

DIVERSITY & THE BAR

SUMMER 2017

Minority
Corporate
Counsel
Association's

2017

RISING STARS



WOMEN IN IP: BALANCING
SCIENCE, TECHNOLOGY
AND THE BAR

MAPPING A
NEW FUTURE FOR
YOUR LEGAL TEAM

INCREASING GENDER
DIVERSITY IN THE
BOARDROOM

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Celebrating Our Bright Stars

Welcome to our Summer 2017 issue of the *Diversity & the Bar*.

WE ARE EXCITED TO ANNOUNCE 11 STELLAR LAWYERS as our 2017 Class of Rising Stars. For more than a decade, MCCA has selected a group of lawyers who demonstrate leadership and commitment to the community by providing pro bono services while excelling in their careers.

This year, MCCA reviewed 189 Rising Star nominations of some truly amazing lawyers, which only made our selection of finalists more difficult. All 189 nominees are impressive in their own right. The 11 lawyers we profiled in this issue, however, stood above the rest because of how they are breaking barriers in the profession and community, which they serve. Join MCCA at our Creating Pathways to Diversity conference on October 3, as we honor these individuals and learn for yourself why they are the rising stars of our profession.

As we celebrate the bright stars of our future who are breaking barriers, we also take a closer look at the corporate boardrooms where many barriers to entry remain and diversity lags, especially at the largest companies in the U.S., Canada and Europe. We examine how the public and private mandates of increasing gender diversity in the boardrooms have improved women serving on those boards. Perhaps this could be a roadmap for more diversity and one day the boards truly will be representative of their employees, consumers and shareholders.

Until then, MCCA will examine how our members in different regions of the U.S. are tackling barriers to entry and implementing best practices to improve diversity. We began this exploration with our first Roadshow in Atlanta on July 13

where a panel of general counsel discussed effective strategies for improving diversity within his or her legal department and how in-house lawyers can collaborate with outside counsel to improve

diversity within the region. Each of our roadshows will tackle different issues germane to the region. This is one way MCCA is partnering with our members to break barriers to entry to create a more diverse and inclusive profession and make our vision “to make the next generation of legal leaders as diverse as the world we live in” a reality.

I hope you will enjoy this issue, check out our new website and brand, and join MCCA as we celebrate

the past 20 years and those who have paved the way for our profession on October 3-4 in New York City. ■

Sincerely yours,



Jean Lee
President & CEO



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Getting to Yes: The In-house Counsel's Role

DURING OUR 1L CONTRACTS CLASS, our section had identified something as a transactional cost and was chuckling about it. Professor Spann looked around and said, “Of course, lawyers are walking transactional costs.” Pin-drop silence ensued.

This lesson has stayed with me throughout my stints at in-house corporations of three Fortune® 60 companies and my time at the U.S. Department of Justice's Justice Management Division, which conducts the procurement for the entire agency. Lawyers, more than other employees, have an obligation to prove our worth to those who perform business functions. As a deal attorney, I have to show my value every day to the account executives, client principals, and solution engineers who are helping my accounts. Similarly, I've also seen my managers strive to ensure that they were providing value-adds to the sales vice presidents and senior vice presidents that they were supporting.

“As a deal attorney, I have to show my value every day to the account executives, client principals and solution engineers who are helping my accounts.”

Finding the Right Approach

One thing that goes a long way for lawyers in this process is having the right approach. I've worked with more than a couple of attorneys who were superb in every way except for the fact that they liked to project their inner Chicken Little at every opportunity. They would start every meeting and every conversation with fulsome laments regarding how the company was full of idiots, and everything was falling apart, and no one wanted to invest money into that one technology that would solve all our problems. Don't be that person, and don't sit quietly while this person bloviates on and on. Modern corporate entities operate in the complex

market and regulatory frameworks and have to respond to request for proposals (RFP) and bid invitations that are, by design, multifaceted and have to satisfy many competing stakeholders. Not everything will be perfect—but there's a reason we don't let perfect be the enemy of good.

Most large RFPs call for compliance with a myriad of federal and state laws and regulations, especially in provisions about data security, conflicts of interest and dispute resolution. These are areas where we can put easy points on the board, and illustrate the value we bring to the team with our legal expertise. Billing is not going to go into Texas Government Code 2251 and read all the nuances that set out payment terms, nor will sales be able to quickly certify that there are no conflicts of interest between the deal team and the vendor. These are opportunities for legal to shine and smooth the deal team's trajectory.

Another common hindrance, and one that seems to most closely relate to lawyers as transactional costs is the attitude of many lawyers toward potential deals themselves. How many hours have been spent, usually at the initial stage of meetings, rehashing the many reasons why the company should not bid on a particular RFP? Comments such as “The contracting agency is too difficult to deal with, the terms and conditions offered by the other side are too onerous, the number of redlines that the company will have to take involve too much hard work, the liability caps (or the lack of them) are too outrageous,” and so forth. What too many of my colleagues seem to forget is that there is usually just one good reason not to try to win a bid—if the margin is not high enough. And that question, happily enough, is settled by our colleagues in finance. And as long as the finance team is ok with the deal TCV and margin, it must be the legal team's overarching imperative to make the deal happen.



SHIRONGSOV / ISTOCK

Does this mean that we become a rubber stamp and let go of our duty to protect our client? Not at all. It just means that we try to get the best possible terms we can, and then we give the business relevant and sanguine advice about what the red flags are, what they mean in context of the services being provided, and then what we would recommend. And this is where a deal attorney's knowledge of the business and the practical risks involved will shine through. If you show up at a governance meeting and say, "They are insisting on unlimited indemnification, which we don't accept," you'll be disappointing all the tower leaders who look to legal as their trusted advisor. Instead, try something like, "They want unlimited indemnification for personal injury and bodily harm, but I don't see that as a problem because we're providing them cloud services from our data centers, and client personnel will rarely be visiting those." This breaks down the actual risk for the leadership providing valuable context and highlights the fact that you've thought about what's at stake and prepared a convincing answer. Statements like these fulfill all three of the key metrics stated above:

- they highlight the risk,
- put the risk in context and
- provide a thoughtful opinion.

No One Wins in the Battle of the Forms

Another area where deal attorneys tend to get embroiled in fruitless and counter-productive disputes is over what is commonly called "battle of the forms." The vendor sends over their forms. The customer responds with their forms. And then, it becomes a war of attrition where both sides drown

in redlines and edits, and the actual sales process grinds down to a halt. These situations represent failures in part of the deal attorneys available. In my experience, these battles only start when the counsels involved are too uninformed, too intimidated, or just too lazy to do the hard work of identifying the critical terms and focusing on them to implement light-touch revisions. A new version of this same situation arises when counsels just insert language at the top of a client's/vendor's paper stating that some other terms and conditions take precedence over all the terms and conditions contained in this document. Don't be that person! Do the hard work of comparing the two sets of terms and conditions and pinpointing the terms that matter. Use a scalpel, not a cleaver. Our employers don't need us to highlight every instance of where the documents are different; MS Word can do that for them. They need us to provide nuanced legal advice that weighs risks and rewards, and that's what we should provide.

At the end of the day, the proliferation of new technology as well as the complexities of the statutes and regulations that all business must navigate means that legal counsels will continue to be key members of deal teams. As always, it is up to us to highlight the real value we bring to such proceedings. ■



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Why Lawyers Need to Think Like a Start-up to Survive

THE START-UP MENTALITY HAS INFILTRATED THE LEGAL SECTOR, and it is now also the key to standing out as an attorney. A creative idea is the added value all attorneys can bring to the table regardless of what stage they are in their career. This mindset spreads far beyond the case file and can infiltrate deeply into a client's internal processes and yield a much better return on investment. Rapid advancements in technology have streamlined difficult processes and have allowed clients to become more discerning in their needs and who provides them.

Attorneys need to take note and get in the game. Rising to the top as a rainmaker and a leader requires understanding how to anticipate needs and add value. Surprisingly, this competitive edge doesn't require lawyers to raise capital, develop a new expertise or wait for someone to file a lawsuit. It requires thinking like a start-up and actually understanding a client's industry and being innovative to solve problems more efficiently. I have found that the key to generating new ideas in the legal field starts with a few simple steps forward: getting involved with organizations outside of the legal profession, staying current and embracing change.

Connect with Industries Outside the Legal Profession

I was recently asked to speak at a women's luncheon highlighting business and the arts at the Ritz-Carlton Residences in Miami Beach, Florida. The luncheon was an intimate gathering of influential women in the region. I spoke on the panel alongside Lourdes Lopez, the artistic director of the Miami City Ballet, and Allison Greenfield, a partner at Lionheart Capital, who also moderated the discussion. Lopez took everyone on a journey of her experience in life: arriving at this country from Cuba at a young age, and falling into ballet as a form of physical therapy after having foot

surgery as a child. Lopez told the story of how she eventually received the coveted spot at the New York City Ballet, dancing for more than 20 years before retiring. After dancing, and then leading a series of nonprofits, and graduating from Fordham, Lopez was asked to take over the Miami City Ballet. Her story contrasted those of the many businesswomen who had joined the luncheon and certainly was a different career trajectory than my path. But the insight we gained from her approach to leadership and some of her ideas on propelling an artistic company to success were takeaways and concepts we could add to our industries. Ideas began to form on how to collaborate further and forge stronger relationships between business and the arts. That luncheon soon turned into an incubator for new ideas. It was a reminder for me about the importance of taking a step outside the legal world and gaining new perspectives on how to do business and move forward.

It's imperative for attorneys to think broadly and open the discussion for innovation to a wider audience. Attorneys should step outside the legal field and connect with leaders and organizations from different sectors to generate new ideas and solutions. Lawyers can become creators and innovators, as well as problem-solvers. New ideas that can help a client head off legal woes or comply with regulations will be added value.



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Relevancy Can Mean Survival

Staying current in the space we live in is also vital. We know that better ideas and better ways of problem-solving can only be enhanced with more diverse attorneys and leaders around the table, but how do we get there? It's easy for lawyers to get stuck behind a closed door and become lost to the changes taking place outside. Simple habits like making it a daily priority to read different business publications every morning before the first of cup of coffee will have a positive impact. I often read about what other industries are doing to make changes to their processes. I also make sure to stay current on the game changers who are disrupting industries and finding out how that change was brought about and if it would fit into my profession. Attorneys who stay at the ready will add value, bring in more business and survive.

Finally, it's important to embrace change and adapt. There is no time better than now to take advantage of the changes in technology that are advancing the legal sector. Having an entrepreneurial mindset will help attorneys excel and stay ahead of the game. This is the key to business development, client retention and ultimately success. ■



MAMIE JOEVEER began her career as a captain in the United States Marine Corps. She transitioned from the Marines and became a journalist for national news outlets. She is now a litigation attorney and also supports practice group business development efforts. She also serves on the Miami City Ballet Board of Directors.

