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FOCUS

President's Message

Tim Nohr

The first quarter of 2011 is over and our schedule is almost complete. We have had nine CLE events and two social events already this year. One of our new sponsors, Nelson Mullins Riley & Scarborough LLP, started our year by producing an excellent program on Legal Information Risk Management. Bringing in speakers from their offices in Atlanta and Charleston, they discussed the risks and ethical considerations of cloud computing and failing to stay ahead of the curve in the age of increasing information accessibility. Smith Moore Leatherman LLP presented an excellent program addressing genetics and cyber-security and the Genetic Information Nondiscrimination Act, which received great reviews from our membership. Kilpatrick Townsend & Stockton LLP followed up with a review of Intellectual Property for In-house Counsel. Keith Weddington of Parker Poe, Adams & Bernstein LLP rounded out our first quarter with an Employment Law Update for 2011. This summer, McGuireWoods LLP put on an in-house CLE event on Indemnification Agreements and on June 1, 2011, Robinson Bradshaw & Hinson, P.A. presented at our monthly chapter lunch a program on Antitrust Policy and the Obama Administration

The chapter leadership reviewed the membership survey and it clearly indicated that many of you are not able to attend our chapter functions due to travel and time concerns. Well, we heard you and K&L Gates LLP conducted a webcast in

addition to a live in-house program on Green Leases and Sustainability. On April 14, 2011 our chapter went on the road and held a membership meeting in Winston-Salem. The meeting featured an employment law presentation by Keith Weddington and Sarah Ford of Parker Poe, Adams & Bernstein LLP and was followed by cocktails and hors d'oeuvres at the Winston-Salem Marriott. The chapter is looking for new ways to engage our membership, so if you have any ideas on how to better reach out to the in-house community, don't be shy, please share them with any of the chapter's board members.

Nelson Mullins Riley & Scarborough LLP started up our social calendar by hosting a wine tasting event on April 27, 2011. Like last year, the event was a big hit and offered a great networking opportunity. It was a great opportunity to relax, talk and get to know each other.

So what's in store for the rest of the summer? Nelson Mullins Riley & Scarborough LLP will host their in-house program on July 20, 2011 and we want to welcome a new sponsor, Ogletree Deakins, Nash, Smoak & Stewart, P.C. who will be providing programming on August 3, 2011 at our monthly chapter meeting. Also, a GC panel is being assembled on July 29, 2011 for another Career Development Event



at the Charlotte School of Law. Watch for future details.

Our Social Committee is excited to announce a new signature fundraising event for the Charlotte Chapter. On August 19, 2011, the chapter will host a Casino Night for our members and

their guests for the benefit of Legal Aid of North Carolina. The event will include great food and cocktails at a great venue. Please keep a look out for further details.

The chapter's committees are in full swing to get ready for 2012 sponsor selections and are deep in planning the Winter Gala. Now is a great time to get involved with the chapter by joining one of our many committees. We are looking for new leaders to take our chapter to the next level.

In closing, I want to take a moment to thank one of our board members who is leaving our group and joining the team of one of our sponsors. He has been a member of the chapter since 2003 and has served as a member of the Membership, Social and Sponsorship Committees. He served as president when the chapter was restructuring and is a big reason for the chapter's success. Michael Shor, we wish you well in your new career path!

Spring Cleaning

Susan Hackett, Senior Vice President and General Counsel, ACC

Ahh, spring. It's so lovely outside that I actually spent a bit of time in the last few weeks cleaning up the piles I let build up over the winter, in preparation for the simpler, more carefree lifestyle that defines summer.

As in-house counsel, we often wish we could do the same with our work: we'd like to organize and somehow regiment the firms and stakeholders clamoring for our attention, and behold, a myriad of benefits from efficiently operating legal services that operate under a logical business model. Well, there's a reason we call it work — it's never that easy to clean out and reorganize work. But in the spirit of aspiring to do better, I thought I'd share some good tips I have come across from members who are working to "clean up" their practices and improve their results this year.

