"Data is an incredible opportunity for companies, but only if people trust the services that they use," said Gore, who was born in Pakistan and immigrated with his family to New York when he was three. In 2015, Gore led the company's transition to become one of the few Delaware public benefit corporations in the country. "As a benefit corporation, the company is mission-led and obligated to consider the impact of its actions on consumers. Our commitment to consumer privacy and transparency is baked into the company's DNA, technology and marketing tools.

"When I met the company's leadership two years ago, this was a clear opportunity to blend my work as an attorney and an engineer in unique way." Gore was a senior associate in Reed Smith's IP and data privacy practice groups in Philadelphia and New York and earned both his graduate degree in engineering and law degree while working as a full-time engineer at Lockheed Martin.

Gore said being part of a startup is an entirely different experience from life at a firm. "The company's existence is in your hands. There is a lot to be done, and the reward potential is great."

He owes his work ethic and drive to his family; as a boy, he spent his weekends and summers working at his father's pharmacy in the South Bronx. Today, he lives with his wife and two young children on Staten Island, not too far from his old paper route.

## STACIA JONES



*Senior Director and Legal Counsel, Global*  
**Abercrombie & Fitch**  
 Columbus, Ohio

**Years Practicing: 15**

"I don't think of myself as a rising star. In fact, I'm pretty set," said Stacia Jones, senior director and legal counsel at Abercrombie & Fitch since 2008. Currently, she is responsible for the upscale casual clothing retailer's labor and employment efforts around

the world, which includes more than 50,000 associates in more than 21 countries.

Prior to joining Abercrombie & Fitch, Jones was a senior associate in Vorys' Columbus office where her practice focused on employment and litigation. "I was happy at the firm. Just months before a vote for partnership a mentor asked me to join her in-house at Abercrombie. After a lot of thought, discussion and prayer, I decided to make the move."

Ambition and aggressiveness have been Jones' calling card throughout her career. "I try to contribute as much as I can, whether that means billing a lot of hours or getting involved with as many matters as I could at the firm or expanding my areas of responsibility while in-house. Abercrombie provides an environment that allows me to grow and also let's me wear ripped jeans to the office."

After going in-house, Jones regretted her decision for exactly five minutes. "Suddenly, I panicked. I realized that I would no longer be litigating and that I wouldn't be a partner. Then I remembered how much I enjoy the team environment in-house and being a critical part of management."

Looking ahead, Jones wants to focus on her team of attorneys. "My goal is to help them be successful. And, of course, I'd like to continue to expand my role and move even further up the corporate ladder."

## 2016 MCCA RISING STARS

### ARTHUR LUK



*Partner*

**Arnold & Porter LLP**  
Washington, D.C.

**Years Practicing: 12**

For Arthur Luk, working with colleagues and clients is the most rewarding aspect of his practice.

Luk is a partner in Arnold & Porter's securities enforcement and litigation practices. He represents corporations; directors, officers and executives; and "Big 4" accounting

firms and individual auditors in investigations conducted by the Department of Justice, Securities and Exchange Commission and Public Company Accounting Oversight Board. He also has extensive experience with complex commercial litigation in federal and state courts, including putative class actions arising out of data breaches,

Luk humbly ascribes his success to mentors. "I've been lucky to receive mentoring from unexpected sources and fortunate that partners have been committed to my personal development. This has been a fantastic break," he said, "and I hope to return the investment by mentoring others."

When Luk expressed an interest in expanding his practice to include data breaches, the firm was supportive. "The partners were receptive, even though I didn't have as much of a technical background and data breach wasn't an obvious fit with securities enforcement. And they helped introduce me to clients. At Arnold & Porter, there's a very collaborative firm culture."

Luk grew up in northern New Jersey. As an undergraduate at Johns Hopkins, he considered pursuing a career in consulting or investment banking but opted instead for the legal profession and went on to attend Columbia Law School.

He stressed the importance of being flexible and curious. "It pays to be proactive and pursue interests even if it's not immediately evident how it may tie into something you're currently working on," he said. "And create solid relationships with clients and colleagues. It's rewarding and will spur you to do better work."

### ALICE PALMER



*Assistant General Counsel*  
**Nationwide Financial  
Legal/Retirement Plans**  
Columbus, Ohio

**Years Practicing: 7**

At Nationwide's Columbus, Ohio, headquarters, assistant general counsel Alice Palmer leads a team of attorneys and a paralegal in supporting the company's retirement plans business. Nationwide's Retirement Plans Business is a full-service plan provider

that operates in the public and private sector market. The plans Nationwide supports vary significantly and include qualified and non-qualified plan types.

"I love the dynamics of law. It's always changing and never boring. It's the challenge that keeps me interested," she said. "My manager is very supportive and knows I want to do new things, to be stretched. If something comes across his desk that is uniquely challenging, like partnering with our clients to develop strategies to navigate the DOL Fiduciary Rule, he knows I'm his woman."

Prior to working at Nationwide, Palmer was a litigator with the Chicago Transit Authority. In 2011, she, her husband (an IT professional) and son moved to Ohio to support her husband's career at Nationwide. Soon after, Palmer joined the company, too, first doing document review in the basement and later moving upstairs as part of the Retirement Plans Group.

A native Chicagoan, Palmer cannot remember a time before she wanted to be a lawyer. "My parents will definitely tell you that I've always been a self-starter." At Chicago Kent College of Law, she was interested in employment law but later opened to other practice areas.

Palmer's five-year professional plan is not big on specifics but is clear nonetheless. "I want to progress, and I expect to move forward. If I get to a point that I'm not growing, I'll do what it takes to find opportunities that will satisfy my need to become a better version of myself every day."

## AUSTIN SO



*Division General Counsel*

**Heraeus**

**Philadelphia**

**Years Practicing: 14**

Austin So's career is decidedly unique. He started as a transactional lawyer at Cravath and later practiced litigation at Akin Gump. He also founded his own firm. In 2012, after 10 years of practicing as outside counsel, So went in-house at Heraeus, a Fortune® Global 500 conglomerate that man-

ufactures medical devices, photovoltaic paste, chemicals, quartz glass, sensors and other industrial products.

Founded in Germany over 160 years ago, Heraeus recently established a holding company to support the 12 operating companies in the Americas. As one of Heraeus' first lawyers in the U.S., So helped build a new legal department. "As you can imagine, it was a challenge to convince 12 separate companies that had been operating successfully for decades that we lawyers are here to help."

So and his team quickly earned the trust of their internal clients by being effective business partners. According to So, "In-house lawyers should take the Hippocratic Oath: First, do no harm. We do harm when we slow down the business, or when we say 'no.' A good in-house lawyer finds a way to say 'yes' while minimizing risk."

As So was laying the foundation for the legal department, Heraeus was hit with several "bet-the-company" and other high-stakes matters, including a Department of Justice antitrust investigation of its steel-sensor business, a patent infringement litigation over photovoltaic paste, a Chicago Mercantile Exchange investigation of precious metals trader and a Chinese government anti-dumping investigation affecting its optical-fiber preform

business. "It's rare for an in-house lawyer to tackle so many high-stakes matters in such a short time," So said. "Although these issues weren't good for our business, it gave me the opportunity to showcase the value of having a great legal department." As a result, in just a few years, So and his legal department won numerous awards for excellence.

A graduate of the University of Pennsylvania Law School and Harvard University, So advises aspiring in-house lawyers to network. "It's critical to network both externally and internally. I got my current job through networking and will get my next job the same way. And in order to be a successful in-house lawyer, you need to network internally within your company. It's hard to build consensus and get buy-in from the right stakeholders if you sit at your desk all day with the door closed.

"As a lawyer, I'm committed to diversity and inclusion," said So, who was born in South Korea and raised in Brooklyn, N.Y. "Diversity is a critical factor when I hire outside counsel. Study after study proves that diversity adds tremendous value, so it's a win-win for the client and the outside counsel."

## 2016 MCCA RISING STARS

### KENDRA THOMAS



*Global Head of Diversity & Inclusion*  
**Pearson PLC**  
Boston

**Years Practicing: 13**

As global director of diversity and inclusion at Pearson PLC, a multinational education company, Kendra Thomas sets and implements strategy throughout the Americas.

“Our goal is to ensure that everyone at Pearson is included in our business and able

to leave their unique imprint on our work,” said Thomas, who is based in Boston. “We know that when our teams are diverse, and when that diversity is valued, our business is more innovative and productive and we are better able to meet the needs of learners around the world.”

