

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 1st Quarter Newsletter 2018

**March 8, 2018**

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

I genuinely appreciate the opportunity to serve as 2018 Charlotte ACC Chapter President. Last year, as the President-Elect, watching and learning from Ann Warren, I gained a greater appreciation of the entire organization. In our December member meeting, as Ann moved to the Past-President role and passed the baton to me, she candidly shared that she "really loves this organization." That sentiment resonates with me.



People make up every organization, and the quality of the people in our Chapter make it an excellent, fun, and valuable organization. The synergy of bringing together, not just the talent, but the energy, integrity, and selfless efforts of our members makes this organization more than the sum of its parts.

I joined the Charlotte Chapter in April of 2005, and quickly became a regular attendee at Chapter events, but a few years later I was looking for opportunities to get more involved. Throughout my career I've gravitated toward start-ups or the riskier, cutting edge of larger organizations. Some 70-90% of start-ups fail; over half of those that are successful are quickly sold. Either way, I frequently found myself looking for a new job. By the beginning of what has been dubbed the Great Recession, I had become adept at finding jobs and coaching others in the art. I approached then Chapter President Cindy Pitesa with the idea of starting a service to help in-house attorneys in transition, particularly those without the benefit of outplacement services. She embraced the idea, and we started the Career Development Committee, which I chaired for several years.

Over the intervening years other chairs and members of the Career Development committee have brought new ideas and grown the services in the direction of business and management education as a complement to transition services. This growth has culminated in the Chapter's Advanced Management Program for Legal Executives in partnership with UNCC Belk College of Business. Chapter members have the opportunity to take classes over a 7-month period in 3 distinct modules: Finance and Accounting, Leadership, and Ethics and Strategic Marketing. Participants that complete all courses in the program will receive a certificate of completion. In

March we plan to graduate our first class.

The Career Development committee is but one example of the many ideas that have been embraced and implemented through the Charlotte Chapter over the years. Sponsorship & Programming, Communications, Membership, Social, Community Outreach, the Women's group, the International affinity group, the Manufacturing affinity group, and the Retail affinity group are all implementing great ideas to provide better service to chapter members. I'll be the first to admit that not all ideas work. I initiated an Energy affinity group a few years back that had some great sessions, but not enough attendance to benefit our members.

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

If you're not yet regularly attending our events, I encourage you to do so, and give yourself some extra time to arrive early and stay late to meet and talk with people you haven't met. If you're looking for ways to get involved beyond attending, reach out to me - bring your business card to an event, connect with me on LinkedIn [[www.linkedin.com/in/johnbuckley](http://www.linkedin.com/in/johnbuckley)], email me [jbuckley@ppmsllc.com](mailto:jbuckley@ppmsllc.com), call me 704-815-8040, or text me 704-905-0716. If you've got an idea, I'm interested in hearing it; if you've got some time and energy, we've got opportunity for service; if you've got an idea and the time, energy, and passion to explore implementing it, I'm really interested in helping.

Charlotte is at the heart of a great, growing region, and I want to continue to give the lawyers who help businesses grow, the great, growing Chapter they deserve.

## Platinum Sponsor: Parker Poe, Adams & Bernstein, LLP

### Firm Profile

At Parker Poe, "client commitment" is more than just a catchy phrase. It is what we do. Client commitment is the foundation of our success. For more than a century, attorneys in the Firm have represented many of the region's largest local governments and companies in corporate, finance, regulatory, real estate and litigation matters. Our more than 200 attorneys serve clients around the U.S. from seven offices in Charlotte and Raleigh, NC; and Charleston, Columbia, Greenville and Spartanburg, SC and Atlanta, GA.

In the past five years, The National Law Journal has ranked Parker Poe among America's 200 largest law firms and the country's fastest-growing firms. Lawyers in each of our offices are rated among the highest quality attorneys across their respective states, recognized for effective and efficient service. Best Lawyers lists 77 of our attorneys in their 2018 rankings of top lawyers, and we are equally well-recognized by U.S. News & World Report, Super Lawyers, Chambers & Partners and other ratings publications.

