

## Inside IQ2019

- 2.... Top 5 Legal Tech Trends to Watch in 2019
- 4.... ACC News
- 5.... Wave of Salary History Bans Continues as Ninth Circuit Overturns Equal Pay Act Precedent
- 7.... All in the family: Lawyers in Love
- 8.... NEO Chapter News
- 11... Upcoming Events
- 12... Board Members and Contacts



# FOCUS

## President's Message

**Jeffrey Lauderdale**



Dear Northeast Ohio Chapter Members:

On behalf of the 2019 ACC NEO Board of Directors, I wish our members, sponsors and friends a very happy new year. And to those who are new to our Chapter, welcome!

I am honored to assume the position of Chapter President, and thank my predecessor, Jennifer Miller, for the wonderful job she did in this role. I look forward to working with our Board as we deliver another year of excellent educational, social, pro bono and outreach programs for our members.

The Board kicked off 2019 with a mini-retreat, where we recapped what worked/didn't work in 2018 and used that information to prioritize our goals and corresponding efforts for this year. We then identified the projects each committee would oversee and reinforced our commitment to bringing outstanding services to our members. These groups have since then met to mobilize and begin planning their respective activities.

If there is a topic you would like to see in an upcoming CLE, or if you have some feedback to share, I encourage you to reach out to any of the Board Members listed on the back of this newsletter, or our Executive Director, Betsy Keck.

I look forward to a fantastic 2019, and I am grateful for the engagement of our members and sponsors that makes it all possible!

Regards,  
Jeff

Once again, we'd like to recognize our 2018 sponsors for supporting our Chapter's social and educational programming:

### Signature Plus

Frantz Ward  
Jackson Lewis  
Littler Mendelshon  
Vorys, Sater, Seymour and Pease

### Gold

Buckingham, Doolittle & Burroughs  
Fisher Phillips  
McGlinchey Stafford

### Silver

BakerHostetler  
Brouse McDowell  
Porter Wright  
Squire Patton Boggs  
Thompson Hine

### Pearl

Donnelley Financial Solutions



# Top 5 Legal Tech Trends to Watch in 2019

By K Royal, TrustArc.

Technology rules the world, and the legal world is no exception — from commodified personal data to artificial intelligence (AI) to security. So, what are the hottest legal tech trends we will see in 2019? To answer this question, we must review the growth of technology over the past few years.

I searched for an article written within the past 10 years, and found a 2011 piece from the [American Bar Association](#) entitled, “What’s Hot and What’s Not in the Legal Profession.” Privacy was not listed, much less cybersecurity. Yet, these have been driving forces in technology, particularly legal technology, for years now.

As technology has advanced, privacy and related fields (e.g., security, data protection, cybersecurity) have become the fastest growing areas of law. Here’s [how they have evolved](#) and what we might expect in 2019.

## 1. Security and fraud prevention

Protecting data, in any form, requires security measures. Additionally, there is an increased focus on cybersecurity. The number of breaches has been steadily increasing, including ransomware, malware, and corporate espionage.

Among the largest security risks in recent years was the [alleged infiltration of US companies](#) by Chinese hackers who installed microchips to server motherboards sold to many US companies. Whether the microchips actually did exist or not is not the main point; the crux was how the potentially impacted companies and the various government agencies responded. This incident also highlighted the heavy reliance US technological supply chains have on products from a handful of countries, including China.

With the [Internet of Things \(IoT\)](#) so prevalent, the supply-chain concern may have a huge impact on the security of devices, including infected personal devices connecting to work environments. This is aside from [employees stealing data](#), such as the [50 terabytes found](#) in the home



of former US National Security Agency employee, Harold Martin.

This level of technological manipulation has made fraud easier to commit. Companies are taking steps to prevent and identify fraud, especially with artificial intelligence (AI) capabilities, yet fraud will continue to grow.

Many companies worry that the General Data Protection Regulation (GDPR) will impact their fraud prevention efforts due to its granting the individuals’ control over their personal data, such as access, rectification, and erasure. Preventing fraud is likely a valid reason to deny such rights, but companies must consider its programs, the information obtained and retained, and prepare defenses for its activities.

Many regulations now require protection for personal data, but often do not specify the security controls. The ones that do, such as the US Health Insurance Portability and Accountability Act of 1996 (along with its subsequent amendments, HIPAA), may be outdated (but there is a [current Request for Information](#) issued by the US Department of Health and Human Services addressing areas for HIPAA to be updated).

Instead, the standard generally requires reasonable security relative to the size of the company, its resources, the level and amount of sensitivity of the personal data, and the industry norms. This is a target in motion that will ebb and flow with the issuance of regulatory guidance, court decisions, publicized breaches, and technology growth.

Technological advances breed opportunities, for both good and bad actors.

