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FOCUS

Communications Co-Chair Letter

Simonne Lawrence

ACC South Florida 2020: Clarity in Purpose

Dear Members,

This quarter, Jessica has graciously allowed me, one of the Communication Co-Chairs, to use the space typically reserved for the President's Letter for a general message to our membership. It is hard to believe that we are already half-way through the year. 2020 is shaping up to be one for the history books.

First, I hope everyone is safe and healthy. COVID-19 has significantly impacted the way we live, work and play, and as we settle into our new routine, it is important to remember to take time for ourselves and our families.

As you know, in March, the ACC South Florida team decided that in order to protect our members and sponsors and to help limit the spread of COVID-19, we would not host any in-person events in April. That directive continues today. We do not intend to host any in-person events anytime soon. We are evaluating the best path forward for the CLE Conference scheduled for October 2. We remain committed to planning safe events and we continue to review guidance as it becomes available from government agencies and public health experts.

But the show has not stopped! A big thank you to all of our sponsors who have been incredibly understanding through COVID-19 and have seamlessly transitioned from in-person events to webinars.

And thank you to our membership for your continued support of ACC South Florida.

Also, for those in our in-house community who find themselves suddenly unemployed, please reach out to the ACC South Florida board. We are more than happy to use our connections and resources to help!

In keeping with our theme for this year, *Clarity in Purpose*, I would be remiss not to mention the protests happening around the country due to the death of George Floyd and others.

ACC continually strives to develop resources and programs that respond to and anticipate member needs, which includes promoting diversity and inclusiveness within ACC and the entire in-house community. So where does ACC stand on current events? Veta T. Richardson, ACC President & CEO says it best -

To help bridge that divide, ACC joins with leaders in the corporate and legal communities worldwide to affirm with one voice that social injustice and inequality cannot and must not be tolerated. We must also make clear that any kind of discrimination, be it race, ethnicity, age, gender, sexual orientation, religion, or disability, has no place among supporters of a free and democratic society.

In the days ahead, we will work with our members and partners to establish opportunities for the in-house community to discuss

and develop best practices and resources to promote racial understanding and diversity. However, our goal cannot be just to return to "business as usual" as the status quo is simply unacceptable. We must first come together as a society to acknowledge a history rooted in institutional racism, discrimination, and biases based on color, if we ever hope to institute real change to end this cycle of senseless violence and hate.

To that end, ACC is committed to going beyond the discussion. We are committed to identifying actions each of us can take to help make a difference within our communities.

ACC South Florida intends to take an active part in those conversations and is committed to carrying forth these initiatives. If you want to be included, please let Jessica, myself or Christina, our Executive Director know. More than ever is the time for us to be using our skills for good.

Thank you.
Simonne Lawrence

COVID-19 Resources for ACC South Florida Members

To better help you navigate information around COVID-19, we have aggregated all the various resources from ACC, our sponsors and the state/counties on our [website](#). Also included are links to recordings of past webinars.

Stepping Up: How Companies Are Helping First Responders During the Pandemic

By Karmen Fox

When COVID-19 spread across the globe, medical workers traveled from afar to help their peers beleaguered by overcrowded and understaffed emergency rooms.

Unfortunately, many regions were not prepared for the pandemic and didn't have enough personal protective equipment (PPE) needed to shield essential workers from the contagion. Hospital staff were forced to fashion [masks out of bandanas](#) and [wear ski goggles](#) to stop the spread of the coronavirus.

With inadequate government resources further hampered by delays, dozens of companies stepped up, converting their production facilities to make PPE for first responders, from jean brands sewing medical masks to brewers making hand sanitizer.

ACC Docket reached out to the in-house counsel of companies that are helping the heroes on the front lines. Below, they share how they repurposed their supplies and skills to help stop the pandemic, and how you can galvanize your company to help too.

Alpargatas/Havaianas — José Daniello, Chairman of the Board of the Alpargatas Institute and Director of People

What processes did Havaianas use before that made reconverting possible? (i.e., what tools, goods, techniques, etc. has your company traditionally used that made this effort happen?)

Havaianas is one of Alpargatas' brands. As a global company, we set up a crisis committee at the beginning of the coronavirus issue in China. We designed several scenarios and prepared to adapt the operation if needed.

Administrative professionals are working from home all over the world. We shut down brick-and-mortar stores and advised our franchisees to do the same.

We reduced production to safe levels and reinforced the essential product line to avoid any bottlenecks.

Our factories have been adapted to churn out new products: masks, lab coats, and hospital footwear. We made a commitment to produce and donate one million masks. This number may increase if we are able to source more raw material.

We are also donating 250,000 pairs of shoes to the underprivileged and healthcare professionals, the latter will receive a specific model for hospitals that we started to produce during the pandemic. In addition to footwear, 100,000 families will receive kits with essential products.

How are you balancing employee safety while ramping up production of equipment?

Since March 23, we have reduced the number of employees in logistics and production operations, reaching a minimum level and keeping only those who are essential, complying with health safety guidelines and rules. We are maintaining strict safety and social distancing standards in order to comply with the schedules and standards established in each region where we operate.