Managing Disputes Across the Resolution Process Spectrum

THERE ARE MANY DIFFERENT PROCESSES that can be used to resolve a dispute. For example, the parties may sit across from each other negotiating by themselves. They may retain a mediator to help facilitate a resolution. Or they may litigate their dispute in a court. No matter the process chosen along that spectrum, each entails four principal transactional costs: money, time, emotions and control of the outcome.

Money. It costs money to resolve disputes. But it's important to remember that the true costs can be both direct and indirect. Direct costs could encompass e-discovery and document production costs, deposition expenses, expert witness fees, and, of course, legal fees. The more adversarial the dispute resolution process, the higher these costs tend to be. Indirect costs could include negative publicity, reputational harm, loss of employee productivity, and lost business opportunities because resources are being directed toward resolving the dispute. The longer it takes, the greater the

likelihood of a negative moment or moments in time. Most poignantly, the point in time when the dispute arose becomes a focus for the organization and remains so until the dispute is resolved.

Emotions. As David Packard, the late co-founder of Hewlett-Packard, said, "A group of people get together and exist as an institution we call a company so they are able to accomplish something collectively that they could not accomplish separately—they make a contribution to society, a phrase which sounds trite but is fundamental." A company is nothing but the passion, dedication, and commitment of its people, and, as Jack Welch, former CEO of GE, said, "It goes without saying that no company, small or large, can win over the long run without energized employees who believe in the mission and understand how to achieve it." Employees who can direct their emotional capital toward what they enjoy doing are the ones who contribute the most to the company's objectives and, consequently, to its overall success. At the same time, individuals who are compelled to invest emotionally in issues having little or nothing to do with the company's mission—such as an unresolved dispute—are likely to find their ability to participate meaningfully in the company impeded and, thus, feel disheartened, discouraged, and demoralized. Devoting energies toward resolving disputes requires an expenditure of emotional capital that will almost always take a negative toll.

Control of the Outcome. Influential management consultant Peter Drucker once said, "Management is doing things right; leadership is doing the right things." Steering a company in line with its mission, growing profitability, respecting and responding to its customers, and safeguarding its

No single process is appropriate for every dispute, and many disputes could likely benefit from a combination of processes.

likelihood that all of these costs will have an adverse impact on the company's future growth and profitability.

Time. Relatedly, as Benjamin Franklin noted, "Time is money." On that topic, three-time Pulitzer Prize-winning American poet, writer, and editor Carl Sandburg once said that time, "is the coin of your life. It is the only coin you have, and only you can determine how it will be spent. Be careful lest you let others spend it for you." And Aristotle's successor, Theophrastus, said, "Time is the most valuable thing a man can spend." Yet, disputes unavoidably spend time on your behalf. Every metric of time diverted to handling a dispute is not being devoted to furthering a company's mission. Disputes also hold a company and the affected directors, officers, and employees hostage to a partic-



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More Time, More Money, More Emotions, and Less Control Over the Outcome →				

reputation are all responsibilities over which management must exercise proper control. Disputes, however, hold the potential to diminish management’s ability to control one or more of these areas. Sometimes, depending on the process used to resolve the dispute, decision-makers may have little to no control over the outcome, creating the potential for results that could adversely impact the company.

Considered together, these four transactional costs point to one inescapable conclusion: moving from a pure negotiation process for dispute resolution toward court litigation results in companies spending more money, more time, and more emotional capital to achieve an outcome over which they have increasingly less and less control (see table above).

It behooves all of us who are charged with managing the resolution of disputes to consider

carefully how these transactional costs manifest themselves in and within the various forms of resolution processes along this spectrum. No single process is appropriate for every dispute, and many disputes could likely benefit from a combination of processes. Future columns of The ADR Mosaic will explore in more detail many of the key attributes of these various processes. ■



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What the U. S. and Canada Have in Common with D&I Initiatives

IT IS AN HONOR AND PRIVILEGE TO BE ABLE TO WRITE THIS COLUMN.

You may wonder what a Canadian general counsel knows about the challenges faced by minority counsel in the United States. At first blush, you may be right. However, there are two main reasons why I hope that, through this column, I can learn from you and, you can find something from my articles useful.

Like many immigrants in the United States, I arrived 30 years ago in Canada with minimal knowledge of the language and I was, as a Latino, a minority. I grew up in a “priority neighborhood” in Toronto and took some time off from formal education after high school after struggling to get by for many years. Up until this point, unfortunately, my story is like that of many of our immigrant and minority communities in Canada and the U.S. However, this is where my story changes! I eventually

returned to school, found university much more interesting and I was able to succeed. Now, after completing two master’s degrees and a civil and common law degree, I am the general counsel at Nissan Canada. As far as I know, I was and am one of the first, if not the first Latin American general counsel in Canada.

Armed with this personal experience, today I am extremely involved in the push toward advancing diversity and inclusiveness within the legal profession and generally in Canada.



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We need to increasingly work together across the border to share best practices, to share our successes and to share our challenges.

As a profession, we are in many ways late to the game regarding diversity, but we are bringing our “A” game to the field. In doing so, we look at the challenges and successes of our brothers and sisters in the U.S. as a source of inspiration for several reasons:

- In the U.S., associations like the MCCA have established strong and deep roots at all levels of social, political and legislative institutions. You are working hard to elect minority judges and politicians, to work within your neighborhoods and to inspire your children to understand that with education, any role is possible. Unfortunately, in Canada, we are in many ways still separated as ethnic groups, very unaware of our joint interests and we largely still lack a mobilizing force. But it is coming!
- Your law schools teach practical and skill-focused courses, to ensure that all graduates obtain a fundamental level of education. Your graduates hit the ground running! We are still very much focused on the theory vs. practical argument. Rather than focusing on developing entrepreneurial, tech savvy lawyers, we are still stuck in the academics and traditional teaching methods. But some of us are championing a change!
- You have corporations that, as a result of the leadership of general counsel and corporate counsel, advocate at the boardroom table that diversity and inclusiveness are not only the right thing to do, but they are fundamental for driving and growing the business. In this, we are slowly catching up. Through groups like Legal Leaders for Diversity, which counts on the support of over 100 general counsel across Canada, with one single goal trumpeted within all levels of our companies, we are also

making this message loud and clear.

- You have established mentorship programs that provide critical guidance and support to minority students wishing to pursue a legal profession. We are now following that lead as well.

What can we do together now to continue growing our communities and our profession? Here are a few ideas:

- We need to increasingly work together across the border to share best practices, to share our successes and to share our challenges.
- As law firms become increasingly international, in-house legal departments must also work together to combine purchasing decisions and send the message that if law firms want our business, you have to show us you share our values and commitment to advancing diversity and inclusiveness within your firms.
- We need to pressure law schools to eliminate standardized tests like the LSAT, which are proven to have a disproportionately adverse effect on minority students. Look at people as a package of their experiences and successes, not as a test score number!

I hope that this column can be an opportunity to bring us together, to speak with a common voice and to work together in moving the needle together. As a common phrase in Spanish reminds us: “la gente unida, jamas sera vencida” (The people united, shall never be defeated!) ■



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Advancing Diversity, Inclusion and Equity

2017

RISING STARS

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.

By Kim Howard, CAE

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 189, but the Minority Corporate Counsel Association narrowed the field down to 11 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!

AMANDEEP S. SIDHU

Partner, McDermott Will & Emery

Many people remember exactly where they were on 9/11 and how it impacted them and their decisions at the time. Amandeep Sidhu is no exception. He co-founded the Sikh Coalition, the largest legal advocacy organization for the Sikh American community. After college, Sidhu was an economic consultant in Washington, D.C. and had begun preparing to take the LSAT when the 9/11 terrorist attacks occurred. “There was an immediate backlash against the Sikh community in the form of hate crimes, profiling by law enforcement and employment discrimination. While I did not yet have a law degree, I had advocacy skills that helped me support the Sikh Coalition in those critical weeks and months after 9/11. After being part of that movement, there was no question that a legal education would give me the tools to help my community rise up in the face of tremendous discrimination,” Sidhu said.

But the 9/11 attacks were not what spurred Sidhu to pursue law. It was a close friend and mentor who was in law school at the time who originally piqued his interest. “Not knowing any lawyers growing up, this was my first meaningful exposure to the legal profession,” said Sidhu. As a senior at William & Mary, Sidhu had the opportunity to take a joint law/undergrad class and was instantly hooked.

Now a highly skilled litigator, Sidhu focuses his practice on complex commercial disputes with an emphasis on regulated industries, including health care-related investigations and litigation. He represents hospitals and health care companies in investigations and defense of qui tam whistleblower litigation involving federal False Claims Act (FCA), Stark Laws and Anti-Kickback Statute in federal district courts throughout the United States. Sidhu is also extremely active in the diversity and inclusion space serving as a long-time member of McDermott’s Pro Bono & Community Service Committee, as well as its Racial and Ethnic Diversity & Inclusion Committee. His tireless pro bono work helped achieve groundbreaking successes for Sikh soldiers in the U.S. Army and broke barriers that previously forced Sikh soldiers to choose between their faith and service to their country. Earlier this year, the U.S. Army amended its policy to finally open its doors for Sikhs and other religious minorities to serve without having to compromise their religious practices. To date, 19 McDermott clients have received religious accommodations allowing them to serve.

“It is a privilege to have found a home at McDermott, where I have a perfect balance between sophisticated work for billable clients while having the opportunity to commit a significant amount of my time to pro bono, as well,” said Sidhu. He cites McDermott and the people he’s worked with for having a major impact on the development of his practice. “Like so much of what we do in life, my decision to focus my litigation practice on

regulated industries was driven by the people I was working with at McDermott. When I joined McDermott’s Litigation practice group in 2007, I worked on a wide variety of matters across several industries. Over the next few years, I deliberately pursued opportunities to work with a group of health and government strategies partners who had served as informal mentors and champions of my career at the firm. They each gave me tremendous opportunities to thrive as a litigator and my stock rose as a result. It was an added bonus that I thoroughly enjoyed the subject matter and established expertise in the space, particularly with regard to health care-related investigations and litigation,” he said.

Sidhu said that he loves coming up with innovative solutions to solve problems for his clients. “My favorite matters are ones where I bring together a diverse team to tackle challenging issues,” he said. But, he finds that business development is the hardest part of his practice. “Navigating the business of law is a unique challenge that is a reality of being a partner at a major law firm. While business development has become more natural as I’ve progressed in my career, it remains one of the hardest parts of my practice,” Sidhu said.

If Sidhu had not become a lawyer, architecture was his next calling. It sounds contrary, but his love of architecture actually kept him away from his first passion. “Growing up I always loved art and thought for a while that I would be an architect when I ‘grew up.’ I even went to Harvard for a summer before college to decide whether I wanted to pursue that career path. Perhaps it was the practical side of me that steered me away, but I decided that I loved architecture so much that I didn’t want to ‘ruin’ it by making it a job. I would like to think I made the right choice by pursuing a legal career instead,” Sidhu said.

Sidhu was the first observant Sikh to become a partner at an AmLaw 50 firm. He earned his JD from the University of Richmond School of Law and his BA from the College of William and Mary.



JUNE CASALMIR

Assistant General Counsel—Marketing and Digital Media, Verizon

June Casalmir learned how to snowboard at age 43 without having ever learned to ski. She likes fitness and weightlifting, too, and can deadlift 215 pounds. It's her curiosity, and because her practice requires her to ask many questions, that leads her to exploring not only her craft as assistant general counsel—marketing and digital media at Verizon, but in her life outside of the office. In her role with the telecommunications provider, she leads legal efforts supporting Fios consumer marketing and is responsible for advising marketing, pricing, and other client teams on digital, print, and social media campaigns, and manages compliance with state and federal regulations as well as applicable consumer protection laws. She is no stranger to the telecom industry having served as counsel at

Sprint Communications prior to joining the Verizon legal team.

Casalmir said that while she took the LSAT her senior year in college, she decided to become a lawyer after college. "After I graduated I worked for a year as part of the Congressional Hunger Center's Emerson National Hunger Fellows program. During that year, I came to understand that those people with an understanding of the law have some of the necessary tools to impact change and help others. Over the course of my legal career, I've added to that toolkit, which has increased my ability to help internal clients, working on pro bono matters, or supporting fellow Fil-Am attorneys," she said.

Not many lawyers, much less female lawyers, seek out securities regulation as their trade. But, Casalmir's initial interest in this area led her to her role today. "I had originally wanted to go into securities regulation since I enjoyed sorting through the various legal requirements, and had originally thought that I wanted to go into government regulation in that area, so I pursued federal government opportunities. However, after graduating law school, I received a terrific opportunity to join the Federal Trade Commission. While that job was in the Bureau of Competition, the knowledge that comes from working at that agency proved to be invaluable as my career evolved to include consumer protection and advertising matters when I went into private practice. I hit my stride a little more when I started to view myself not just as "legal support" but rather a stakeholder in the clients' business objectives. My clients work

very hard to promote our services in an extremely competitive market, and they should feel comfortable that their legal support understands the business needs. I also felt more comfortable with my practice when I started training clients. While it takes a while to translate things like FTC disclosure requirements into visual concepts, the end result is invaluable. Whether it's a flow chart, a hypothetical, or a series of examples, I really enjoy putting advertising legal concepts in a framework that helps clarify the parameters increases," she said. "I still enjoy noodling around with antitrust concepts, and so my poor teenage son can probably describe oligopolistic market conditions better than most people."

While Casalmir said that she enjoys the ongoing training and education that she gets to do in a primarily counseling role and counseling on issues that are really at the vanguard of new media and digital advertising developments, as with most lawyers, the amount of work and turnaround times can be daunting. "I do the difficult, unwieldy things first. I have two quotes on my billboard at work. One is "You must do the thing you think cannot do" by Eleanor Roosevelt. The other is by Mark Twain: "If it's your job to eat a frog, it's best to do it first thing in the morning. And if it's your job to eat two frogs, eat the biggest one first."

Casalmir's approach to visual learning and training her colleagues would have served her well if she had chosen another profession. "Initially, I thought I would like to be an architect, graphic designer, or possibly computer science engineer. I am visually and spatially organized—I will use that mindset in my practice by doing things like visually 'mapping' advertising disclosure components. For some reason, I did well in quantitative reasoning classes when I was younger and I'm always intrigued with the thought of having pursued a career that involved more math. Ironically, I've picked up more skills since I've graduated from law school, which makes me wonder—even more—what I'd do if I wasn't a lawyer. I'm naturally a curious person, but my practice area requires me to ask many, many questions—which increases my curiosity in general. So far, I have gotten into photography, weightlifting and fitness, snowboarding, visual design, calligraphy & brush lettering—and probably some other things I can't recall," she said.

Casalmir has served as the inaugural chair of the In-House Counsel Affinity Network of the National Filipino American Lawyers Association of America for the past two years and participates in various pro bono matters. She earned her JD from the Washington University School of Law and her BA magna cum laude and with departmental honors from Duke University where she was a cheerleader. She lives in Chester, New Jersey with her husband Joel and teenage son Quincy.



KIMBERLY Y. CHAINEY

Associate General Counsel, for Global Mergers & Acquisitions, Strategy, Innovation and Latin America, Avis Budget Group

The *Wall Street Journal*, business deals and social justice were often topics of family discussions at Kimberly Chainey's house growing up because both her parents had MBAs and were active in the local community. Her dad regularly read her excerpts from the *WSJ*, and would often talk about how large deals were structured and how they would come together. He also talked about a lawyer's role in making sure this happened. Applying a law degree to make a difference in the world came in the form of Chainey's mother discussing positive female role models such as former Representative Barbara Jordan. "My Mom would often talk to me about Jordan's life, her struggle to break down barriers for herself and all women, and her focus on making a difference in the world. These early influences helped me to realize that whatever career route I chose, that being a lawyer was a way to really impact the world around me. This philosophy informs a lot of the volunteer work that I have done throughout my career," Chainey said.

Chainey, who currently serves as the associate general counsel responsible for global mergers & acquisitions, strategy, innovation, and Latin America for Avis Budget Group is currently responsible for leading the legal team that supports key mobility initiatives for emerging technologies like fully connected cars as well as global intellectual property. She has always wanted to help bring the deal together.

"Even at Wharton, I knew I wanted to work on large transformative transactions. I wanted to help bring the deal together. After graduation, I had the opportunity to do that right out of the gate. I have always been fortunate to work with great lawyers throughout my career (even early on). I had great mentors at Morgan Lewis and Wolf Block who showed me the value that lawyers could bring to their client's transactions (whether they were venture capital, private equity, commercial real estate, IPOs, or securities transactions). Moreover, being able to work on a broad range of transactions convinced me that I wanted to focus my career on being a corporate lawyer. I enjoyed working with the variety of players in these transactions and doing my part to help the deal 'come together.' When I moved in-house, I continued to do this. However, I also got the opportunity to work with lawyers who showed me how smart and strategic legal advice was critical to a company's long-term success," she said.

Like many lawyers, Chainey enjoys counseling her internal clients because the work is tough, challenging and varied. "Everyday these clients face tough questions of law and business. I enjoy offering innovative and strategic solutions that

help them to navigate these challenges. Second, I like that my job allows me to work with smart, capable, and diverse people across the globe. One of the perks of being both an international and transaction lawyer is that I have been able to connect with and lead some very talented people over the course of my career. I have traveled around the world tackling tough problems, learned about different business cultures and environments, and worked with people who really care about being great lawyers. I think this has made me a better lawyer. Now, I can look at problems from a variety of perspectives, which of course, allows me to be a better counselor to my internal clients," she said.

As much as Chainey likes being a lawyer, she said that helping a client make the tough decisions in the short term because you know that in the long term it will benefit them and the company is the least favorite aspect of her job. "This really goes back to what I really enjoy most about being a lawyer—the counseling aspect. Part of being a good counselor is helping your clients to make the tough decisions." If she wasn't a lawyer, Chainey said that she would be a chef. "I love the social aspects of a great meal, so being a chef might be something I could have done," she said.

Chainey is the founder of the Tea Group, a social organization in Philadelphia, Pennsylvania. She is the former treasurer of both the Law Project of Pennsylvania and Catholic Charities of Harrisburg. She is active at Macedonia A.M.E. Church in Camden, New Jersey, Seton Hall Law School, and in the Marian Anderson Music Guild of South Jersey. Chainey holds a bachelor's degree in environmental science, cum laude, from Harvard University, Harvard-Radcliffe College and a JD/MBA from the University of Pennsylvania Law School and the University of Pennsylvania, Wharton School of Business.



JORJA JACKSON

Senior Corporate Counsel, Salesforce.com

Is there a doctor in the house? Well, there was going to be until Jorja Jackson changed her mind her senior year of college and decided to attend law school. “I changed my mind on becoming a physician and thought since my major was political science and that I was interested in law, it was a reputable profession in which I could be successful, so why not go to law school,” she said. But, she realized her love of practicing law when she went in-house. “I had been practicing at firms for seven years as a litigation associate. It was not particularly motivating to me. It could be grueling and at the same time could



be boring and repetitive. I knew I wanted to go in-house probably the minute I started law school and when the opportunity presented itself, I jumped. I absolutely love being an in-house lawyer for many reasons: I’m a counselor, I help the business solve problems, resolve issues, mitigate risk, achieve results that move the business forward and achieve success. I feel like what I’m doing really matters. At all three companies where I have worked in-house, the feeling and excitement I have in my job remains the same. I love being the problem solver,” she said.

As senior corporate counsel for salesforce.com Jackson specializes in providing advice to management on all aspects of global employment matters. Jackson said that she did not necessarily set out to pick employment as her practice area. Like some other Rising Stars, the field picked her. “I was looking to move from my first law firm, which was a small insurance defense practice. Great exposure to litigation and an opportunity to learn right out of the gate. But, I wanted something bigger—a bigger firm, more diverse client base, national or international exposure to interesting areas of law. I started looking and while I was at an event one evening that was honoring one of the California Third District Court of Appeal Justices I met an associate at Littler Mendelson who

mentioned they were looking for a junior associate and that I should apply. When I researched Littler I found they met everything I was looking for in my next move: they were a big firm, housed a national client base, worked on diverse issues and solely practicing in an area that was interesting to me—employment law. I’m still doing it 13 years later, so I guess it stuck. The reason I think I thrive in employment law and enjoy it so much is because it’s about people. It’s emotional, it’s technical, it’s full of intrigue. I never know what I’m going to get when I walk in the door at work, which I love and am thrilled by,” she said.

The least enjoyable aspect of her job is that sometimes decisions can negatively impact an employee. “I think the least enjoyable thing about my practice is that it can end on a sad note. You’re dealing with people’s livelihoods. If the advice I give or a decision I make negatively impacts an employee, that’s not always an easy pill to swallow. And that’s why each decision I make isn’t rash or brazen. It’s debated, counseled with my colleagues, reviewed with business partners and carefully weighed,” she said.

Jackson’s global practice fits in well with her wanderlust. If she weren’t a lawyer, she would want to travel the world. “I’d be a world traveler who wrote reviews and tips for other travelers on every place in the world to see. I recently returned from a 6-month work assignment in Tokyo, Japan. It was life changing. I’ve never lived abroad prior to this experience and though it was a little scary (I speak absolutely no Japanese), it was the absolutely most fantastic thing I’ve ever done and I’d do it again a million times over. Not only was the work fascinating, I took the opportunity to travel as much as possible while there. By the time I returned to the U.S. in April, I had been in five countries since the beginning of 2017. I loved every minute of it!” she said.

Jackson has served on the boards of the Child Care Law Center, GirlVentures and is an active member of Alpha Kappa Alpha Sorority, Inc., where she volunteers in community projects to support programs for young women and girls. She is also an instructor at UCLA Extension and San Francisco State University in the Human Resource Extension programs. Jackson earned her JD at the University of California, Hastings College of Law and her BA at the University of California, Los Angeles.

ATIF KHAWAJA

Partner, Kirkland & Ellis LLP

If Atif Khawaja was not a trial lawyer, he would be a journalist because he loves telling other people's stories. This approach has served him well in litigating high-stakes suits.

He has successfully handled a broad range of commercial and intellectual property disputes. He enjoys challenges and regularly litigates matters as complex as patent infringement, antitrust, fraud, breach of contract and fiduciary duty, trade secret theft, consumer misrepresentation and unfair competition. He has won restructuring disputes, class and mass actions, employment and administrative law disputes before courts and arbitrators across the country.

It's his mother who inspired him to become a litigator. "My mom inspired me to become a litigator. She is tough as nails and blazed many trails in her life, including by teaching in many countries. At a young age, she impressed upon me the importance of an open mind and a clear argument. Growing up was full of lively discussions, and it was best to keep quiet if you couldn't string together a credible argument with conviction. I did not know any lawyers then, and it was those discussions and her example that led me to where I am," Khawaja said.

Beyond his busy and broad law practice, Khawaja also co-chairs Kirkland's diversity and inclusion committee and sits on its recruiting, associate review and pro bono management committees. He also finds time to oversee the pro bono program for the firm's New York office.

Even though his work finds him regularly representing well-known companies including United, Dow, Honeywell, Expedia, IBM, Pfizer, and Hess, as well as the world's largest hedge and private equity funds, Khawaja is closely vested in the outcome of every client he represents. "The trust of a client is a very satisfying reward. It doesn't matter if that client



is a large company or a pro bono individual, it is tremendously gratifying and humbling to stand up in court on behalf of a client," he said. He tries to keep a level head in the face of adversity. "I love my job, but when there are setbacks, I think about the mentors I have had and the values that they drilled into me empathy, humility and service. Those values keep me going," he said.

Khawaja earned his JD from the Boston University School of Law, magna cum laude, and his BA in biology and religious studies from the University of Virginia.

CORENA NORRIS-MCCLUNEY

**Senior Vice President, General Counsel and Secretary,
Krispy Kreme Doughnut Corporation**

Corena Norris-McCluney works for a company that owns an app to alert its customers when a location's famous Hot Now doughnut sign is lit. But, if it weren't for the fact that television portrayed being an attorney to be more glamorous and exciting over teaching, Norris-McCluney might be decorating school rooms today instead of serving as Krispy Kreme Doughnut Corporation's senior vice president, general counsel and secretary.



"In high school, I wanted to either be a teacher or an attorney. Being an attorney sounded glamorous, mainly because the only exposure I had to the profession was attributable to what I saw on television. In college, as I had more exposure to the profession, including classes that were taught by judges and/or lawyers, as well as being able to read case law, I became more fascinated with all the various avenues being an attorney could open," she said.

Falling into employment law happened easily, she said. "In law school, my favorite classes were employment law related classes. My personality matched with that area of law—I had a clear sense of right/

wrong, but also a very compassionate and empathetic side. Pursuing a career in employment law allowed me to maintain a connection to the human side, relate to all people, and the best opportunity for me to be a counselor and advocate," said Norris-McCluney.

But, serving as an employment lawyer meant something beyond a practice expertise. It helped Norris-McCluney create a foundation for life as in-house counsel. "After clerking for an appellate court judge for two years, I went to what was formerly known as Kilpatrick Stockton, where I expressed a major interest in employment law. The firm allowed me to practice in that area, eventually solely, but initially I was exposed to a variety of practice areas related to a business. Unbeknownst to me, having exposure across various practice areas provided me with an ability to think quickly, advise on a variety of topics, learn the whole business, and eventually provided me with a base to have a general practice in a corporate department," she said.

Many in-house counsel remind up and coming attorneys or outside counsel who want their business to be able to understand their internal or external client's business. Norris-McCluney's approach to her in-house practice is no different. "I enjoy the challenges it presents; the ability to do more than advise, but to also impact the business; the learning potential; and the diversity of practice areas," she said.

As the corporation's legal chief, Norris-McCluney said that to relax, long drives help her decompress and admits that "it is easier to never step away and to go all the time." "Sometimes, when either the practice or my other responsibilities to the human resources department get the best of me, I go for a long drive at lunch or after work. Long drives provide me with an opportunity to decompress and clear my head," she said.

Employment law is so engrained in Norris-McCluney's professional DNA that if she were not a lawyer, she would be an employee relations/human resources provider. "I like being able to relate to people and meet them where they are, but help them develop into their aspirational self. And since that is so close to what I do now, another alternative, if I were not a lawyer, is to be a writer/blogger," she said.

DIMITIRI D. PORTNOI

Counsel, O'Melveny

While television lawyers are often not portrayed realistically, that did not stop Dimitri Portnoi from aspiring to become what he saw on TV. "I first thought I wanted to be a lawyer when my mom was obsessed with 'L.A. Law' when I was a child. I lived in Washington, D.C. at the time so that may have also presaged my move to Los Angeles," he said. And much like the 'L.A. Law' characters who handled cases spanning the hot-button social issues of the time, Portnoi dedicates a large portion of his legal work to being a champion for the voiceless, in addition to his extensive corporate client work.

The experienced litigator has represented clients in a diverse array of industries in a wide range of matters including complex business litigation, financial service, entertainment matters, consumer class actions, unfair competition, business torts, fraud, contract and related commercial litigation. But, this everyman lawyer has avoided picking a practice area, on purpose.

"I've practiced in almost every area of litigation, including copyright and trademark, tax, environmental, international law, housing, civil rights, products liability, finance, securities and constitutional law. Recently, however, I've specialized in water law which I've appreciated because it's involved learning history and science, as well as law, and helping California players to navigate its ecological challenges," Portnoi said. He has represented clients in industries including entertainment, health care, natural resources, finance and banking, communications and manufacturing as well.

Legal professionals are no stranger to demands on their time and increased stress levels. But, like most lawyers, Portnoi focuses on helping his clients and mentoring colleagues and students to help combat work fatigue. "I enjoy counseling clients. Nothing gives me more pride than for a client to call me out of the blue with a crisis and eventually be made to feel either that I've solved their problem or I have the matter in hand. The legal profession is demanding as to stress and as to time. As a result, we of course at all law firms and other legal contexts see people who because of demanding personal or familial circumstances have been unable to stay in the most challenging parts of the profession. I also went through some



personal troubles that made me question whether I could continue in such a demanding profession. As I've become more senior at O'Melveny, I've worked hard to mentor both my colleagues and students in Los Angeles. I think carefully about how the firm can make sure the best talent can rise to the top and how students can be best equipped for what is undoubtedly a challenging profession where remaining thoughtful about accommodating both work and home demands, considered both traditionally and non-traditionally, is essential to success," he said.

Like many lawyers, the written word comes in a close second as a career if the legal profession wasn't a calling. "If I weren't a lawyer, I'd be a writer. I already think of myself as a writer every day at work. If I weren't a lawyer, though, I imagine I'd be writing about something else and possibly reading the same books I am now," Portnoi said.

Portnoi earned his JD, magna cum laude: Order of the Coif, from New York University and his BA in political science from Columbia University. He was named one of the "Best LGBT Lawyers Under 40" by the National LGBT Bar Association in 2016.

YANERIS M. ROSA

Assistant General Counsel, Honeywell International Inc.

Yaneris M. Rosa who was born in the Dominican Republic, recalls her earliest memories telling anyone who would listen that she wanted to be a lawyer. Rosa and her mother left their native country seeking a better life when she was 10 years old. Her experiences as an immigrant heightened her interest in a career as an attorney. “After seeing and experiencing discrimination and unfair treatment, I saw the legal system as a remedy for some of these difficulties,” she said.



About a month after graduating from Harvard law school, Rosa delivered her first child and moved to Long Island, New York in order for her mom to help with her new daughter while she tackled working as a corporate associate at the law firm Simpson Thacher & Bartlett LLP in New York City. During her time at the firm, Yaneris also served as member of the Simpson Thacher Diversity Committee Advisory Council and managed pro bono matters. After a few years of daily commuting three hours round trip from Long Island, Rosa was able to land an opportunity working as Assistant General Counsel of Planet Payment, Inc., a start-up located about 10 minutes from her home, allowing more work-life balance.

“I jumped on the opportunity despite the pay cut associated with moving in-house. I selected

this company because I was intrigued by their credit card processing technology. During my tenure at Planet Payment, I worked on a variety of transactions and was also fortunate to work on the company's IPO and listing on the NASDAQ. It was also fun being able to ring the closing bell at NASDAQ with my colleagues on the day that we listed the company,” Rosa said.

Rosa set her sights on working for a Fortune® 100 company but didn't want to go back to commuting from Long Island into Manhattan. She found the perfect opportunity at Honeywell, as assistant general counsel of Honeywell Security Group, a business headquartered in Long Island.

“I've been working at Honeywell since 2014. I started as assistant general counsel of Honeywell Security Group. In 2015 Honeywell combined its security business, located in Long Island, with its fire business headquartered in Connecticut and I represented the legal department in the integration team responsible for integrating the two businesses. My role has also grown as a result of acquisitions and integration of companies that didn't have their own in-house legal departments. My favorite part of the job is facilitating our transformation from a traditional hardware company to a software industrial and working on cutting-edge technologies in the space of connected home and connected buildings and internet of things. I am happy that I've been able to stay in the field of technology because it is an ever-evolving practice,” she said.

Echoing the message that in-house counsel and outside counsel must understand the core business of their internal and external clients, Rosa sees herself as a business leader. “I work very closely with the business and I serve as a business person who happens to be a lawyer. I am very passionate about our technologies. Honeywell invents and manufactures technologies that address some of the world's most critical challenges around energy, safety, security, productivity and global urbanization. We are uniquely positioned to blend physical products with software to support connected systems that improve homes and buildings and that enable a safer, more comfortable and more productive world. Our solutions enhance the quality of life of people around the globe and create new markets and even new industries. Honeywell's innovative technologies are making our world cleaner and more sustainable, more secure, connected, energy efficient, and productive,” she said.

Rosa's efforts to combat the lack of diversity in the legal profession means that she is aligning her professional activities inside and outside the company with diversity and inclusion initiatives and organizations that focus on D&I.

“Since the beginning of my career, I've been committed to diversity and inclusion efforts and consider it my duty to create opportunities for individuals who come from similar backgrounds as myself. I currently serve as one of leaders of the Honeywell Law & Government Relations Diversity and Inclusion Council, which aligns with my commitment to support and actively promote diversity in the legal profession. I was also selected by Honeywell's leadership to serve as a member of the Home and Buildings Technologies Diversity Council, a cross functional diversity council responsible for the diversity initiatives of the business,” she said. Through her leadership in the diversity and inclusion councils, Rosa also strives to make an impact in the community by aligning service efforts with Honeywell Hometown Solutions, the company's corporate citizenship and social responsibility program.

Don't be surprised one day if you see Rosa move from the general counselor position to chief diversity officer for a Fortune® 500 company. We asked all of our Rising Stars what they would be if they were not lawyers. Rosa's reply: “I've always been committed to diversity and inclusion and I am leading the way in advocating for a diverse workforce. I understand that a diverse culture provides a competitive advantage that enables our global teams to generate new and better ideas faster and to more effectively collaborate and innovate. I would love the opportunity to have an even greater impact on diversity efforts,” she said.

Yaneris is active with the Minority Corporate Counsel Association the Leadership Counsel on Legal Diversity and serves on various non-profit boards. Yaneris serves on the Board of Directors of the Council on Legal Education Opportunity (CLEO), which is committed to expanding legal education opportunities to minority, low-income and disadvantaged groups. She earned her JD from Harvard Law School and her undergraduate degree from Cornell University. She was the first member of her extended family to earn undergraduate and law degrees.

MELISSA C. RODRIGUEZ

Partner, Morgan, Lewis & Bockius

Many lawyers can trace their first interest in the law to Harper Lee's "To Kill a Mockingbird" and Melissa C. Rodriguez is no exception. Like many lawyers, she is passionate about words and writing and playing the defense counsel in her high school play cemented her future.

"Two pivotal experiences made me realize that I wanted to be a lawyer. First, I am passionate about words: the origin of words, the structure of words and of words within sentences, paragraphs and longer writings. I am fascinated by how changing even one word can completely change the message that is being conveyed. I always knew I wanted to 'play with words' and being a lawyer, particularly as a litigator, allows me to do so in a real world, practical sense. This became tangible to me through the second experience that led me to realize I wanted to be a lawyer: playing the part of defense counsel in a 10th grade class mock trial based on 'To Kill a Mocking Bird.'

Through that experience, I learned to put my passion for words to work, and in the process, help another individual navigate through crisis and prevail," she said.

As a labor and employment attorney, Rodriguez represents clients in the full spectrum of labor and employment law matters including single-plaintiff, class, and collective action litigation (both wage and hour and discrimination claims) and wage and hour and other employment counseling. She said that specializing in labor and employment law came early in her legal career.

"After working as a summer associate in a law firm in Puerto Rico, where I am from, following my first year in law school, I rotated through various legal departments as a summer associate. Through that firm's summer program, I realized while working in their labor and employment department that I wanted to focus on that area of the law because it is about people. Almost everyone in this country is either an employee or an employer, or has the potential to be one or the other, so what we do in labor and employment has a tangible and immediate effect on real people's lives," Rodriguez said.

Like many litigators, Rodriguez enjoys using words to build a story. "As a litigator, and lover of words, I very much enjoy crafting arguments, both in writing legal briefs and for purposes of oral arguments or presentations to fact-finders. I relish the challenge of assessing the facts, and using them to build a story

that, consistent with legal principles, makes sense, is just and advances your client's position," she said.

On the counseling side, Rodriguez enjoys working with her clients in strengthening their employment policies and reinforcing them through training, which helps create work environments that are fair and inclusive and which allow individuals of all backgrounds to thrive in the workplace. She also gets immense satisfaction in training and mentoring associates.

"As the national assignment partner for the Morgan Lewis labor and employment practice group, I particularly like working to find opportunities for professional development for our attorneys, both in client-based projects and outside speaking and/or community engagements," she said.

Like many professionals, Rodriguez finds it most difficult to fully disconnect from work. She said that planning and easier technological connections allow for a blended vacation effort. "In our profession, it is nearly impossible to completely disconnect from work. I find it essential to plan for and commit to time off for family and personal matters. I am also a strong proponent of long vacations which, thanks to today's technology, are easier to enjoy while still maintaining sufficient contact with clients and colleagues," she said.

Like many lawyers, her love of words fuels her current profession and a possible different one. If you enjoy novels written by lawyers, you just may see one by Rodriguez one day. "If I weren't a lawyer, I'd be a writer. As I previously mentioned, I am passionate about words, particularly the written word, and have always been drawn to building arguments and stories through maneuvering words. While I now channel that passion through my legal work, I think there is a novel in me. I can envision writing a novel that weaves my family's history into the more general history of Puerto Rico in the 20th century. That very well could be a bucket list item for me," she said.

Rodriguez received her law degree from Columbia Law School and her Bachelor of Arts degree from Yale University.



DAVID R. SINGH

Partner, Weil

David Singh's interest in the law can be traced back to his high school debate team. As a member of one of the top high school debate teams in the country, he realized that he enjoyed the strategy and competition of debate, and that "becoming a lawyer seemed like a natural next step given my aptitude for and love of argumentation, public speaking and advocacy." This initial experience has served him well as a litigator. Singh's practice

at Weil covers all aspects of complex commercial litigation in state and federal courts throughout the country. He has litigated a wide variety of disputes, including consumer class actions, trade secret misappropriation and employee mobility disputes, breach of contract, fraud, and product liability cases, among others.

"I knew even before law school that I wanted to be a litigator. My particular focus in litigation, however—consumer class actions—picked me. During my first week at Weil, a new client visited the firm seeking assistance with what became a massive ten-year (and counting)

litigation. Through the tedious initial task of document review, I learned our case cold and this led to increasingly substantive opportunities, including client contact, depositions, oral argument and trial experience. Experience beget experience, as my reputation for initiative and strong substantive skills led to additional opportunities," Singh said. In addition to representing clients in high-profile class actions, Singh serves as a leader of Weil's Class Action Task Force, editor of Weil's *Class Action Monitor*, and regularly speaks and writes on significant class action issues. Singh was recognized by *Law360* as a "Legal Lion" for recent work on several high profile consumer class actions and named one of the "40 under 40" by the *Daily Journal*, a recognition of rising legal stars in the State of California.

The strategic challenge of litigation is what appeals to Singh. "I love the intellectual and strategic

aspects of litigation. Each case is a chess match and each move must be carefully taken in light of your client's goals and your adversary's likely countermove. You always need to think several steps ahead," he said. But, he also finds that the argumentative nature of litigation can sometimes lead to professional uncivility. "I strive to establish a good relationship with opposing counsel from the onset—treating them as I would like to be treated. In my experience, this generally leads to increased cooperation, less wasteful disputes, and better outcomes for clients," he said.

But, if you think that Singh spends all of his time advocating for clients in the court room, he does manage to carve out time for volunteer and pro bono work. Singh serves as a leader in the ABA, Section of Litigation in his roles as co-chair, Corporate Counsel Committee, vice-chair of the section's inaugural Professional Success Summit, and member of the Host Committee for the 2017 American Bar Association Annual meeting in New York. Singh recognizes and embraces the need to give back to the community through his active pro bono practice. He has been recognized as a Pro Bono "Legend" at Weil—a recognition conferred upon attorneys who have performed more than 50 hours of pro bono service for five or more consecutive years. Singh is also a leader with respect to diversity and inclusion, both within his firm and in the broader legal community. He is a member of Weil's firm-wide Diversity Committee, was a co-founder of Weil's Asian affinity group, and previously served as Weil's Leadership Council on Legal Diversity (LCLD) Fellow in 2012. Singh is also a member of the Council of Urban Professionals (CUP) Leadership Board and a Practicing Attorneys for Law Students Program (PALS) mentor.

If Singh were not a lawyer, the legal profession would still have access to his many talents. "If I were not a lawyer, I would be a law school professor because I would enjoy the intellectual challenge, teaching others, and the ability to pursue my research and academic interests," he said.

Singh earned his JD with honors from Cornell Law School and his BA in political science and speech communications, *summa cum laude*, from the University of Minnesota.



WILSON L. WHITE

Public Policy & Government Relations Director, Google

Wilson White knew he wanted to be a lawyer early in his educational career in the public schools in rural South Carolina. And, like many children of his generation, exposure to a television show planted a professional seed.

"I had an inkling that I wanted to be a lawyer in second grade after a field trip to the county courthouse. I was already a fan of the TV show 'Matlock,' but the visit to the courthouse added a dose of reality to what it meant to be a lawyer. I was intrigued by the hard work that went into problem solving and the intellectual rigor associated with truth finding. Although I went on to study computer engineering and worked as a software developer for a short stint, I eventually came around to my childhood passion," White said.

White followed that passion and truth finding all the way to his current position as a public policy & government relations director at Google, where he is the global policy lead for the company's mobile and hardware businesses. He also advises on policy implications of emerging tech issues, including artificial intelligence and machine learning, internet of things, fintech and virtual reality. Like many of our Rising Stars, Wilson's professional path marries his technical expertise with his legal skills.

"I started my legal career as a federal judicial law clerk, then as a patent litigator. I pursued a career in patent law since I had the technical background, but litigation was my real passion. It was the source of my initial attraction to the practice of law. As a kid, I knew I wanted to be in the courtroom. More recently, my work has involved public policy and government relations, which is more focused on prospectively shaping legal frameworks. Focusing on what the law should be is an interesting area that I am beginning to really enjoy," he said.

White said that the "cutting edge nature of the work" is what he loves most about his job. "Whether it is contemplating the impact of machine learning systems on jobs or ensuring that artificial intelligence algorithms don't exacerbate already existing instances of bias and discrimination, there is never a dull day. The demanding intellectual discourse is exciting," he said. He concedes, like many of his colleagues, that the long hours are a drag. "There really is no way around it. The work I do now is global in scope, so I am up early working with teams in Europe and up late working with colleagues and in Asia," White said.

The primary driver in White's personal and professional endeavors has been a deep sense of obligation to lift as he climbs, which explains his next career interest if this whole legal thing doesn't work out. "If I was not a lawyer, I'd be a venture capitalist. In Silicon Valley, it is somewhat interesting to see the homogeneity in the faces of the billionaire founders of the

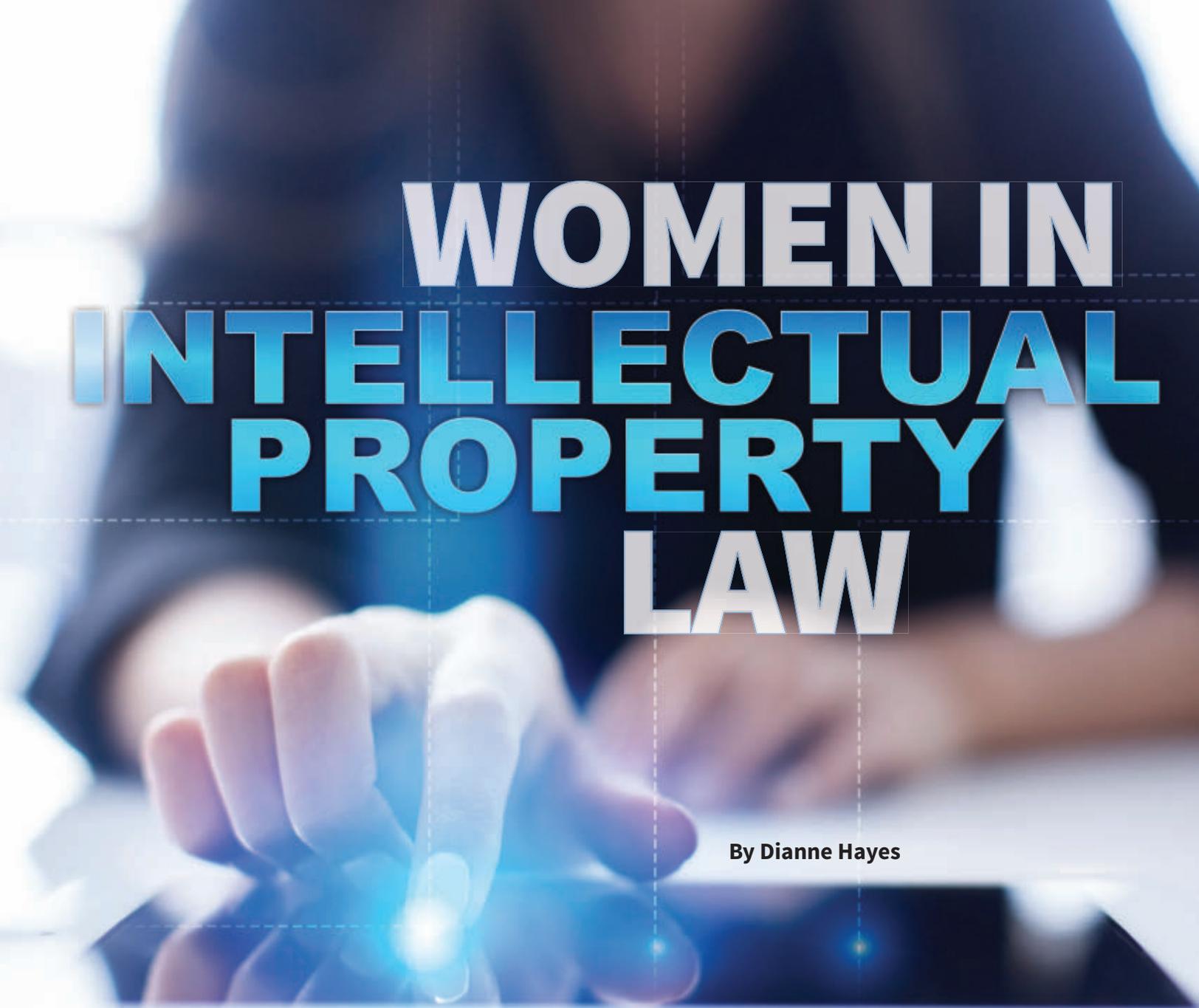
world's most successful startups. Most of these guys (and they are typically guys), had their paths to success paved with substantial amounts of capital from VC firms. I am intrigued by what seems like an over-concentration of capital in such a homogeneous group of people, albeit very smart people. I'd want to figure out how venture capital could help ensure women and minority founders are getting the same level of resources and mentorship and achieving similar levels of success. That seems like an interesting enough area to explore if I wasn't busy tackling some of the world's most pressing public policy challenges," he said.

While his professional accomplishments are personally fulfilling, White says he is most satisfied by his service of giving back—a value instilled in him as a child and rooted in a firm desire to promulgate tolerance, fairness and peaceful prosperity for everyone in the world. He is a 2012 alumnus of the Glass Leadership Institute sponsored by the Anti Defamation League and a founding board member of The Judge Alexander Williams, Jr. Center for Education, Justice and Ethics. White also holds board positions with the California Bar Foundation, the Friends of the Libraries board at NC State University, and Pathways Community Network. He previously served as Vice Chair of the Board of Partnership Against Domestic Violence (PADV). For more than a decade, White has served as a career development coach and mentor for hundreds of undergraduate and law school students.

White earned his JD, with honors, from the University of North Carolina at Chapel Hill School of Law, where he served on the editorial board of the *North Carolina Law Review* and president of the Black Law Students Association. He earned his BS degree, summa cum laude, in computer engineering from NC State University.

KIM HOWARD, CAE (kimhoward@mcca.com) is the editor in chief of *Diversity & the Bar*. She has worked with lawyers for 11 years and in the association publishing field for more than 20 years.





WOMEN IN INTELLECTUAL PROPERTY LAW

By Dianne Hayes

Balancing
Science, Technology
and the Bar

THE END OF THE COLD WAR AND THE GOVERNMENT'S SHIFT TOWARD TECHNOLOGY TRANSFER IN NATIONAL LABORATORIES LED CHRISTINE H. MCCARTHY ON A PATH TOWARD INTELLECTUAL PROPERTY LAW.

An electrical engineer with minors in environmental engineering and physics, McCarthy graduated just as the defense industry's technology work was moving away from antenna and satellite communication research and jobs were suddenly much harder to come by. Law school seemed like a good option.

McCarthy was in her first year of law school planning to focus on environmental law when Sandia National Laboratories offered her a position in their Intellectual Property Department. It was at that point that she knew she had found her niche.

She is now a partner in the IP Department at Barnes & Thornburg LLP's Washington, D.C. office.

McCarthy concentrates primarily on technology areas of telecommunications, wireless infrastructure and applications, software and computer-related inventions, business methods, information technology, financial services, cryptology, semiconductors, electronics, bioinformatics, optics and internet-related and e-commerce inventions.

She also focuses on protecting innovations in alternative energy technologies, as well as energy and power-related technologies to improve energy generation, distribution, and consumption efficiency.

About 20 percent of the registered patent attorneys at Barnes & Thornburg are women, which she says may seem quite low at first but is much higher than firm averages for registered patent attorneys.

"A major reason there's not enough diversity in this particular field is that, in order to be registered as a patent attorney, you have to have a technical background," McCarthy said. "Of those interested in the law, there are very few with the required educational background to sit for the patent bar. Only through educating our young can that change. More diversity in technology fields enables more technology in patent law."

For those working in the IP specialty area of the



Christine H. McCarthy

For those working the in IP specialty area of the already male-dominated field of law, McCarthy acknowledges that challenges remain.

already male-dominated field of law, McCarthy acknowledges that challenges remain.

"One of my colleagues who heads up our diversity and inclusion program made a really good point. It can be kind of lonely sometimes, whether it is because of one's gender, ethnicity or orientation. Showing up and leading makes it less so for those who come with and after us and reminds everyone we belong here too."

While 20 years ago, it was more common to see women in trademark and copyright law than patent litigation and prosecution,



Sharon A. Hwang

“There are a very small number of clients that feel comfortable giving major litigation to a woman. That has hurt women.”

—Sharon Hwang

steps are being taken to attract more women with strong science and engineering backgrounds.

According to the American Bar Association’s *Commission on Women in the Profession* report, women represent 36 percent of those practicing in the legal profession. Among those in private practice, women comprise 21.5 percent of partners, and 18 percent of managing partners at the 200 largest law firms. In addition, women comprise 44.7 percent of associates and 47.8 percent of summer associates in private practice.

When it comes to patent law, the numbers are much smaller. Historically one of the most male-dominated areas, the good news is that in recent years, more than 25 percent of all patent practitioners newly admitted to practice before the USPTO are women—a marked increase over previous decades, according to the American Bar Association.

Law schools, firms, corporations and National Labs are now more deliberate about recruiting female students at engineering schools and promoting patent litigation and prosecution as career paths.

Overcoming the Odds

Some women have made in-roads and have risen to the ranks of partner and shareholder in corporate legal departments and intellectual property firms.

Sharon A. Hwang is one of eight women out of 44 shareholders at McAndrews Held & Malloy Ltd., which offers expertise in patents, trademarks, copyrights, trade secrets and unfair competition in a firm that has earned a reputation for its record of litigation success.

After earning a BS in electrical engineering, she worked briefly at Andersen Consulting, (now Accenture), and then decided to go to law school. For more than 20 years, she has represented patentees and defendants in high-stakes patent litigation in federal courts and in the Federal Circuit Court of Appeals.

“I worked at a small prosecution firm in Boston and did summer clerkships at McAndrews,” Hwang said. “I knew IP was a possibility. During that time of economic recession, the firms that were doing well were patent firms. I found it very interesting.”

Hwang has extensive experience in federal trial and appellate courts involving patent, trademark and antitrust claims. She has served as trial counsel in numerous patent infringement lawsuits, handling pre-suit strategy through post-trial motions. She has successfully argued numerous appeals before the Federal Circuit, and has taken primary responsibility for preparing briefs in the United States Supreme Court.

She and a team of McAndrews attorneys secured a \$70 million lost profits damages award on behalf of a medical device company in a patent infringement case tried before a jury in the Western District of Michigan. That jury verdict was one of *National Law Journal’s* Top Verdicts of 2013. In late 2014, Hwang argued before the Federal Circuit and won an affirmation of that award. In late 2015, the United States Supreme Court granted Hwang’s petition for certiorari on an issue pertaining to the district court’s award of enhanced damages under 35 U.S.C. §284.

“We are getting there. It takes time,” Hwang said. “The legal profession is one of the slowest in getting women as equity partners.”

“One of the tricks in a law firm is that your book of business counts. Patent litigation tends to be high stakes. There are a very small number of clients that feel comfortable giving major litigation to a woman. That has hurt women.”



Hwang recalls one of her biggest challenges was getting her initial opportunities.

“Most clients don’t want to be your first client,” she said. “I offered to do it for free. It was a great opportunity. I just wanted that experience. I was able to show that I already had one under my belt.”

“As more women play decision-making roles, change will occur,” she said. “It’s slow change, but change is happening. Women have to keep pushing forward.”

Hwang is working to help fill the pipeline with more women. She was recently appointed to serve on the Alumni Board for the Electrical and Computer Engineering Department at the University of Illinois Champaign-Urbana.

“I go back and speak there, because a lot of people aren’t aware of patent law. There is a recognition that there is a pipeline issue.”

Hwang spearheaded the launch of the firm’s Diversity in Patent Law Fellowship, which encourages diversity in the field of intellectual property law. She currently serves as president of the Asian American Bar Association Law Foundation and vice president of the board of directors for the Chicago Legal Clinic. She also serves on the executive board of the Chicago Committee for Minorities in Large Law Firms and the board of directors for the Chinese American Bar Association.

She is a frequent speaker on patent law as well as diversity issues. She has spoken at events for the National Asian Pacific American Bar Association, Practising Law Institute, Minority Corporate Counsel Association, Intellectual Property Law Association of Chicago, Coalition of Women’s Initiatives in Law, Diversity Scholarship Foundation, Northwestern University School of Law, University of Chicago School of Law, the University of Illinois Electrical and Computer Engineering Department, and weSTEM (Women Empowered in STEM).

Filling the Pipeline

The challenge to continue to increase the number of women in the ranks is complex, requiring a STEM background in most cases, good grades, demonstration of fitness to work in law, as well as a desire to work as an IP attorney.

Aside from the obvious benefit of gender bal-

“I wish I had been exposed to the field much earlier on, even in undergraduate school, I may have decided just to go to law school instead of getting the Ph.D.”

—Erin B. Knight

ance, law firms gain from diverse perspectives and skill sets as laws race to catch up to rapidly evolving technological advancements. Of the more than 9 million patents that have been issued since the inception of the United States Patent and Trademark Office (USPTO), one third of them have been issued in the past 16 years.

Erin B. Knight is among a new breed of recruits in IP who are being tapped for their strong science and technology background. Prior to joining the firm, Knight earned a Ph.D. in biomedical engineering from The University of Texas at Austin, where she performed research to examine the relationships among cellular mechanical properties, cellular movement, and disease progression in cancer. She also holds a BSE in mechanical engineering and an MSE in biomedical engineering from the University of Michigan.

She has previous experience as an English language editor of engineering manuscripts for American Journal Experts, as a manufacturing engineer at Applied Materials, Inc., and as a product engineering intern at General Motors Company.

“I wish I had been exposed to the field much earlier on, even in undergraduate school,” Knight said. “I may have decided just to go to law school instead of getting the Ph.D.”

“Originally, I saw myself being an engineer. I got my master’s degree and went into industry. I didn’t

The shortage of women in this area and the field in general is definitely an issue.

—Nikita Gupta

love it, and I felt that I was not done with my education. Even at that time, I was considering a Ph.D. program versus law school. I had no exposure to the legal field, so I stuck with what I was familiar with, which was engineering. But I always had an open mind about taking a different career path.”

Over the course of her academic and industry career, Knight interned at GM for three summers, completed three engineering degree programs, and worked at Applied Materials for four years. It was the power of networking in Austin, a high-tech hub, which led her to Fish & Richardson after learning about opportunities to use her skills in the legal profession.

Knight is a Patent Agent/Technical Advisor at Fish & Richardson PC in Austin, Texas, having gone from one male-dominated field to another.

“I do everything from writing patents to reading and analyzing patents and serving as a go-between for inventors and the USPTO,” she said. “I really like what I do. I’m constantly getting to explore and learn new things. It’s like being an engineer in the sense that I get to use analytical skills. I find it intellectually stimulating.”

Though Knight doesn’t have a law degree, she has passed the patent bar exam, which allows her to prosecute patent applications before the USPTO. She handles patent cases related to medical devices and several other disciplines in the mechanical arts, as well as some software-based cases related to bioinformatics, social media and other technologies.

In addition to her legal staff duties at the firm, Knight is actively involved in recruiting to reach underrepresented STEM candidates at various national meetings, such as the annual conventions for the National Society of Black Engineers (NSBE) and the Society of Hispanic Professional Engineers (SHPE). Her motivation is to offer the candidates early exposure to career options in IP that she would have wanted and to identify high potential underrepresented candidates for the firm.

“The majority of students who visit our booth



Nikita Gupta

at the conventions are surprised that we are a law firm at an engineering career fair.”

“The most direct path to a career in IP is to go from an undergraduate STEM program to law school. But there are other paths to a career in IP and a lot of opportunities that students and professionals may not know about.”

Blending Passion with Expertise

For Gupta, math and science were her passions, but law school was the ultimate goal after earning dual degrees in chemical engineering and political science.

“I took a patent law class in college,” Gupta said. “I liked having the ability to blend two disciplines together. I enjoy learning about different technologies and products.”

She is a fourth-year associate at Fish & Richardson’s Delaware office, where she previously worked as a summer associate in 2011 and 2012 and as a law clerk in 2013 and 2014. Gupta focuses her practice on patent litigation.

“The shortage of women in this area and the field in general is definitely an issue,” Gupta said. “Fish & Richardson is very cognizant that it has been a very male-dominated field. Fish wants to see women come and succeed. I had a lot of great women mentors who encouraged me and reminded me that it was not only possible, but probable.” ■

DIANNE HAYES (hayesassociates@comcast.net) is a freelance writer/editor based in Maryland who specializes in diversity issue, education and STEM.

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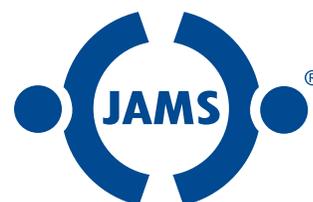
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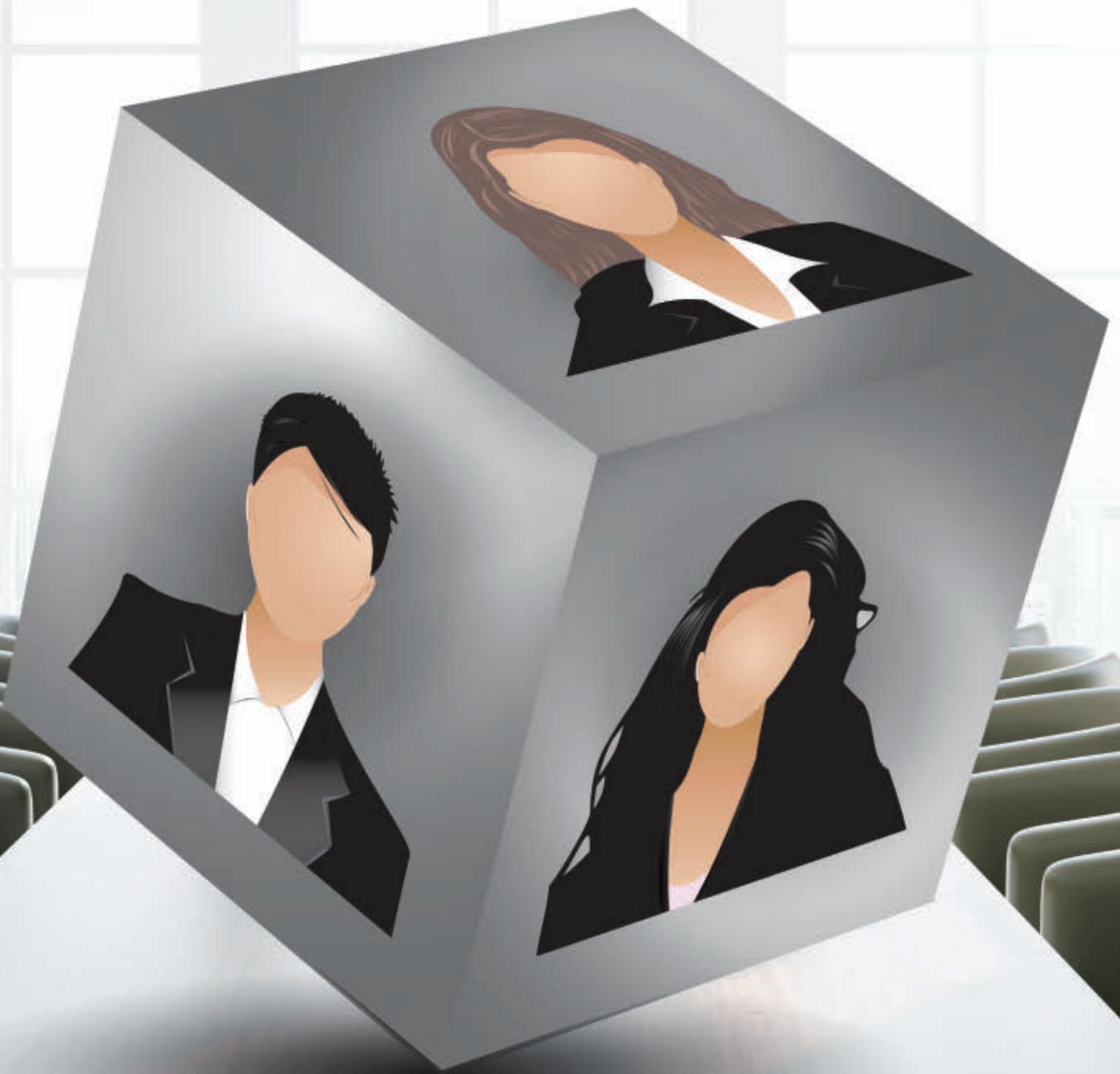
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WOMEN ON

Increasing Gender





BOARD

Boardroom Diversity in Europe, Canada and the United States

By Lillian Yob

REGARDLESS OF HOW WE VOTED, 2016 was a year when the prospect of a woman as commander in chief inspired many Americans to believe that the ultimate glass ceiling was about to shatter once and for all. And while the United States ultimately did not elect its first woman president, there is little doubt that in her extraordinary campaign, Hillary Clinton most certainly did shatter the glass ceiling—even if she wasn't quite able to break through. Across the globe, this question of equal representation and opportunity for women is one that business is addressing squarely as senior leadership roles across private industry sectors continue to be dominated by men.

For women in business, one area in particular, the continuing lack of female representation on the boards of the world's largest corporations, is receiving significant attention as regulators and investors come to terms with the ripple effect of such disparity across economic and social spheres. Across continents, this push to achieve gender parity on the boards of publicly traded companies may well become the diversity calling card of the 21st century.

Why the emphasis on gender over racial or other minority class representation? And why this targeted focus on equalizing gender representation within corporate boards specifically? The answer to these questions varies according to the regulatory and public policy frameworks of the countries that have weighed in. Yet the fundamental driver is similar across Europe, Canada and Latin America: Women continue to be significantly underrepresented on boards and executive positions among public companies despite their equal representation within the workforce as a whole.

Another reason to focus on gender, according to Jutta von Falkenhausen, an attorney in Berlin who co-founded FidAR, a German advocacy group promoting representation of women on corporate boards, is that compared to men, discrimination impacts women more negatively across all protected classes including disability, national origin or race. A commitment to greater representation by women on corporate boards sets that crucial tone at the top—an important component for institutional investors who understand that diverse companies enjoy better overall returns.

National approaches toward improving the representation of women at the highest levels of business leadership reflect both the public policy and corporate governance frameworks of each jurisdiction, as well as the legislative history and success (or lack thereof)

of voluntary efforts. The two principle approaches for promoting gender balance on corporate boards center around legislative measures and voluntary initiatives.

Corporate Board Diversity within the European Union

Legislative approaches that include quotas (with or without sanctions) have gained traction in Europe, especially since 2010 when the European Commission first put the issue of women in business leadership high on the political agenda. After Norway passed a law in 2003 requiring public companies to have at least 40 percent of company board members be women,¹ a number of other European countries, including France, Belgium, Austria and Italy, have passed laws since 2011 mandating quotas for female representation on corporate boards, in part as response to a pace of change that was seen as too-slow when relying on voluntary measures alone.

Then November 2012, the European Commission introduced legislation requiring publicly traded companies across the EU to fill at least 40 percent of board positions with women by 2020. The intensified public debate accompanying these measures as they progressed through the European Parliament and Member States has clearly hastened the pace of change. Before the EC adopted its Strategy for Equality between Women and Men in 2010, EU women represented less than



12 percent of board members within Europe's largest listed companies. By 2015, thanks to EC and Member State action, the share of women on boards had grown to over 21 percent.²

Most recently in 2015, Germany adopted a law requiring that women hold 30 percent of the supervisory board seats within its top 100 or so publicly traded companies. The legislation was passed after the country's voluntary system to increase female representation through targets failed to achieve the success intended.³ The law mandates that women make up at least 30 percent of all corporate supervisory boards (under Germany's two-tiered board system, supervisory boards are elected by shareholders and workers) of companies that are both publicly listed and subject to full worker co-determination. This includes most large companies listed on the DAX (Frankfurt's stock exchange).