## 2. Data governance

Often, people confuse data governance with data protection. Data governance is a much larger field, although a good data protection program includes good data governance and vice versa. Data governance is a programmatic concept that focuses on personal data from its inception to destruction — cradle to grave. Therefore, it comprises availability, usability, integrity, consistency, accountability (auditability), and security.

In many cases, companies developed data governance programs in specific data environments or for specific regulations, such as HIPAA, the US Sarbanes-Oxley Act, or various physician payment reporting requirements. Data governance is particularly challenging in an environment that has historically relied on paper documents, but a solid data governance program will help reduce document proliferation, both physically and electronically.

However, given the importance and vulnerability of corporate confidential data (the “crown jewels”) along with far-reaching personal data laws, like the GDPR and the California Consumer Privacy Act, companies should adopt a full-scale data governance program. We are seeing this happen specifically with the GDPR, where companies are creating data inventories and records of data processing activity.

*continued on page 3*

*continued from page 2*

Data inventory, though tedious, is a fundamental element of data governance. How can companies protect what they don't know they have? Once there is a data inventory, companies should launch programs, such as data protection impact assessments, privacy impact assessments, vendor classifications and oversight, and retention and destruction policies and schedules.

Companies should invest in technology for these purposes, such as dynamic, user-friendly data inventory systems like the [TrustArc](#) Data Flow Manager, which links to DPIAs and vendor assessment tools. Other technology options include [Truyo](#), which offers robust solutions for automating data subject access requests and [Exego](#), which provides intelligent, automated analysis of unstructured data. A manual program in spreadsheets and paper only works for small companies with minimal data and vendors.

Certainly, a data governance program should come with someone to lead it. Whether the company needs a privacy officer, security officer, data governance officer, or information security officer, a [data protection officer \(DPO\)](#) is a determination the company needs to make.

Likely, it is a combination of roles that is required. The individuals chosen as DPOs must keep both privacy and security in mind. Multiple individuals may have the expertise, in whole or in part, to become or to assist the DPOs. Remember that the DPO is a role required under GDPR if a company meets certain thresholds.

If a company appoints a DPO voluntarily, even without meeting the thresholds, then the DPO and the company are held to the same standards as if a DPO were required. So be careful what title is used. But more importantly, be clear on the scope and responsibilities of the position.

Regardless of the role, the position must carry both authority and accountability within the data governance program. Accountability without authority to make decisions, maintain a budget, and execute the duties of the position makes it a position in name only — an empty suit — and is useless in building an effective data governance program.

### 3. Automation

Technology is both the goal and the tool to achieve it. Automation currently plays a key role in machine learning (or AI), marketing statistics, fraud detection and prevention, targeted behavioral ads, and much more. We will see this trend continue to grow.

We have seen automation in place to handle risk assessments for personal data, risk-based business acceptance, consumer and client self-service portals, contract lifecycles, and work process templates. By using automation, companies can easily scale up their efficiencies, serve more clients (internally and externally), and create outputs and metrics to determine the best use of resources.

AI can help manage large volumes of information quickly and be programmed to deliver necessary information, such as contracts. For example, with some software, such as the Exego platform mentioned above, you can check breach notification timeframes or limitations of liability clauses across 3,000 contracts within seconds.

Templates are one of the easiest ways to enter the automation workstream for in-house counsel. Most of us have standard agreements already, but what about automating flexible agreements that can easily suggest or adjust approved clauses, complete terminology changes, and attach the right geographical or product requirements to all necessary documents?

The software would also help the legal team to identify what clauses are consistently problematic across the client base. Once in place, those pesky conditional requirements could be automatically triggered to ensure vendor A got its audit report submitted or vendor B moved to a lower cost for a higher-quantity purchase.

Another area for automation focuses on individual rights to data. Automation can be used to handle intake requests, show the requestor what is available, and process requests according to a set of parameters. One could carry this further and have product teams input certain information, such as personal data elements (e.g., name, location, tax identification numbers) and geographies, and then generate a privacy notice.

An interesting aspect of automation is legal project management. This software is starting to be used more commonly in law firms, but there is no reason that it would not also help streamline the workday of in-house counsel. This particularly helps if counsel have project-type work with multiple actions by counsel to complete, such as implementing policies across multiple jurisdictions, mergers and acquisitions, and product development lifecycles. Given the increasing amount of work we are seeing in-house, tools to assist in organizing our workstreams could be useful.

The last example in this segment is online or phone helper bots. Your company may consider using these tools, and in-house counsel need to understand the technology (see the “Tech and data fluency” section below) for the benefit of the external clients, to prepare notices, and to comprehend any potential liability. But perhaps these technologies could also benefit in-house counsel in their duties.

