Inside 03 2021

- 2..... The Role of Lawyers in the Face of Increasingly Capable Technology
- 3..... ACC News
- 4..... ACC-Northeast Member Spotlight
- 5..... Chapter Committee Opportunities
- 6..... ACC-Northeast Summer Reads
- 7..... ACC-Northeast "Summer Reads" book review
- 8..... Membership Initiatives
- 9..... Committee Corner

- 10.... Webinars, Virtual Discussions & Social Event Recap
- 12.... Lawyers Have Heart Event
- 13 Welcome New & Renewing Members
- 14.... Career Corner
- 15.... Social Media Initiatives
- 16.... Upcoming Events
- 15 PRO BONO Opportunities
- 16.... ACC Northeast Board of Directors



FOCUS

WHERE LEADERSHIP COMES INTO VIEW

President's Letter

Gemma Dreher

"Diversity is not about how we differ. Diversity is about embracing one another's uniqueness." Ola Joseph

Dear Members:

Fall is one of my favorite times of year in New England. Today is beautiful – sunny and mild. Tonight, will be cool sweater weather and I am heading out to watch a high school soccer game. Afterwards, we will have a cookout, gather around a campfire and hang out with several generations of friends. This is a typical Friday night for us in New Hampshire and I am embracing it even with some of the ongoing constraints. I will talk about writing this letter, as it is my last letter as President of the Chapter. Next month, Stephanie Lambert will take over as President. This is an exciting step for our chapter. Stephanie has deep expertise with ACC and brings passion, knowledge and commitment to this role. We are very lucky to have her take the lead for us.

I have not been shy about sharing my views with you in this letter. Many of you have reached out to express your own views, either in concurrence or disagreement. I have loved that communication and hope to find a venue to continue to facilitate it. I also want to continue to meet new people within this organization and engage in dialogue on current events, important civic and legal issues, and our roles as in-house practitioners. It has been one of my favorite parts of being President and I certainly will work to continue it.

When I look back on the past two years, is it too dramatic to say it has been one of the most remarkable terms in recent history given what we have experienced? There is not enough space in this newsletter to dive into significant, and sometimes,

life changing events that have occurred since October 2019. There might be just enough space to call out the amazing and dedicated folks who have navigated the last two years with me to continue to serve our membership and effectively keep the Northeast Chapter's lights on.

The ACC Northeast Chapter Board of Directors is made up of volunteers from companies in our geographic region. We meet regularly as a Board and serve on the various committees within our structure. Many of our Board members dedicate time every week for the benefit of Chapter. Throughout the pandemic, they have brought their expertise, their commitment and their practical perspective to the challenges we faced, our interactions with our sponsors, and our engagement with our members. Serving as President with this dedicated group of Board members was an easy task.

Each of our Committees is led by a member of our Board. Our committees meet regularly to do important work for our chapter. There are many volunteers on each committee from our membership. I started as a volunteer with the Program



Committee many years ago and have always had fun with my fellow committee members. It is a meaningful and rewarding way to volunteer. Throughout the pandemic, our committee's volunteers remained committed to their work despite increase workloads, changes

in workspace, and new and unique demands. While the Board is the backbone of our organization, our committee volunteers are the heart and soul.

Our sponsors are a critical component of the chapter. They generate much of the content we provide to our members and are a key component of our financial structure. As you all know, prior to the pandemic, our model was to host live programming on a regular basis. Pre-pandemic, webinars were not the major part of our offering. Rather than suspend activities or pause, we pivoted. We started to think about how we might use our social media platforms and other tools to bring content to our members and provide value to our sponsors. As a result of the collaborative approach we took with our sponsoring law firms, we continued to find ways to provide relevant information, both substantive and practical, to in-houses practitioners. It took a lot of work and a lot of brainstorming. That effort allowed us to adapt and respond to the constraints of the pandemic. Everyone involved in the

continued on page 4

The Role of Lawyers in the Face of Increasingly Capable Technology

By David Field, Canon Australia, Chief Legal Counsel and Director, People & Finance

It is something of a tired cliché these days to talk of the threat of artificial intelligence (AI) replacing lawyers. There are already substantial places where increasingly intelligent technology is performing tasks that lawyers used to perform, and we should expect technology to make increasingly aggressive inroads into the practice of law in upcoming decades.

No sensible lawyer should resist this trend, and in fact, the true challenge for lawyers lies in achieving a type of collaboration with technology. Lawyers need to use technology to rapidly and efficiently solve high-volume or routine issues, freeing themselves to apply their uniquely human skills to deliver more value for clients and the community.