To help accomplish this vast task, Thomas established Pearson’s diversity advocates program, comprised of 25 individuals from Pearson business units throughout North America. The advocates were selected in a competitive process to implement Pearson’s corporate D&I strategy on a local level. They assist with diversity and inclusion training programs, foster engagement through employee networks and establish business-aligned diversity initiatives.

In 2015, the team addressed the needs of Pearson employees who transition genders with a handbook that has been recognized by the Human Rights Campaign, Thomas said. “We work to create a place where people can be themselves. When that happens, our colleagues do better and so does our business.”

A Missouri native, Thomas graduated from Northeastern University School of Law in Boston. She began her career at a class action firm representing employees who were suing their companies for harassment and discrimination. “That experience taught me that to have maximum impact, I really needed to be working internally. I now have the opportunity to ensure that any organization I work with flourishes because of its diversity.”

Before joining Pearson in 2012, Thomas led diversity and civil rights efforts at the Massachusetts Bay Transportation Authority (Boston’s public transit agency) and worked as an HR business partner for Dana-Farber Cancer Institute.

### TEMITOPE K. “TOPE” YUSUF



*Associate*  
**Arent Fox LLP**  
New York

**Years Practicing: 7**

Temitope “Tope” Yusuf began her legal career at Arent Fox LLP in September 2008 on the same day that Lehman Brothers crashed. “I went to work expecting the economy to be a certain way, and then suddenly everything fell apart. But because Arent Fox is a well-positioned, financially

conservative firm, we have thrived during a severe economic downturn. Ultimately, my experience has turned out to be better than I’d imagined.”

As part of Arent Fox’s complex litigation practice, Yusuf focuses mostly on white collar investigation, labor and employment and some commercial litigation. “Uniquely, I’ve been able to balance my interest in labor and employment and white collar work at the firm, two areas with some crossover but not a lot of overlap.”

During her first year at the firm, Yusuf was already sitting in on client interviews and conducting witness interviews. “That kind of hands-on experience isn’t typical. When I asked why I was being singled out, my mentors said it’s because I ‘get it’ and that I’m able to anticipate needs of the partner whom I’m working for, think through ideas and be there in ways that other associates aren’t. From the start I demonstrated dedication and drive that solidified my reputation as the go-to person for white collar matters.”

Yusuf grew up in New York’s Westchester and Rockland counties, where she excelled in academics and sports. “My early aspirations pointed toward a career in medicine, but then in high school I participated in a mock trial and was sold on law. From the start it drew on my strengths and struck me as much more interesting than the bio and chemistry classes I was taking.”

Looking forward, Yusuf hopes to continue to expand her practice in both white collar and labor and employment.

**PATRICK FOLLIARD** is ([epf2810@gmail.com](mailto:epf2810@gmail.com)) is a freelance writer based in Silver Spring, Md. ■



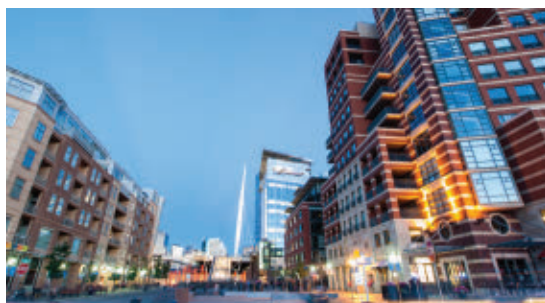
# 2016 Calendar of Events



**April 13-16**

**General Counsel Summit**

PGA National Resort & Spa  
Palm Beach Gardens, FL



**May 18**

**The Academy for Leadership  
and Inclusion**

1800 Larimer Street  
Denver, CO



**July 18**

**Creating Pathways to  
Diversity® Conference**

Renaissance Hotel  
Washington, DC



**Eric Holder**

Former U.S. Attorney General

**Lifetime Achievement  
Honoree**

**July 19**

**Diversity Gala**

John F. Kennedy Center for the  
Performing Arts  
Washington, DC

**Visit [www.mcca.com/events](http://www.mcca.com/events)**

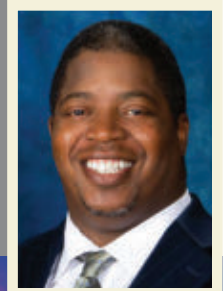
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# Team Building

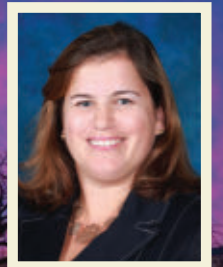
By Melanie Padgett Powers

**W**HEN OMAR FRANCO was hired by Becker & Poliakoff to create and lead a Washington, D.C., office for the firm's lobbying practice in 2011, he knew he wanted a collaborative team that could bring a variety of backgrounds and opinions. But he also relied on his longtime Florida ties to seek out the best leaders he knew with Capitol Hill experience.

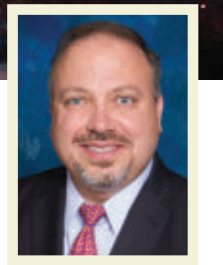
*Embracing a mix of minority leadership engenders diversity of thought and better client strategies.*



Clarence Williams



Amanda Wood



John Ariale



Omar Franco

Franco, who is Cuban-American, first hired Clarence Williams, who is African-American. The two had become respected colleagues when they were chiefs of staff for Florida state legislators. Both later worked for Florida congressmen on Capitol Hill. Next came Amanda Wood, a white woman, who also started out in Florida before becoming a legislative director on Capitol Hill. Last summer, the group added John Ariale, a white man, who served as a chief of staff for a Florida congressman.

Florida and Capitol Hill connect the team, but their race, ethnicity and gender differences offer a variety of viewpoints to their clients, which include businesses, trade and professional associations, local governments and advocacy groups. Their diverse makeup engenders

a diversity of thought, which leads to innovative and successful client solutions.

It's important to "surround yourself with quality individuals who bring different perspectives to the table," Ariale said. He appreciates being able to brainstorm with the other three lobbyists and reach a point of view he might not have otherwise considered, which can lead to more creative approaches for his clients.

"I've never worked in such a collaborative place in my life," Wood said. "This is a team in the truest sense of the word."

## Advantages of True Diversity

Firms that embrace diversity can't just hire people from different ethnicities, races and backgrounds and stop there, says attorney Vernā Myers, of the Vernā Myers Consulting Group, which helps law firms and companies create and sustain inclusive environments where traditionally underrepresented groups can thrive.

Firms successful at diversity foster a culture that allows employees to speak up—and be heard—borrowing from their culture and life perspectives when brainstorming and problem-solving, says Myers, author of *"Moving Diversity Forward: How to Go from Well-Meaning to Well-Doing."*

Firms with true diversity "understand that [employees'] views are going to be shaped by who they are and where they come from," she said. Firms that fail at this might hire a diverse staff but expect them to conform to the values and thinking of those already there. New York University law professor Kenji Yoshino introduces the idea of "covering," denying equal opportunity to people who refuse to downplay their differences. Addressing this "coerced conformity" is a hidden threat to civil rights, Yoshino said.

Firms and practice groups like Becker & Poliakoff that foster diverse perspectives can elevate their client work in numerous ways, Myers said.

"Diversity gives you a better ability to predict your client needs and what might happen next," Myers said. "Diverse groups do a better job of being creative and innovative around a problem. Their different worldviews and experiences influence their approach to a problem, and their thinking expands and sharpens solutions."

A 2014 study showed that Wall Street traders who were on more ethnically diverse teams priced stocks more accurately than more homogenous teams. Diversity creates friction and prevents groupthink, the researchers said.

Diverse teams have broader networks, which, in turn, expand their resources. Becker & Poliakoff lobbyists have encouraged clients to reach out to groups they might not have previously considered. For example, Franco recommended a corporate client consider the Hispanic community as a useful ally on an issue the company was lobbying on.

## Challenges When Building Diversity

A diverse team can have its own unique challenges, however. Listening to—and sometimes debating—a variety of ideas can take more time than if everyone felt the same way. "Sometimes the process is not as fluid," Myers said. "You have to take more time airing and discussing different viewpoints."

Debate among a heterogeneous team requires better communication skills than for a team that leans toward

groupthink. People often need to learn to be quiet and listen in a way they might not have done before. And even if they are from a traditionally underrepresented group, they may have their own biases against other groups.

As a Hispanic man, Franco has evoked surprise after some people learn he is Republican. But then they learn he's Cuban-American, and the stereotyping continues: "Oh, of course; you're Cuban. That explains it. That's not really Hispanic." Williams, on the other hand, is always assumed to support Democratic issues, so people were often shocked when he and his then-boss Congressman Kendrick Meek were pushing for an infrastructure tax credit bill, a more traditional Republican issue.