### 4. Mobility

Mobile workforces and devices are certainly not new, but we are seeing the concept of mobility increase and impact even more areas of our professional and personal lives. Cloud services are ubiquitous, and the growing expectation is that one truly can work anywhere at any time with access to shared drives and real-time collaboration online available on any computing device.

Phones can now store up to a terabyte of data. In context, a terabyte is [roughly the equivalent](#) to 40 Blu-ray movies. This poses an increased security risk that in-house counsel can't ignore.

We see the complexity of the risk encompassing a company's mobile device management, data loss prevention, remote access, outsourced cloud services, audit trails, disaster recovery, back-up, data retention, and data and device destruction.

But let's take the hypothetical further by adding driverless cars, smart homes, and trackers (like mobile employee badges for easy access to satellite offices, hotel entry keys, and keyless cars). Will mobile devices

*continued on page 4*



continued from page 3

sync with one's environment to facilitate a merger of work and life? Imagine leaving work with some tasks to do, perhaps a contract negotiation.

Enter your driverless car, where you take a call and the contract displays on an inside wall, muting traffic noises, and reflecting changes captured orally, noting who suggested what and who agreed. Dinner choices pop up on a side screen, so you can choose your meal to be delivered 30 minutes after arriving home, given current traffic conditions.

Once home, the dog's kennel unlocks, your call switches to the house phone, automatically muting on your side to give you time to get settled. The contract shifts to the screen of each room you walk into for seamless viewing. Your evening beverage dispenses, while the home temperature changes to "at home" settings. Meanwhile, your significant other is alerted that you have arrived home, dinner has been ordered, and you are scheduled to be on a call for another 20 minutes.

We enter a mobility ecosystem with a new infrastructure, perhaps built on existing technology and incrementally moving us from one state to another. Alternatively, the new infrastructure may change drastically, thanks to technologies that disrupt our

industries, as the mobile phone has done. We may not see the full-scale mobile ecosystem arrive in 2019, but the scenario above is imagined with, and based on, current, known technology.

## 5. Tech and data fluency

It's imperative to be fluent with technology and data and our devices must be fluent with each other — except where it should be prohibited. Common prohibitions would be set by the corporate data classification, where the most sensitive data— draft product development, strategic plans, and sensitive personal data — would be restricted to identified devices and not shared. Not being in tune with tech will jeopardize any efforts to protect proprietary code.

No longer can we afford to humor the attorneys who refuse to accommodate technology. Adoption lags if culture doesn't drive innovation. As in-house counsel, we do not drive innovation. Instead, we are typically pushed, pulled, or dragged along while the company innovates and we try to get the proper agreements and notices in place before calamity strikes.

The workplace is now multigenerational, but the differences between generations are the differences between being digital natives and digital immigrants. Our

always-on culture spills over into a profession that was always measured by time and methodical practices. Some of us, at any age, adapt well. Others need intensive training. Adapting will soon no longer be enough; we must be fluent.

In a [Legaltech News article](#), Mark Cohen, CEO of LegalMosaic was quoted:

"Law is now about collaboration of human resources as well as humans and machines. Many still regard tech as a necessary evil rather than a means to the end of providing customer-centric delivery."

Whether serving internal clients or external ones, counsel must be fluent in technology and data practices. Understanding these is as critical as understanding the client's business, product, or service.

Take advantage of available resources (e.g., online communities or peer-sourcing challenges), and use technology to keep your client informed. We have passed the age of periodic updates — we are "always on." We should accommodate in real time.

**Author:** K Royal is a technology columnist for ACCDocket.com, and director at TrustArc. [@heartofprivacy](#)

## ACC News

### ACC Xchange: The Mid-Year Meeting for Advancing Legal Executives

This reimagined conference (April 28-30, Minneapolis, MN) combines ACC's Mid-Year Meeting and Legal Operations Conference into one powerful event, delivering the trailblazing programs, content, training, and networking you need all in one place, at one time. Register today for cutting-edge mix of advanced-level education at [www.acc.com/xchange](http://www.acc.com/xchange).

### Are you prepared to comply with new state privacy laws?

Rapidly growing data privacy regulations from California to New York make you

accountable for all third-party service providers that access, process, or store your company's personal data. [Download the case study](#) on Plaza Home Mortgage and the ACC Vendor Risk Service. Visit [www.acc.com/VRS](http://www.acc.com/VRS) for more information.