How does Havaianas ensure that it's complying with medical-grade sterilization techniques?

After all the adaptations that we promoted in our factories, we had an inspection from Anvisa, the regulatory organization that works with the Brazilian Government Healthy Ministry. They approved all the initiatives and changes in our production.

What internal stakeholders need to be involved to approve and implement these decisions?

The strategic committee, which includes the general counsel, is responsible to approve all the decisions.

How can in-house counsel who want to help during the pandemic get their stakeholders on board with implementing these decisions?

We have weekly lives streaming [calls] with all the employees to update the decisions, initiatives, and new processes during the coronavirus crisis.

In order to make it possible for individuals, such as employees and customers, to participate in helping the society, the Alpargatas Institute (IA), the company's social responsibility program, has created a fund. This fund will receive cash donations, which will be carefully recorded, and then converted into kits of essential products (e.g., hygiene products, food, and Havaianas) to be donated.

The kits are R\$15 and for each donated kit, the company will double the number of donations.

Lucky Brand — Maryn Miller, General Counsel

What processes did Lucky Brand use before that made reconverting possible? (i.e., what tools, goods, techniques, etc. has your company traditionally used that made this effort happen?)

As an apparel brand, it was fairly straight forward to pivot into non-medical cloth masks. Through our collaboration with LA City, we identified an appropriate pleated mask template, created by Kaiser Permanente and shared on [LApronets.org](#).

With these tools and an existing apparel vendor base, we were able to identify a domestic vendor that was already sampling the same non-medical masks. Because we were flexible about fabric style choices, it allowed us to [produce our first 10,000 masks](#) within one and a half weeks. Since it was domestic production, we could deliver to our distribution center within four days.

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We have also partnered with other brands in The Open Innovation Coalition, led by Rothy's and including Fabletics, Marine Layer, Outerknown, and Thirdlove, among others. The purpose of the coalition is to gather others within our industry to information and resource share to factories currently producing protective equipment. The coalition has routed fabric and other supplies to [Suay Sew Shop](#), who are making a mask for medical and essential workers when there is a lack of N95s.

How are you balancing employee safety while ramping up production of equipment?

All of our corporate employees are working from home and have been sent cloth masks for their protection.

Our third-party distribution centers remain open and Lucky has given them the same masks to protect themselves at work. These distribution centers have also instituted social distancing measures on the floor for employee protection.

All of our stores are closed to the public, but 50 of approximately 200 are fulfilling online orders. While these store associates are working alone in store, they have also been given cloth masks to protect themselves going to and from stores.

In addition to sending all employees cloth masks, our human resources department has widely communicated information on social distancing measures and how to protect oneself.

The factory that produces our masks for sale is a contractor. All their employees have their temperature checked when they enter the building. They are aware of symptoms to look out for, are spaced properly to ensure social distancing, and wear masks and gloves at work.

What internal stakeholders need to be involved to approve and implement these decisions?

We have a crisis management team made up of the following positions:

- Chief financial officer and chief administrative officer
- VP Human Resources – Corporate and field

- Director, Loss Prevention and Corporate Security
- Director, OMNI operations and communications
- Director, facilities
- General counsel
- Chief technology officer
- Corp communications, HR program administrator
- CEO

How can in-house counsel who want to help during the pandemic get their stakeholders on board with implementing these decisions?

Stakeholders have been fully supportive of these decisions and are fully invested in efforts to help our community during this crisis, especially where the stakeholders see that the teams have thought through the legal, operational, and logistical considerations upfront.

How can the public support Lucky Brand's efforts?

Charitable donations are always a personal choice in both amount and recipient. At Lucky, we have offered our customers a few options to make an impact. They can purchase a five pack of masks and donate a five pack to our community partners and other beneficiaries recommend by the Los Angeles mayor's office.

Our [#LuckyTogether](#) page has information about how to donate directly to Suay Sew Shop, who are making masks for front line workers. This same page includes the donation pages of Lucky's community partners who service the unhoused in Los Angeles. Customers are welcome to choose how they want to participate and with who.

AB InBev — Cybelle Buyck, VP of Legal and Corporate Affairs

How is AB InBev helping the medical community during the pandemic?

We are a global company but strongly rooted in the local communities where we brew our beers, which is why we acted

quickly to support medical efforts in these communities.

As [medical] supplies shorten in the fight against COVID-19, our breweries are producing much-needed disinfectant alcohol and over one million bottles of hand sanitizer gel to distribute for free to hospitals and frontline workers in some of the most impacted areas.

We use the residual alcohol from the brewing process and work with excellent partners who complement our production capacity and determination to help with their expertise in making biocide products.

Additionally, in Belgium and the Netherlands, we are donating billboard space to support public health campaigns by FIFA and the World Health Organization (WHO), as well as the Dutch government.

We are also helping the medical community by donating water and non-alcoholic beers to hospitals and medical workers to support their work and show our appreciation. In some parts of the world, we are working with local authorities to build modular hospitals.