So, what are these uniquely human skills, and how should we be looking to deliver more value with them? I'm being told I need to collaborate — what's my contribution to the collaboration?

In this discussion, I have been somewhat undisciplined in relation to how I use terms like "artificial intelligence." A common definition of artificial intelligence relates to the use of technological systems to perform tasks normally associated with human intelligence. The definition is fuzzy and slightly circular, but the linkage back to "normally associated with humans" is very well suited to the present discussion. We're talking about technology that does things we (or people like us) used to do.

The impact of technology on the practice of law could be described as disruptive. Many established businesses seem to fear disruption and treat it as something to be avoided, as though disruption were something random and calamitous, like an asteroid collision striking the earth.

But the reality is that, at its heart, if your business is disrupted it means that someone else has found a better or cheaper way to add more value to your customers. If you want to avoid being disrupted, either as a business or in your professional career, you should be focused on delivering as much value as possible and should keenly embrace any tool or technology that allows you to achieve this.

Much of the traditional role of lawyers has been intermediating complex information and processes for clients. The average layperson lacks the time and training to research the law themselves or execute complex processes such as a sale of business. Lawyers are trained where to look for the law and how to understand it when they find it; and have training and experience in navigating complex legal processes.

Without wanting to be disrespectful, much of the routine practice of law for the average consumer of legal services can boil down to the skillful, neat, and efficient execution of administrative processes. When seen in this way, technology can facilitate equal access to law.

Legal knowledge, processes, and logic-flows can be captured in technological systems that guide laypeople through the options available to them and the key decisions they need to make, making legal advice accessible without the need for an expensive professional human to dedicate their time. From a public policy perspective, and provided quality control concerns can be met, more people having greater access to the law at lower cost must be a good thing, and lawyers should be embracing it.

A perpetual dilemma for industries and enterprises faced with threatened disruption is the need for cannibalism of legacy revenues. Many would be familiar with the story that Kodak invented the digital camera in the 1970s but didn't invest in further developing it because it was incompatible with their lucrative film businesses.

The rest is history, to the point where a "Kodak moment" has become synonymous with an incumbent missing the opportunity to pivot into a new opportunity, therefore dooming themselves

to irrelevance. Any lawyer who resists opportunities to use technology to deliver more value to clients is courting their own "Kodak moment."

So, if lawyers increasingly delegate lower-order tasks to technology in order to deliver better value for their clients, where should they be looking to offer unique human value-add? I propose the following (non-exhaustive) starting list of higher-order skills that lawyers should be looking to deploy for clients:

- Insights and opportunities
- Judgment/wisdom
- Values
- Empathy

Insights and opportunities

If you asked clients to describe what they expect from their lawyers, I doubt many would offer the words "insight" and "opportunity." However, it is one of the easiest ways to add profound value to a client and establish yourself as a trusted adviser. In the process of performing more traditional legal functions, lawyers often have an opportunity to see the client's business or affairs from a perspective that the client themselves rarely sees.

Where the lawyer is working on disputes, they will be able to see repeat issues or root-causes of problems that are causing unwanted expense, distraction, and customer dissatisfaction. Where the lawyer is working on customer contracts, they will be able to see repeat issues that are triggering customer objections, slowing sales, or causing mismanaged customer expectations. A good human lawyer is on the look-out for these sorts of insights to help their client improve.

Similarly, through being a repeat-player on some of the most challenging parts of clients' lives, lawyers are often in the boxseat to identify opportunities to generate value for clients. A key example that

continued on page 3

comes to mind is the role that the Disney legal team played in recent decades in their IP protection strategy.

Disney is faced with the progressive expiry of copyright in large swathes of its catalogue, starting with the iconic Steamboat Willie, which brought Mickey Mouse to the world, and becomes public domain from 2024. The Disney legal team has been able to pivot the focus of IP protection from copyright into trademarks, extending the useful life of the catalogue.

Judgment/wisdom

Perhaps not surprisingly for a higherorder human skill, I struggle to precisely define judgment and wisdom. I think the relevant sense in which I am using it here is the ability to go beyond data to a synthesis of complex environmental factors that shape or constrain the courses of action that are genuinely available.

By way of example, in a large corporation dealing with consumers, it is essential that any proposed course of action is judged against a social media or talk-back radio test. The company's contractual rights may be perfectly clear, but if enforcement of those rights would be judged harshly by a substantial community when reported or discussed on Facebook, Twitter, or talk-back radio, then any quality legal advice on the subject should reflect this.