### 2019 ACC Europe Conference: Early Rates End 22 March

Join your in-house colleagues from across Europe in Edinburgh 12-14 May for the [ACC Europe Annual Conference](#). This year's theme is *Being a Change Agent in Disruptive Times* and will have three dynamic programme tracks that will give you the opportunity to broaden the skills necessary to succeed in today's legal

environment. Early bird rates end 22 March. Register today at [www.acceurope2019.com](http://www.acceurope2019.com)

### 2019 ACC Annual Meeting: Registration Now Open

Exceptional in-house lawyers make attending the ACC Annual Meeting a priority. Mark your calendars for October 27-30 in Phoenix, AZ for the 2019 world's largest event on in-house counsel. [Learn more.](#)

### Global General Counsel Summit: London Calling

Are you driving the discussion on corporate sustainability? Positive financial performance, regulatory pressure, material risk, and shareholder expectations are some

continued on page 5



continued from page 4

of the reasons why you should be. Join the critical conversation on “Driving Corporate Sustainability—the Expanding Role of the GC” with your fellow CLOs from around the world, May 22-24, in London, UK. [RSVP today.](#)

### New to In-house? Are you prepared?

The ACC Corporate Counsel University® (June 26-28, Minneapolis, MN), combines practical fundamentals with career building opportunities, which will help you excel in your in-house role. Come to this

unrivaled event to gain valuable insights from experienced in-house counsel, earn CLE/CPD credits (including ethics credits) and build relationships and expand your network of peers. Register at [ccu.acc.com](http://ccu.acc.com).

### Drive Success with Business Education for In-house Counsel

To become a trusted advisor for business executives, it's imperative for in-house counsel to understand the business operations of your company. Attend business education courses offered by ACC and the Boston University Questrom

School of Business to learn critical business disciplines and earn valuable CLE credits:

- Mini MBA for In-house Counsel, April 8-10, May 7-9 (Los Angeles location), June 3-5, September 9-11, and November 4-6
- Finance and Accounting for In-house Counsel, September 23-25
- Project Management for in-house Law Department, November 13-14

Learn more and register at [www.acc.com/businessedu](http://www.acc.com/businessedu).

## Wave of Salary History Bans Continues in the Wake of Recently-Vacated Ninth Circuit Decision Overturning Equal Pay Act Precedent

By Patrick Peters and Sabrina Brown, Jackson Lewis P.C.

Throughout the past year, numerous states and local governments have passed legislation banning employers from inquiring into job applicants' wage and salary histories in the wake of a Ninth Circuit decision overturning its past precedent and holding that an applicant's prior salary is not a “factor other than sex” under the federal Equal Pay Act.

On February 25, 2019, the U.S. Supreme Court, due to a technicality, vacated a Ninth Circuit opinion which held that prior salary cannot justify a gender-based wage differential.

In April 2018, the Ninth Circuit, sitting *en banc*, held that prior salary alone, or in combination with other factors, cannot justify a wage differential between male and female employees under the Equal Pay Act. *Rizo v. Yovino*, No. 16-15372 (Apr. 9, 2018). This decision overturned the Ninth Circuit's prior precedent in *Kouba v. Allstate*, in which the Court held that prior salary was a permissible “factor other than sex.”

In *Rizo*, the plaintiff sued the Fresno County Office of Education for paying her less than comparable male employees for the same work. The County based its pay on a scale that expressly considered prior salary. The County defended against *Rizo*'s claim with the fourth affirmative defense under the Equal Pay Act: its catch-all “factor other than sex” defense.

The Ninth Circuit's *en banc* decision held that the “factor other than sex” defense is limited to “job-related factors.” The Court listed a number of job-related factors, including experience, educational background, ability, and prior job performance. The Court held that prior salary is not a “legitimate measure of work experience, ability, performance, or any other job-related quality.”

As support for its holding the Ninth Circuit stated: “It is inconceivable that Congress, in an Act the primary purpose of which was to eliminate long-existing “endemic” sex-based wage disparities, would create an exception for basing new hires' salaries on these very disparities — disparities that Congress declared are not only related to sex but caused by sex. To accept the County's argument would be to perpetuate rather than eliminate the pervasive discrimination at which the Act was aimed.”

Though *Rizo*'s case related to initial wage setting, the Ninth Circuit's opinion implies that its reasoning applies equally to job transfers and promotions. However, the Court left open whether past salary can play a legitimate role during the course of individualized salary negotiations.

On February 25, 2019, the Supreme Court overruled the Ninth Circuit's decision in *Rizo* on the grounds that the

Court erred in counting Judge Stephen Reinhardt, who authored the decision, in the majority due to his death less than two weeks before the decision was issued. The Supreme Court held that, as Judge Reinhardt was no longer an active judge when the Ninth Circuit rendered the *Rizo* decision, by statute he had no authority to participate in the court's decision. The Supreme Court remanded the case back to the Ninth Circuit for further proceedings, though without Judge Reinhardt's vote, his opinion rendered in *Rizo* would not have majority support.