### Platinum Sponsor Feature Article

#### [In Light of the Brand Memo, Has the Way of Compliance Gone by the Wayside?](#)

By: Jane Lewis-Raymond, Parker Poe Adams & Bernstein LLP

After U.S. Associate Attorney General Rachel Brand issued a memorandum (known as the "Brand Memo") in January 2018, which some have interpreted as recanting all reliance on DOJ guidance documents, what's next? Call me Pollyanna, but I contend that "the way of compliance" is here for good. Pun intended.

First, annual survey results list compliance matters as a high attention area

for in-house counsel. This year the Executive Summary of the Association of Corporate Counsel's 2018 Chief Legal Survey ranked ethics and compliance obligations as extremely or very important. Whether it be regulatory changes, protecting against data breaches, information privacy, GDPR or general ethics and compliance, the focus is on keeping up with the compliance obligation. When you are the corporate point-person on all matters regulatory and legal, it is no wonder you stay up at night wondering about the unpredictable.



Second, the national movement is growing. Efforts by state attorneys general, well-funded NGOs, shareholder groups and other potential litigants are featured daily in the headlines. We are living in a fast-changing time, where citizens' voices are being used - sometimes against your client.

So, what are some survival tactics in what often feels like a solitary kayak journey across stormy waters? During my years as a general counsel, a heavy reliance on culture - or "the way of compliance" - helped keep us ahead of some waves that otherwise would have swamped us. The legal team's open doors and constant interaction with the business units often meant that we felt the swell of the wave before it crashed over us, at least for those legal challenges that were homegrown. If folks were willing to speak, we were willing to listen in order to solve an issue before it became a true legal issue. Sometimes it was a wild ride to the shore, but we made it there afloat.

Close contact with peers and reliance on outside counsel helped us follow trends, issues, feedback and research. The local ACC chapter and industry legal groups add incredible value. Additionally, most of your outside counsel who truly understand you as a client will know your business and what level of information to continually feed you. Another effective tactic is to bring in outside resources to test your systems; an outside assessment of your compliance program is healthy, even recommended, every few years. Having someone validate or recommend improvements to your documentation, your legal risk assessment, your investigative techniques, and your knowledge transfer protocols, to name a few, can be a purposeful way to stay ahead of the legal burden.

Sometimes it is taxing being the general counsel; you may paddle till exhaustion to make your crossing. With your in-house colleagues and your outside partners though, the solo paddling becomes a team effort. Outside perspectives are important as legal and compliance professionals must continually focus on the right way to conduct business - and push their colleagues to aspire to what is right. The "way of compliance" is a rewarding strategic and results-driven enterprise that will create some predictability in otherwise choppy waters.

Jane Lewis-Raymond | [janelewisraymond@parkerpoe.com](mailto:janelewisraymond@parkerpoe.com) | 704.335.9882

## Membership News

### Annual Corporate Counsel Awards

#### Seventh Annual Corporate Counsel Award Dinner

On February 1, 2018, our chapter joined the Charlotte Business Journal in our Seventh Annual Corporate Awards Dinner at Carmel Country Club. Over 300 members, their companies and sponsors enjoyed a wonderful evening honoring all in-house corporate finalists in various categories.

Congratulations to all of the following winners announced at the dinner:

**Outstanding General Counsel - Small Company: Richard Sedory with Wastequip**

**Outstanding General Counsel - Large Company: Barbara Heim with Sunbelt Rentals**

**Outstanding Deputy & Managing Counsel: Richard Rossitch with Compass Group**

**Outstanding Corporate Counsel: Kelly Clement with SPX Flow**

**Outstanding Rising Star: Laura Budzichowski with National Gypsum**

**Outstanding Pro Bono Service Award: Todd Stillerman with Bank of America Merrill Lynch**

**Outstanding Community Service Award: John Heuer with Balfour Beatty Construction**

**In-House Innovator Award: Brittany Mayer-Schuler with Elior North America**

**Outstanding In-House Law Department: Belk, Inc.**



# Meet the 2018 ACC Charlotte Officers and Board of Directors!

## Officers



From L to R: John Grupp (Treasurer), Taryn Mecia (President-Elect), Richard Sedory (Secretary), Julie Szeker (VP Sponsorship & Programming), Ann Warren (Past President) and John Buckley (President)

