

UPCOMING MEMBER EVENTS

September 10, 2019

Monthly Luncheon
Sponsored by Weinberg, Wheeler, Hudgins, Gunn & Dial

September 19, 2019

College Football Kickoff Happy Hour
Sponsored by FordHarrison

September 25, 2019

Deep Dive Luncheon
“Preserving In-House Privilege When
Discussing Company Business”
Sponsored by Bodker, Ramsey, Andrews,
Winograd & Wildstein

September 26, 2019

Women's Initiative Event
“Pay Equity”
Sponsored by Bodker, Ramsey, Andrews, Winograd &
Wildstein, Kilpatrick Townsend, Eversheds Sutherland,
Ogletree Deakins, Taylor English and Law DocsXpress

October 3, 2019

Street Law Program

October 8, 2019

Monthly Luncheon
Sponsored by Fish & Richardson

October 10, 2019

Deep Dive Luncheon
“Making #MeToo #NotHere”
Sponsored by Fisher & Phillips

October 17, 2019

CLE Jamboree
Sponsored by King & Spalding

October 22, 2019

Deep Dive Luncheon
“Career Tune-Up”
Sponsored by Legitimity

October 24, 2019

Half-Day Seminar
“International Symposium: China”
Sponsored by Kilpatrick Townsend

October 27-30, 2019

ACC Annual Meeting
Phoenix, Arizona

November 12, 2019

Monthly Luncheon
Sponsored by Squire Patton Boggs

November 14, 2019

Pro Bono Partnership of Atlanta Legal Checkup

December 10, 2019

Monthly Luncheon
Sponsored by Arnall Golden Gregory

DEAR ACC GEORGIA MEMBERS:



Angela Frazier
ACC Georgia President

Greetings!

As we speed into the latter half of 2019, we'd like to take a moment to thank our Association of Corporate Counsel Georgia Chapter members and sponsors for supporting a robust summer schedule of professional development and CLE programming specifically designed for in-house counsel.

In case you missed it, our summer programming raised the bar for engaging, entertaining and educational events. Our three Monthly Luncheons included a Jeopardy!-themed presentation on employment law, our two Women's Initiative events included a Bollywood-style dance party and our signature Leadership Series guided members on how to communicate with tact and professionalism. Our efforts to give back to the community continued with the Pro Bono Partnership of Atlanta helping nonprofits deal with employment issues. A Deep Dive Luncheon and our annual CLE/networking event with the Atlanta Braves gave members extended time to connect with peers and learn about timely legal issues.

We'd like to extend a special thanks to each of our event sponsors, listed on the next page. Without their generous support, these events would not be possible.

Next Generation of In-House Counsel

Also this summer, ACC Georgia was proud to provide opportunities for law students to learn about the role of in-house counsel with practical experience through internships. The 2019 Lori Ann Haydu Memorial Summer Internship Program provided three paid internships to rising second-year law students who each worked in two corporate legal departments. We congratulate Diamond Alexander at Emory University School of Law and Tracy Mokake and Bianca Webb at Georgia State University College of Law on completing their internships. We also thank the members who volunteered their time to review applications and interview candidates. ACC Georgia salutes the companies that hosted this year's interns: Beazer Homes, Carter's, Global Payments, McKesson Corporation, Pulte Group and Randstad US.

Upcoming Events

Looking ahead to fall, we have many more events lined up through the end of the year to support career development, including Monthly Luncheons, Deep Dive Luncheons with opportunities for CLE credit, Women's Initiative events, a half-day international seminar and the CLE Jamboree. Our Street Law program, which teaches young people about law and government, and the Legal Checkup for nonprofits, which provides pro bono opportunities, will be scheduled later in the year.

Whatever you're seeking to develop, whether it is your skills, knowledge, experience or professional network, ACC Georgia is committed to providing the resources you need to excel as in-house counsel.

We look forward to seeing you at our next event!

Angela Frazier

ACC Georgia President
Assistant General Counsel, Cox Communications, Inc.