The Ninth Circuit's decision in *Rizo* followed a recent string of new state and local regulations banning the use of salary history or prior salary when determining pay, which has continued with gusto in the wake of the Ninth Circuit's *Rizo* decision.

Though New York has yet to pass a state-wide ban on salary history inquiries despite its Governor's executive orders banning salary history inquiries by state agencies and state contractors, New York City, Albany County, Westchester County, and, most recently, Suffolk County, have all passed bans on asking an applicant about his or her salary history. The New York City legislation prohibits employers from inquiring about an applicant's salary history and/or relying on a job applicant's

continued on page 6

*continued from page 5*

salary history when determining his or her salary at any stage of the employment process, including when negotiating a contract.

Similarly, Albany County prohibits an employer from screening applicants based on current or prior salary; requiring an applicant's salary history to satisfy minimum or maximum criteria; requiring disclosure of salary history as a condition of being interviewed or receiving a job offer; and seeking an applicant's salary history from current or former employers.

Westchester County prohibits employers from relying upon a prospective employee's wage history to determine an employee's wage unless the prospective employee voluntarily discloses his or her salary history to support a higher wage than offered by the employer. The Westchester law additionally prohibits requiring a prospective employee from disclosing his or her wage history as a condition of employment or an offer of employment. The law additionally prohibits employers from retaliating against an individual who exercises his or her rights under the law. The recently-passed Suffolk County law similarly bans employers from requesting or seeking the wage history, including the individual's current or previous salary, of prospective employees during any stage of the hiring process. The bill further prohibits employers from conducting searches of publicly available information for prior wage data. If Suffolk County's County Executive signs the bill, it will go into effect on or about June 30, 2019.

Massachusetts passed legislation in 2016, which went into effect on July 1, 2018, to significantly toughen its existing pay equity law. The Massachusetts law bans employers from screening job applicants based on wage or salary history; seeking salary history from an applicant unless the prospective employer has made an offer of employment with compensation and the applicant provides written authorization for the employer to confirm pay history; and placing prohibitions on employees discussing their compensation with their coworkers. The Massachusetts Attorney General's Guidance on the law clarifies that

employers are permitted to ask prospective employees about salary requirements or expectations so long as the questions are not "framed or posed in a way that is intended to elicit" salary or wage history information.

Other states, such as New Jersey, Hawaii, Vermont, and Connecticut have enacted similar legislation throughout the past year to prohibit employers from relying on applicants' prior or current salary when determining their compensation. In just the first two months of 2019, both South Carolina and Colorado have proposed sweeping pay equity legislation. If Colorado's bill passes, the legislation would be among the nation's most aggressive equal pay laws.

In contrast, former Michigan Governor Rick Snyder signed a bill in March of 2018 to prevent local governments from regulating the questions employers' can ask of their job applicants during interviews. This bill amended a 2015 law that prohibited local governments from enacting bans on salary history inquiries on job applications. With this new law, the Michigan state government has effectively blocked local governments from enacting legislation to prohibit employers from asking job applicants about their salary history. Wisconsin passed similar legislation last year.

Despite its ban on local salary history ban legislation, Michigan's newly-elected Governor Gretchen Whitmer recently signed a directive prohibiting state departments and agencies from inquiring into applicants' current or previous salaries until after a conditional offer of employment, with a proposed salary, has been extended. The directive further limits state employers from searching publicly available information for applicants' salary history, though it does not prohibit the state from verifying salary information if applicants volunteer their compensation history or verification is required by applicable law.

In addition to the wave of salary history bans, numerous states and localities have strengthened their equal pay laws in other ways, such as expanding who can be considered a comparator, extending

statutes of limitation, and increasing pay transparency.

Though Ohio does not currently have any salary history ban legislation pending, the City of Columbus enacted The Columbus Commitment, an initiative aimed at addressing the gender pay gap in the region. The program encourages employers to voluntarily make a public commitment to strive for pay equity and facilitates the sharing of best practices and experiences, without requiring participants to submit compensation data.

The trend of prohibiting the use of salary history is not likely to slow down any time soon. With the wage gap and issues affecting women in the workplace continually in the spotlight through demonstrations like Hollywood's "Time's Up" campaign, Equal Pay Day, and the reintroduction of the Paycheck Fairness Act in the U.S. House of Representatives, issues relating to pay equity will likely stay in the spotlight for some time. Companies should continue to stay apprised of the situation, especially organizations with operations in multiple states.

**Authors:** Pat Peters and Sabrina Brown are attorneys in the Jackson Lewis P.C.'s Cleveland office. Pat can be reached at [Patrick.Peters@jacksonlewis.com](mailto:Patrick.Peters@jacksonlewis.com) and Sabrina can be reached at [Sabrina.Brown@jacksonlewis.com](mailto:Sabrina.Brown@jacksonlewis.com).