What processes did AB InBev use before that made reconverting possible? (i.e., what tools, goods, techniques, etc. has your company traditionally used that made this effort happen?)

We pride ourselves on being an agile company, able to act and react quickly. In order to produce disinfectant alcohol and hand sanitizers, we used our residual alcohol left over from de-alcoholising our non-alcoholic beers.

In addition, we reoriented multiple departments, such as procurement teams to purchase the packaging, our marketing team to develop the labels, our transport team to help with logistics, and our legal and corporate affairs teams to find the right places to distribute and cooperate with the governments' crisis coordination centers and hospitals.

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How are you balancing employee safety while ramping up production of equipment?

The health and safety of our people is our highest priority and we won't take any shortcuts in this area.

We have implemented a significant number of measures across our organization to ensure our colleagues have the support and resources that they need to stay safe and healthy. For instance, we proactively introduced enhanced cleaning cycles, social distancing measures, and entry-checks in many countries before they were mandated by the governments to safeguard our people.

Where we do produce hand sanitizer locally (e.g., in Germany or our small test brewery in Leuven, Belgium), in all circumstances, we ensure the strictest safety guidelines.

How does AB InBev ensure that it's complying with medical-grade sterilization techniques?

When we started the process to produce biocide products to help our communities, it was outside our comfort zone. We are brewers, not biocide producers. We started looking for experienced, fast-moving, and innovative partners who were familiar with the biocide regulatory framework.

Together with our partners, we were able to follow and adhere to the regulatory framework and in addition we received assistance from local governments and industry associations. Many governments made emergency exceptions in regards to obtaining biocide licenses and the European Union decided to release product standards free of charge, which has been a tremendous help.

How is AB InBev helping the public at large during this pandemic?

In addition to helping the public health sector, we are supporting our partners in the hospitality sector. As restaurants, bars, pubs, and clubs in many European countries have closed their doors, as

part of government efforts to contain the spread of COVID-19, we've acted quickly to support the hospitality sector.

In addition to offering deferred rent payments, free tap cleaning services, and keg restocks, our team has developed a series of online voucher platforms in Belgium, the United Kingdom, Italy and France, which allow individuals to pre-pay for beers in their favorite bar to redeem once reopened.

We've also pledged to match each donation, so pubs and bars get double the immediate cash injection. So far, almost 500,000 beers have been "prepaid."

In addition, we have also supported our local communities through donating laptops to support distance learning for children and young students.

What internal stakeholders need to be involved to approve and implement these decisions?

Helping to combat the effects of COVID-19 for our colleagues, customers, and communities has been a company-wide effort. All teams are involved and needed to implement decisions, ranging from our brewery teams to marketing, procurement, legal and corporate affairs, IT, and logistics colleagues.

We have an ongoing dialogue with our global senior leadership team but also operate as a European team to decide how best to support the communities we live and work in.

How can in-house counsel who want to help during the pandemic get their stakeholders on board with implementing these decisions?

In-house counsel have to radically prioritize time and resource to deliver workable solutions for rapid – and compliant – deployment of critical community support measures. Achieving that for each initiative means focusing on its specific legal challenges (e.g., permits for hand sanitizer) and covering compliance triggers.

At the same time, in-house counsel need to keep all stakeholders on the right path, even in tumultuous times, through a consistent drumbeat of reminders on data protection, antitrust, anti-corruption, anti-fraud, and other compliance requirements.

Once it's clear that in-house counsel are on top of initiatives and retaining broader compliance control even in a crisis, stakeholders are confident to back novel measures to the fullest.

Operation BBQ Relief — David Rosen, General Counsel

Operation BBQ Relief has been helping communities affected by disasters across the United States since 2011. How does your team determine which areas to help?

Since 2011, Operation BBQ Relief has provided meals to those in need and to support first responders, military personnel, and veterans. As a 501(c)(3), our charitable mission is to provide comfort to those in need by connecting, inspiring, serving, and educating in communities far and wide. Whether it is in response to a natural disaster, or as is this case now, a pandemic, we are doing our best to respond and make a positive impact in as many communities as possible.

Through our new program, Operation Restaurant Relief, we empower a local restaurant to reopen and rehire formerly laid off employees while providing 2,500 free meals per day to their community. The Operation BBQ Relief programs department developed this program and implemented it within a few weeks, and the results thus far have been very successful.

What we need most of all is funding to activate in new areas. We rely heavily on our corporate sponsors and donors. Our COVID-19 deployments started in our hometown of Kansas City, and expanded to a Kansas City restaurant, South Carolina restaurant, then via the sponsorship of Dignity Health, we activated a restaurant in Bakersfield, CA.

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The Pennsylvania Department of Health Services contracted us to feed 180,000 meals per week in conjunction with The Salvation Army. We understand the need at this time is far and wide, and we are trying our best to help in as many places as possible. We hope to work with corporations ready to deploy our resources in their local community to feed those in need and get seven to 10 employees working again at each restaurant.