Values

In a similar vein, recent regulatory developments such as the Hayne Royal Commission and the Bergin Inquiry into Crown Casinos here in Australia, have shown that poor corporate values can result in serious adverse commercial outcomes, and highlighted that anyone responsible for brand, reputation, and risk in a company should be keenly interested in the corporation's values, and the mechanisms for ensuring actions are aligned with those values.

Among many other excellent reasons for having strong values, alignment between a company's actions and its stated values will be a critical factor in determining the degree of trust placed in the company by customers, partners, regulators, and the broader community. As with the social media or talk-back radio test, there will be courses of action that are legally available that simply do not align with the company's values. Legal advice that does not flag important values issues is inadequate legal advice.

Empathy

Intertwined with the last two skills is empathy — the ability to understand the thoughts and feelings of another human. I am aware of research on areas such as robotic interpretation of body language, and that humans are often nowhere near

as good at reading another human's emotions as they would like to think. However, I would assert that it's impossible to provide quality legal advice in complex situations without empathy.

Ideally, to provide quality legal advice in complex situations you need to be able to understand as much as you can of the circumstances, aspirations, values, risk appetite, and concerns of your client in order to provide the legal advice that they need. Obviously not all issues justify that — the answer to some simple questions may be black and white, and some problems simply don't justify the additional legal effort. But in complex situations involving competing considerations and a degree of risk, the legal solution must be responsive to the needs of the individual client sitting in front of you.

Ultimately, law is a human system. Yes, the practice of law involves data and logic-flows in ways that may not have been apparent to our legal forebears, but ultimately legal systems add the most value when they serve humans. Across the economy there is strong market demand for people with the skills, awareness, and passion to make systems work better for humans, and I personally believe the legal profession will not be an exception. I know what I'm going to be trying to contribute to this collaboration.

ACC News

Good Lawyers to Great Lawyers Professional Development Retreat: September 20–22

Miami, FL and Virtual

Don't miss your chance to sharpen your soft skills, develop your leadership style, and network with leading executives in the legal profession. Attend either inperson or virtually. Register today!

2021 ACC Virtual Annual Meeting: October 19-21

It's here! The 2021 ACC Annual Meeting program is ready and it's jam-packed with valuable substantive and career-focused content you don't want to miss. Check it out!

ACC In-house Counsel Certification Program: November 1-11

The <u>In-house Counsel Certification Program</u> covers the core competencies identified as critical to an in-house career. This virtual training is a combination of self-paced online modules and live virtual workshops. The workshops will be conducted over a two-week period, four days a week for three hours each day.

2021 ACC Securities Law Disclosure: November 3-5

New York, NY

Join the conversation in the room where it happens! Amp up your <u>securities law skills</u> at this one of a kind executive level seminar where we will teach you everything you need to know to participate in those C-suite discussions.

ACC Data Steward Program

Law firms are holding some of your company's most sensitive data but are you certain that it is secure? The Data Steward Program – Single Client Option – allows you to gain assurance that your law firms are secure, while the DSP Program does all the work. <u>Learn more</u>.

effort did a great job over the last eighteen months. In fact, the Chapter won a 2021 Chapter Achievement Award for the Best Membership Strategy Implemented for our video and social media effort.

Of course, none of this would work without our amazing Executive Director, Julie Duffy. She is the hero of this Chapter. Back in early March 2020, I called Julie to let her know that I was not going to make it into Boston for what would be our last

live program. I had no idea that I would not see her in person again for the rest of my term. However, we would speak several times every week and I have such respect for her and what she brings to this organization. If you reject everything else that I say, know that we would not be what we are without Julie Duffy. When you see her next, thank her.

I hope you enjoy the fall and continue to stay safe. Thanks for giving me the

opportunity to serve as President of the Chapter. Gemma

Communications Committee

Communications Committee and Newsletter Editorial Board: Stephanie Lambert (editorin-chief), Brian Ciaramicoli, James Coughlin, Kelly Whetstone, Larry Weiss, and Patrick Wu. Other contributor: Alex Aferiat, Christine Hughes, Marisa Murtagh, and Larry Weiss.



ACC-Northeast Member Spotlight

Mitch Appelbaum

Senior Vice President and Senior Credit Counsel at State Street

What was your career path? How did you get to where you are? For the past 7

years I have been part of the in-house legal team at State Street Bank and Trust Company. State Street is not a commercial bank, but instead is a custody bank serving as custodian for trillions of dollars of client assets held across many markets around the world. My primary role is leading a legal team that supports our global operations teams; however, I also work with legal teams across a number of different business areas where I am able to leverage my 20+ years of experience of representing clients in bankruptcy and debt transactions at a large, international law firm. My move from private practice to my in-house role at State Street came as a result of networking at a fundraising event for a local charitable organization very much being at the right place at the right time!