## All in the family: Lawyers in love

By Matt Hicks, Chief Operating Officer & Counsel, Federal Equipment Company

Emily Honsa Hicks, Honsa Hicks Law, LLC

For many ACC NEO members, a career in law has also led them to life-long love.

In late 2008, recent Cleveland transplant and attorney Matt

Hicks went on his last-ever first date with Emily Honsa, who was finishing up her last semester of law school.

But first, some background on each of them before they became a twosome.

Matt, COO and GC for the Federal Equipment Company, decided that he wanted to be an attorney way back in high school. No particular reason, he just thought that this career path was the one for him. He laughs, “I didn’t really know what that meant at the time, but I certainly liked the idea.”

Unfortunately, his law school aspirations took a backseat while he studied business administration at Otterbein College (now “Otterbein University”) college. Upon finishing his undergraduate degree, Matt’s financial situation forced him to find a job instead of going straight for his JD.

A few years into working as a contract specialist with the Department of Defense then in purchasing roles in the pharmaceutical industry, Matt started to wonder if he’d missed the opportunity to go to law school. Was it even worth pursuing now? “At this point I really liked being in a business role where I could help get things done—sales, purchases, innovation, new products, and new ventures—things that generally get people excited.”

Matt eventually decided that both an MBA and JD would help him be more effective in the business world and with that, he was back on track. Luckily for him, executive programs with evening and weekend classes were becoming more popular, so Matt could work on both degrees when he wasn’t at his full-time job.

Seven years later, he graduated with his MBA and JD, and passed the bar exam soon after.



In 2008, Matt relocated to Cleveland, Ohio, from Columbus, Ohio as part of a career change – switching from strategic sourcing to business

development pharmaceutical contract manufacturing services.

As Matt was getting settled into his new job and downtown Cleveland condominium, Emily Honsa had just returned from a semester interning with the Naval Criminal Investigative Service in Washington, DC and was finishing up her law degree at Cleveland-Marshall.

Emily was also interested in law from a young age. “Law was honestly one of a few careers that called to me, but my path meandered, and I abandoned that trail for a while. It wasn’t until I graduated from college and was working in an entry-level corporate job when I realized that I needed something intellectually challenging in my life.”

The Solon native began doing graduate work at her undergraduate alma mater, Hiram College. In almost every course, she noted that lawyers were the ones who seemed to affect the most change in the world. This sounded much more appealing, so Emily dropped out of her graduate program to pursue a JD in the evening program at Cleveland-Marshall College of Law. “It was one of my best decisions, and I genuinely looked forward to class every night,” she says.

Matt and Emily met the old-fashioned way—at a bar—when Emily offered to buy him a drink at Gillespie’s Map Room in Cleveland’s Warehouse District.

They clicked from the first date and continued seeing each other, even though Emily didn’t have a lot of extra time to spare. “It helped that Matt had attended law school at night,” she explains. “He wasn’t fazed at all by the weird hours I had to keep.”

Within a few months of dating, it was clear to Emily that Matt was a great

match for her in temperament, values and interests. She says, “Matt was (and is!) intelligent, confident, driven and easygoing. He was simultaneously interesting and relaxing to be around.”

Nine months later, the couple got engaged while watching fireworks over Lake Erie and made it official the following year.

Now married seven years, Mr. and Mrs. Hicks agree that they probably have a different approach than non-attorney married couples. For one thing, Emily likes that they always have something to talk about and that they can debate with each other without taking things personally.

Emily, who recently left a compliance position at KeyBank to return to legal work, credits their law degrees for keeping their marriage grounded. “Because we’re both trained to think critically and weigh contrary arguments, we both really listen to the other’s point of view, whether it’s regarding current events, our household, or parenting. Although most people are extremely fixed in their perspective, I would say we are both fairly fluid and willing to consider that we may be wrong. I know that I learned that in law school.”

Her husband agrees, adding, “In some sense, we both want more law in our life, and we are able to get that at home.” According to Matt, rather than arguing with each other, they usually have fun with their mutual interest by letting legal terminology creep into their daily lives. For example, the couple named their dog “JD” and at one point owned a boat named “Summery Judgment.”

Additionally, Matt enjoys using Emily as a great sounding board for hypotheticals. “Our curiosity with legal issues allows us to endlessly explore topical issues, like the circumstances of if, when, and how an NDA can be enforced,” he says.

Unfortunately, Matt says that the couple’s enthusiasm for legal debate can sometimes chill conversations with friends and family. He adds, “It’s good that we found each other.”



## NEO CHAPTER NEWS

### We ♥ CLEs + ROUNDTABLES

Forget horror movies, our CLEs will scare your socks off! On October 4, the dynamic McGlinchey Stafford team hosted a 3.0 CLE, *Internal Investigations: Best Practices and Strategies from Three Perspectives*. The presenters covered the triple threat of corporate internal investigations: fraud, government and regulatory, and environmental.