1. Don't hire the lawyer, hire the firm.

I know, I know. This is contrary to everything that most in-house lawyers have been taught and believe from decades of experience. The longstanding in-house mantra is "I hire the lawyer, not the firm." Far be it for me to in any way de-value the importance of trusted relationships that have been forged over time with that special person who represents you so well as outside counsel — that person with whom you've done the Vulcan Mind Meld and who "gets" you and your client implicitly.

But, if you want to clean up, you need to invest in more than just a handful of good lawyers. You need to invest in firms that have adopted legal service management models that allow their individual lawyers to succeed. Gone

are the days when in-house counsel were satisfied with paying whatever the firm charged after the work was done — today's in-house lawyer negotiates fee structures and staffing up front, demanding (regardless of the fee valuation method used) the best deal and the best "value" for their client's needs; they are increasingly likely to focus on a predictable and budgeted cost in advance. So here's my first piece of advice: don't invest all of your time in just a few lawyers; invest as much if not more time in the firms that support them so that not only can they do their work well, but everyone on the firm's team is capable of delivering what you want, when you want it and how you want it.

2. Think about disaggregation and how it can help.

Disaggregation is a hot trend these days, and for good reason. Firms that want to be able to offer you predictable costs have to understand all the component parts to their services, how they operate most efficiently, and what it costs to deliver them. The cost is not what the firm charges in terms of rate — that's their price; the cost is what the firm has to ante up (salary, overhead, tech, personnel) in order to provide the service. In order to provide the service predictably (both in terms of results and efficiency), the firm has to be able to understand who does what best, the process that is most efficient in order to deliver the service, the knowledge management that prevents them from needing to charge each time to reinvent the wheel, and so on. So look for firms that have gone through disaggregation processes — that doesn't mean you have to buy individual pieces, but the

firm that doesn't know what it costs can't offer you a predictable/budgeted price and can't improve the service and cost without risks. We all want firms that profit from offering efficient services, not firms that simply agree to discounts and then look for ways to "make up" what they are "losing" by offering you a better price.

3. Focus on who provides which pieces best.

It's really easy to look to hire a firm that does your work soup to nuts, but have you considered whether easy is actually best? Perhaps there are pieces of the work that the department should do, pieces that should be outsourced to a more efficient provider, or teams of firms that should work on your matters. Ask your firms to discuss with you as to who is doing what on your matters and why, and whether that's the best option for you, especially when the work is likely to be repetitive to some degree (And, repetitive does not necessarily equate with routine or non-complex work).

4. Do your work upfront; don't manage the bill.

High performing departments are finding that the greatest savings and predictability in their spend is driven by a focus on managing the matter before the work begins, and not simply heaving the matters over the wall to outside counsel, having them start work, and then arguing later over whether they got it right. This means not only early case assessment techniques, but also discussions on strategy and delivery of the service prior to the start. You can't believe how many departments are simply choos-

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ing to pay to exit the work at the start, rather than wasting all their time, opportunity cost, and money pursuing work that inevitably settles at the last minute. Another group of departments are finding that their spend is becoming far more predictable when they've taken time to work with their firms up front to decide how the matter will be priced/what the budget is, what the ceilings are, how important this is to the client, and at which points they'll hit the "escape" button if the matter starts to unravel or take unanticipated turns. Having your counsel understand these issues up front will save you time and create far more satisfying results and relationships.

5. Invest in communications and knowledge-sharing plans that detail your preferences before the work begins.

No one has time in the middle of any matter to start thinking about the processes by which they can most effectively communicate or by which they'll share data/info/experiential knowledge. Too many matters go south not because the lawyering was bad, but because *the process* was not facilitated by communications or knowledge-sharing that can have a make-or-break impact on the work. If you set up your preferences and lines of communication, as well as connect the folks who have the data and knowledge with each other, before the matter begins, you will be well served, many times over, in the management of your ongoing relationship.

6. Finally, evaluate what's working and what's not — pointed feedback is critical!

We all know that the vast majority of clients never actually "fire" firms

— they just stop sending them work, or the work dissipates over time. The firm never really knows what it did wrong, even if they committed whopper mistakes. The client never really knows what it could have done differently to have promoted better results, they just know it didn't work out well. And so they hire new firms and repeat the same unsuccessful behaviors. We all know the definition of insanity: doing the same things over and over and expecting different/better results each time.