How did you get involved with ACC? Are there any particular resources or events that have been particularly helpful or enjoyable?

While at the law firm, I became aware of the ACC, and while I had the best of attentions to attend an ACC function, I missed out on the many opportunities. However, I finally connected with the ACC when, after my transition to the in-house world, I had the luck of being asked to be part of an ACC program on creditors' rights. At the event, I met Julie Duffy our wonderful chapter administrator, and became involved with the Northeast Chapter's Programs Committee. Now, I've been involved with the ACC for about 2 years, and I've joined the Board, am Co-Chair of the Programs Committee (programming is a great place to start with the ACC, and if any readers have an interest in being part of the Committee, please reach out to me!), and am also a member of our Pro Bono/Civic Engagement Committee.

As a new member of the ACC Northeast Board, what are you excited to get involved in?

Programming is a great place to connect to the ACC, and I'm excited about being more involved as the Committee Cochair. It's a real crossroads of the chapter - working with other board members, committee members, committees, and our great law firm sponsors to help drive interesting and useful programming for our membership. The past year with COVID had been a real challenge as we moved from primarily in-person programs, which are great for networking and meeting new people, to remote sessions which provided less personal interaction but has allowed more of our members to have regular access to our

programming offerings. Now, with the relaxation of restrictions, we are looking at how we can return to in person events but also how we can integrate remote sessions to allow for broader membership engagement. Stay tuned!

Do you have any tips for in-house counsel that are new to their roles?

There doesn't seem to be one simple formula to be a successful in-house lawyer, as the role may vary from company to company. However, being a good lawyer, being able to work as part of a team, caring about and earning the trust of those you work with, taking the time to understand the business you support and finally, being able to adapt as no two days are likely to be the same, are all core.

The past 18 months have posed unprecedented challenges and opportunities. Do you have any predictions for next 18 months?

It seems like the only thing that we can readily predict is that Tom Brady will still be playing football! Seriously though, we have all been through a great deal during this past 18 months, and I wish I could say that the next 18 will be smooth sailing and offer a change to recharge; but there is still so much uncertainty and so much that needs to change. My only prediction is that it will be different, but I also believe that we are on a good path for positive change and that better times are ahead.

Chapter Committee Opportunities: Make the Most of Your Membership

The ACC Northeast Chapter has many opportunities for member involvement. We welcome your participation! Please contact Julie Duffy to discuss your interest in getting more involved in any of the committees listed here.

Communications: This Committee focuses on information sharing within the ACC Northeast through the quarterly newsletter and social media channels. Its goals are to foster more interest in programs, create access to ACC Northeast Board members, and act as an informational resource for members. The quarterly newsletter is the one source for a review of the Chapter's past activities, upcoming programs, and specialized articles of interest to the membership. The Newsletter offers members an opportunity to learn about Chapter activities firsthand, plan relevant content for members, and publish short articles from time to time. ACC Northeast's social media channels are the most active at the ACC, offering members an opportunity to create timely content for channel followers.

Diversity, Equity & Inclusion: This Committee's mission is to create, nurture and sustain a culture that promotes and celebrates diversity and inclusion for ACC Northeast members and their corporate legal departments by participating in and supporting DEI programs, forums, and events. Our DEI programming covers a wide range of diversity and inclusion topics, with a focus on supporting

members to reach their full potential. The committee works to share best practices, thought leadership, and leadership development tools necessary to address the professional challenges faced by race/ethnic minorities; women; lesbian, gay, bisexual, and transgender lawyers; and people with disabilities.

Membership: This Committee is developing new ways to help integrate and welcome new members to ACC Northeast. The Committee will be launching new initiatives to reach out to potential new members and to also encourage current members to increase their involvement in ACC Northeast committees and activities.

NextGen: This Committee provides networking and camaraderie among the next generation of in-house attorneys in the greater Boston area. The target demographic for the NextGen Committee is lawyers who have practiced in an in-house setting for ten years or less, but events are open to all ACC Northeast members. This Committee allows lawyers new to in-house to connect with others setting out on the in-house journey at the same time.

Practice & Career Management:

This Committee helps members support and develop skills necessary to advance their careers in their existing roles, move up the corporate ladder, and seek new professional opportunities. Programs may address substantive topics and/or soft skills such as networking, executive presence, leadership, and communication.