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MEMBER SPOTLIGHT

Scott Moran

Executive Vice President & Chief Legal Officer, Mons Calpe Sports Club, Ltd. (Gibraltar UK)



Q. What attracted you to corporate, international and sports law?

I come from a bilingual and multicultural family and have always used that background in my career as a transactional lawyer and international business adviser. I've been a soccer-football player and fan my whole life, and the world's most popular sport is one of the most ubiquitous industries in the world. Working in this area has been an exciting and challenging way to combine my skills and my passion.

Q. What do you like about working for Mons Calpe?

Mons Calpe is a Premier Division football club in Gibraltar, a British territory on the southern tip of the Iberian Peninsula. In addition to my traditional corporate work, I've had a parallel career in global football, advising clubs and federations in

the Americas and Europe. Mons Calpe offered me the opportunity to put it all together as the general counsel and investor of a club that could play at the highest levels of European soccer.

Q. What is your biggest legal challenge?

Balancing the role of gatekeeper and protector of a company to minimize risk while being a partner and facilitator of the business is my greatest legal challenge.

Q. What is the most important thing you're working on right now?

This is the bane of every professional sports team lawyer: contracting the best talent available to build the most competitive squad possible and stay within the club's budgetary constraints.

Q. What makes a successful leader?

Successful leaders listen to team members, place them in the best positions to succeed and lead by example.

Q. What are you most proud of?

I'm tremendously proud of building a great family with my wife and my sons.

Q. What keeps you busy outside of work?

My days are filled with being a soccer taxi for my youngest son, refereeing games with my oldest and playing on my old man's team with some good friends.

Q. What is your last book read?

"The Spy & the Traitor" by B. McIntyre and "The Gallic War" by G.J. Caesar

Q. What is your favorite travel destination?

My favorite places in the world are Ireland and Galicia, Spain.

Q. What would you be if you weren't a lawyer?

I'd like to be a diplomat in the Foreign Service or a graphic artist who designs football uniforms.



Mons Calpe S.C., whose season in the Gibraltar National League began in August, plays at Gibraltar's Victoria Stadium, seen with the "Rock" rising behind it.

Q. How is the U.S. faring against international leagues in recruiting top players, developing homegrown talent and building financially sound organizations?

American professional clubs have been investing heavily in their academies to develop homegrown players and are also attracting top international talent. The juggernaut European leagues (England, Spain, Germany, Italy) and the well-established Latin American leagues (Argentina, Brazil and Mexico) have a head start of over a century against U.S. clubs. The biggest difference is in media rights. The English Premier League collects more than \$1.5 billion, while Major League Soccer's television deal generates about \$90 million. U.S. rights, however, have been growing steadily, and a new deal in 2022 could be exponentially higher. MLS franchise fees also have grown from about \$20 million in the late 1990s to more than \$200 million today.

Thank You to Our Sponsors!

Thank you to our recent luncheon and event sponsors:

June 11 – Monthly Luncheon – Kilpatrick Townsend – "Blockchain for In-House Counsel: Key Trends and Emerging Issues to Consider When Advising Your Clients"

June 15 – Women's Initiative Event – Eversheds Sutherland (US), Kilpatrick Townsend, Ogletree Deakins, Taylor English, Bodker, Ramsey, Andrews, Winograd & Wildstein, Fisher & Phillips, LawDocsXpress – "Mindfulness in the City"

June 18 – Deep Dive Luncheon – Womble Bond Dickinson – "Practical FinTech Lessons from the Cutting Edge: FinTech Licensing, Wages on Demand, and Cryptocurrency and Privacy Regulation"

June 28 – Pro Bono Event – Pro Bono Partnership of Atlanta and Seyfarth Shaw – Rapid Remedy: Employee Handbooks

July 9 – Monthly Luncheon – Fisher & Phillips – "Employment Law 'Jeopardy!'"

July 10 – Leadership Series – Smith Gambrell & Russell – "The Complete Seminar on Communicating with Tact and Professionalism"

July 25 – Networking Event – Womble Bond Dickinson – "Beat the Heat"

August 13 – Monthly Luncheon – Eversheds Sutherland (US) – "Pitfalls and Prognostications for Website Accessibility and Customer Communications: How the Americans with Disabilities Act (ADA) and the Telephone Consumer Protection Act (TCPA) Have Impacted the Legal Landscape"

August 16 – Women's Initiative Event – Eversheds Sutherland (US), Kilpatrick Townsend, Ogletree Deakins, Taylor English, Bodker, Ramsey, Andrews, Winograd & Wildstein, LawDocsXpress – "Bollywood Calling - Let's Dance!"