In order to improve and keep a relationship moving forward, both inside and outside counsel must commit to regular (before, during and after) evaluations of what's working and what could or should be done differently. No one likes to deliver evaluations — indeed, most of us will do anything to avoid them. But this is crucial to a better operation and continuous improvement in your relationships and results. There are lots of tools you can use to make this a simple part of the process rather than a hurried process at the end with a less-than-perfect result. Commit with your firms to an evaluation process that includes both evals from you as the client on the firm and its lawyers, as well as receiving constructive input from the firm on how you as the client could have made the firm more successful. It's a two-way street, and the client has to be the one who asks for it and then opens itself up to learning from it.

Such is the stuff of better-organized work that produces better results for less money. It's not easy, but I recommend that those interested in cleaning up their practices take a look at some of the following resources to help you not only sweep away bad habits, but provide a platform on which efficient and consistent results flourish.

LIST OF RESOURCES:

Eval resources (scorecards, AVC, all-state, etc.) – AVI
www.acc.com/valuechallenge/valueindex

Disaggregation (process management stuff from Seyfarth and others) – Use of Tailored Six Sigma Methodologies at Seyfarth Shaw
<http://www.acc.com/legalresources/resource.cfm?show=80026>

Meet. Talk. Act.
<http://www.acc.com/advocacy/valuechallenge/toolkit/upload/VC-Meet-Talk-Act.pdf>

Outsourcing, offshoring, staff practices manual – Legal Process Outsourcing: A How-To Guide on Legal Process Outsourcing (LPO)
<http://www.acc.com/legalresources/resource.cfm?show=1112956>

Early case assessment - Sample Early Case Assessment Form – Valorem and Summit
<http://www.acc.com/legalresources/resource.cfm?show=645579>

Fee valuation / budgeting - ACC Value-Based Fee Primer
<http://www.acc.com/advocacy/valuechallenge/toolkit/loader.cfm?csModule=security/getfile&pageid=967965>

For additional resources, please visit:
<http://www.acc.com/valuechallenge>

Recent Chapter Events

On Wednesday, **April 6, 2011** at Byron's South End, Steven Gardner of Kilpatrick Townsend & Stockton LLP presented a program entitled An Intellectual Property Law Update- Practical Tips for Corporate Counsel. The presentation included a "Top 10" tips and updates for in-house counsel regarding patents, copyrights and trade secrets. The main topics included information and updates on patent trolls, false patent marking cases, and the Supreme Court's view on business method and software patents.

On **April 13, 2011**, K&L Gates LLP hosted the Charlotte Chapter at its Charlotte office

to present the topic of **Green Leases and Sustainability**. K&L Gates attorney Peter McLean III provided an overview of "green leases" and the mechanics of developing and structuring a green lease program including steps to ensure the landlord and the tenant both benefit from the green lease structure. Once again, the K&L Gates presentation was available to Charlotte members by webinar. K&L Gates hosted a cocktails and hor d'oeuvres reception following the presentation.

On **April 14, 2011** the chapter held its first satellite chapter meeting in Winston-Salem. Special thanks to Keith

Weddington and Sarah Ford of Parker Poe Adams & Bernstein LLP for presenting a 2011 Employment Law Update to our members in the area.

On Thursday, **April 27, 2011**, more than thirty ACC-Charlotte members enjoyed a great evening of networking, hor d'oeuvres and wine tasting at the Winestore in SouthPark. This event was graciously sponsored by Nelson Mullins Riley & Scarborough, LLP.