When people underestimate a person because of stereotypes, Williams says it can be used to that person's advantage. "That gives you two steps on them before you ever start talking. You can tell when you walk into a room and there's an assumption about how you're going to speak or what you're going to say. ... They've got this whole range of ideas about who I am when I sat down, and it's really not my job to diffuse any of that. My job is to do my job, and everything else will take care of itself."

Myers says as we diversify our networks, "our biases and stereotypes get challenged. We don't even know what [biases] we have until we have a chance to be with people different from us. You rarely confront your assumptions and biases if you're just hanging out with yourself." This process will likely make people uncomfortable at times, "but if the outcome is a better solution and expanded client base or a win, it's worth it," she said.

Williams believes it's important for people to discover their commonalities that allow them to connect with each other, whether with co-workers, clients or organizations. "Find that core piece that is the glue between any group of folks you talk to that you can focus in on," Williams says, "and that becomes the thing that moves the whole group forward."

The Becker & Poliakoff lobbying team has built a culture that recognizes, nourishes and embraces diversity. This brings about a relaxation and a freedom for the lobbyists to speak their minds, which allows them to focus on their top priority: their clients.

The glue that brings the team together, Williams says, is a passion "about what we do and who we represent and why we do this. ... We love what we do." ■

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**"Diverse groups do a better job of being creative and innovative around a problem. Their different world views and experiences influence their approach to a problem, and their thinking expands and sharpens solutions."**



Vernā Myers

# How the SBA

By Melvin F. Williams Jr.



The phrase “hanging out the shingle” immediately conjures images of a lawyer starting their practice. What many of us don’t think about is that same lawyer is also starting a business. The U.S. Small Business Administration is dedicated to helping small businesses grow, develop and thrive. Whether you are a solo practitioner or small firm, you are a small business and the SBA can help. Even if you practice in a large firm, you may have clients that are small businesses, and the SBA is a valuable resource you can leverage for your clients.

The power of what the SBA can do, and what it can do for you and your clients is what I want to share with you. So what is the SBA? I noted above that we are a government agency dedicated to helping grow, fund and support America’s small businesses. We do that in three core ways: counseling, capital and contracting.

# Can Help You



## Counseling

Through a network of our offices, resources partners and digital assistance, we help people start and grow their businesses. If you are looking to start a business, here are some topics that may be of interest: drafting a business plan; regulations applicable to small businesses; registering your business; obtaining licenses and permits; choosing your location; and hiring employees. If you've already started your business and are looking to take it to the next level, then these topics may be of interest to you: leading your company; health care; running your business; exporting; and selling your company. Useful information on these topics and others are available at [www.sba.gov](http://www.sba.gov). If you prefer to speak to a person, we have a vast network of resources available to you. To start, SBA has over 68 offices throughout the country, with at least one in every state, as well as in Puerto Rico, the Virgin Islands and Guam.

In addition to these offices, we have a strong network of resource partners. Among these partners are SCORE, with over 374 chapters around the country where retired executives volunteer their time to advise small businesses; SBDC Network, which are small business development centers providing no-cost business counseling at over 900 locations; Women's Business Centers, which provide business counseling, training, and guidance to women (especially those who are socially and economically disadvantaged) at over 110 community-based centers to help level the playing field for female entrepreneurs who still face obstacles in the business world.

If you or your client is a veteran, then look into our Veteran Business Outreach Centers. They provide counseling, training, mentoring and referrals for eligible veterans, service-disabled veterans and Reserve and National Guard members who are looking to start a small business.

Are you or your client looking to go global? With 95 percent of the world's consumers outside of the United States, businesses no longer compete against the shop on the other side of town but against businesses on the other side of the globe. Our counseling network includes the U.S. Export Assistance Centers that can help you compete in the global marketplace. These centers are lo-

cated in major metropolitan areas and staffed by officials from the SBA and other federal agencies.

In addition to the resources noted earlier, the SBA also provides an Online Learning Center, where you can explore an extensive selection of videos, classes and other tools on nearly every business topic imaginable. And if we missed a topic, you can check our blogs and perhaps be a guest contributor to get the discussion going.

## Capital

An exceptional business plan and unparalleled counseling only go so far. A business needs capital if it's going to survive. Typically, the SBA does not make loans directly to businesses. It provides access to capital by guaranteeing bank loans made to small businesses. By providing a federal guarantee—in some cases up to 90 percent—banks are more willing to take a chance on a small business when it needs help the most. Whether it's a \$500 microloan or a \$5 million loan to buy property to expand the business, the SBA seeks to fill the gaps in the market so businesses can grow. To provide further assistance, we have waived our fees on loans less than \$150,000 and loans to veterans up to \$350,000.

The SBA offers three primary loan programs:

- 7(a) loan program—aptly named after the relevant section in our legislation, the Small Business Act;
- 504 loan program—similarly aptly named after the relevant section in our other additional legislation, the Small Business Investment Act; and
- a microloan program.

Our 7(a) loan program provides loans up to \$5 million to help establish a new business or expand or acquire an existing one. The 504 Loan program is designed to help a business acquire fixed assets such as real estate or equipment. Our microloan program provides loans up to \$50,000 to assist small businesses and certain nonprofit child care centers to start up and expand. This year, the SBA made changes to our microloan regulations so that for those persons who were formerly incarcerated, being on parole or probation should not block their legitimate entrepreneurial ambitions.

Do you have a very busy client who needs a loan, but



can't make the time to get to a bank? SBA has the answer for you. LINC is Leveraging Information and Networks to access Capital. LINC is accessible through our website and provides a free platform for lenders and borrowers to come together. Borrowers answer a few questions, and then lenders can contact them about making a loan.

In addition to backing the standard loans noted above, the SBA also helps businesses with bonding assistance so they can compete for contracting opportunities. We designed our Surety Bond Guarantee Program for many small businesses, such as small and minority construction contractors who may not have the working capital to secure a bond through regular commercial channels.

Thinking about venture capital? One of our greatest innovations has been around for nearly 60 years and has helped launch companies such as Costco, Nike and Tesla. The program is our Small Business Investment Company (SBIC) program, which provides a license to certain fund partnerships that seek to invest in small businesses. The license allows the fund to leverage capital guaranteed by the government. For every dollar invested, the SBA makes available two more dollars of government-guaranteed debt up to \$150 million, with a 10-year repayment on any use of the leveraged capital. To date, over \$23 billion is under management in this program. If you have clients who are looking to form a fund and make investments in American small businesses, then the SBIC program is a good place to start. The program provides government leverage, with no government profit-sharing, for investment.

### Contracting

Not every business needs to borrow money to grow, but no business can grow without customers. SBA delivers the biggest customer on the planet—Uncle Sam. The federal government is the largest contractor in the world, with hundreds of billions of dollars in contracts every year. By law, 23 percent of those contracts are to go to small businesses. For nearly a decade, the federal government had not hit that 23 percent mark, but in 2013 and 2014, the federal government hit the 23 percent mark, meaning more opportunities for small business to get federal contracts and grow their enterprise. Through our government contracting programs, we work with small businesses, including women, veteran-owned and disadvantaged businesses, to be competitive for these contracts.

Our primary contracting program is the 8(a) Business Development Program, which offers a range of assistance to small businesses that are owned and controlled

by economically and socially disadvantaged persons. Participants in the program can not only receive sole-source contracts but can also form joint ventures and bid on larger contracts. Participation in the program is limited to nine years, after which we hope that the business will thrive and prosper independently of the program.

Is your client looking to open a business in an economically distressed area of the country? Then you may want to tell them about SBA's HUBZONE (Historically

One of our greatest innovations has been around for nearly 60 years and has helped launch companies such as Costco, Nike and Tesla.

Underutilized Business Zone) program. The program is designed to promote economic growth and jobs in these zones by providing federal contracting opportunities for qualified businesses in these areas. Once a business becomes HUBZONE-certified, it gets the benefit of being a sole source contractor and a 10 percent price evaluation preference in contract competitions.

### Disaster Assistance

There is a fourth major function of the SBA, which is one that is a bit unexpected—that is in the disaster context. When a disaster strikes, SBA is there alongside the Federal Emergency Management Agency to help small businesses affected by disasters quickly get back on their feet. Unlike the loan programs noted above, in the disaster context, SBA makes direct loans to qualified businesses up to \$2 million to restore or replace damaged equipment, machinery or other business assets. SBA also provides assistance to homeowners and renters who have lost their homes and certain other personal property in a disaster. If you have a small business client, you may want to make sure they are aware of this service.