August 21 – CLE/Networking Event with the Atlanta Braves – Nelson Mullins – "Managing Trends in Privacy & Data Security"

Also, ACC Georgia extends a special thank you to Alison Danaceau, legal team lead at Avolin, for serving as our chapter photographer, and Poston Communications for production of our newsletter, public relations and other activities.

How You Can Sponsor an Event

ACC Georgia welcomes your sponsorship. Sponsors have the opportunity to showcase their expertise and experience to our members in exchange for providing support for substantive programs involving CLE credit. Costs paid by sponsors provide funding for luncheons and special programs, as well as ACC Georgia's community outreach programs that include providing minority internships for deserving law students.

For more information, go to: <https://www.acc.com/chapters-networks/chapters/georgia/sponsorship-information>.

NELSON MULLINS ANNUAL BRAVES EVENT

The ACC Georgia Chapter's annual Atlanta Braves outing sponsored by Nelson Mullins highlighted trends in privacy and data security. More than 60 people attended the August 21 CLE panel discussion led by Nelson Mullins Partner Tori Silas and featuring Will Bracker, corporate counsel - privacy at Cox Communications, Corey Cutter, senior attorney - privacy at the American Cancer Society, and Rachel Reid, senior counsel and chief privacy officer at VOYA. Attendees also received a project briefing on the \$1.2 billion mixed-used SunTrust Park development from Jeremy Strife, senior vice president and general manager for the Braves Development Company, and Jonathan Smith, vice president and deputy general counsel for the Atlanta Braves.

With Four Months Until CCPA, Is Your Business Adequately Protecting Consumer Data?

By Tori Silas, Partner

Setting aside the six-month grace period, January 1, 2020, is essentially D-Day in the privacy law world. It is the day the California Consumer Privacy Act of 2018 (CCPA) goes into effect.

Consumer Rights Under the CCPA

At its core, the CCPA seeks to give California consumers additional safeguards and rights regarding their personal information, specifically the rights of:

- **Disclosure:** A business must disclose the personal information collected, sold or disclosed for a business purpose about a consumer.
- **Access:** A business must disclose and deliver the personal information the business collected about the consumer in response to a verifiable consumer request.
- **Deletion:** A business must delete the personal information the business collected about a consumer and direct service providers to delete the consumer's personal information in response to a verifiable consumer request, subject to certain exceptions.
- **Anti-discrimination:** A business must not discriminate against a consumer who exercises any of the consumers' rights under the CCPA.
- **Opt-out:** A business that sells consumers' personal information to third parties needs to provide notice to consumers thereof and advise that consumers have the right to opt out of the sale of their personal information. A business must provide a "Do Not Sell My Personal Information" link on its internet homepage that links to an Internet webpage that enables a consumer to opt out of the sale of the consumer's personal information.

Business Obligations

The CCPA also imposes certain obligations on businesses, including:

- **Privacy Policy.** Businesses must describe in their online privacy policies or in any California-specific description of any California consumer rights following: consumers' rights under the CCPA, including the consumer right to opt out of the sale of the consumer's personal information and a separate link to the "Do Not Sell My Personal Information" internet webpage; the methods for submitting consumer requests; and a list of the categories of personal information that the business has collected about consumers, sold about consumers and disclosed about consumers for a business purpose in the preceding 12 months.
- **Website Requirements.** A business must provide a "Do Not Sell My Personal Information" link on its internet homepage that links to an internet webpage that enables a consumer to opt out of the sale of the consumer's personal information.

Keys to CCPA Compliance

Given the varied rights afforded to consumers and obligations imposed on businesses under the CCPA, businesses should have a plan of action to ensure compliance. Below are five keys to compliance:

1. Know what personal information you maintain, from whom it is collected, where it is stored, how it is processed and with whom it is shared.
2. Develop processes that allow adherence to the rights of disclosure, access and deletion.
3. Create a clear, simple and accessible process for consumers to opt out of the sale of their personal information.
4. Assess your business's security posture and establish or strengthen security measures.
5. Update online privacy notices that specify what data is collected.