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Wine Tasting Social Event on April 27, 2011



Charlotte members **Rob Wick** and **Linde Carley**



Charlotte members **Crystal Bowman**, **Cindy Pitesa** & **Rob Monath**



Chapter members and sponsors socializing at the **Winestore in SouthPark**

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On **May 4, 2011**, at Byron's in South End, the Charlotte Chapter hosted attorney Keith Weddington from Parker Poe Adams & Bernstein LLP who presented the **2011 Employment Law Update**. Mr. Weddington provided an overview of recent U.S. Supreme Court cases, Fourth Circuit Court of Appeals, and North Carolina appellate courts and the direct implications of those decisions on our company's human resources functions and risk management policies and procedures. He also discussed relevant developments pertaining to the ADA Amendments Act, the Genetic Information Nondiscrimination Act (GINA), FMLA

regulations and other proposed legislation destined to impact more changes in the workplace.

The Charlotte Chapter meeting on Wednesday, **May 25, 2011** was held at McGuireWoods LLP for a program entitled **Strategies to Strengthen Indemnification Agreements in Complex Business Transactions**. Attorneys Ann Dorsett and Ayanna Chance provided helpful information of the general purpose of indemnification agreements in complex transactions and the interplay of these provisions with insurance obligations. Those that attended learned the impact of reciprocal indemnification provisions and the use of defense

language. In addition, Ms. Dorsett and Ms. Chance provided information regarding on the repercussions of including a party as an "additional insured." This event was followed by cocktails and hors d'oeuvres generously supplied by McGuireWoods.

On **June 1, 2011**, at Byron's South End, Lawrence Moore of Robinson Bradshaw & Hinson P.A. presented a program entitled **Antitrust Policy and the Obama Administration**. Mr. Moore discussed the promises made by the Obama Administration in regards to Antitrust Policy and what we needed to know in this complex, often murky area of the law.

Upcoming Events – Save the Date!

July 20, 2011 — One of our new sponsors, Nelson Mullins Riley & Scarborough will host a CLE event at their Charlotte Offices on the topic of arbitration, **"Myths and Realities: A Practical Guide for In-House Counsel."** The CLE will begin at 4 PM and will be followed with cocktails and hors d'oeuvres.

July 29, 2011 — Plan on joining us for another great General Counsel Panel Event on career development over the lunch hour at the Charlotte School of Law. Thank you to Special Counsel for sponsoring this event for us.

August 19, 2011 — Plan on joining us for our first chapter fundraising "Casino Night" event at the Duke Mansion benefiting Legal Aid of North Carolina.

October 5, 2011 — **Ethics & Substance Abuse CLE!** We know how much you enjoyed Sean Carter, Humorist at Law, last year. So this year, we are bringing in Stuart Teicher, "The CLE Performer" from New Jersey, who is an outstanding and entertaining speaker to provide two hours of Ethics and one hour of Substance Abuse CLE.

2011 CLE Calendar — Please mark your calendars with the chapter meeting and in-house firm events dates for the remaining year. As details become available, they will be posted on our chapter website at <http://www.acc.com/chapters/charlotte/index.cfm?eventID=all>:

July 20, August 3, September 7, September 14, October 5, November 2 and December 7.

Welcome New Members!

We welcome the following fourteen new members who have joined our chapter from February- April 2011:

Douglas Abell with Curo Health Services, Inc.

Andrew Austin with Inmar, Inc.

Jonathan Bell with DaVita, Inc.

Jacqueline Carmody with Electric Power Research Institute

Brian Crain with Family Dollar Stores, Inc.

Stephanie Dunn with Transamerica Reinsurance

Emily Fulwood with Montgomery Insurance

Dana Hay with Family Dollar Stores, Inc.

Jason Murphy with Data Driven Safety, Inc.

Marc Peskin with Lowe's Companies, Inc.

Katharine Pierce with Tree.com, Inc.

Keith Roberson with 3D Systems Corporation

Nina Shor with Crescent Resources, LLC

Robin Tuttle with FairPoint Communications, Inc.

2011 Strategic Sponsor Firm Profile

Ogletree Deakins is one of America's leading labor and employment law firms. Serving as advocates for management, the firm has a national reputation for legal excellence and responsive client service. Ogletree Deakins' labor and employment practice is complemented and supported by related practice groups in the areas of business immigration, litigation, employee benefits, environmental law, occupational safety and health, environmental, and construction law.