Pro Bono & Civic Engagement:

This Committee provides opportunities for ACC members to do pro bono publico and civic engagement work. Activities range from the annual Clinic-in-a-Box program to providing information to members on various individual opportunities to engage in public service activities. The committee also helps legal departments establish their own Pro Bono initiatives for all legal professionals.

Programs: This Committee plans, coordinates and oversees all programs hosted by sponsors for ACC Northeast members throughout the year. Volunteers develop topics and work closely with each sponsor's attorneys and professional staff on crafting programs that are valuable and timely for in-house practitioners.

Women's Initiative: The mission of the Women's Initiative Committee is to promote the professional development and advancement of women in-house counsel at all levels of their careers. The Committee seeks to fulfill this mission by offering programs, events and other opportunities for members to: explore topics of particular relevance to women in-house counsel; to develop and/or enhance their "soft skills"; to participate in a mentoring program; and to expand their networks. Each year, the Committee hosts several events to support these goals.

COMMITTEE MEMBERS/ VOLUNTEERS WANTED.

We are always looking for volunteers to help with our various committees and activities. Please let us know if you would be interested in volunteering a small amount of your time to help keep our chapter running strong. We will work with you to line you up with a project that interests you!

Communications Committee
Stephanie Lambert
Patrick Wu

Diversity, Equity & Inclusion Committee Robin Walker

Next Gen Committee James Coughlin

Practice & Career Management
Committee
Sharon Kamowitz

Pro Bono/Civic Engagement
Committee
Christine Hughes

Programs Committee
Helen Tsingos
Mitch Appelbaum

Women's Initiative Committee Marisa Murtagh

ACC-Northeast Summer Reads

The Summer usually gives everyone extra reading time. To help you continue that into FALL we have compiled a list of their top picks from the ACC-Northeast Board of Directors

So You Want to Talk About Race by Ijeoma Oluo	Clap When You Land by Elizabeth Acevedo
The Great Alone by Kristin Hannah	The Dragons, the Giant, the Women: A Memoir by Wayetu Moore
The Code Breaker" by Walter Isaacson	
A Pilgrimage to Eternity: From Canterbury to Rome in Search of a Faith by Timothy Egan	Hamnet by Maggie O'Farrell The Invisible Life of Addie LaRue by V.E. Schwab
The Invisible Life of Addie LaRue by V.E. Schwab	D-Day, June 6, 1944: The Battle for the Normandy Beaches by Stephen E. Ambrose The Henna Artist (The Henna Artist, #1) by Alka Joshi
The Rose Code by Kate Quinn	
The Heart's Invisible Furies by John Boyne	
American Dirt by Jeanine Cummins	The Night Watchman - fiction about 20th century land rights for Native Americans by Louise Erdrich
Born with Teeth – Kate Mulgrew's autobiography	I Am Not Your Perfect Mexican Daughter by Erika L. Sánchez
Educated – a memoir by Tara Westover	
The Nightingale by Kristin Hannah	Difficult Women by Roxane Gay
From Broken Glass: My Story of Finding Hope in Hitler's Death Camps to Inspire a New Generation by Steve Ross	The Plague of Doves by Louise Erdrich
	Under a White Sky, The Nature of the Future by Elizabeth Kolbert
Caste: The Origins of Our Discontents by Isabel Wilkerson	A Promised Land by Barak Obama
Seven Fallen Feathers: Racism, Death, and Hard Truths in	The World Without Us by Alan Weisman
Northern City by Tanya Talaga	Eleanor Oliphant is Completely Fine by Gail Honeyman
Our Time Is Now: Power, Purpose, and the Fight for a	Tiki: Modern Tropical Cocktails by Shannon Mustipher
Fair America by Stacey Abrams	Finding the Mother Tree by Suzanne Simard
Thick: And Other Essays by Tressie McMillan	Susan, Linda Nina and Cokie: the Extraordinary story of the Founding Mothers of NPR Surviving the White Gaze by Rebecca Carroff
Hood Feminism: Notes from the Women That a Movement Forgot by Mikki Kendall	
Band of Brothers: E Company, 506th Regiment, 101st Airborne from Normandy to Hitler's Eagle's Nest by Stephen E. Ambrose	
Shuggie Bain - fiction set in Ireland by Douglas Stuart	
The Four Winds by Hannah Kristin	
C II Mil I Clive	

Greenwood by Michael Christie

ACC-Northeast "Summer Reads" book review

submitted by Larry Weiss, SVP and Chief Legal Officer, Emulate

Whistling Vivaldi by Professor Claude Steele.