## Board of Directors



**Back Row, L to R: Julie Szeker, Taryn Mecia, Bob Fleischacker, Stacy Gray,  
Vanja Lane, Ann Warren, Lynn Huonker, Jill Jacobson  
Front Row, L to R: John Grupp, John Buckley, Richard Sedory  
(Not pictured: Nicole Brunson and Ken Wittenauer)**

---

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

Amanda Abshire, Senior Counsel, Wells Fargo Law Department  
Maggie Amos, Associate Counsel, Compass Group USA, Inc.  
Will Baeza, Senior Counsel, Lowe's Companies, Inc.  
Samantha Barber, Senior Corporate Counsel, Compass Group USA, Inc.  
Robert Barrett, Counsel, Lowe's Companies, Inc.  
Laura Barringer, Attorney/HR Director, American City Business Journals  
Anne Berg, General Counsel, Lime Energy, Co.  
Melissa Bitting, Assistant General Counsel, ABB, Inc.  
Matthew Cameron, Assistant General Counsel, Snyder's-Lance, Inc.  
Caitlin Carson, Counsel, Wells Fargo Law Department  
Charles Shawn Christenbury, Senior Corporate Counsel, Ingersoll-Rand Company  
Zach Courson, Corporate Counsel, Lowe's Companies, Inc.  
Shane Crase, Senior Counsel, Lowe's Companies, Inc.  
Paul Dame, Senior Counsel, Lowe's Companies, Inc.  
Sandra Dermody, Senior Counsel, Lowe's Companies, Inc.  
Andrew Dill, Senior Counsel, Lowe's Companies, Inc.  
Jonathan Dunn, Corporate Counsel, Lowe's Companies, Inc.  
William Ellison, Senior Counsel, Lowe's Companies, Inc.  
Christopher Feddersen, VP & General Counsel, UTC Aerospace Systems  
Scott Goode, Senior Counsel, Lowe's Companies, Inc.  
Jeffrey Gray, Senior Counsel, Lowe's Companies, Inc.  
Michelle Greene, Corporate Counsel, Lowe's Companies, Inc.  
Jennifer Gregorin, Staff Attorney, Samaritan's Purse  
Clay Hamrick, Senior Counsel, Lowe's Companies, Inc.  
Joe Hugg, Corporate Counsel, Lowe's Companies, Inc.  
Jon Isaacson, Patent Attorney, Sealed Air Corporation  
Omar Jorge, General Counsel, Fransula Foods LLC  
Micheal Kersting, Senior Counsel, Lowe's Companies, Inc.  
Kirk Kruger, Corporate Counsel, Lowe's Companies, Inc.  
Latrice Lee, Counsel, Lowe's Companies, Inc.  
Kristle Lee, Legal Counsel, Federal Reserve Bank of Richmond  
Chris Lemons, Senior Counsel, Lowe's Companies, Inc.  
Stephen Liadis, Counsel, Lowe's Companies, Inc.