With more than 500 attorneys in 40 offices across the United States, Ogletree Deakins has more Best Lawyers in America in the field of Labor and Employment Law than any other law firm in the country.

The firm's depth of experience in labor and employment law has produced a successful track record of a diverse range of clients from Fortune 50 corporations to start-up companies and family-owned businesses. Ogletree Deakins operates efficiently on a national scale without compromising the commitment to service. In 2010, the firm ranked 21st on the BTI Client Service 30, a survey of law firm client service performance. The rankings were determined based on responses from nearly 300



corporate counsel at large and Fortune 1000 companies concerning 17

distinct areas of client service.

Ogletree Deakins has a long tradition of diversity among its lawyers and staff and is proud of the unique combination of individuals with different backgrounds and life experiences who make up the firm. Ogletree Deakins is proactive in recruiting, hiring, promoting, mentoring, and retaining its diverse talent pool and has been ranked number 9 on the list of MultiCultural Law Magazine's "Top 25 Law Firms for African Americans." Ogletree Deakins works with its clients to manage and benefit from their workplace diversity by providing counseling, development of diversity initiatives and programs, and on-site training.

The firm's Charlotte office, led by Bernard Tisdale, offers a full-service labor and employment law practice focused on employment litigation, counseling, preven-

tive advice and training, policy and procedure design, labor relations, representation before administrative agencies, and business immigration. Attorneys in Ogletree Deakins' Charlotte office have complex litigation experience and have handled many employment-based class and collective action cases, as well as unfair competition and non-compete cases. In addition to these capabilities, these attorneys are experienced in handling matters in the following areas: employment litigation, wage and hour, discipline and discharge, workplace privacy, internal investigations, workplace safety and health law, as well as other legal issues in the employment arena. Ogletree Deakins attorneys work closely with clients who prefer to remain union free on cutting edge positive employee relations techniques and practices. The firm also represents unionized clients in matters such as the defense of unfair labor practice charges, assistance with collective bargaining, grievance arbitration, and strike planning and defense.

The firm's approach to providing clients with the resources to solve today's business challenges is always forward thinking and strategic. Ogletree Deakins remains committed to providing clients with an insider's view of the workplace issues of the day. <http://www.ogletreedeakins.com>

Strategic Sponsors Announcements

Join International Roundtable:

Calling all counsel facing international issues! Since 2004, a group of local in-house counsel have participated in an International Roundtable. The purpose of the International Roundtable is to connect attorneys with an international practice in order to share practice pointers and best practices and discuss international legal topics. New members are welcome, and, if you would like to learn more about the International Roundtable from a participant's perspective, feel free to contact

Doug DeMoss (DDeMoss@gdatp.com) or Bev Timm (beverly.timm@globalcompliance.com). Of course, if you are interested in joining or have other questions concerning the International Roundtable, please contact John Allison at K&L Gates (john.allison@klgates.com).

2011 Strategic Sponsors

K&L Gates LLP

Kilpatrick Townsend & Stockton LLP

McGuireWoods LLP

Nelson Mullins Riley & Scarborough, LLP

Ogletree, Deakins, Nash, Smoak & Stewart, P.C.

Parker Poe Adams & Bernstein LLP

Robinson, Bradshaw & Hinson, P.A.

Smith Moore Leatherwood LLP

Charlotte School of Law Corporate Counsel Co-op Program

By Professor Emma Lloyd

Charlotte School of Law (CharlotteLaw) is a student-centered law school that focuses on experiential education — the hands-on learning needed to equip graduates with the leadership, management, and interpersonal skills that are necessary for career success. CharlotteLaw has recently become the third law school in the United States to have a Cooperative Legal Education program, joining the law schools at Northeastern and Drexel Universities. We piloted the program in Spring 2011 with in-house counsel departments at local corporations, including Compass Group, Family Dollar, Rack Room and TIAA-CREF and plan to expand rapidly this summer to the national market.