My "summer reads" book was Whistling Vivaldi by Professor Claude Steele. I was actually introduced to this powerful book through an initiative led by the administration of the school my sons attend and a conversation we were having about bias and stereotype and the negative impact that can have on children in an educational environment. That conversation prompted me to pick up the book to read myself, which led to the development of a "book club" style discussion group here at Emulate where I work.

Whistling Vivaldi is a thoughtful book that will expand your thinking about bias and equity. For me, it provided a different way to think about my own identity and more importantly a perspective through which to better empathize with and understand others.

Whistling Vivaldi examines the impact of stereotypes and the concept of "Stereotype Threat". Professor Steele describes Stereotype Threat in this way – first, we know (and often worry about) what others will think about us based on what groups we belong to or identities we have such as racial, economic, gender, age, nationality, religious, and more. Our concern about what others may think about us and whether we will confirm their negative stereotypes about "our type of person" affects what we do and often detracts from our performance.

Professor Steele's book provides an insightful look at the way stereotypes can impact people beyond what might be obvious or intuitive.

At Emulate, we've launched a Diversity, Equity and Inclusion Discussion Group and Whistling Vivaldi is



the subject of an upcoming discussion. I'm interested to hear insights from my colleagues here and to learn from each other's experiences particularly what they took away from the book that might be different from my own impressions. Whether you're similarly engaged in DEI work at your company or just interested in better understanding how stereotype and bias affect everyone I think you'll find this to be a thought provoking and powerful book.



Career Development Resources and Coaching

ACC offers a team of highly experienced career coaches that comes from a variety of professional backgrounds with an expertise in helping lawyers attain their professional development goals. Each of our coaches has had significant experience providing one-on-one coaching services in the legal profession. Find out more here.

All in-house counsel are eligible to receive a complimentary 30-minute session with one of our established coaches. Please feel free to reach out to the coach that best fits your needs

ACC provides members with career-long access to jobs and wellness resources, online and in-person education, career coaching and networking and global job opportunities. As your career grows, ACC grows with you. You can visit acc.com/career-development to learn more about the resources ACC offers including wellness training, career coaching, networking opportunities, education, and job seeking.

Recent lob Listings

MEMBERSHIP INITIATIVES

Share the Value of Membership



You know the value of ACC membership.

It saves you time and money, provides world-class professional development, and connects you with more than 40,000 in-house counsel around the world.

Invite your in-house friends and colleagues to become members of ACC by sharing how ACC made a difference in your career.

If interested, all membership information can be found at

www.acc.com/membership/benefits-membership.

Member-Get-A-Member https://www.acc.com/membership/recruit-a-member

In-transition Membership

As a benefit of your ACC membership, you have the opportunity to continue your membership at a reduced price if you lose your in-house position. Offered to **existing members only**, ACC will waive your dues for up to one year, and offer a reduced membership rate for up to an additional two years if you are displaced but actively seeking a new in-house position. Current or recently lapsed ACC members should complete the in-transition application form and return it to us.

> ACC welcomes individuals who are not members and in-transition to join for US\$385 annually. Please ensure you meet the eligibility guidelines.

> > Direct guestions to membership@acc.com or +1.202.293.4103, ext.360.

Committee Corner

Women's Initiative Committee

This quarter's Committee Corner features the Women's Initiative Committee. Membership on the Women's Initiative Committee consists of Marisa Murtagh (Chair), Kathleen Patton, Kelly Whetstone, Lalitha Gunthuri, Cara Bradley and Jennifer Hoopes. The Committee offers new and seasoned in-house lawyers a supportive environment in which to develop strong relationships with other in-house women lawyers and an opportunity to participate in a variety of female-driven and female-attended events, including women-focused panel presentations, roundtable discussions, networking

receptions and a mentoring program. Each year the Committee hosts educational programs and networking receptions. The Committee's most recent program "Women Helping Women Succeed" was held on May 25 and sponsored by Nixon Peabody LLP. The program featured a distinguished panel of women: Meredith Ainbinder, General Counsel, Emerson College; Yvonne Garcia, Chief of Staff to the CEO, State Street Corporation, and Averi Price, General Counsel, Radius Health. Kathleen Burns, Office Managing Partner, Nixon Peabody LLP, served as moderator and guided the dynamic and insightful discussion.

The event focused on the challenges facing women in the workplace, which have been compounded over the past year due to the coronavirus pandemic. The panelists shared their experiences and discussed actionable strategies for dealing with issues many of us have been grappling with, including: Leadership through times of crisis; Wellness and avoiding burnout; Family dynamics in a remote work environment; and Virtual networking. If you are interested in getting involved the Committee, please contact Julie Duffy for more information. We welcome new volunteers and fresh ideas!

Members of the Women's Initiative and the Board of the Northeast Chapter participated in the Global Women in Law and Leadership event sponsored by the ACC Foundation and various providers of legal services.

The theme of the overall event, which was held virtually June 23 through 25, was "Resilience and Renewal." The Northeast Chapter's session featured a distinguished group of panelists – Gemma Dreher, Stephanie Lambert, Jade Turner-Bond, Kelly Whetstone and Marisa Murtagh – who presented on the topic of "Developing a Creative Mindset: Specific Steps to Bring More Creativity to Your Work and Your Life." The panelists explored the meaning of a creative mindset, why it is important to those in the legal profession, and actionable ways, including different ways of thinking, to promote an innovative mindset in yourself as well as in your colleagues. The session included dynamic break-out sessions where participants engaged in a fun and interactive exercise designed to foster creativity. The session, which attracted more than 80 registrants, offered a great opportunity for collaboration between the Chapter and one of its sponsoring law firms, Nixon Peabody, LLP. The presentation, which can be found on the Northeast Chapter's website, includes a list of helpful resources on the topic of creativity and innovation in the legal profession. Attendance at the overall event included members of ACC Chapters across the globe, which also afforded participants the chance to make new connections and learn from colleagues located across the globe.

NextGen & Preti attorneys enjoying "Hoppy Hour" at the new Sam Adams Tap Room in Faneuil Hall, Boston





Webinars, Virtual Discussions & Social Event Recap

The Attorney-Client Privilege: Getting Help and Protecting Advice

Sponsored by Locke Lord May 26, 2021

On May 26th, Locke Lord attorneys, joined by inhouse counsel, presented a webinar entitled *The Attorney-Client Privilege: Getting Help and Protecting Advice.* As ACC members are undoubtedly aware, in-house counsel are often asked to advise on business issues and wear multiple "hats," raising questions about whether, and to what extent, attorney-client privilege attaches to their communications. In this helpful webinar on a topic of fundamental importance to all in-house counsel, the panelists reviewed the contours of the attorney-client privilege and provided best practices to enable in-house counsel to preserve privilege and properly protect confidential legal advice.

The panelists first reviewed the basics of the doctrine, identifying the core elements and the limits of its application. The panelists analyzed the scope of the privilege and some of the more challenging applications often encountered in the existing corporate environment. Do Zoom recordings count as a "communication"? Are communications over instant messaging apps protected? Can management-level employees within a complex organization discuss the legal advice obtained without losing the privilege? What about advice transmitted among interrelated corporate entities? Will foreign jurisdictions recognize the privilege as applied to in-house counsel? If so, when?

The panelists emphasized the overriding importance of the purpose of the communication in determining whether the attorney-client privilege attaches. Next, the panelists explored the confidentiality element and the challenges posed when advising a large organization with multiple employees involved. How many internal recipients are too many? Will disclosure to a third party always destroy the privilege? After reviewing the doctrine and its nuances, the panelists recommended specific steps in-house counsel can and should take to protect privileged materials. In particular, the panelists proposed a readily adoptable four-step framework that can be applied as a general best practice to preserve privileged communications: (1) LABEL as privileged, (2) SEGREGATE from non-privileged material, (3) LIMIT distribution/attendees, and (4) CONSULT with an attorney when questions arise.

Does Your Organization Have Pride: Pacing Yourself on the Workplace Race to Inclusivity

Sponsored by Verrill lune 7, 2021

In a June 7th webinar entitled by *Does Your Organization Have Pride*: Pacing Yourself on the Workplace Race to Inclusivity, presented by Verrill, a panel of diversity, equity, and inclusion (DEI) professionals shared their collective experiences developing and implementing DEI programs to foster inclusive and diverse workplaces. The panelists began by discussing the business case for a strong DEI program and how it can contribute to a company's success. One panelist described the importance of DEI to attracting and retaining workers, citing polling data demonstrating that millennials want to work at a company that shares its values. As such, a strong commitment to DEI can provide companies with a competitive advantage for attracting talented workers. Similarly, for consumer-facing businesses, consumers increasingly seek to support brands that share their values. At work, an inclusive environment enables employees to be their best selves and facilitates productivity. Turning to the implementation of DEI policies and procedures, the panel tackled the question of exactly where to start and how to begin. Panelists emphasized that it's a continual process and suggested a gradual approach – it's a marathon (without a finish line), not a sprint. One panelist suggested starting with optional programs. Another recommended piloting initiatives in select locations before expanding to the entire workforce. A gradual implementation along these lines gives the organization time to develop the culture underlying the formal DEI program. The panelists also shared particular approaches they have utilized in their own DEI practice, such as providing discussion guides to facilitate conversation after a formal presentation, and concluded with a discussion on the importance of allyship.