Eryn Linkous, Corporate Counsel, Lowe's Companies, Inc.  
Ashe Lockhart, Assistant General Counsel, Compass Group USA, Inc.  
Paul Lombardi, Corporate Counsel, Lowe's Companies, Inc.  
Guiselle Mahon, Corporate Counsel, Lowe's Companies, Inc.  
Tracy Nipp, Senior Counsel, Lowe's Companies, Inc.  
Pamela Pearson, Managing Counsel, Wells Fargo Law Department  
Walter Rak, Senior Counsel, Lowe's Companies, Inc.  
Michelle Ricchion, Counsel, Lowe's Companies, Inc.  
Tina Roberts, Senior Counsel, Lowe's Companies, Inc.  
Bobby Sessoms, III, Corporate Counsel, Bojangles' Restaurants, Inc.  
Sharika Shropshire, Senior Counsel, Wells Fargo Law Department  
Brandy Skelly, Corporate Counsel, Compass Group USA, Inc.  
Karin Stanley, Senior Counsel, Lowe's Companies, Inc.  
Briana Stevens, Compliance and Ethics, SPX Corporation  
James Strickland, Associate Counsel, Compass Group USA, Inc.  
Patrick Stutts, Corporate Counsel, Lowe's Companies, Inc.  
Erin Warren, US General Counsel, Fontem US, Inc.  
Robert Weinbach, Staff Counsel, Lowe's Companies, Inc.  
Kimberly Wells, Senior Counsel, Lowe's Companies, Inc.  
James Zimmer, Corporate Counsel, Lowe's Companies, Inc.

## Charlotte Community Spotlight

### Featured Article

#### Time's Up. What is In-House Counsel's Role in Preventing Sexual Harassment?

By Diane Crary-Fleming

In the wake of recent high profile sexual harassment claims, including the close-to-home investigation of Carolina Panthers owner Jerry Richardson, as well as the continuing #MeToo and #TimesUp movements, which encourage victims of sexual harassment and assault to come forward and name their abusers, many in-house counsel have received a call from the CEO, worried about the company making headlines, and asking what is being and should be done to protect employees from sexual harassment. Their concerns are well-founded. In a June 2016 US Equal Employment Opportunity Commission report titled "[Select Taskforce on the Study of Harassment in the Workplace](#)," the statistics showed that nearly one-third of the EEOC's charges in 2015 related to workplace harassment, the EEOC recovered \$164.5 million U.S.

Dollars in 2016 from employers for workplace harassment issues, and yet pursuing formal action, either an internal complaint or legal action, was the least common response by a victim of sexual harassment. Instead, victims tended to avoid their harassers, deny or downplay the situation, or attempt to ignore or endure the behavior. With the nation's eye turned to these issues, however, the reporting numbers and the subsequent costs are sure to go up.



This raises two related questions for in-house counsel: what do we currently do, and how can we improve our preventive measures? The 2016 report found, critically, that:

- Sexual harassment continues because many employers do not clearly communicate zero tolerance for harassment, nor do they sufficiently address the problem when it arises;
- Employers have insufficient anti-harassment policies and fail to hold employees accountable under the policies they do have; and
- Employers are more focused on litigation prevention than on preventing harassment.

With these concerns in mind, in-house counsel can make strides toward correcting these issues within their company.

**Code of Conduct:** Having a code of conduct in place that all employees, contractors, consultants, and suppliers are subject to can now be considered a baseline measure in the current climate. The code should include explicit mention of a safe and harassment-free workplace. But as Keith M.

Weddington, partner at Parker Poe, expressed to me in a telephone conversation, it cannot just stop here: "[Implementation of the code of conduct] must start at the C-Suite level." Corporate leaders have to make clear the code is important and that they are committed to its standards, including, critically, that there is zero tolerance for a violation. No one is above the code of conduct.

**Training:** Implementing the code then letting it sit out there is almost as effective as not having one at all. Regular, up-to-date trainings, which will capture new employees as well as refresh veterans, serves as periodic reminders of their rights and obligations in the workplace. It is important to educate employees about how the company (and the law) defines sexual harassment, including that there are two recognized types: quid pro quo and hostile work environment. While the former is more easily understood (it requires a "this for that," a benefit received for a sexual encounter), it is clear from the continued cultural debates that the latter is far more subjective. Hostile work environments do not require substantive professional consequences and can be created by anyone, not just superiors. Concrete examples of what is appropriate and what is not can help, in part, to combat these misunderstandings. Weddington mentioned that training and empowering employees to speak up (i.e. see something, say something) is a noticeable shift in the wake of these movements.