How is Operation BBQ Relief helping medical, first responders, or other essential workers during the coronavirus pandemic?

They have been one of Operation BBQ Relief's targeted beneficiary groups. Our restaurant contractors have been delivering meals to their facilities.

How has Operation BBQ Relief helped other community members during this pandemic?

Operation BBQ Relief understands the comfort a hot meal brings to both the body and soul. Through Operation Restaurant Relief, we are providing that comfort to those in need, first responders, and other front-liners. The added benefit

is the reemployment of previously laid off employees at our restaurant contractors.

How is Operation BBQ Relief ensuring the safety and health of its chefs and volunteers during the pandemic?

Operation BBQ Relief is committed to following all US federal, state, and Center for Disease Control (CDC) guidelines, with relation to all laws, rules, and regulations. During this crisis, we have continuously updated our standard operating procedures and policies to reflect the changing guidelines.

We have implemented many new operational protocols governing mask usage, gloves, mandatory glove changes, sanitization of all hard surfaces every 30 minutes, checking the temperature of incoming people and then again randomly throughout the day, and many other [rules].

What internal stakeholders need to be involved to approve and implement these decisions?

The Operation BBQ Relief programs department evaluates potential deployment sites and then the CEO with

input from the management team makes the final determination.

How can in-house counsel who want to help during the pandemic get their stakeholders on board with implementing these decisions?

Operation BBQ Relief is actively looking for corporate partners and donors that want to make a positive impact in their local communities. Please share this information with decision makers within your corporate foundation, corporate social responsibility department, marketing department, and the executives.

How can the public support Operation BBQ Relief efforts (aka deployments)?

Please visit www.obr.org to get involved and become a registered volunteer or make a donation.

For more advice on the coronavirus pandemic, visit our [Coronavirus Response Resource Page](#).

Author:

Karmen Fox is the web content editor of ACC Docket.

ACC News

2020 ACC Annual Meeting: It's Happening.

Mark your calendars for October 13-16. For the first time, ACC Annual Meeting will be taking place in-person in Philadelphia, as well as virtually. Reserve your spot today at acc.com/annualmeeting.

In-house Counsel Certified (ICC) Designation

The [ACC In-house Counsel Certification Program](#), helps in-house counsel become proficient in the essential skills identified as critical to an in-house legal career. The program includes live instruction, hands-on experience, and a final assessment. Those who successfully complete the program will earn the elite ICC credential. Your law department and your employer will benefit from having a lawyer that returns with global

best practices in providing effective and efficient legal counsel. Attend one of these upcoming programs:

- **Melbourne, Australia (Virtual)**, August 10-14
- **Alexandria, VA**, November 16-19

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:

- September 22-24, and November 17-19

Learn more and register at acc.com/BU.

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. Visit www.acc.com/VRS for more information.

New ACC Report Shows the Value of Legal Operations

One of the most comprehensive reports of its kind, the [2020 ACC Legal Operations Maturity Benchmarking Report](#), created in partnership with Wolters Kluwer Legal & Regulatory, analyzes data for 316 legal departments of all sizes, across 29 countries, and 24 industries. Quickly assess how your department rates and develop a roadmap to improve critical functions. [Download this complimentary report now.](#)

We're Back. Back again. Tell a Friend! But first read these important considerations when re-opening your business considering COVID-19.

By Valerie L. Hooker and Naveen Paul, Jackson Lewis P.C.

As businesses across the country reopen, employers face new challenges in navigating operations amidst the pandemic. From selecting and recalling employees to determining safety protocols, employers must consider health, privacy, and employment law issues. Below we address a few of those concerns and how employers can prepare to get back to business.

The Recall – Who is coming back to work?

As employers who were forced to furlough employees begin to recall their workforce, there are important considerations to keep in mind.

First, employers must use neutral selection criteria, such as seniority, performance, or job classification, to determine which employees will be reinstated and in what order. Do not assume that an employee cannot return to work based on childcare needs or because they fall under the government label of “vulnerable population” based on age, disability or pregnancy, as this may lead to discrimination claims.

The Recall – Send a letter? What if they say no?

An official recall letter is recommended. The letter should set forth employees’ pay and benefits eligibility, particularly if there will be any changes. Employers should also set forth the steps that the company is taking to ensure everyone’s safety. To help employers plan, the letter should require that, at least one week prior to the start date, employees confirm their ability to return to work or to otherwise notify the company that they will not be returning.

Employees may refuse to return to work. Whether they are protected in their refusal, and whether employers are required to provide additional leave, will depend on employees’ reasons for refusing to return when requested.

Employers should ask employees to explain in writing the reasons they are unable

to return to work. The Occupational Safety and Health Act (“OSHA”) may protect employees with legitimate safety concerns, and the National Labor Relations Act (“NLRA”) may protect employees engaging in concerted activity to not work over safety concerns.

Additionally, employees who choose not to return at the time requested may be eligible for paid sick leave under company policies, the new Families First Coronavirus Response Act (“FFCRA”) paid leave, the Family and Medical Leave Act (“FMLA”), or other federal, state or local laws. Leave taken under the FFCRA (which includes emergency paid sick leave and expanded family medical leave) or the FMLA provides employees protection against retaliatory actions for seeking to take or taking such leave.

Unless leave is required by law or company policy, employers generally do not have to pay employees who are unable to work. Employers generally also are not required to retain employees who are unable to work unless their refusal is protected, they are entitled to an accommodation due to a disability, or they are entitled to paid or other leave.

The Opening – Can we screen employees? Take their temperature?

The Americans with Disabilities Act (“ADA”) prohibits employers from asking disability-related questions and requiring medical examinations of employees, except under limited circumstances, such as when an employee poses a “direct threat,” i.e., a significant risk of substantial harm. Based on guidance from the Center for Disease Control (“CDC”),

The logo for JacksonLewis, featuring the name in white serif font on a dark blue rectangular background.

the COVID-19 pandemic meets the direct threat standard given its propensity for community

spread. The EEOC agrees.

During the pandemic, employers may ask if employees are experiencing symptoms of COVID-19. Employers must limit inquiries to symptoms related to COVID-19 and rely on the CDC and other reputable public health authorities for guidance on emerging symptoms. For COVID-19, such symptoms currently include cough, shortness of breath, difficulty breathing, fever, chills, muscle pain, sore throat, and loss of taste or smell.

Employers also may take employees’ body temperature, which generally is a medical examination. Due to COVID-19, employers may measure employees’ body temperature, but be aware that some people with COVID-19 do not have a fever. Significantly, employers must ensure that they maintain all employee health information as confidential, in compliance with the ADA.

Resuming Operations – What about high-risk employees? How do we address ADA concerns?

The CDC identifies those over 65, those with certain medical conditions, the immunocompromised, and pregnant women as groups at higher risk of severe illness if they contract COVID-19.

Employers should avoid excluding over-65 employees from the workplace solely because of age. The Age Discrimination in Employment Act (“ADEA”) prohibits employment discrimination against workers aged 40 and over. The ADEA prohibits barring older workers from the workplace, requiring them to telework, or placing them on involuntary leave based on age. Similarly, the ADA and

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Title VII of the Civil Right Act bar such action taken based on disability and/or pregnancy, unless there is a request for a reasonable accommodation.

Employees in the high-risk group may seek a reasonable accommodation to allow them to perform the essential functions of their job while staying safe. Employers may verify the existence of the disability (or pregnancy) and discuss why an accommodation is needed and the type of accommodation that would meet the employee's health concerns. If there is any delay in response from an employee's healthcare provider, consider providing the accommodation on a temporary basis for the safety of the employee.

Resuming Operations – What safety protocols should we implement?

Employers may ask employees to wear masks and gloves, except in certain circumstances. If employees object to wearing such personal protective equipment because of their religion or disability, employers must engage in the interactive process to determine what accommodations may be made.

Consider establishing procedures to socially distance and ensure that sinks with soap or hand sanitizers are available throughout the workplace. Also consider asking cleaning staff to disinfect surfaces more frequently and in accordance with CDC and OSHA guidelines. Failure to follow and show adherence to such guidelines exposes employers to litigation risk. For example, if an employee or an employee's family member contracts COVID-19 and it can be traced to the workplace, you can expect litigation, particularly if death or other serious consequences result.

Employers may highlight policies allowing employees to report unsafe working conditions as they relate to COVID-19 and inform employees that they cannot be subjected to retaliation for making such a report.

Resuming Operations – How do we address issues concerning employee leave?

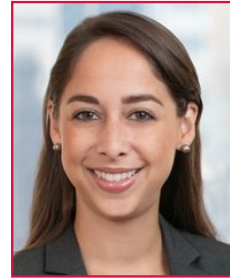
The CDC recommends flexible time off policies. Consider more generous paid or unpaid leave for employees who do not want to return or request time off after returning to work because of COVID-19. Employers should consider implementing policies allowing employees who experience flu-like symptoms to stay at home and relaxing the requirement of a doctor's note in order to miss work, particularly because doctors may have difficulties responding quickly. Also consider whether an employee's request for time off invokes any employer obligations under the FFCRA or FMLA.

For employees returning to work after potentially COVID-19-related absences, employers may ask employees to provide a doctor's note certifying that they are fit to return. It may be difficult for the employee to comply with this request given the stress on healthcare professionals, so be flexible and allow local clinics to provide a form or email certifying that the individual does not have the virus.

Employees should at least certify that they are cleared to return to work. The CDC's guidance for discontinuing isolation for people with COVID-19 is: no fever for at least 72 hours (without fever reducing medicine), AND other symptoms have improved, AND EITHER at least 7 days have passed since symptoms first appeared OR two negative tests in a row, 24 hours apart.

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Rights Act, the Fair Labor Standards Acts, the Family and Medical Leave Act, federal, state, and local whistleblower and retaliation laws, and breach of contract. She also advises employers on preventive litigation practices, compliance with applicable federal, state, and local laws and regulations, and best practices in avoiding and resolving workplace disputes and employee relations problems.