Tori M. Silas is a partner with Nelson Mullins' Venture Capital team and a Certified Information Privacy Professional. Prior to joining Nelson Mullins, she was Cox Enterprises' first privacy officer, leading cross-functional teams in cybersecurity, data privacy and incident management. Contact her via email, tori.silas@nelsonmullins.com.



FROM OUR EVENT SPONSORS

Technological Advancement: What Happens When the Law Doesn't Keep Pace?

By Lewis Wiener, Partner

Eversheds Sutherland (US) LLP



Only a few years ago, self-driving cars, handheld PDAs and machines that could autodial or fax thousands of numbers at a time were the stuff of “Star Trek,” “Get Smart” or “Back to the Future.” Technology has progressed to where we can communicate instantly from handheld devices and find information at our fingertips that once took days of research to unearth. These same technological advances have, in some cases, outpaced the law. Two examples can be seen through the prism of the Telephone Consumer Protection Act (TCPA) and the Americans with Disabilities Act (ADA), both enacted in the early 1990s in a much different technological era than exists today.

Enacted in 1991 to protect consumers from unsolicited telemarketing calls and faxes (and more recently, text messages), the TCPA specifically prohibits the use of an “automated telephone dialing system” or an “artificial or prerecorded voice” to make calls to cell phones without obtaining the recipient’s prior consent. These restrictions apply to both telemarketing and non-telemarketing calls, including debt collection and informational calls.

The TCPA also requires prior written consent for most automated telemarketing communications, particularly those made to cell phones. The technology that defined an automated telephone dialing system in 1991 is far different (and in some ways unrecognizable) from today’s ATDS technology, yet the same statute enacted 28 years ago applies today. In 1991, there were no issues with reassigned cell phone numbers; that industry was in its infancy. Today, the FCC estimates that as many as 100,000 cell phone numbers are reassigned every day. That alone creates enormous problems (and enormous potential liability) for entities trying in good faith to contact consumers, believing they have consent from the cell phone’s owner only to learn, usually when hit with a class action lawsuit, that the subscriber’s cell number has been reassigned and they did not have the requisite consent to place the call.

Separately, Title III of the ADA, enacted in 1990, prohibits discrimination against people with disabilities, which includes the blind and vision impaired, in places of public accommodation. As originally enacted 29 years ago, before the internet became ubiquitous and back when we still read hardcover books and shopped in malls, the ADA did not expressly include websites as places of “public accommodation.” Over the years, however, as accessing goods and services via the internet has become as commonplace as breathing the air, courts have interpreted places of “public accommodation” to include websites.

No formal technical standards have been adopted to guide web developers on how to make websites ADA compliant, and the U.S. Department of Justice, the agency responsible for implementation and enforcement of the ADA, has not provided any formal guidance on the application of Title III to websites. The law, like nature, abhors a vacuum, and the void is now being filled by a tsunami of class actions lawsuits.

Technology— and more specifically, rapid technological advancement— is the common thread that runs between the TCPA and ADA. In both cases, statutes that were enacted in a much different technological environment are being applied in an environment that did not exist and could not have been anticipated at that time. As a result, class action litigation has proliferated as thousands of lawsuits have been filed alleging violations of the TCPA and, separately, the ADA. The upshot is that it behooves companies to understand their technology and make sure that they are in compliance with the law, no matter how outdated those laws may be.

Lewis Wiener is a partner and co-chair of the global financial services disputes and investigations practice group at Eversheds Sutherland (US) LLP.

Blockchain for In-House Counsel: Key Trends and Emerging Issues

By Michael Breslin, Counsel

Kilpatrick Townsend & Stockton, LLP



At the June ACC Georgia luncheon, Kilpatrick Townsend & Stockton attorney Michael Breslin led a panel presentation, alongside Kilpatrick attorney Joshua Benson and AT&T in-house attorney Jason Thelen, covering key concepts and trends that in-house counsel should be aware of regarding blockchain and cryptocurrency. The discussion highlighted how companies in various industries are continuing to explore potential blockchain applications and ways that distributed ledger technologies can improve both their internal and external processes.