**Human Resources Procedures:** HR received a sexual harassment allegation; now what? Ignoring it is no longer an option (if it ever was). Instead, establishing clear procedures for investigating claims, including clearly defining the investigative roles, and then following them consistently is critical to protecting the company and employees. There is far more scrutiny on how allegations are handled internally, and as Weddington noted, "the level of seriousness has shifted." There is far less willingness on the part of employers to abide even minor violations." Instead, Weddington says, "the most notable change in the last six months is that employers are quicker to decide that termination is the appropriate action because they do not want to risk that an employee who receives a lesser form of discipline might do something again." This ties into the "zero tolerance" emphasis within the code of conduct. If there are exceptions to this, particularly in leadership, that mentality quickly trickles down to the rank and file.

**Corporate Culture:** The June 2016 EEOC report concluded that there are two elements vital to combating workplace harassment: leadership and accountability. Corporate leaders must be committed to a sexual harassment-free corporate culture, and their employees must be aware of and reminded of this fact regularly. Weddington agreed, "[The C-Suite] must be visible and vocal in reinforcing the company's policy towards sexual harassment when it comes to both training and enforcement of the code of conduct and zero tolerance of harassment. The tone is set from the top."

Employers can no longer simply bury their heads in the sand. "The silencing of people's voices has clearly had an impact in perpetuating sexual harassment," said Brad Smith, Microsoft's president and chief legal officer, to *The New York Times* for a December 19, 2017 article. Microsoft is taking additional steps in this new cultural climate by eliminating forced arbitration agreements with employees who make claims. A bipartisan group of senators has also proposed legislation that would make forced arbitration in harassment cases unenforceable under federal law. As in-house counsel, we can provide guidance to our company's leaders on being on the right side of the culture shift.

**About the Author:** *Diane is assistant general counsel of Schaeffler Group USA Inc. in Fort Mill, SC. She is a member of the ACC Charlotte Chapter Communications Committee.*

***All material included in this newsletter is intended for information purposes only and does not represent legal advice. Users should take appropriate steps to verify such information. No user should act or refrain from acting on the information contained in this newsletter without first verifying the information and as necessary obtaining legal and/or professional advice.***

## Recent Chapter Events

### 2018 Annual Gala Carmel Country Club

We held our 14th Annual Gala at Carmel Country Club on February 24, 2018, wherein over 200 members and sponsors attended. This was a social event sponsored by Young Mayden Legal



Search & Consulting and Strategic Legal Solutions to show our sponsors and members how much we appreciate their collective efforts and support throughout the year to make our Chapter so successful. A beautiful evening of delicious food, dinner, dessert and drinks were shared by everyone.











## Retail Affinity Group

Retail Affinity Group Networking & News Event



The Retail Industry Affinity Group gathered for networking and updates on hot topics affecting the Retail Industry on February 15, 2018 at Olde Mecklenburg Brewery. John McDonald, a Partner in McGuireWoods Labor & Employment Group, provided an update on Title III of the ADA and website accessibility. Michael Adams, a Partner in McGuireWoods Mergers & Acquisitions, Corporate Transaction and Technology Group, provided an update on Digital Secure Remote Payments ("DSRP"). The group enjoyed drinks, heavy hors d'oeuvres and great weather while networking with other members. A great evening was had by all!

## **Women's Event**

### **Private Wine & Chocolate Tasting**



On February 27, 2018, the Women of ACC Charlotte had a fabulous evening of sampling spectacular wines paired up with delicious hors d'oeuvres and chocolates at Petit Philippe. The ladies were educated on different wines from various regions throughout the evening. Thank you so much to our Sponsor, Nelson Mullins, for hosting this wonderful event.

**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  
704-999-0814, email: [charlotte@accglobal.com](mailto:charlotte@accglobal.com)

STAY CONNECTED:

Check out our recent and upcoming events and CLE opportunities at:

