

Our Mission is to be the organization of choice for in-house lawyers in the greater Charlotte region for their educational, career development, networking, advocacy, pro bono, and community service needs.



## Welcome to ACC Charlotte's 3rd Quarter Newsletter 2018

**September 11, 2018**

### **A Message from Chapter President John Buckley**

Throughout my time as President of the Chapter, I've tried to emphasize efforts that give the most value to the members. Most of that is found in **relationships**, members giving time to their fellow members, sponsors and members giving time to each other, and both giving back to our community.

Casino Night is an annual charity-focused event in our calendar that signals the end of summer, and we had a great one this year thanks to Jane Nohr, Misty Gutman, Dottie Hersey, and John Grupp, among many others who worked to bring the pieces together. I won't steal the thunder by reporting on what was raised and donated, but I do want to recognize that we were in a larger, more spacious venue, necessary to accommodate a growing membership, and we still had a waitlist. I also think it was good that we were able to add this event to those we hold outside of Charlotte, to be more convenient for those members north of I-485.

The summer months traditionally show a decline in attendance at events, but this summer and last, we are trending toward a new tradition where attendance remains strong. The Byron's events, the Joint Charlotte and South Carolina chapters' event, the Pro Bono event, as well as Casino Night have all found large and engaged audiences. I would encourage you to sign up early for events, as soon as you see it on the Monday morning email if possible. But I would also continue to urge folks who sign up, as soon as they might learn of a conflict, to continue to promptly cancel. Many of our events have waitlists now, and it helps us fill timely from the waitlist. At our Byron's events, we always need an accurate headcount for lunch. The headcount we provide the caterer affects our charge, so even late cancellations can help the chapter reduce costs.

As we drive into the fall events I hope you will take advantage of the many CLE and non-CLE opportunities to develop new and enhance existing **relationships**.

- Parker Poe will be sponsoring a CLE discussion of I Dream - The MLK Opera on September 20.



- The Women's and Manufacturing Affinity groups will be holding social events (no CLEs!) on September 27, and September 13 respectively.
- For the golfers in our membership, please sign up to take advantage of the 8th Annual Legal Eagle Golf Tournament on October 26 at Verdict Ridge (another event outside Charlotte).

For developing valuable in-house relationships beyond the Charlotte chapter, I highly recommend the ACC Annual Meeting October 21-24 in Austin, Texas. It will be my fourth to attend (not in a row) and if you haven't been to one, it really is a great event to meet attorneys in your industry, your field, and to connect face to face with folks you may have been on calls with or emailed through ACC Networks. You can also get a lot of CLEs to carry into the next year.

We continue to try and add value to growing segments of our membership, and are always looking for members who can lend their time, effort, or expertise to our new endeavors. There are always bumps in the road as we learn from our mistakes, but we continue to press forward despite setbacks, focusing on our long-term goals to benefit our members.

- We are continuing to forge ahead on remote webcasting efforts, which have met with some success, but are not yet ready for prime-time. Folks with skills they would like to lend in that area can reach out to me or Ann Warren.
- The Charlotte Chamber declined our proposal to present on "why, when, and how to hire your first in-house counsel" as part of their Middle-Market Series. Maggie Amos, Vanja Lane (board member), and I are looking at other conduits and venues to provide this type of presentation for the benefit of the middle-market business community, as well as create more job opportunities for our members.
- Finally, we had some brain-storming sessions with a growing segment of our membership who find themselves in-house without the benefit of associate experience in a business-oriented law firm. One result is that we are proposing a possible "new to in-house" affinity group to start as early as 2019, which can include this segment as well as others. Another outcome is that Charlotte Buell is experimenting with podcasting interviews with local members - the first few of which will try to focus on this topic. You can reach out to her or me if you're interested in participating. Please see the article below in our Community Spotlight.

We strive to change with our memberships needs. Finding the bullseye can take some work. That work doesn't reach fruition in a single year. The continued success of the chapter is due in large part to the steady stream of members willing to give of their time, despite very busy schedules, to become active in Committee work, and to become active members of the board or serve as officers.

The board and officers we have now are really great to work with, offer insight and perspective, and I've enjoyed getting to know them even better so far this year. If you know one, thank them for their commitment to the membership, but also ask them how you can get involved. They are, in no particular order: Tayrn Mecia, Rich Sedory, John Grupp, Julie Szeker, Ann Warren, Stacy Gray, Vanja Lane, Jill Jacobson, Ken Wittenauer, Nicole Brunson, Lynn Huonker, and Bob Fleischaker. I want to thank them all for participating in our mid-August board meeting, and working with me to address the needs of a growing organization.

What's good for our members is good for our chapter.

## Gold Sponsor: Ogletree Deakins

### Firm Profile

Ogletree Deakins is one of the largest labor and employment law firms representing management in all types of employment-related legal matters. With more than 850 attorneys located in 53 offices across the United States and in Europe, Canada, and Mexico, Ogletree Deakins represents a diverse range of clients, from small businesses to Fortune 50 companies. In addition to handling labor and employment law matters, the firm has thriving practices focused on business immigration, employee benefits, and workplace safety and health law.

Ogletree Deakins has been named a "Law Firm of the Year" by U.S. News - Best Lawyers® "Best Law Firms" for seven consecutive years. In 2018, the firm earned the distinction in the Litigation - Labor & Employment category and earned national "First Tier" practice area rankings in six categories: Employee Benefits (ERISA) Law; Employment Law - Management; Labor Law - Management; Litigation - ERISA; Litigation - Labor & Employment; and Construction Law.

Ogletree Deakins is committed to diversity and inclusion for attorneys and staff. In 2018, Working Mother and ABA Journal included Ogletree Deakins in its annual "Best Law Firms for Women" list and the firm earned a 2018 Gold Standard Certification from the Women in Law Empowerment Forum (WILEF).

[www.ogletreedeakins.com](http://www.ogletreedeakins.com)

## Gold Sponsor Feature Article

### Athletes and Employees Speak Out: Do Your Employment Practices Drop the Ball in Addressing Diversity, Controversial Speech, or Tensions at Work

By: H. Bernard Tisdale, III  
S. Abby Littrell



With football season underway, controversy over former San Francisco 49ers quarterback Colin Kaepernick's protest of taking a knee during the national anthem is again heating up. Social media is taking center stage for discussions of his protest, as it has done for many other social and political issues. In the shadow of athletes and others using their notoriety to bring awareness to social issues, political and social discussions by employees pose challenging issues for employers. Here are some practical considerations when addressing these issues in the workplace.

#### **Does the First Amendment Apply?**

The First Amendment is a right with certain limitations, especially in the employment context. Specifically, while this protection covers federal, state, and local government employees, courts have held First Amendment protections do not generally extend to the employees of private-sector employers.

#### **Are There State Specific Protections?**

In some states, there are protections for employees engaged in political speech and activities. Other laws may also be implicated. For example, some states have laws regarding lawful use of lawful products during non-working hours (or similar lawful activities during non-working hours).

#### **Is The Speech Protected Concerted Activity?**

The National Labor Relations Board has issued multiple opinions in situations where employers have taken disciplinary actions against employees who have engaged in alleged protected speech via social media. These decisions raise the question: when, if ever, can an employee be disciplined for making racially- or politically- charged speech via social media?

Courts typically use a multi-factor assessment to determine whether discipline violates Section 8(a)(1) of the NLRA. In short, the assessment asks if:

1. the activity in which the employee was engaged was "concerted" within the meaning of Section 7 of the NLRA;
2. the employer knew of the concerted nature of the employee's activity;
3. the concerted activity was protected by the NLRA; and
4. the discipline or discharge was motivated by the employee's protected, concerted activity.

If the employer alleges an employee engaged in misconduct during an otherwise protected activity, the NLRB generally considers four factors in determining whether the employee's speech is protected:

1. the place of the discussion;
2. the subject matter of the discussion;
3. the nature of the employee's outburst; and
4. whether the outburst was, in any way, provoked by an employer's unfair labor practice.

### **What Now?**

Employers may want to consider the following:

#### ***Be Aware of Blacklisting Laws***

Many states have blacklisting laws that, generally, prohibit employers from limiting former employees' opportunities. For example, North Carolina law prohibits employers from preventing or attempting to prevent any "discharged employee from obtaining employment with any other person, company, or corporation" whether by verbal or written action.

#### ***Be Proactive***

Take proactive measures in the event employees take a stand on controversial issues. Some options are to proactively address diversity issues, and to recognize and understand the benefits of workforce diversity as a competitive advantage.

#### ***Be Current***

Consider reviewing employee handbooks, in addition to contracts with individual employees and third parties to ensure your company's policies regarding diversity and inclusion, nondiscrimination, harassment, and professional development are up to date. Employers may also want to consider evaluating themselves in following areas:

- the recruitment, hiring, and advancement of diverse employees;
- the availability of alternative work schedules for working parents;
- the evaluation of salaries of all employees in terms of current pay equity principles; and
- stemming attrition rates of diverse employees.

#### ***Be Careful***

Employer-created bans on any socially- or politically-related speech rarely work and may create liability exposure under the NLRA or state-specific laws. Employers should engage in careful thought when confronted with problematic political or social commentary before taking any action on behalf of the organization. With many issues at play, from reducing the risk of unlawful discrimination to preventing social media reputational harm, planning ahead may help to avoid potential risks.

## Membership News

### **Welcome New ACC Charlotte Members!**

**Keith Allen**, Vice President, Business Development & General Counsel at Snider Fleet Solutions

**Cindy Bilbrough**, Assistant General Counsel & VP at Bank of America, N.A.

**Scott Branam**, Corporate Counsel at Passport Labs, Inc.

**William Hughes McKnight Breeze**, Patent Attorney at TTI Floor Care North America, Inc.

**Brendan Cappiello**, Counsel at Barings LLC

**Justin Carpenter**, Associate General Counsel at Sunlight Financial

**Jimmy Cline**, Managing Counsel at SERC Reliability Corporation

**Kathleen Dooley**, General Counsel at Hu-manity.co

**James Hayes**, VP & Deputy General Counsel at Jeld-Wen, Inc.

**Meredith Helgeson**, Legal Operations at Wells Fargo Law Department

**Cheryl Howard**, Senior Director & Counsel at AXA Equitable

**Sarah Jacobs**, Chief Legal Officer at OrthoCarolina

**Kathryn Kuwik**, Senior Corporate Counsel, Corporate Functions at Ingersoll-Rand Company

**Jason Larsen**, Assistant General Counsel at Oath Inc.

**Mario Mastro**, General Counsel at Granite Falls Brewing Company

**Catherine McCarihan**, Senior Counsel at Ally Bank

**Erin Otero**, General Counsel at RPM Wood Finishes Group

**Craig Ready**, Corporate Counsel at Red Ventures, Inc.

**Roy Lowe**, Legal Director, Americas at Mann+Hummel

**Breana Smith Jeter**, Counsel at Wells Fargo Bank, N.A.

**Taylor Stukes**, Corporate Counsel at Lowe's Companies, Inc.

## Charlotte Community Spotlight

### Featured Article

#### A Growing Trend: Meet Members Going "Direct to In-House"

By Diane Crary-Fleming

The ACC nationwide - and ACC Charlotte is no exception - has seen an uptick in members who have moved directly from law school to the in-house world. Our Chapter President, John Buckley, has been an advocate for this budding group, and the Chapter is working to fully embrace them and their unique needs. With that goal in mind, this quarter we are featuring three such ACC members.

#### Charlotte Buell



- Current Position and Focus - Compliance Analyst at Continental Tire the Americas, Inc., with a focus on national and international business risk assessment (e.g. antitrust, corruption prevention, fraud, etc.). Regarding the ACC, I am currently a member of the Community Outreach Committee and am focused on developing a new Affinity Group for "Direct to In-House" attorneys
- Education - B.A. in Political Science from the University of South Florida (Honors Society), J.D. from Charlotte Law (CALI Award recipient)

#### Meredith Ginter

- Current Position and Focus - AVP, Associate General Counsel at



SCOR, responsible for the legal support of the company's value-added services in the US, group health and life insurance, research & development, and data privacy.

- Education - B.S. in Chemistry from Virginia Tech, J.D. with honors from Charlotte Law

**Brandy Skelly**



- Current Position and Focus - Corporate Counsel at Compass Group, focusing on IT, Cybersecurity, and Data Privacy
- Education - B.A. in Political Science from NCSU, J.D. from University of Kentucky

### ***What has been the greatest challenge for you going direct to in-house?***

**Charlotte:** My biggest challenge going direct to in-house from law school was mostly internal. Picture this - you are fresh out of law school, just passed the bar, and all of your colleagues have at least one (but usually multiple) of the following boxes checked: trial experience, large firm experience, partner at a firm experience, corporate and/or business law experience, public law experience, criminal law experience, and as a nice frosting to the "credibility cake" - a minimum of 10 years of experience practicing law. My insecurity told me "What on earth do you have to offer? You should just run away and be a barista in Asheville." What I later realized with help from colleagues, friends, and mentors was (1) I get to write my own story independent of how others moved to their in-house positions, and (2) I belong with my colleagues and have plenty to offer (even without the same boxes checked). I found other boxes to check. The other challenges come from not experiencing how a large firm bills tasks, arguing a motion in front of a judge, etc. However, this can all be taught if you are willing to learn.

The experience has NOT been what I expected. I thought I would face a lot of resistance for some reason, but it's actually been quite the opposite. I realized that all I have to do is be open to identifying areas I want to learn through feedback from others and research, and simply ask someone who displays that experience or skill I want to learn to either mentor me or point me in the direction of the best resources on the subject. In addition, information is all around and available to us 24 hours a day, I just have to seek it. Some of how I have learned new skills have been through the following resources: Google searches, ACC online resources, ABA online resources, Harvard Business Review, podcasts, free online courses, paying attention to how others interact when I work with them, and asking them how they developed a skill I noticed they have that I'd like to have, etc.

**Meredith:** I went straight from college to law school, and then directly in-house. The greatest challenge when I started my first job was learning to fully understand the business while quickly proving my ability to contribute to the company's legal and overall operations, all while developing my skills as a new corporate attorney.

**Brandy:** I worked in a law firm before I attended law school, but I spent both of my summers working in-house. I knew early on that going in-house was my ultimate goal - I liked the variety and the sense of teamwork that came from working with internal clients. I expected to work in a law firm first, but had the opportunity to begin my career in-house. I've been fortunate to have great mentors, but it has been challenging to build a network outside of my organization. Management of outside counsel has also been something that came with a learning curve. I've also had to justify and explain my decision a lot, both to potential employers and colleagues.

### ***How have you met these challenges?***

**Meredith:** Recognizing areas for development and having a willingness to participate on assignments

beyond my current experiences help me in meeting challenges. Being in-house has also given me the opportunity to gain exposure to a wide variety of matters. Throughout my career, I have been fortunate to have managers, colleagues, and mentors teach, counsel, and encourage my continued career growth.

**Brandy:** Membership in the ACC has helped a great deal, for both education and networking purposes. My practice area is somewhat specialized, and the ACC's IT, Privacy & eCommerce Community has been a great resource to connect with counsel in other organizations that are dealing with similar issues.

***How do you think the ACC could assist you and other similarly-situated members in the transition from law school to in-house?***

**Charlotte:** Thanks to our current Charlotte ACC President, John Buckley, a group of direct to in house Charlotte ACC members have recently been participating in a dialogue with the purpose of brainstorming ways to help new to in-house members acclimate to their new positions. One idea in the works is the value added to the ACC and its members by starting a new affinity group for new to in-house attorneys, regardless of whether they went directly in-house from law school or otherwise. Within that group, we are exploring the idea of a subgroup for attorneys who are "direct to in-house." The conversation is ongoing and I am excited to see what will come of it. There is also an experimental podcast project starting to take shape.

The "direct to in-house" group is growing rapidly, and the ACC is aware that our needs are real. Not only would fostering a partnership with us benefit us directly, but also the businesses we work for, and the ACC as a whole. Think about it: lawyers who never worked directly for a firm don't have firm loyalty, haven't been tainted by stereotypical processes and procedures, and we bring innovative and creative ideas to the table.

**Meredith:** As this segment of the legal community continues to grow, I think many new (and not so new) direct to in-house lawyers could benefit from a mentorship program or even a more informal group of attorneys who understand first-hand the unique challenges we face.

**Brandy:** I think the path of going directly in-house is becoming more common, and it would be a great opportunity to connect newly-minted attorneys with mentors within ACC. While many firms provide new attorneys with a designated mentor, it seems to be rare on the corporate side.

***Have you had a mentor at any point in your career? Who were they and how did you benefit from that experience?***

**Charlotte:** I didn't realize it until I wrote this response, but all of them (except for my uncle) are members of the Charlotte ACC. My uncle and Emma Lloyd Best were my mentors in law school. Tammy Fanning and Chris Egner have been incredible mentors in my career. A sample of what they have taught me would include an inside look on what firm life is like, how to believe in myself, how to read and interpret large firm invoices, and what behaviors serve me well in a corporate setting. Steve Liccione has been instrumental to my personal and professional development. Not only has he encouraged me to find my voice and trust my legal opinion, but he also looks for opportunities to give me exposure to as many business leaders and colleagues as possible. This is priceless and I am forever grateful. He also shares real world advice when he sees that I need more balance between my professional and personal life.

It's an incredible feeling to have someone believe in you when you KNOW you are "new". If you are lucky enough to be able to mentor someone, do it. Not only will you have a front row seat to watch someone blossom (partially due to your guidance), but you learn so much about yourself it's almost unbelievable.

**Brandy:** I've been lucky to have some great bosses that became friends and mentors. They were willing to go above and beyond being my supervisor, and took a real interest in developing my career. Especially in my first few years of practice, this was invaluable, and really helped me find my niche.

***What do you think makes a good leader within the in-house legal world?***

**Charlotte:** It's a combination of things. I personally don't believe there is a one-size-fits-all skill set that defines a good in-house leader. With that being said, one leadership skill that I am drawn to is self-awareness and empathy. What I mean by that is knowing the impact you have on others, how to identify your emotions, inspire others, encourage (and not stifle) creativity, and knowing how to remain calm under pressure when others are depending on you.

Second, asking for feedback with an open mind from people you interact with. This will help you

identify which skills you are good at, which ones you can improve, and when you're in a time crunch, where you need to ask for help.

Last, never stop learning. The desire to do so may wax and wane alongside our fluctuating workloads, but finding time to identify what you want to learn, and then spending time actually learning it has the potential to keep you and those around you motivated to give your best every day.

**Brandy:** Thinking like a lawyer, but acting like a businessperson. In my experience, the best leaders have cared deeply about the company's best interests, gone out of their way to build strong relationships with internal clients, and focused on building and retaining strong teams.

*If you fall into the category of "Direct to In-House" or "New to In-House" and would be interested in joining a new Affinity Group, or otherwise being hooked in with these members, please reach out to Charlotte Buell at [buell.law@me.com](mailto:buell.law@me.com). Any ideas that readers have on how the ACC can assist is also encouraged and welcomed!*

## Recent Chapter Events

### Diversity Event

#### Diversity Event: Eliminating Bias, Bigotry, and Bad Decision Making in the Workplace: Can It Be Done?

On August 14, 2018, our Chapter held a Diversity CLE Event wherein chapter members gathered at the Broken Spoke Brewery in Charlotte to listen to speaker Dr. Dennis A. Davis, Ph.D., Director of Client Training with Ogletree Deakins, who discussed that most Americans believe that they are neither racist nor sexist and that the workplace playing field should be level and open to all. The same individuals also report finding it very difficult to translate their values into behaviors.

This upbeat and entertaining presentation addressed the obstacles and opportunities around the overarching issue of eliminating bias in the workplace. Everyone thoroughly enjoyed the topic and discussion and the presentation was followed by appetizers and cocktails.

Thank you to our generous sponsor, **Ogletree Deakins**, for a lovely evening.



### Community Service Event

## Pro Bono Event: Legal Checkup for Nonprofits

On August 30, 2018, our chapter members, along with our **Sponsor, Robinson Bradshaw** and Charlotte Center for Legal Advocacy, assisted ten local nonprofits with a free "legal checkup."

The nonprofit organizations were selected after an open application process. Representatives from participating nonprofits met with Robinson Bradshaw and ACC Charlotte attorneys to review governance documents and discuss any compliance issues.

This is the second consecutive year that Robinson Bradshaw, ACC Charlotte and Charlotte Center for Legal Advocacy have hosted the event. This year's participating nonprofits were: A Better World, Aspire Community Capital, Caroline Calouche & Co./Charlotte Cirque & Dance Center, Charlotte Moms of Multiples, E2D Inc., Heal Charlotte, Inspire the Fire Youth Fellowship, Metrolina Theatre Association, Refugee Support Services and Transcend Charlotte.

Thank you to all of the members who participated in this wonderful event to make it a huge success.



## Eighth Annual Casino Night Fundraiser

On August 24, 2018, we held our Eighth Annual Casino Night Fundraiser at the beautiful Sweet Magnolia Estate in Cornelius, NC. Over 200 chapter members, spouses, sponsors and guests enjoyed an outstanding evening of gambling with "funny money" at the casino tables as well as enjoying a delicious catered dinner by Delectables by Holly and an open bar. Great prizes were given out at the end of the evening, thanks to the hard work of our Social Committee and Chair Dottie Hersey. The Chapter honored four local charities: Charlotte Rescue Mission, Council for Children's Rights, Larry King's Clubhouse and Little Smiles. Also, The Charlotte Center for Legal Advocacy presented a Corporate Pro Bono Award to the Wells Fargo NA Legal Department for their outstanding pro bono service.

Again this year, in lieu of charging an event fee, members were asked to bring a bag of non-perishable food to donate to the Second Harvest Food Bank and our members set a new record of 1,125 lbs of food, which will feed 938 individual meals!

Thank you to all of our members supporting this important event and to our generous event sponsors: **The Partners Group and Thomson Reuters.**

Thank you to our Generous Event Sponsors







Did you miss an event? Presentation materials from past events are available on the ACC Charlotte website [here](#).

**View Our Calendar of  
Upcoming Events**

ACC Charlotte Chapter, P.O. Box 2964, Huntersville, NC 28070  
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