The panel explained that blockchain generally provides the same basic functionality as traditional centralized databases but does so in a way that prevents data tampering and injects a level of trust into transactions between multiple parties who do not necessarily trust each other. While the output of a blockchain looks much the same as traditional databases, the differences in how the data is entered, validated and maintained in a blockchain can allow organizations to realize efficiencies and streamline processes in ways that were not previously possible.

In-house counsel should be aware of the following emerging issues when advising clients on potential blockchain applications:

Privacy Compliance and GDPR

A key feature of data stored on a blockchain is that it is immutable – once verified and entered on the chain, it cannot be altered or deleted. This has the potential to conflict with privacy regimes such as GDPR that grant consumers a “right to be forgotten” or “right of erasure” of personal data, if such data is stored on a blockchain. On-chain encryption of such data may provide a quasi-solution, but counsel should closely explore with their clients the nature of data that may be stored on-chain. To the extent possible in light of the business needs of the blockchain application being discussed, companies should avoid on-chain recording of personally identifiable information or other data subject to such erasure requirements.

SEC Guidance on Cryptocurrency Offerings

Almost without exception, the SEC has determined that organizations’ initial sale of cryptocurrencies – an initial coin offering, or “ICO” – constitute the sale of investments and need to be a registered securities offering. However, in a landmark April 2019 “No Action Letter,” the SEC stated that it would take no action against the unregistered cryptocurrency offering of Turnkey Jets, which planned to sell cryptocurrency tokens that could be used to purchase flight time on private jets. The SEC’s decision was based on the following features of the proposed offering: The funds received from the token sale would not be used to develop the platform on which the token exchange would operate; the tokens would be immediately exchangeable for purchasing air charter services; and the tokens would be redeemable by Turnkey Jets for \$1 each – the same price at which they were sold. These unique features distinguished the Turnkey Jets offering from the majority of ICOs that imply purchases will earn a return on their investments. Regardless, companies considering a cryptocurrency sale should carefully examine whether it should be a registered securities offering.

Should Your Organization Hold Cryptocurrency?

Given the recent wave of ransomware attacks on private and governmental organizations by hackers demanding payment in cryptocurrency, many companies are considering whether to hold an emergency balance of crypto funds. Some believe that having such funds readily available will enable them to buy their way out of a potentially crippling ransomware attack at a price far less expensive than the business interruption and public relations damage these attacks can generate.

Regardless of the reason for holding cryptocurrency, there are best practices that companies can employ to do so securely. For example, multisignature wallets can help prevent internal theft by requiring passwords from multiple company officers before the wallet will release any funds. And such funds should almost always be held in a physical wallet device stored in a safe deposit box rather than an online wallet. In-house counsel should consult with experts to determine the appropriate security features to employ under their company’s circumstances.

Michael Breslin is counsel at Kilpatrick Townsend and co-chairs the firm’s Fintech group.

2019 LORI ANN HAYDU MEMORIAL SUMMER INTERNS

In-house Experience Broadens Horizons

ACC Georgia was proud to again sponsor the Lori Ann Haydu Memorial Summer Internship program, which provided opportunities for three rising second-year law students from diverse or challenging backgrounds to seek success in the legal profession. We'd like to thank Beazer Homes, Carter's, Global Payments, McKesson Corporation, Pulte Group and Randstad US for hosting this year's interns.

INTERN Q&A

Diamond Alexander

Emory University School of Law, J.D. candidate, May 2021



Q. What appeals to you about an in-house legal career?

What I find most appealing about an in-house career is the versatility of practice areas while only having one client. This allows the ability to develop legal skills tailored to that company and to focus on the needs of a single client to provide legal assistance that is more specific and targeted.

Q. What have been your biggest challenges in your internship?

My biggest challenges at my internship have been learning to use what I have learned in law school in practice. While law school has been helpful in providing the foundation of the legal education, I have learned significantly more about actual practice through my internships. Understanding where I lack and where I have room for improvement has been a challenge but an irreplaceable opportunity to become a better attorney.