JOB OPPORTUNITIES

If you would like to be included on a distribution list for South Florida in-house employment opportunities, please e-mail Christina Kim at southflexec@accglobal.com. E-mails will be sent out on a periodic basis based on availability. Distribution list is only for ACC South Florida members.

Mental Health Following the Chaos

By Dr. Paola Granados-Radlick, Psy.D., Frame of Mind Psychology, P.A.

As we emerge from months of quarantine and physical isolation, the repercussions of this extended “pause” in our typical daily lives—and returning from it—will continue to challenge us. For many, the fear around the pandemic may turn into feelings of never-ending uncertainty.

If you have yet to pause and notice the mental and emotional effects of the past few months, I encourage you to do so.

Under chronic stress, some people begin to cope through avoidance (e.g., working more hours than usual due to perceived loss of productivity or drugs and alcohol), and others rely heavily on ruminating on worry thoughts. These methods are the brain’s attempt to control uncontrollable events.

Unfortunately, the same methods that feel like the antidote you need at the time (e.g., “just a couple of glasses of wine after work to decompress”) are often the very coping strategies that place you at risk for anxiety, stress, depression, loss of quality sleep, increased emotional dysregulation, and more.

As a result, mental health professionals across the country are seeing a rise in substance abuse cases and other mental health issues, as problems that were not dealt with under “normal” circumstances are further exacerbated under chronic stress and social isolation.

Check in.

Do not assume that all the individuals you keep tabs on via videoconferencing or phone calls are doing well. Sometimes, it feels more socially acceptable to say that we are doing “fine” or “okay,” when in reality we are struggling. If that is the response you get, try asking more direct questions like:

“What are you doing to take care of yourself?”

“Is there anything I can do to support you/help?”

“What has been the hardest part of the quarantine?”

Obviously, the responses will depend on level of your relationships, but even if you are not very close, if you are noticing significant signs of a decline in functioning, depression, anxiety, or suicide in coworkers or employees, it is better to overstep than not acknowledge someone’s suffering.

Take a moment before the rush of the day.

If you have a meditation practice, great! Most people do not, so let’s talk about practical ways of checking in with yourself and prepping your mind for resilience during the day.

The moment you turn off the alarm, take a few deep breaths and think of the things that you are either grateful for or that bring you joy. **Gratitude** has been shown to have significant positive effects on mood throughout the day. It improves our ability to see the bigger picture and not get stuck, and opens us up to be a better team player by seeing other’s perspectives more clearly.

If gratitude is not for you or if it feels “fake,” try thinking of the things in your life that nourish your body, mind, and spirit; simply explore how they nourish you. This can help us feel a sense of having enough, rather than focusing on what we do not have.

Lastly, setting an intention for the day can help to give us purpose and direction.

Examples: “I intend to respond first and then react.” “I intend to lead by example.”



“I will not take things personally today.” “I intend to create more simplicity and calmness in my day.”

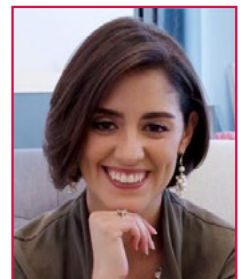
All the tips and techniques I give you will not be enough if you are not starting with the “why” behind the feeling of “upset.” It can feel “boring” or a “waste of time” to think

about the feelings or thoughts behind our reactions, but this is often just the mind trying desperately to look away from something painful or that requires our attention.

It takes courage to look inward.

You got through law school, the Bar Exam, finding an amazing job – you know how to work hard and build resilience. Do not stop now. Yes, it means you will be vulnerable, and it may hurt to look at the reality of what pains you...but at least you know where to start. As an attorney, you are good at problem-solving, but you need to accurately identify the problem first. These simple practices will help you do just that.

Take the first steps as you read this. If you have any questions on the “how to” of any techniques described above, or if you want additional resources, do not hesitate to reach out at pgr@fom-psychology.com or [@frameofmindpsych](https://www.instagram.com/frameofmindpsych) on Instagram.





MEMBER SPOTLIGHT

Eric Masson

Chief Legal Officer, Dental Whale

1. **How long have you been an ACC South Florida member?** 3 years
2. **Why did you join the ACC?** As a new GC in the civilian sector I was looking for mentorship, resources, and other in-house counsel I could connect with who may have experienced or may be experiencing some of my same issues.
3. **What's a typical day like for you at Dental Whale?** Every day is a bit different, but starts about the same. I try to spend the first hour clearing easy quick hit emails or tasks that have come in since the day before. I touch base and map out the day or week with my Compliance Leader so we are aligned on a daily basis. After lunch I try to work on some of the long-term bigger projects, and then it seems around 4-5pm my phone or email is most active with fires that need my immediate attention. I have an open door policy so I am most accessible, but it can be tough to balance accessibility with "white space" on the calendar to get solid, uninterrupted work time.
4. **What do you enjoy most about being in-house?** I enjoy being part of a leadership team and a part of a larger solution or goal. Often times, attorneys are looked at for discrete projects, issues, or problems. I think it is important, in order to bring the most value to the company, to be involved in the company strategy. Having that "seat at the table" best positions me to make sound legal decisions without using an inordinate amount of time to get up to speed on a particular issue. Problem solving, and not necessarily legal problem-solving, is the most rewarding for me.
5. **When you're not working, where would we find you?** I have 3 kids, so they keep me busy. I coach two of their soccer teams and try to catch as many swim meets or water polo games of my high schooler's as possible. Early mornings you can find me running, cycling or at the cross fit gym. My family and I are big Florida Panther's fans so we can also be found at many of the home games in Sunrise. Not much time in schedule for TV or Netflix.
6. **What's your favorite song right now?** Or what's the last book you read? I'll answer both. I have an eclectic love of music: classic rock, country, jazz, even a bit of rap and hip-hop. My kids would tell you my favorite song is Chicken Fried by Zac Brown Band. Something about that song just brings back great memories from my litigation days, has a great dose of Americana, wrapped up with a touch of patriotism. Current book I'm reading, The Four Agreements, which I was given a copy as part of an ACC Board meeting. I would say it is a must read for everyone and demonstrates some essential life skills regardless of your profession.
7. **Tell us something that might surprise us about you.** I have traveled to more than 30 different countries.



Save the Date Mini MBA Program

Saturday August 22, 2020

ACC South Florida is pleased to announce its first ever Mini-MBA for in-house counsels. The program will be presented by St Thomas University and include topics such as corporate finance, accounting and brand strategies. More information and registration to come!



Welcome New Members!

David Spechler

Senior Associate Counsel
MASA Global

Jaimie Alexandra Tuchman

Corporate Counsel
Cambridge Security Services

Dainira Falk

Senior Director,
Business & Legal Affairs
HBO Latin America

Kevin Stubblebine

Chief Legal Officer
Golder Associates Inc.

Rita Chernyak Weaver

Director of Compliance
Dental Whale

Erin Varnell

Attorney
Superion, LLC

Virginia Pagliery

Associate General Counsel
MasTec, Inc.

Thomas P. Clark

Chief Legal Officer
and General Counsel
Florida Cancer Specialists

We are monitoring the impact of COVID-19 (Coronavirus) in the South Florida area. The health and safety of our members, guests and sponsors is our top priority. ACC South Florida has made the decision to postpone all in-person ACC-related events and activities until further notice. We will continue to review the guidelines provided by the state, counties and cities and re-evaluate our calendar schedule as more information becomes available.



Sponsors for 2020

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Foley & Lardner

Holiday Party

Cozen O'Connor (Miami)

DLA Piper (Palm Beach)

General Counsel/CLO Dinner

Saul Ewing Arnstein & Lehr

Coffee Talk CLE Series

Baker McKenzie

Fisher & Phillips LLP

Rumberger, Kirk & Caldwell

White & Case LLP

Chief Legal Officer Roundtable

Nelson Mullins

Sports Outing & CLE Program

Buchanan Ingersoll & Rooney PC

Past Events

Since we haven't had any recent in-person events, we asked you to share us a photo of your work-from-home space or what you've been doing to keep yourself "sane." We loved seeing your new hobbies, nature pictures, baked goods and WFH setup.



Dwinette Johnson

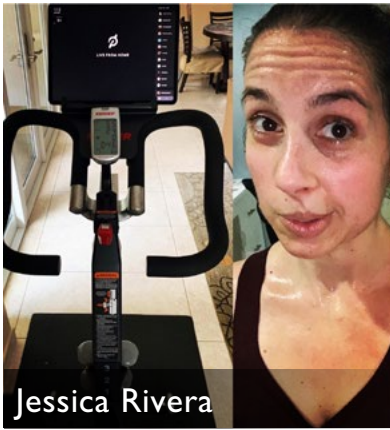


Sharaine Sibbles



Daniela Rost





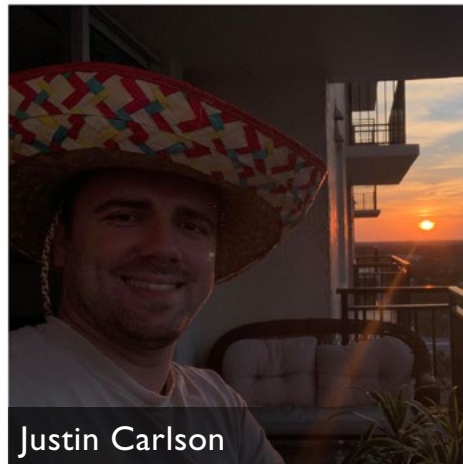
Jessica Rivera



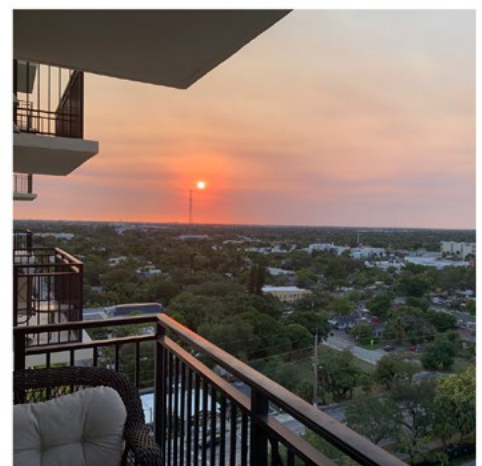
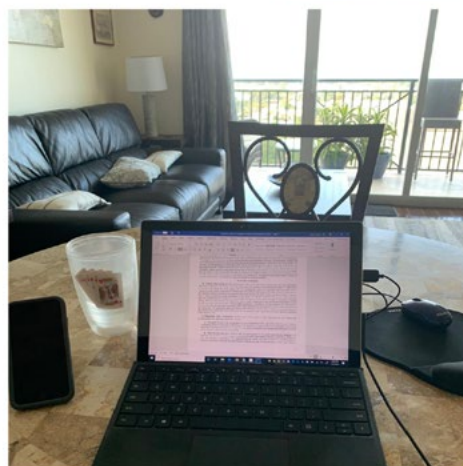
Joanne Dautruche



Carol Stiefel

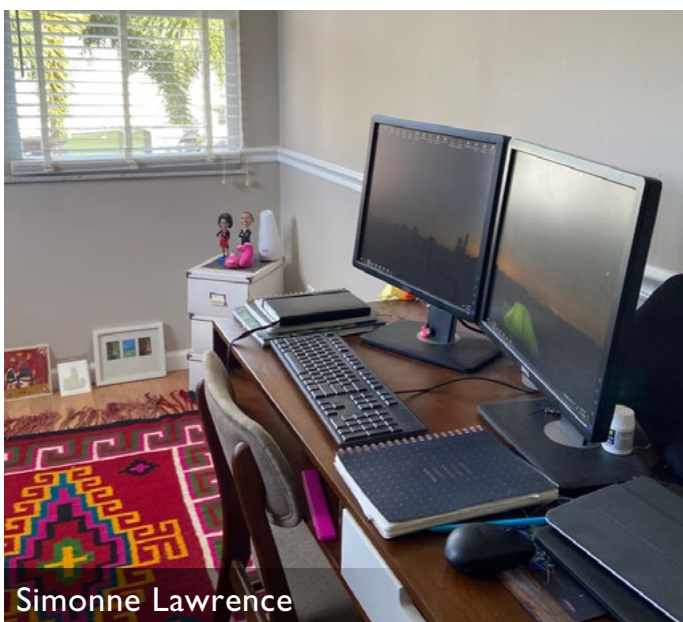


Justin Carlson





Eric Masson



Simonne Lawrence



We're Getting SOCIAL!

For the latest photos and details from our events, please be sure to follow ACC South Florida Chapter on Instagram and Facebook. On LinkedIn, join our group page exclusively for members. In addition, we are excited to now have a public ACC South Florida Chapter page for interaction with our sponsors, respective companies and everyone. On all of our social media platforms, feel free to tag ACC South Florida Chapter on your posts and hashtag #accsouthfl.

You can find updates, event information and more at:



accsouthflorida



@accsouthflorida



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EVP, Global Sales & Corporate Affairs, MotionPoint Corporation

Immediate Past President/CLE Conference Chair

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Managing Senior Counsel, ADP TotalSource, Inc.

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Eric Masson

Chief Legal Officer, Dental Whale

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Deputy General Counsel and VP, Compliance, Envision Pharmaceutical Holdings

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Senior Counsel, Attorneys Title Insurance Fund, Inc.

Executive Director

Christina Kim

Christina Kim
Executive Director

Executive Director Note

Dear Members,

I hope and trust all of you and your loved ones are healthy and well! I was looking through last quarter's newsletter and it is remarkable to see how much has changed in our day-to-day lives in such a short period of time. However, I am optimistic brighter days are ahead and we will get through this!

While our in-person events have been put on pause, it's great to see many of you joining us for the informative webinars our sponsors have been hosting for us. We realize there is a wealth of information out there so please check out the page in our website dedicated to outlining all the resources our sponsors are providing as well as recordings of past webinars.

Looking ahead, we are hosting our first-ever Mini MBA with St Thomas University on Saturday, August 22 and our much anticipated 11th Annual CLE Conference, Roaring Into the 20s: The Next Decade In-House, is set to take place on Friday, October 2. Our first priority is the safety and well-being of everyone who touches our amazing community here at ACC South Florida and we are continuing to monitor all guidelines as we plan our events and will continue to keep you informed of updates and changes to programming.

We miss you all and hope to see everyone in the near future. In the meantime, stay safe, healthy and have a wonderful summer!



Throwback to Christina & family enjoying a trip to Disney

Christina Y. Kim

Executive Director, ACC South Florida