Companies that fail to meet the quota must leave those board seats empty—something no company wants to be in the position of explaining to shareholders, especially because an empty seat could create a situation in which employee representatives could overrule shareholder representatives. Although the law does not provide for quotas for management boards (which are controlled by supervisory boards), it does obligate more than 3,500 large and mid-sized companies to set and publish targets for executive board positions and senior management. The law does not impose penalties for not meeting a company's target, but a company that fails to provide timely reports about the targets risks financial penalties and legal sanctions.⁴ Results after a year and a half of mandatory action show a significant increase in the number of women representing supervisory boards: from only 10 percent of supervisory boards in 2010 to over 26 percent to date.⁵

An important outcome of the law, according to Hamburg's Dr. Dirk Schwenn, Co-Chair of Wong Fleming's Europe-U.S. Cross Border Practice Group, is the increased conversation and attendant mindset change that the law has triggered. Was a quota necessary to achieve this change in Germany? Yes, according to Fidar's von Falkenhausen, who like many others argues that one of the greatest challenges to women seeking to serve on boards is a pervasive corporate culture that favors a male-dominated workforce. In a country where until 1977 West German women still needed their husband's permission to work, "some companies are just not that eager to elevate women. When seeking qualified candidates for nomination to boards, the problem for corporations is not a lack of women with the requisite experience and know-how, it's a question of these women simply not being seen. Quotas force companies



to look beyond the obvious, traditionally male pool to see the qualified women that are equally available." For boards seeking pools of highly qualified women, an online database of created by the Brussels-based European Women on Boards group in 2016 is intended to facilitate the search for candidates.

Measures Outside the EU

Outside of the European Union, other countries support voluntary initiatives to address the underrepresentation of women in senior leadership positions. Targets, corporate governance codes, company pledges and business initiatives are examples of these voluntary initiatives.

The United Kingdom has not legislated quotas but has a voluntary effort known as the 30% Club. Launched in 2010 as a campaign by investment funds and corporate CEOs with a goal of achieving a minimum of 30 percent of women on FTSE-100 boards, the group reports that women constitute 27 percent of these boards to date, up from 12.5 percent at inception.

Closer to home, the Canadian Board Diversity Council's *2016 Annual Report Card* reveals that although more women in Canada than ever are serving on corporate boards, they hold only 21.6 percent of FP500 board seats.⁶ In Latin America, according to a McKinsey & Company survey, gender diversity has gained ground even though women in the region are still greatly underrepresented in top management. The *2012 Survey* reveals that women represent only 5 percent of corporate boards, with Colombian corporations showing the highest rate of representation at only 9 percent.⁷

Canada, the United Kingdom and Australia rely on voluntary comply-or-explain disclosure regimes. Unlike the regime in many Western European nations, the approaches here do not mandate quotas—at least not yet. Canada's National Instrument 58-101, implemented



by the Ontario Securities Commission and most other Canadian securities regulators, requires firms to publicly report on a range of gender-related corporate governance practices on a comply-or-explain basis. Two years after reporting requirements went into effect on December 31, 2014, however, progress has been slow and women remain significantly under-represented among boards and executives relative to their male counterparts, especially in resource industries like mining and oil and gas.

The majority of Canadian issuers have not yet implemented formal diversity policies or established targets to promote women's advancement. Targets or quotas and more stringent disclosure requirements may be on the horizon if issuers do not make meaningful program in increasing female representation.⁸ "Securities and corporate regulators continue to be focused on the issue because slow progress may be evidence that issuers are not taking the regulation as seriously as regulators had hoped would be the case," notes Jennifer Longhurst, Toronto-based Partner at Davies Ward Phillips & Vineberg LLP. Although a quota solution would not be practical for Canada, in broaching the subject of mandatory targets to hasten progress regulators have managed to encourage more focused dialogue between companies and their investors. With empirical data showing a positive relationship between stronger business performance, economic growth and the representation of women on boards and in C-suites, a growing number of institutional investors are asking about gender parity and improved financial performance.⁹

Board Diversity within the United States

Here at home, women hold 23 percent of board seats on S&P 100 companies and only 20 percent of corporate director slots in the Fortune® 500, even though women comprise approximately half of the U.S. workforce, hold

half of all management positions, are responsible for almost 80 percent of all consumer spending and account for 10 million majority-owned, privately held firms in the U.S. And while S&P 100 companies are on track to meet the 30 percent target established by the U.S. chapter of the 30% Club, there is still much work to be done in boardrooms across the country. A critical barrier for women seeking board appointments in the U.S. is a lack of connections with sitting board members who have influence over the nomination and selection of directors. Kiersten Salander Barnet, Chair of the U.S. 30% Club Steering Committee notes that the group is addressing this disconnect through a number of initiatives designed to identify and mentor highly qualified women, including a Future Female Directors program and a partnered Women on Board effort that pairs candidates with seasoned board directors.

In June 2016, U.S. SEC Commissioner Mary Jo White announced that the agency would propose a rule requiring issuers to disclose more information about board diversity in a matrix form that was easily reviewable by shareholders interested in knowing whether their boards were diverse. According to White, companies can do much more—and the ability to effect immediate change lies with them.¹⁰ While there has been no indication of what regulators may put in place, White has called the current level of board diversity in the United States "unacceptable" and appeared focused on making the issue a priority before leaving office.

For companies and their general counsel, the lesson to be taken from the approaches noted here is that we need to focus on ways to increase the representation of women on corporate boards. And not only because shareholders could soon have a clearer picture of the board's composition, but because it is the right thing to do for business and for society. "General counsel are uniquely suited to start the conversation with the board about how diversity matters for the organization," notes Jennifer Longhurst. The Association of Corporate Counsel notes that general counsel can help bridge the board gender gap by building consensus that diverse boards lead to better decision making; anticipating objections and being prepared to respond with data; insisting on interviewing women first when a board vacancy arises; and finding a way to open more board seats.¹¹

By remaining vigilant of opportunities and advocating for sustainable approaches, corporate counsel can play a vital role in building a global momentum that will finally raise women through yet another glass ceiling—the one over our own corporate boardroom. ■

Endnotes

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Mapping

By Melanie Padgett Powers

Do any of these sound familiar?

“Legal takes too long to turn around things.”

“Legal gets bogged down in the details and doesn’t look at the big picture.”

“Legal often tells me what I can’t do, but I’d like to know what I can legally do.”

How a unique rebranding approach improved teamwork



regulations writers. It was time to rebrand her department. But she knew she needed a unique approach to grab everyone's attention.

After getting buy-in from her CEO, Mark O'Connell, Lawal developed several one-pagers about what her department does and when staff should seek legal's involvement. She also drafted 13 guiding principles for her own staff. After discussing and tweaking the documents with her department, they hosted a company-wide open house one afternoon.

While staff mingled and nibbled on snacks, a graphic designer stood off to the side live-drawing a mind map based on Lawal's documents and a visual presentation of the guiding principles.

"It was a constructive way to communicate information but in a digestible way," Lawal said. Staff gathered around the artist to watch her draw, and when they had questions about the concepts, LCR staff was there to answer and engage in discussions.

"The drawing was something a lot of people had never seen so they were very much interested and drawn

a New Future

KIKELOMO LAWAL had heard these perceptions about her own staff. She is general counsel and vice president for compliance and regulations for Interac Association and Acxsys Corporation (the debit network for all of Canada).

While her Legal, Compliance and Regulation (LCR) Department had been well regarded overall, Lawal said, going to legal was frequently seen by staff in the business units as a step that slowed down the process.

Lawal was determined to change that perception—as well as some of the habits of her staff, which is made up of 15 lawyers, law clerks, compliance personnel and

in by that," Lawal said. "Even those who might not have come at the outset heard what was going on and stopped by." She estimates at least 80 percent of the 200 staff attended the open house.

From Risk-Averse to Risk-Informed

With the rebranding, Lawal aimed to change the perception of lawyers from risk-averse to risk-informed. "I wanted the staff members to shift their thinking so they would focus on the value of having people who will think several steps ahead, not just those who will get you to your immediate goal. You want those with their

eyes on what's in the best interest of the organization now and in the future," she said.

As shown on the mind map, staff may have previously thought of the lawyers as officers, "policing" activities. But Lawal compares lawyers instead to air traffic controllers. "If you think of us as more of air traffic controllers, you understand that our involvement helps avoid problems, helps you, as the business owner, do what you need to do," she explained. "The air traffic controller may or may not know how to fly planes, but he or she can definitely tell you about conditions on the ground, conditions



in the air, other planes that are nearby, other things that are affecting your ability to land your plane."

The mind map highlights four pledges from the LCR Department: to be more transparent, deliver faster, collaborate and provide a range of options, and engage more. And business unit staff was asked to do their part: Stop by the LCR Department to get to know staff better, engage the department earlier in the process, provide a timeline, and keep in mind the answers may change if the facts change.

The mind map also outlines several of the skills that LCR personnel have that are beneficial to the process, such as an appreciation for the importance of phrasing and the positioning of words, and the ability to predict and plan, act as the "heavy", think several steps ahead, draw on institutional knowledge and provide historical context.

Since the initial rebranding in 2014, the appreciation for the legal function has improved. "People stopped by and brainstormed ideas sooner and more often. People had an understanding of what timelines to expect," Lawal said. "They were able to approach [the] team not just as a step in the process, but as an opportunity to engage with

a team of people whose involvement all the way through would be helpful for them."

The habits of Lawal's staff have also changed. Her team members now take the initiative and engage earlier and volunteer their views without being tentative or overly circumspect. They provide views based on the available information, and they invite their business unit partners to come back if facts or circumstances change.

An unexpected benefit of the rebranding has been lower costs. Because legal staff is not being brought in at the last minute, there isn't as much of a need to hire external counsel for rush jobs.

Legal is Involved and Aware from the Start

Since the initial rebrand, Lawal has begun to work on two more initiatives: Interac legal and business teams now hold meetings at the beginning of the year to outline objectives for the fiscal year. This allows legal to be aware of projects and timelines and to plan ahead. "Legal doesn't end up functioning just as the place you go when you have a specific issue, contract, project," Lawal said. "Legal is involved and aware all along."

Lawal is also evaluating ways her department can allow the business units to do a little self-service. First up: She's creating a non-disclosure agreement (NDA) "wizard," a software program that will allow business staffers to create their own routine, low-exposure NDAs after answering a series of questions. This will not only save time, but it "leads to a feeling of empowerment for the business unit owners because they now need to be able to articulate what they want to accomplish by way of that conversation," Lawal said. "They need to manage the execution of the document."

Lawal plans to review the principles behind the rebranding every one to two years to tweak as needed. To forge ahead with a rebranding, she recommends legal departments first investigate how they are perceived and then get buy-in from the department and executive staff.

"It was heartening for me to see how this resonated with so many people," she said. "It was a novel way to look at it, and I [learned that] the delivery of the messaging can be as important as the message itself."

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