On Halloween morning, Squire Patton Boggs (pictured above) presented a 1.0 CLE, *A Corporate Counsel's Toolbox for Managing Privileged Communications*. The program provided a refresher on privileged vs. non-privileged communications, the steps that in-house counsel could take to preserve the attorney-client privilege and common myths among businesspeople in organizations when it comes to the attorney-client privilege. The presenters also provided guidance on how to navigate difficult privilege issues if a company operates internationally.



On Thursday, November 15, Porter Wright held a 2.75 CLE on *Emerging Issues Regarding Legal Ethics + Professionalism* at the Union Club. The afternoon program addressed the unique concerns and issues of in-house counsel regarding drone usage, cybersecurity and Ohio's new data breach "safe harbor" law going into effect the same month as the CLE, other ethical issues faced by in-house counsel, ethical issues regarding protective orders, and substance abuse in the workplace.

In late November, Brouse McDowell presented *Cyber Security & GDPR*. This 1.5 CLE examined the coverage available for cyber risks and discusses the seminal cases ruling on cyber issues. In addition to cyber risks, the presentation covered a high-level overview of GDPR compliance for US-based companies and an outline of some initial action steps to determine risk and compliance needs.



BakerHostetler hosted a 1.5 CLE on Thursday, December 6, *Post-Election Implications for In-House Counsel*. The morning program focused on the impact of the 2018 mid-terms. A non-partisan panel comprising in-house counsel and former government officials provided a post-election analysis of the issues that impact in-house counsel the most and predictions for what's on the horizon the next two years.



On December 11, Fisher Phillips hosted a 2.0 CLE, *Two L+E Topics: Workplace Violence and Immigration*. The first half covered the statistics and risks associated with workplace violence, how to recognize possible warning signs, what employers can do to help prevent it and—because it can still happen—how to prepare for it.

The second session provided an overview of past immigration policies and what the Trump Administration has changed with regards to ICE, I-9s, travel bans, etc., and how these changes may impact employers with existing international employees (and potential future hires).





## OUTREACH + PRO BONO WORK

### Team ACC NEO steps up for Parkinson's charity walk

Every September, ACC HQ asks its chapters to recognize Global Community Service Month by supporting a local charity of the chapter's choosing. This year, our Board decided to work with InMotion, a local organization that provides resources for Parkinson's Disease patients and their caregivers.

On a sunny Sunday morning in September, several members of the ACC NEO Chapter participated in the organization's annual fundraiser Pals InMotion, a 5k walk and run held at a high school in the Cleveland suburbs.

Team ACC NEO provided five volunteers to work at the event and 16 people donated or signed up to participate in the walk. In total, our group raised \$2,200, with InMotion reporting \$336,000 for the walk overall.



### ACC NEO went back to law school to share with students what it's like to work in-house

Board Members Donald Herbe, Shelly Hillyer, Bruce Martino, Norma Jeanne Mudry and Joe Muha—along with Frantz Ward's Pat Haggerty, participated in "A Day in the Life of In-house Counsel" at the University of Akron's Law School on November 7. Less than one week later, Zoe Carlisle joined her aforementioned colleagues to speak to students at Case Law School.

At each session, the panelists each talked about their career trajectories after law school, what they work on regularly in their respective roles, and the differences between working in a corporate setting vs. a law firm.



### Pro bono pros

Several ACC NEO members and other area attorneys came bearing gifts (literally and figuratively) to those who attended the Legal Aid Society's Brief Advice + Referral Clinic on Saturday, October 27 at Fatima Family Center.

The figurative gifts were, of course, the legal advice the attorney volunteers provided the attendees on issues related to housing, employment and domestic relations. The literal gifts were donations of new toys and clothes for the Center's annual Christmas party, which is attended by families in need.

### A Winter Social to close out the year, sponsored by Littler

It was a dark and chilly night...but the atmosphere inside The Plum Café and Kitchen on the near west side of Cleveland was warm and inviting.

ACC NEO members, their guests and the Littler team enjoyed cocktails and a buffet of delicious, warm-from-the-oven appetizers as they caught up with old friends and made new ones, too.

Thank you again to the Littler team for sponsoring and hosting this year's Winter Social!





## Summertime in the city

For ACC NEO members, June always ends on an awesome note with our annual summer social sponsored by Jackson Lewis.

This year's social took place at Collision Bend Brewery, a recent newcomer to the Flats' East Bank. The 60 attendees sipped elegantly crafted beers while enjoying a wonderful selection of hors d'oeuvres inside our private event area (the Asian-inspired arancini rice balls were amazing!) For guests who preferred to soak in the clear blue summer evening, just outside our space was a deck where Collision Bend (and a flock of paddleboarders) was in full view.