CharlotteLaw Corporate Counsel Co-ops promote experiential learning by providing lawyers-in-training, many of who have business background or interests, the

unique opportunity to be mentored and supervised by corporate attorneys through an educationally supportive internship. Co-op field supervisors benefit from the partnership by receiving cost-effective legal assistance from highly motivated student lawyers taking a companion course taught by a current or former in-house attorney. An example of the work that student lawyers perform during the internships for in-house counsel are reviewing contracts and leases, updating policies and documents, and investigating client concerns and compliance issues.

Companies are able to partner with CharlotteLaw in this cooperative program by supervising a legal intern in the summer, fall or spring. The co-op field supervisor in the company will then complete a one-page evaluation of the students at the end of the semester. The internship can be

paid or unpaid and part-time or full-time. For more information on the Corporate Counsel Co-op Program, please contact Professor Emma Lloyd at elloyd@charlottelaw.edu or 704.971.9397.

“We believe the ability to engage bright, motivated and eager law students in a practical, hands-on legal experience adds value to our legal department and entire organization. In addition, we believe the diverse career backgrounds that many CharlotteLaw students feature provides an additional enhancement to the program, as many students have meaningful experience in corporate environments like ours,” Keith Atkinson, Associate General Counsel of TIAA-CREF.

ACC News

ACC's 2011 Annual Meeting: Program Schedule and Session Selection Now Available

Join your peers this fall at ACC's 2011 Annual Meeting (October 23–26, Denver, CO) to fulfill annual CLE/CPD requirements, enhance legal skills, and expand professional networks. Now you can review the complete program schedule online and select your sessions through the link in the registration confirmation email. Between now and Sept 14, register for the meeting or invite your in-house colleagues to register, and you will be entered into Network, Learn & Win for a chance to win great prizes such as local restaurant gift certificate, complimentary room upgrade, and free meeting registration. Learn more and register at am.acc.com.

Enhance Your Business Management Skills and Bring More to the Table

Take part in the business education programs offered by ACC and the Boston University School of Management to enhance your business management skills and meet the challenges of today's

ever-changing business environment. Mark your calendar for these upcoming programs: Risk Management (September 14–16), and Mini MBA for In-house Counsel (December 5–7). All programs are pending approval for CLE credits and will take place in Boston, MA. For more information, go to www.acc.com/businessedu.

Evaluate Outside Counsel and Win Prizes

Did you know that more than 1,100 law firms have been evaluated in the ACC Value Index? The ACC Value Index is a client satisfaction measurement tool that helps you evaluate, find, and benchmark outside counsel. You can score firms and share your opinions about the value they provide (anonymously, if you wish). You can also search for firms that excel in specific practice areas and markets, read comments, and contact reviewers for direct conversation. Between now and September 30, you will receive a \$5 Starbucks card for every two law firm reviews submitted, and will have a chance to win a \$200 Amazon gift card. Each chapter that reaches its

volume and/or member participation rate target will win a \$1,000 “ACC Education Coupon” good for participation in any ACC education program. To search or submit reviews, visit www.acc.com/valueindex.

ACC's 2011 March Mayhem: In-house JoblineSM Crowned Champion

Which ACC resource reign supreme amongst our members? In our recent March Mayhem tournament, In-house JoblineSM slam dunked on the other 15 resources and claimed the crown. ACC's Annual Meeting came in a close second with Chapters and Committees/Interest Groups rounding out the final four. A big thank you to all the participants for casting your votes, and congratulations to Sarena Straus, Senior Associate Director and Senior Counsel of Boehringer Ingelheim Pharmaceuticals, Inc., for winning the grand prize — \$600 ACC education credits and branded ACC gifts. Learn more at www.acc.com/mayhem.

“Is Your Company Ready For The Democratic National Convention in Charlotte?”

By Ruth Goodboe, Partner at Ogletree Deakins, Nash, Smoak & Stewart, P.C.

Union leaders were surprised and even a bit miffed when the Democratic Party, historically labor’s partner, announced it would hold its 2012 National Convention in Charlotte, North Carolina. With private sector union membership hovering around 3.2 percent, making it the least unionized state in the country, the venue seemed to be an odd choice. Now that the initial shock has worn off, however, unions are realizing the locale may end up being a strategic windfall.