Further information and access to the programs I've mentioned are readily available on our website and completely free. So whether you are hanging out your shingle, looking to grow your small firm or looking to deliver more value for your clients, know that you have an invaluable resource in the SBA. We stand ready to help you and your clients become the next great American success story. Let's get to work! ■

**MELVIN F. WILLIAMS JR.** ([Melvin.Williams@sba.gov](mailto:Melvin.Williams@sba.gov)) is the general counsel for the SBA.

# 9 WAYS

to

## Reduce Bribery Risk

## When Entering Emerging Markets

By Rebecca Hughes Parker and Nicole Di Schino

**EMERGING MARKETS**, with their growing economies, rich natural resources and low-cost labor, provide vast growth opportunities. But, because many such markets are plagued with endemic and pervasive corruption, they are often at the center of Foreign Corrupt Practices Act (FCPA) investigations and local prosecutions under newly implemented or enhanced corruption laws. In this enforcement climate, taking careful steps when entering a new market will go a long way to mitigating corruption risk. We provide nine steps a company should consider before entering a new market.

### **The Foreign Corrupt Practices Act FCPA Anti-Bribery Provisions**

The anti-bribery provisions make it illegal for companies and individuals to provide anything of value (either directly or through a third party) to any foreign official in order to corruptly influence an official decision that will assist a company in obtaining or retaining business.

The term “foreign official” encompasses more people than may be intuitive. The Department of Justice and Security and Exchange Commission’s expansive interpretation of the term extends to employees of state-owned entities, including, for instance, doctors working at state-run hospitals.

The FCPA has been interpreted to apply broad-

ly, both to domestic individuals and entities and to foreign nationals and business entities based in other nations. Businesses operating multi-nationally who have any contact with the U.S. would be safest to assume that they are subject to the FCPA.

### **FCPA Accounting Provisions**

The FCPA also contains accounting provisions that apply to public companies. Companies can be held liable for accounting provision violations even when they could not be held liable under the anti-bribery provisions. The accounting provisions consist of two parts—the books and records provisions and the internal controls provisions.

The books and records provisions require an issuer to maintain books and records that accurately reflect

its transactions and the dispositions of its assets. If a company mischaracterizes a bribe in its accounting records, it can be charged with a violation of these provisions.

The internal controls provisions require an issuer to devise and maintain a system of internal accounting controls that are sufficient to ensure management's control, authority and responsibility for the firm's assets. The "FCPA Resource Guide," published by the DOJ and the SEC, explains that "the payment of bribes often occurs in companies that have weak internal control environments." Internal controls should include an effective compliance program tailored to the company's business.



## **BUILD A COUNTRY RISK PROFILE**

Building a country profile that details cultural nuances and outlines political, commercial and corruption risks helps a company begin to understand what doing business in the market will look like. It also helps the company determine the

risk-benefits ratio of doing business in that country and the resources that should be allocated for risk mitigation if a company goes forward.

The Transparency International Corruption Perceptions Index, which ranks countries by risk, can be used as an initial indication of the country's overall risk profile. A third-party consultant's report can provide additional detail about the specific political, legal and corruption risks the company would be facing.

The review should also include SEC and DOJ resolutions of FCPA enforcement actions involving the region. The government will expect companies to know about its public settlement documents, such as deferred prosecution agreements, non-prosecution agreements and SEC judgments, as well as administrative actions. Stories in the press about current investigations are also crucial to consider.

Financial and tax systems in emerging markets may not resemble those in the company's home country, and understanding how the local institutions operate is key. For example, a company may need to make payments in the local currency. Further, the company should understand how governments collect taxes. Many FCPA cases deal with tax issues, such as the

ADM case. There, the government said ADM "sought to gain a tax benefit by bribing government officials and then attempted to conceal deliberately their conduct by funneling payments through local vendors."



## **DECIDE HOW THE COMPANY WILL ENTER THE MARKET**

Risk considerations depend on how the company is going to enter the market. Some of these methods include:

### ***Local Partner/Joint Venture***

Many countries require that a foreign company enter a market in connection with a local partner. A joint venture relationship may be one way to fulfill these rules. Often referred to as local content rules, companies may find that this arrangement is a good way to maximize the assets, both intellectual and capital, of both parties. The company benefits from the local partner's market knowledge and the local partner benefits from association with the company's brand.

Partnering with a third party in any way raises a company's FCPA risk, as that party's actions may be attributed to the company, as discussed further below. Local partners, especially in emerging markets, may not have been subject to the compliance requirements and expectations the U.S. government expects and consequently may be conducting business in a manner that would put the company at risk.

Some countries actually specify who the local partner has to be. A partner may be a state-owned enterprise or an entity in which a government official is involved, either directly or indirectly, such as through a family member. This is a ripe situation for company employees on the ground to be asked to pay a bribe in exchange for special treatment. (The RAE Systems' FCPA enforcement action is one example of problematic payments in a joint venture situation in China.)

If the company is a minority stakeholder in a joint venture, it may not have the knowledge or control it needs to stop bad behavior. Willful blindness, however, is not a defense to the FCPA. Even if the company owns less than 50 percent of the entity, the company is expected to be aware of the activity of the joint venture.

### **Distributor**

Using a distributor to enter a new market saves the company the cost of setting up infrastructure and may make sense if the new market is small and the expected revenue would not support setting up an office.

The downside to this arrangement is the control the company forgoes—it is now relying heavily on an agent whose actions may be attributed to the company. For example, Diebold, an Ohio-based maker of ATMs and security systems, faced FCPA liability after one of its Russian distributors made improper payments on its behalf.

### **Independently**

Entering a market independently means that the company has full control of its operations. But of course, it must finance itself and familiarize itself with the laws and customs of the country without the benefit of the local partner.



#### **MAKE DISCLOSURES TO THE HOST COUNTRY GOVERNMENT**

Once the company has determined how it will enter the market and comply with any local content laws, it should contact the government agencies that it will be interacting with. Take advantage

of their knowledge about state-owned funds and third parties.



#### **CONDUCT DUE DILIGENCE ON ALL POTENTIAL PARTNERS**

Thorough due diligence on all parties with whom the company is contemplating doing business is critical to mitigating bribery risk. If, despite precautions, a third party bribes a foreign official on the company's behalf,

demonstrating to the government that the company had a robust due diligence plan can go a long way to reducing the punishment.

Kara Brockmeyer, the head of the SEC's FCPA Unit, has noted that 60–70 percent of the cases she sees

involve third parties. At a 2013 conference, she said the third parties implicated in cases she saw “ranged from anyone, including your typical business consultants whose job it is to get your business, to third-party distributors in China, to customs brokers, to joint venture partners. We are seeing it across the board.”

The largest criminal FCPA settlement to date involved bribes paid by third parties. French engineering, power and transportation giant Alstom pleaded guilty to an extensive bribery scheme involving the retention of consultants that served as conduits for corrupt payments.

Best practices that can help a company mitigate the risk of third-party bribery include:

- Collecting questionnaires from third parties that reveal their practices and government touchpoints.
- Performing market and media checks that can reveal government relationships and previous enforcement actions.
- Interviewing key third-party employees for further information.
- Engaging an outside consultant if the risk is high to do a deep dive into the potential party.



#### **SAFEGUARD THE COMPANY USING THIRD-PARTY CONTRACTUAL OBLIGATIONS**

Once a third-party partner is selected and negotiations on the terms of the relationship between the parties begin, a company should request that the third party make contrac-

tual FCPA representations.

The specific representations will vary based on the nature of the company's proposed relationship with the third party. But the company should consider including representations and/or covenants that cover areas such as the third party's relationship with foreign officials; the compliance policy and procedures the third party has and/or needs to develop; its adherence with local and international laws; and its obligation to report charitable and political donations, as well as governmental investigations.

The company may also want to specify how charges and reimbursements will be invoiced and paid and consider prohibiting cash payments.



## PLAN FOR OPERATIONAL AND LOGISTICAL ISSUES

You may have to alter logistics and operations for different markets. For example, if a company imports consumer goods, it will need to consider how it is going to import those goods, who is going to import them, the import/

export laws in the country, the license requirements in the country and how the company will distribute goods in the country.

Other issues include local public safety services, which may need to be purchased in some regions. Though such a payment may not be a bribe, it may lead to corrupt payments down the line.



## ESTABLISH A REGIONAL COMPLIANCE PROGRAM

The company should make sure its compliance program is integrated into the new location, and a plan for this integration should be established from day one. A company that is just beginning to

expand internationally may want to keep its program centralized and use resources from its home offices to train local employees. However, having local employees run the program once it is off the ground will go a long way toward legitimizing compliance efforts in the region and may also help overcome any cultural barriers.

Getting this local buy-in is crucial to the success of a compliance program in the new office. If employees simply drop in from headquarters to train employees without knowledge of local practices, the compliance program may not trump any endemic corruption in the region. The program should not feel as if it is U.S.-based. The materials should be translated into the local language and should take into account the laws of the host country and other global anti-corruption laws relevant to the business's operations.

For example, in the December 2014 Bruker SEC enforcement action, the SEC cited a list of weaknesses in Bruker's internal controls, including a failure to translate "its training presentations on FCPA, ethics or compliance into local languages, including Mandarin.

Although Bruker implemented an FCPA policy in 2006, it failed to translate that policy into Mandarin and relied mainly on its China-based managers to ensure that employees understood the potential FCPA implications of doing business with SOEs." The SEC added that Bruker did have gift and entertainment policies, but those were also not translated into local languages, such as Chinese. Further, its "toll-free employee hotline, which employees were to use to report complaints anonymously, was not provided in Mandarin, limiting its efficacy."



## IMPLEMENT A SYSTEM OF INTERNAL CONTROLS

Robust internal controls and proper bookkeeping are crucial elements of an anti-corruption program. If the company is acquiring an existing business, it is advisable for professional accountants or auditors to look at

high-risk accounts.

The SEC brings many cases on its own, without any parallel DOJ enforcement action, and often without any anti-bribery allegations—only the accounting provisions are implicated. The recent Mead Johnson and BHP Billiton cases demonstrate this trend.



## MONITOR AND UPDATE THE COMPLIANCE PROGRAM

Once the company is up-and-running in the new country, it should routinely monitor its compliance program. On a regular basis, a company should review its policies and procedures and ensure

that company activities are being conducted pursuant to those policies and procedures.

Periodic audits are also essential to ensuring that there are not weaknesses in the internal controls. ■

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# Get involved. Stay fluent in industry trends. Join MCCA Today.

The Minority Corporate Counsel Association (MCCA) is the premier source of learning, knowledge and future-oriented research on diversity and inclusion for the in-house legal profession. We provide resources, education, ideas and networking to enhance the power and performance of this community. Since 1997, MCCA in-house legal department members have been committed to diversity and inclusion.

Not in-house counsel? MCCA has the Law Firm Affiliate Network (FAN) to support and acknowledge law firms that are committed to advancing diversity and inclusion in the legal profession.

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Leah Ward Sears

# Sitting in Judgment

By Apryl Motley

**W**ITH THE CREATION OF TELEVISION SHOWS such as “Dancing with Stars,” “The Voice” and “America’s Got Talent,” the term “judge” has taken on a whole new meaning. In fact it’s often the antics of the judging panel that makes these programs popular.

Before the job of judge became so colloquial, the title was reserved for those sitting on the bench in the nation’s local, state and federal courts.

There are 1,350 active Article III judges serving in the U.S. Court system. According to the most recent “Report on the Integration of the Federal Judiciary” (July 2015) published by MCCA in partnership with Just the Beginning-A Pipeline Organization, 148 of these judges are African-American. Of that group, about one-third are African-American women.

These numbers come as no surprise to former jurist Leah Ward Sears. Before becoming a partner with Schiff Hardin LLP in 2009 and leading the firm’s appellate practice group, Sears served on both Georgia’s

Superior and Supreme Courts. “There’s still racism. I’m in the city of Atlanta, so there are plenty of African-Americans here, but that’s not the case around the country, and many of us are not politically connected,” she said.

As she recalls her path to a judgeship, Sears, who ran statewide three times rather than waiting to be appointed to a Superior Court in Georgia, said, “It takes a lot of daring to put yourself out there like that.” In 1992, after serving a few years on the seat she won in the Superior Court of Fulton County, she was appointed to Georgia’s Supreme Court, making her the first woman, second African-American and youngest person ever to sit on that court.

Sears describes herself as an innovator. Now 60, she said, “As I’ve gotten older, I have recognized that I am an innovator. That’s where I lead from.

“I am not excited anymore if there’s nothing to kick around or no big distance to explore. It’s a large part of



Patricia Holmes



Gail S. Tusan

## Three women of color share their experiences serving in the judiciary.

the legal world that I like. I am not a status quo person. I am someone who explores new things,” she said.

Her fellow Georgia judge Gail S. Tusan was appointed to the Superior Court bench in 1995. In 2014, Tusan was elected chief judge. “In my position, I need to be able to speak on behalf of my court as well as interact effectively with policy-makers and community stakeholders, such as county commissioners, state legislators and other elected officials,” she said.

Tusan said the most significant challenge she’s faced in her career is her current position as chief judge. “The role as I have approached it is one of building bridges.” There are a lot of tightly held opinions and strong-willed individuals that need to be brought together for the common good and collective purposes,” she said.

Patricia Holmes, also a partner at Schiff Hardin and chair of the firm’s diversity committee, has also taken the lead in bringing various groups together. While in

“As I’ve gotten older, I have recognized that I am an innovator. That’s where I lead from,” Sears said.

college, she was the resident problem solver. “People always came to me to help them resolve issues. I was always the one saying, ‘Let’s go see the dean or let’s write a letter,’” she said.

Once she graduated from law school, Holmes, who took the LSAT on a dare, set her sights on becoming a judge. “After graduation was a tough time. There weren’t many positions available for black lawyers, especially for black women,” she recalled.

“Joining the judiciary seemed to be the path of achievement, so I set my sights on being a judge.”

Before joining Schiff Hardin, Holmes served as an associate judge on the Circuit Court of Cook County, Illinois, for nine years.

Holmes, Tusan and Sears all share the achievement of serving on the bench. This problem-solver, bridge builder and innovator also share keen insights and lessons learned on their journey to judgeship.

### Blessed Beginnings

Did they always want to be judges? For Tusan, this wasn't the case. "It wasn't my goal," she said. "I didn't start out as a young lawyer aspiring to be a judge." Instead, her parents, a school teacher and a Los Angeles narcotics detective, inspired her to pursue public service. "I lived in a home where people gave back to the community," she explains.

Holmes recalled one instance in which she was working in another city and was the only African-American in the courtroom.

Tusan's original goal was to become a child psychologist. Then, during her junior year at UCLA, she took a course on the philosophy of the law. After graduating with a bachelor of arts in psychology in 1978, she began law school at UCLA but decided to continue her studies at George Washington University School of Law, where she graduated in 1981. Upon finishing law school, she relocated to Atlanta to begin practicing as the first black female associate at then-Kilpatrick Cody. Shortly thereafter, she was appointed as a part-time administrative judge by Mayor Andrew Young. She has spent the balance of her career serving in the Georgia court system.

Similar to Tusan, Holmes had considered other career paths before deciding on the law. "In high school, I wanted to be a doctor," she recalled. "I signed my yearbook 'future doctor.'" She began her college education in the engineering program at University of Illinois at Urbana-Champaign, from which she graduated in 1983 with a bachelor's of science degree. She went on to graduate from the University of Illinois College of Law. "After taking the LSAT on a dare, I got offers for full scholarships that covered tuition and fees, so I went to law school."

Holmes began her service as a trial judge on the Illinois Circuit Court in Cook County in 1997. She served for nine years before joining the Chicago office of Schiff Hardin in 2005. That same year, colleague Leah Ward

Sears was sworn in as the chief justice of the Georgia Supreme Court.

Sears had always envisioned having a law career. She graduated from Cornell University with a bachelor of science degree in 1976 and went on to earn law degrees at Emory University and the University of Virginia. "It's part of my DNA. I always wanted to examine problems and come up with creative solutions," she said.

### Career Challenges

However, the three women did not enter the legal profession at a time when being "unusual" was considered an asset. Sears feels that being African-American and female in the 1980s meant staying in line.

"There was an effort to encourage us to fit in," she recalls. "The thought was, 'you're unusual enough as it is.'" She remembers her father telling her that "I would spend all my life banging my head against a ceiling that would never crack. It took me a long time to grow and move past that approach."

Even so, she said her biggest challenge was "not having the right skin color or gender to be a successful lawyer." Sears observes, "I was black and only 36 years old when I went to Georgia's Supreme Court. I didn't fit the mold. But I was determined to hang in there and do excellent work. Eventually, I saw things changing. It's easier than it was, but it's still not easy."

Holmes would likely agree that while the climate for African-Americans pursuing law careers might have improved in the 1980s, it was by no means an easy feat. Her biggest challenge has been "not being able to control how people see me."

"I can't control whether people see me as a woman or an African-American first," she said. "People also say that I have a youthful appearance and discount me, which has actually been an advantage."

Holmes recalled one instance in which she was working in another city and was the only African-American in the courtroom. "I was mistaken for someone's secretary," she said. "The immediate assumption was that I could not be an accomplished professional."

Tusan shares a similar experience. "As a young associate and first African-American at a large firm, how do you get over that hurdle even though a significant contingent in the firm wants you to be there? You wanted to integrate yourself into the firm in a way that was equivalent to your male counterparts. Thirty years later there are still issues at the larger firms," she said.

Another challenge Tusan faced later in her career

was that of the proverbial bipartisan politics that seem to extend to every level of government. “In the 1990s, it was a challenge to leverage your political support as a state trial judge to your benefit as you tried to make the shift to the federal judicial tract,” she explained.

“I do have the distinction of having been nominated for a lifetime federal position and not making it through the process,” she continues. “Unfortunately, there were some missed opportunities at the beginning of President Obama’s first term in office. The senators of the state [of Georgia] were not in the same party as the president. Fortunately, the longstanding federal vacancies in Georgia finally are being filled.”

Tusan acknowledges that it takes time and maturity to accept this type of scenario and said that she has no regrets about the path of her career. However, the challenge for minority applicants of being given the same benefit of the doubt when evaluated as majority contenders remains.

### Lessons Learned

It was in the political arena that Tusan learned some of the most valuable lessons of her career. “I was opposed in the 2004 election,” she said. “I had a full docket and ended up having to campaign hard throughout the spring and summer.

“It was a good lesson for me,” she continued. “Until you go through defending your record and decisions, you underestimate being an elected official. It’s important for your electorate to know for whom they are voting.”

Another of her key lessons has been to approach her judicial career with humility and graciousness. “Your previous cases don’t matter to the party in front of you,” she noted. “As a judge, you are the gatekeeper for access to justice. You have to be really deliberate in making sure that you remember that.”

Holmes too cites understanding the importance of a judge’s role in explaining the judicial process to the general public as an important lesson that she learned during her time on the bench. “I’ve learned that when it comes to the judicial process, the average person does not know how it works,” she said. “People in the system move too fast because they think everyone else understands.

“Instead, it’s important to slow down, talk to people and really listen to them,” she continues. “Sometimes if you just stop and talk to people, you can get matters resolved.”

Sears, who sees her life’s work as helping people solve problems peaceably, agreed. Since leaving the bench, she better understands that clients need a relationship of

**Tusan said the most significant challenge she’s faced in her career is her current position as chief judge.**

trust with their attorneys. “You have to be trustworthy and patient to build that kind of relationship,” she said. “It’s in the forefront of everything I do now.”

During her judicial career, Sears has also learned that “nothing stays the same, but in the end, things work out how they are supposed to.”

### Pathways to Progress

Perhaps, this notion of nothing staying the same is a hopeful one given the lack of diversity in the judiciary. Why aren’t there more judges of color?

From Holmes’ perspective, “it starts at the bottom. If you don’t have minorities in law school, and you don’t let them get experience, it’s not possible to select them for the bench.

“You can’t appoint minority judges if you don’t have roles for them to play to get the experience that makes them candidates for the bench,” she continued. “If you don’t create those opportunities, how can they get the qualifications they need?”

From a political standpoint, Tusan said, “Because there are so few opportunities to run or be appointed, the strategy of determining who might be the best prospect and getting that person to run and win is important.”

In that process, sometimes generational differences come into play. According to Tusan, at times “trying to get the younger lawyer interested in a career in the judiciary to consider the suggestions of more senior members of the judiciary can be challenging.”

For her part, Sears expresses concern that the “legal profession has moved from a great noble profession to a business where lawyers behave more like used car salesmen.” She believes that like an artist or jewelry maker, a lawyer has to work really hard at being really good.

“I’m not sure a lot of younger lawyers want to be really fine craftsmen,” she said. “Being the best requires a lot of work. A lot of lawyers will be OK, and they will make a good living, but they won’t be the best if they don’t work harder.” ■

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# Finding the Class of 2007

By GLENN COOK

**WILL NEVIN ENJOYS** rolling with the tide, no matter where it takes him. And over the past decade, that approach has taken him to interesting places.

He has earned four degrees over the past nine years, lost 175 pounds after a lifelong battle with obesity, started writing a weekly column on comic books, and acted in community theater. This is all while holding down a full-time job teaching journalism at the University of West Alabama and an adjunct position at his alma mater, the University of Alabama.

"It's an interesting career and an interesting life, but I have a lot of fun," said Nevin, who received the Minority Corporate Counsel Association's LMJ Scholarship in 2007.

Nevin's background and subsequent story illustrates the diversity of the recipients and the varied paths they have taken during the 11 years MCCA has awarded the scholarships. While the majority of the recipients go into some type of legal work after high school, many have moved on to careers in the corporate, government and nonprofit sectors.

"I came at the law from a very social science perspective, a very academic kind of lens," he said. "I don't know if I had any ideas about going into a law practice, even though I thought it was a fascinating field. I've always wanted to teach."

## **LMJ Scholarship Helped Decrease Student Debt**

Nevin grew up in Moundville, a small town less than 20 miles outside Tuscaloosa. His father worked in hospitals in the area, and his mother, a member of the Poarch Creek Indian tribe, taught elementary school. Although Nevin was not raised on the Poarch Creek reservation, he became aware of the poverty that Native Americans

face through his mother and extended family, and she urged him to apply for the LMJ Scholarship after seeing a notice in the tribal newsletter.

"Mom always cares about dollars and cents, and she knew that I would be footing the bill for most of my law school education," Nevin said. "She said I should apply for it—give it a shot and see what happens—and I was really thrilled when I got it."

The scholarship awards \$10,000 to first-year law students, a majority of whom receive the same amount for their second and third years. To a person, each recipient is both grateful for the money and for the doors the LMJ honor opens.

"It led to an internship with Freddie Mac in D.C., which has provided me with contacts, and certainly the money was a blessing," Nevin said. "Between the MCCA and the Creek Indians, for all of my schooling I have only \$20,000 in student loans. When you realize that I have that much education and yet I'm not crushed with crippling student debt like so many others are, I'm really very lucky."

Nevin is lucky in other ways as well.

## **Losing 175 Pounds Ushers in a New Lease on Life**

In January 2010, during winter break before his last semester of law school, Nevin embarked on a three-day, cross-country road trip with friends to see his beloved Crimson Tide football team play for the national championship.

"On the morning of the second day, I was driving through some West Texas kind of scrub when I started to feel some pain in my chest," Nevin said. "I thought I was having a heart attack."

The feeling passed, and the trip continued, but Nevin knew something had to change. At 24, he weighed

# SCHOLARSHIP

approximately 350 pounds, had not been to the doctor in four years and was exhibiting signs of pre-diabetes. The combination of law school and working nights for the student newspaper are not conducive to healthy diets and physical fitness, but Nevin said he had been overweight since kindergarten.

“When I got back from the trip, I sort of looked at everything,” he said. “I realized I was in the prime of my life. I was supposed to be happy and physically fit, so I decided I had to do what was necessary to make that happen.”

Even though he didn’t know the layout of the university gym when he first went, Nevin lost 175 pounds in 11 months through hours and hours of exercise. He also changed his diet to exclude red meat and fried foods.

“I wish there was some magical secret I could impart, but I’m the first to admit I did not do this ideally,” he said. “I should have seen a doctor and a nutritionist from the start, at the very beginning. But I really just spent a lot time in the gym and on the treadmill, and I was careful about what I ate. It just happened to work out for me.”

## Teaching Media Law to Future Journalists

After graduating from law school, Nevin embarked on a combined master’s and PhD program in communication and information sciences. Two years later, he was working as an adjunct journalism professor, then became full-time in the fall of 2012 at University of West Alabama in Livingston.

“I don’t look at it as leaving the law and focusing on journalism. I certainly like writing and talking about the law,” said Nevin, who saw one of his commentaries on the First Amendment cited last year in *The Washington Post*. “And I love working with my students on media law. It’s really fun to see their eyes open to how the Supreme Court works and how the Constitution has been interpreted differently over the history of our democracy.”

Nevin believes many journalists do not have adequate training to write about complex legal matters in a way that is both accurate and that readers understand.

“The law can be reported on and analyzed better in journalism,” he said. “If you stick someone with a story who doesn’t have a firm grasp of what’s going on and expect them to report intelligently on it, it doesn’t al-



ways work out. I came across a story just the other day in which it was very clear the reporter has no concept of the civil law process.”

Nevin said his goal is to “try whenever possible to raise the level of discourse and understanding” among his students. Simply put, he wants them to know that “words matter.”

“The words we choose have meaning, and there’s a certain precision that is required when you talk about certain subjects, especially as they relate to the law,” he said. “That’s what I take away from the law: The choices in language matter, the statutes matter and how you write about them matters, too.”

## Law Remains a Constant Presence

After the frenzy of the last decade, Nevin is enjoying the opportunities he has to explore new things. He started writing a monthly column on comic books for AL.com and finds himself gravitating toward authors, actors and musicians. Last fall, he acted for the first time in Theatre Tuscaloosa’s production of “To Kill a Mockingbird,” playing prosecutor Horace Gilmer.

The law remains a constant presence in Nevin’s life in other ways, too. His wife of three years, Kate, is a second-year law student at Cumberland Samford University in Birmingham.

“I’m enjoying teaching and writing, and I want to get better at both,” said Nevin, who just turned 30. “I just want to continue doing what I’m doing now, and look at new ways to do things that I haven’t before. I’ve got a lot of life ahead of me.”

**GLENN COOK** ([glenncook117@gmail.com](mailto:glenncook117@gmail.com)) is a freelance writer and photographer who lives in Northern Virginia.

## The 2007 recipients of the Minority Corporate Counsel Association's LMJ Scholarship have gone on to varied careers in the corporate, government and nonprofit worlds.

Here is an update on the class and what they are doing now:

■ **Francis Arvelo** is an attorney in Austin, Texas, practicing in the areas of banking, intellectual property and securities and investment fraud.

■ **Samika Boyd** is an associate with Bondurant Mixon & Elmore, a private firm in Atlanta.

■ **Pauline Chow** is a senior specialist in marketing and communications at Skadden Arps Slate Meagher & Flom LLP in Chicago.

■ **Noelle Chung** is an associate in the Los Angeles office of McKool Smith, focusing on commercial and intellectual property.

■ **Jerome Coenic-Taylor** is an attorney advisor and labor relations specialist in the Chicago regional office of the Social Security Administration.

■ **April Gu** is associate director at the Center for Business and Human Rights at NYU Stern.

■ **Ana Lucia Hurtado** is an associate in corporate restructuring at Skadden Arps Slate Meagher & Flom LLP and Affiliates in Wilmington, Del.

■ **Elissa Johnson** is a judicial law clerk at the U.S. District Court for the Southern District of Mississippi and a former staff attorney at the Southern Poverty Law Center.

■ **Leslie Lang** is senior vice president of strategic development and general counsel at Microclinic International in San Francisco.

■ **Brandon J. Loggins** is an attorney with The Stuttley Group LLC in Homewood, Ill.

■ **Dalaisai Nisperos** is an associate specializing in public and private sector law at Beeson Tayer & Bodine in the San Francisco Bay Area.

■ **Estephanie Resnik** is an assistant county attorney with the Miami-Dade County Attorney Office, focusing on social service and public health trust issues.

■ **Natalie Sanders** is an associate at Latham & Watkins LLP in Washington, D.C., focusing on regulatory and transactional matters.

■ **Anthony Ryan Scott** is an associate dean of students at Virginia Tech University in Blacksburg, Va.

■ **Jonathan Steele** is founder of The Steele Law Firm in Kansas City, Mo., focusing on personal injury litigation.

■ **Robert Valenzuela** is a self-described "professional gadfly," working as a self-employed writer-editor in Greenville, S.C.

■ **Alexander White** is a senior associate at Wilmer Hale in Washington, D.C.

■ **David Zhou** is an associate at Wachtell Lipton Rose & Katz in New York City.

Details about the **LMJ Scholarship Program** can be found at [www.mcca.com/scholarships](http://www.mcca.com/scholarships). If you are interested in working with or donating to this program, contact Aracely Muñoz Petrich, vice president of strategic development, at [amunozpetrich@mcca.com](mailto:amunozpetrich@mcca.com).

## Tracking the Integration of the Federal Judiciary as of July 31, 2015

[www.mcca.com/research](http://www.mcca.com/research)

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Women represented **25%** of all active Article III judges.

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Minority women represented less than **6.7%** of all active Article III judges.

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Men represent **75%** of all active Article III judges.

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Minority men represent **13.6%** of all active Article III judges.

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Since 2009, **42%** of Article III judges commissioned were women and **33.6%** were minorities.

## Karla Gilbride: Advocate for a Just Society

SOME PEOPLE BECOME LAWYERS because they're good at analyzing details. Some people become lawyers because they enjoy debating and fashioning air-tight arguments. Some people become lawyers because they want to help create a more just society. And some people become lawyers because they want to help people who are in need.

Karla Gilbride, Cartwright-Baron Staff Attorney with Public Justice and of counsel to the law firm Mehri & Skalet in D.C., became a lawyer for all of these reasons.

Born blind, hers is a world of sound.

"My computer reads aloud to me. That's how I take in information at work, whether it's an email from a colleague or a case

"The local preschool didn't want to accommodate me," she said, "so my mom found another preschool that was more welcoming of kids with disabilities. She had to fight with the county to have them send me there and pay for the transportation. It was the first time they had paid for any preschool child to cross the county line for an out of district placement."

**"It's fun and motivating for me to show people what's possible and to educate them and raise their expectations for people who are disabled."**

or brief that I'm reading."

Though she doesn't consider blindness to be the most important fact about her, she agrees that it has shaped her in many ways. "Sometimes my life is notably different from my sighted colleagues, and that presents both challenges and opportunities."

She grew up in Syosset, Long Island, an only child of parents who ensured that she got the best education available even when that meant butting heads with the educational system.

They also ensured that she went to a school where she was mainstreamed.

"I had all the services to learn Braille and computers and a phys. ed. class that I could participate in, an education that was customized to what I needed. Another benefit of the mainstreaming was that I grew up with a lot of friends who were sighted and who had an attitude that I should be included in whatever they were doing."

But just as important to her development, she also went to a

summer day camp for four years with other blind kids.

"It helped me learn that being blind is nothing to be ashamed of, that it is an aspect of my identity that I should embrace."

Often, she says, people who meet her for the first time have low expectations.

"It's fun and motivating for me," she said, "to show people what's possible and to educate them and raise their expectations for people who are disabled."

Gilbride admits there were and are challenges for her, but she believes rising to those challenges has made her a stronger person. She doesn't like the euphemisms used to conceal someone's disability.

"I don't have a problem with the word blind or the word disabled, but the term I like most is handicapped," she said. "Think about the word's meaning think of something that makes things hard for you. Maybe it means you're starting the race with a little extra baggage and that other people have a head start because of the obstacles you have to overcome. But that doesn't mean you can't go on to win the race anyway."

Dealing with access barriers, while frustrating, has made her a better problem-solver and a better lawyer. "For instance, even when I try to plan ahead, sometimes I'll be at a deposition or settlement conference and someone will hand me printed material, or I'll be doing research on a case and come across information on a



When she was a child, everyone said she should be a lawyer because she liked to talk so much. She also wanted to help people in the same way her parents helped her.

website that I can't readily access because of problems with the website's design. In that moment I have to readjust and figure out another way of getting what I need. Having a disability makes me good at thinking on my feet and being flexible, because things often don't go according to plan, and those skills are good for any lawyer to have."

She has to be resilient.

"I just think about how to make it work, and at the same time I have to be comfortable speaking up for myself and advocating for myself," she said. "I can't afford to be shy about explaining what I need."

In college, at Swarthmore, which is just outside Philadelphia, she pursued a broad range of interests, including music and theater, as well as debate. But she didn't go to law school right away. Instead, she became an environmental organizer for two years, traveling around the country

and doing outreach. However, she ultimately decided that law school was a better fit.

"I always liked arguing, and I was plugged into what was going on in the world," she said. "I thought about what I could do to help out people who did not have my opportunities, my advantages."

Her parents, who had been her advocates in ensuring her educational preparation, were influential in leading her in this direction. When she was a child, everyone said she should be a lawyer because she liked to talk so much. She also wanted to help people in the same way her parents helped her.

"I saw how my life could easily have gone on a different track, and it became very personal to me to give back," she says.

While at Swarthmore and Georgetown University Law Center, she worked summer internships with legal agencies

helping those in need. The first, Advocates for Children of New York, assists low-income and homeless families and kids with disabilities.

"I was mainly helping the parents of kids who were Spanish-speaking and who weren't getting accurate information about how to deal with their kids' problems or needs in school."

The second one, the Texas Civil Rights Project, provides free legal aid and education to low-income citizens whose civil rights have been violated. It works to prevent and protect individuals from hate crimes, sexual harassment and unjust incarceration.

"It was a great experience," she said. "We were always out in the community, interviewing people, finding out what they wanted done, and I learned how to be responsive to people's needs, that you need to go to the people and listen to them and have a conversation with people to see what the urgent issues are where legal action can help."

Her first position as a staff attorney was with Disability Rights Advocates in Berkeley, Calif.

Staffed by many lawyers with disabilities, DRA works to advance equal rights and opportunities for

people with disabilities. Gilbride had received a fellowship to work at DRA after law school and was hired on as a staff attorney after the fellowship ended.

“When I came to DRA, I jumped into the issue of website accessibility,” she said. “Target had a website that was impossible to navigate for people who use screen reading software like I do. There were no alt tags for the images. [An alt tag is a text alternative for an

filed suit and won, NCBE changed course and began allowing the accommodation.

In 2011, Gilbride joined Mehri & Skalet PLLC as an associate. At that firm she represented working people in suits for fair wages and to be free from discrimination. She also brought cases under the Fair Housing Act to ensure that new apartment buildings included accessible units for people with disabilities.

“What I’m doing now, the judicial branch, is the way of working for change that’s best suited for me. I can use the legal system to let the client’s story be told, to give more power to those who don’t have it. I can amplify their voice; it’s a real cool feeling to connect to the client and empower them.”

image or object on a web page.] We filed a suit in California under both state and federal law.”

The DRA won the suit, resulting in one of the first legal rulings that an inaccessible website violates state and federal law requiring full and equal access for those with disabilities, in this case those who are blind or have difficulty reading print for other reasons. Another important case she helped win, *Enyart v. National Conference of Bar Examiners*, involved the multistate portion of the bar exam. The NCBE refused to let blind test takers read the test questions on a computer with the same screen reading software that blind lawyers use to do their jobs, but after multiple test takers

In 2014, while continuing at Mehri & Skalet in an of counsel capacity, she joined the staff of Public Justice, where she brings cases on behalf of low-income consumers and works to preserve access to the civil justice system. Working at Public Justice has also allowed her to return to her love of environmental activism.

“One of the reasons I came to Public Justice is because I believe in all the issues they work on—from defending consumers against predatory lending to combatting pollution that leads to climate change. I try to be proactive, seeing problems and trying to be part of the solution, responsive to the community and clients who are looking for help. Wherever I can

make our practices and this planet more sustainable, I want to be part of that.”

Public Justice does much more than litigate to enforce environmental laws, however. Their efforts to seek justice embrace everything from deceptive practices by pharmaceutical companies and food producers to inhumane treatment in detention centers and much more. Gilbride, who is politically conscious, likes that she can work for change through the judicial system.

“You have to engage yourself, you need to get involved, and what I’m doing now, the judicial branch, is the way of working for change that’s best suited for me. I can use the legal system to let the client’s story be told, to give more power to those who don’t have it. I can amplify their voice; it’s a real cool feeling to connect to the client and empower them.”

For her, you could say that ‘injustice anywhere is injustice everywhere,’ and she seeks to right the wrongs wherever she can.

“I have a place in my heart and in my soul for underdogs, and whenever there is unfairness or lack of symmetry, I want to be on the side that has less power and make things more fair. I want to balance those scales.” ■

**TOM CALARCO** ([tomcalwriter@yahoo.com](mailto:tomcalwriter@yahoo.com)) is a freelance writer based in Loveland, Ohio, and author of seven books on the Underground Railroad.

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# MOVERS & SHAKERS



## HEIDI ERLACHER

Cooley

Cooley's has named Heidi Erlacher partner in charge of its Boston office. Erlacher succeeds Al Browne, one of the office's founding partners, who will continue his full-time work in M&A, private equity and venture capital.

Cooley's Boston

office opened in 2007 with a team of 10 partners; since then it has expanded to a team of more than 70 lawyers. Erlacher is a member of Cooley's 25+ person Boston-based patent counseling and prosecution and intellectual property practices, ranking as one of the top 25 largest IP practices in Boston by the *Boston Business Journal*. Cooley is IP counsel to 2,000+ companies worldwide, ranging from trailblazing startups to multi-billion dollar industry leaders and was recently honored as a finalist for *The American Lawyer's* Intellectual Property Litigation Department of the Year.

Erlacher holds a PhD in organic chemistry and has more than 15 years of experience safeguarding intellectual property and has specialized experience in the field of small molecule compositions. She works in the area of pharmaceuticals, chemistry and biotechnology, including the fields of organic and organometallic chemistry, biochemistry and nucleic acids. Erlacher counsels clients worldwide in developing and implementing patent strategies and in the prosecution and procurement of patents, portfolio management and IP due diligence. She also advises clients on transactional work, including financing events such as investments, licensing, mergers and acquisitions.



## DEBRA GATISON HATTER

Strasburger & Price LLP

Strasburger & Price LLP hired Debra Gatison Hatter as a partner. Hatter, who will work in Strasburger's Houston office, focuses her practice on corporate transactions, including mergers and acquisitions,

joint ventures, strategic partnerships, debt and equity, financings, corporate governance, structuring and general business matters.

Hatter represents private equity funds, public companies and privately held businesses in a broad array of industries, including energy, technology, telecommunications, waste management, retail and industrial services, in both domestic and international transactions. Her experience includes representing investors and sellers of businesses with a significant focus on technology assets and organizing joint ventures and other strategic partnering arrangements, including the governance aspects of these transactions. She also counsels clients on pre-merger regulatory compliance and filings under the competition laws (HSR Act) in U.S.-based and cross-border transactions.

Hatter is admitted to practice in Texas, Pennsylvania, the District of Columbia and Maryland and is a member of the National and American Bar Associations. She was co-founder and former chair of the Mergers and Acquisitions Section of the Houston Bar Association. Hatter belongs to the Women's Energy Network Houston, is currently a director of Julia F. Thompson Inc., and previously served as a director of the Houston Area Urban League. She received her JD from the University of Pennsylvania Law School in 1994, where she was editor of the *University of Pennsylvania Law Review*. She holds a bachelor's degree in mechanical engineering from the University of Pennsylvania.



### AMIT KUMAR

Kilpatrick Townsend & Stockton  
Kilpatrick Townsend & Stockton hired Amit Kumar, the former vice president of legal affairs for TaylorMade-Adidas Golf Company. Kumar has joined the firm's San Diego office as counsel in the firm's Mergers & Acquisitions and Securities Practice with a focus on representing companies in the consumer products industry.

Kumar leverages his unique

legal, corporate and business experience to advise large and small companies—in particular consumer product brands—on matters relating to technology transactions, mergers, strategic alliances, manufacturing, distribution and advertising.

Earlier in his career, Kumar worked in the Los Angeles offices of two major international law firms, where he drafted and negotiated stock and asset purchase agreements, secured and unsecured credit facilities, and technology licenses.

Kumar obtained his JD from Columbia University School of Law where he was a Harlan Fiske Stone Scholar. He received his AB in rhetoric, with a minor in philosophy, from the University of California, Berkeley.



### JOYCELYN STEVENSON

Littler & Nashville Bar  
Association President

Joycelyn Stevenson, a shareholder in the Nashville office of Littler, was named the 2016 president of the Nashville Bar Association's board of directors and will serve a one-year term. Stevenson is the first African-American woman to lead the Nashville Bar Association, which is comprised of more than 2,500 members.

NBA leadership positions are elected by a majority of the current board members, with individual merits and NBA contributions considered in the voting process. An active member since 2001, Stevenson has been involved in a number of leadership capacities within the organization, most recently serving as president elect. In addition to her involvement in the NBA, Stevenson has held positions with other organizations, such as president of the Lawyers' Association for Women in Nashville and president of the Council on Aging of Greater Nashville.

With her successful practice focusing on employment and business immigration law, including representation of the firm's corporate clients on workplace issues, Stevenson has consistently been recognized as a leader in the legal community. She is the 2015 winner of the Nashville Area Chamber of Commerce and Young Professionals Nashville Emerging Leaders Award in the Legal Services category. She was selected as one of Mid-South Super Lawyers Rising Stars in 2014 and 2015 and as a *Nashville Business Journal* Best of the Bar honoree in 2013–2015, having previously been included in its "40 Under 40" listing in 2011. In 2013, Stevenson also received the Nashville Athena Young Professionals Award. Stevenson earned her JD from Vanderbilt University Law School and her BA from Howard University.

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