## Wine + Dessert Tasting Social, sponsored by Vorys

This year's Fall Social found us tucked in a corner of the cavernous Crop Bistro, a popular Cleveland restaurant housed in a former Ohio City bank building.

ACC NEO members, their guests and the Vorys team mingled as they wandered among the several tables that featured hors d'oeuvres and mini desserts paired with wines that complimented them.

Special thanks again to the Vorys team for sponsoring and hosting such a wonderful event!





## ACC Northeast Ohio Upcoming Events

### MARCH

#### March 26

An Inside Look at In-house Life  
at Cleveland State University Law  
School

#### March 28

1.5 CLE, presented by  
Buckingham Doolittle Burroughs

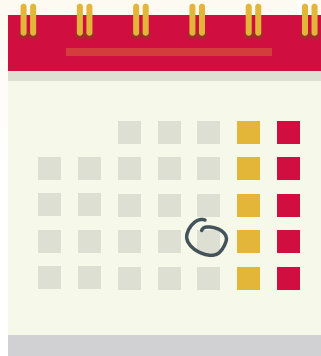


*Dates and topics are  
subject to change. Please  
visit our Chapter website's  
event page for the most  
up-to-date information.*

### APRIL

#### April 9

4.0 CLE, presented by  
Jackson Lewis



### MAY & JUNE

#### May 2

RoundTable, hosted by  
McGlinchey Stafford

#### May 16

4.0 CLE, presented by Vorys

#### June 6

RoundTable, hosted by  
Fisher Phillips

#### June 20

4.0 CLE, hosted by Littler

#### June 27

Summer Social, sponsored by  
Jackson Lewis

## Your Business is Our Focus.

McGlinchey Stafford is proud to provide firmwide legal resources to clients of all sizes and jurisdictions on matters at the local, regional, and national levels, as well as internationally. We have experience in more than 40 practice areas, including class action defense; commercial litigation; consumer financial services; insurance regulation, compliance, coverage, and litigation; intellectual property; labor and employment; products liability litigation; public finance; and real estate. We focus on our clients' businesses to innovate and customize approaches to their legal challenges. **We call it practicing where business and law intersect.**



Where Business & Law Intersect<sup>SM</sup>



AL CA FL LA MS NY OH TN TX DC [mcglinchey.com](http://mcglinchey.com)

THIS IS AN ADVERTISEMENT. Authorizing attorney: Rodolfo "Rudy" J. Aguilar, Jr., Managing Member. McGlinchey Stafford PLLC in AL, FL, LA, MS, NY, OH, TN, TX, and DC. McGlinchey Stafford LLP in CA.

## Board Members and Contacts

### President

#### Jeffrey Lauderdale

Global Group Counsel, Advanced Materials  
Lubrizol Corporation  
29400 Lakeland Blvd  
Wickliffe, OH 44092

### Vice President/President-Elect

#### Bruce Martino

Associate Legal Counsel  
GOJO Industries, Inc.  
One Gojo Plaza, Suite 500  
Akron, Ohio 44311

### Secretary

#### Ray Stefanski

Corporate Counsel  
Hyatt Legal Plans  
1111 Superior Avenue, Suite 800  
Cleveland, OH 44114

### Treasurer

#### Kelly A. Albin

Corporate Counsel  
The Sherwin-Williams Company  
101 West Prospect Avenue  
1120 Midland Building  
Cleveland, OH 44115

### Board of Directors

#### Zoë Carlisle

#### Donald W. Herbe

#### Jason Hollander

#### D. Russell Hood

#### Todd Jackson

#### Dena M. Kobasic

#### Mark A. McClendon

#### K. Vesna Mijic-Barisic

#### Jennifer Miller

#### Norma Jeanne Mudry

#### Joe Muha

#### David G. Slezak

#### Ellen R. Stein

#### David M. Stringer

### Executive Director

#### Betsy Keck

216.333.3008  
neoh@accglobal.com



Betsy Keck  
Executive Director  
2195 Cranston Road  
University Heights, Ohio 44118

## Recognitions

We'd like to thank our 2019 sponsors for supporting our chapter's educational and social programming:

### Signature Plus

Frantz Ward

Jackson Lewis

Littler Mendelshon

Vorys, Sater, Seymour and Pease

### Gold

Fisher Phillips

### Silver

BakerHostetler

Brouse McDowell

Buckingham, Doolittle &  
Burroughs, LLC

McGlinchey Stafford

Porter Wright

Squire Patton Boggs

### VENDOR SPONSORS Diamond

Jordan Lawrence

### Pearl

Bloomberg Law

Donnelley  
Financial  
Solutions