That is in part because the price Charlotte had to pay for hosting next year’s convention may be higher than expected when viewed in terms of labor relations in the South. In order to lure the Democratic Party to the Queen City, Charlotte’s Host Committee agreed to hire union labor to provide the services, goods and materials for the event. While the intent of the required labor agreement is for the City to use companies that are already unionized, based on what is known about the contracts between the Host Committee and the Democratic National Committee, if there is not enough unionized labor to provide the necessary manpower, there is nothing to prevent unions from sending in massive numbers of its members from other states to capture the work.

Regardless of the specifics of the labor agreement for the work itself, the daily media coverage of the convention is sure to be exploited by the influx of union promoters. And, while it is true North Carolinians are the least organized, because employees in the state have had less exposure to union rhetoric, the workforce may be more vulnerable to union propaganda.

We can not know specifically how the union will use this national stage to promote its agenda, we can only be sure it will. Will the union use an “in your face” approach complete with the infamous rat and the contentious protesting we saw in Wisconsin? Or, will unions use the cover of the convention chaos to covertly recruit employees as leaders for an organizing charge after the party is over?

Whether businesses are directly involved in the convention or simply corporate residents of the state, there are a few things that should be done to prepare for the union onslaught.

First, all employers should educate their management team about unions, the organizing process, early warning signs of organizing activity and the effect representation may have on the company, customers, employees and their work lives. To the extent appropriate and based on individual circumstances, use the backdrop of the convention as an opportunity to proactively, and lawfully, communicate the company’s union-free philosophy. You would be surprised how many employees and even members of management do not know what their own employer’s position on unions and unionization is.

Next, review your no solicitation/no distribution and “access to property” policies. To minimize the risk of unwanted union organizers or other activist protesters disrupting your business, ensure not only the language of these policies is in compliance with current law, but confirm the policies are, in practice, enforced appropriately and consistently. If not, redraft, redeploy and/or retrain. The National Labor Relations Board has been busy issuing pro-union

decisions, including some related to solicitation, banner and similar activities, which have further limited employers’ rights. Consequently, policies drafted even a short time ago, should be revisited to determine whether modifications are necessary in light of recent Board decisions.

In conjunction with solicitation, distribution and access issues, now is a good time to review the scope of your company’s property rights. This is especially true for tenants of shopping centers, malls and/or office complexes. Once such parameters are understood, identify and mark property boundaries on either the physical property or site plan and conduct a security review to determine if there are unmonitored points of entry.

One cannot know exactly what the Convention will bring by way of union demonstrations, communications or organizing, but with the proper preparation, any disruptions can be minimized.

Ruth Goodboe is a partner in Ogletree Deakin’s Bloomfield Hills office.

Ms. Goodboe counsels and represents clients in all aspects of traditional labor law, including positive employee relations, National Labor Relations Board representation elections and campaigns, unfair labor practice charges and actions under the Labor Relations Management Act.

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Chapter News

Meet the 2011 ACC-Charlotte Officers



Left to Right: Bill Robinson (Treasurer), Ken Wittenauer (President-Elect), Tim Nohr (President) and Christopher Tucci (Secretary)

Member Announcements!

Congratulations to Angela Radel at Family Dollar Stores on the birth of her son, Boden James Radel on December 27, 2010!

We want to hear about your latest professional and personal accomplishments or exciting events in your life. Please email these to Chapter Administrator Jane Nohr at charlotteacc@gmail.com.

Chapter Website Update

Please check out the Charlotte Chapter website, which now includes a Membership Directory, which will be more convenient when trying to find Charlotte ACC members. This feature is only accessible to ACC members and it is automatically updated when we have new members or other changes occur. In addition, there is a new calendar feature on our webpage with information on all our events. By clicking on a particular event you can add the date to your own Outlook or Google calendar. Log in and check it out at <http://charlotte.acc.com>.

Call for Articles

If you would like to publish an article in the newsletter, or know an in-house lawyer who has made a difference in the community, please consider publishing the information in our newsletter. If you are interested, please contact us at charlotteacc@gmail.com.