Q. What has most surprised you about working in-house?

I am most surprised by the difference in environment when working in-house than when working in a firm. I find that working in-house brings increased flexibility but also a different aspect of pressure with only one client to represent. There is very little room for error.

Q: What courses – in law school or as an undergrad – were most useful in preparing you for the in-house experience?

Contracts, Civil Procedure, and Legal Research and Writing were my three most helpful courses in preparing me for my in-house experience. Almost daily I am required to interact with a contract at any stage or prepare a written assignment, such as a brief, memo or statement. Civil Procedure also has been helpful in assessing dates for filings, deadlines and similar processes.

Q: What was your best experience outside of work this summer?

My best experience outside of work this summer was having free weekends and time to spend with my family and exploring the city of Atlanta, which I have not had many chances to do since moving to Atlanta a year ago and starting law school immediately after.

Q. Where do you see yourself in three years?

I see myself successfully practicing law with a small to mid-sized firm, improving my legal skills and preparing for advancement in my legal career. However, I accept the possibility of variations in where my career may lead me.

INTERN Q&A

Tracy Mokake

Georgia State University College of Law, J.D. candidate, May 2021



Q. What appeals to you about an in-house legal career?

An in-house legal career gives me the opportunity to work with and focus on one client – the company. I gravitate toward the idea of working closely with different sectors of the business and using my legal knowledge to assist in shaping future strategies and goals for the company. Not having billable hours was also a plus!

Q. What have been your biggest challenges in your internship?

The biggest challenge has been coming to terms with the fact that there's so much I don't know. At first it was difficult because most of the subject matter was brand new to me. I had to get comfortable with asking plenty of questions all the time, no matter how silly I might have thought they were. Everyone has been incredibly helpful, so it's been great!

Q. What has most surprised you about working in-house?

How laid back and fun all the attorneys are! Everyone I've encountered works really hard, but they have an enjoyable time doing it.

Q: What courses – in law school or as an undergrad – were most useful in preparing you for the in-house experience?

Contracts and Legal Writing helped the most. Knowing how to get your point across in a clear and concise way is vital.

Q: What was your best experience outside of work this summer?

Coming home and not having cases to read or brief! I've just enjoyed sleeping in, binging on Netflix and catching up with friends.

Q. Where do you see yourself in three years?

I see myself as having recently graduated and passed the bar, working in a legal field that I'm passionate about and doing my part in making the world just a little bit brighter.

INTERN Q&A

Bianca Webb

Georgia State University College of Law, J.D. candidate, May 2021



Q. What appeals to you about an in-house legal career?

I have adopted the slogan, "In-house is the best house," because serving as in-house counsel can be fulfilling in myriad ways. As in-house counsel, your voice, intellect and legal opinions play a huge role in ensuring the perpetuity of the business. You play strategist, counselor and adviser, while also having that yearned-for work-life balance. That is the icing on the cake.

Q. What have been your biggest challenges in your internship?

My biggest challenge has been overcoming fear of being inadequate to do the job. I would tremble when assigned projects – not because I am not intelligent or do not have the skill set but because of the anxiety that comes with wanting to make a good impression on the team. However, we are all human, and the best lessons in life are the ones that are learned by fire. That is where tenacity and confidence are built. No one is exempt from life's learning curve.

Q. What has most surprised you about working in-house?

The culture is completely different from Big Law! Everyone is busy and hard workers, yet they are happy and full of life. Also, the other business departments' perceptions of in-house counsel are hilarious to hear.

Q: What was your best experience outside of work this summer?

I enjoyed Global Payments' internship program. GP had a well-structured, companywide program that includes a weekly professional development series with leaders and managers across the business. The program also incorporates community service and social outings. I believe GP's program is comprehensive and prepares students well for the workforce.

Q. Where do you see yourself in three years?

I see myself as a young attorney toting a freshly inked bar license in one of Atlanta's notable law firms, gaining experience and zealously working to become a renowned sports and entertainment attorney. I hope to land with an in-house team for an Atlanta-based sporting or media organization one day.

EVENT PHOTOS



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