The Investigations Institute: Investigations Demystified Best Practices-Phase One: Structure & Design

Sponsored by Ogletree Deakins June 8, 2021

Attorneys from Ogletree Deakins, a leading international labor and employment firm representing employers, lead a close-up interactive workshop on best practices in conducting internal investigations. This session, the first in this three-part series, included experienced employment attorneys Mark Burak, Managing Shareholder at Ogletree Deakins, and Nancy Newark, Director, Employment Counsel at Thermo Fisher Scientific. The panelists focused on the first phase of an investigation including the importance of scoping and defining objectives of the investigation as well as whether the investigation should be privileged and who is best suited to conduct the investigation. Special issues, including Upjohn warnings and privilege challenges, from the inhouse perspective were reviewed. How to involve the Board in accusations against or by senior leadership was explored. Document and ESI preservation were also discussed. Stay tuned for Parts 2 and 3 coming up in the Fall.

continued on page 11

Nutter Trusts and Estates, Part II Sponsored by Nutter June 9, 2021

On June 9th, the ACC Northeast partnered with Nutter to present the second of three webinars on the topic of trust and estate planning. Nutter attorneys, Aimee Bryant and John McBrine discussed four key topics: what is a trust; why might I create a trust as part of my estate plan; what does it mean to fund a trust; and how can a trust benefit me and my family. In our role as in-house counsel, we are tasked with protecting the interests of our companies and often this involves planning for the future. However, we often do not treat our personal affairs with the same focus. This webinar highlighted that a trust is an effective tool for people in broad range of financial situations. Please be on the look-out for an invite for the upcoming third webinars in this series.

Being the GC! with Gemma Dreher and Jeff Levinson

June 15, 2021

On June 15, 2021, ACC Northeast Chapter President Gemma Dreher conducted a live virtual interview with Jeff Levinson, Vice President and General Counsel at NetScout Systems. Their discussion highlighted how in-house counsel at any level can identify upcoming challenges and seize opportunities to lead within their departments, their companies, and their profession. Jeff explained that a good in-house counsel should be able to see across the company and what is coming down the pipeline. Examples of where this has been crucial is GDPR compliance as well as the increasing focus on ESG programs. His view of being a leader in the company is that in-house lawyers need to be both lawyers and businesspeople. Leaders need to build a foundation of credibility by demonstrating that they can do all the basic requirements of their job correctly before taking on new responsibilities. Attributes he described as being important of a proactive leader were owning all relevant subject matter areas, understanding how they are accountable to the business, being comfortable with uncertainty, and having a deep understanding of the advice you are providing - not just relying on outside counsel. He also stressed the importance of finding the right people for your team, communicating with team members, and just asking "why?" occasionally.

Ransomware, Business Email Compromise, and Privacy Litigation Update for In-house Counsel Sponsored by Shook Hardy & Bacon June 17, 2021

On June 17, 2021, ACC Northeast Chapter and Shook Hardy & Bacon hosted a webinar on ransomware and other cyber security threats. The panelists explained that two of the biggest cybersecurity threats facing companies today are ransomware attacks and business email compromises (BECs). Ransomware attacks have reached unprecedented heights in both incidents and in costs. Recent major cases were covered in the presentation as well as the anatomy of a ransomware attack. Some legal issues that were highlighted were when to notify your insurer and whether you're covered by your policy, whether to pay the ransom, whether the incident triggers a notification requirement, and third-party liabilities. Risk minimization techniques were also covered. Aside from ransomware, BECs caused by phishing or compromised account credentials are increasingly used as a source of fraudulent wire transfers, which create potential liability and loss of funds. In addition to the cybersecurity threats themselves, there is increasing regulation and resulting litigation related to data loss.

ADA Title III: Hot Issues and Litigation Trends Sponsored by Seyfarth Shaw June 23, 2021

The American with Disabilities Act (ADA) is a federal civil rights law that prohibits discrimination against individuals with disabilities. Title III is the public accommodations portion of the law. The COVID-19 pandemic initially caused a slight slowdown in ADA Title III lawsuit filings in 2020, however, the ADA Title III plaintiffs' bar quickly adapted and lawsuit filings began to climb as a result of changes made by businesses to adapt to the pandemic. During this webinar, presenters addressed how the pandemic has affected the ADA Title III landscape, how the Biden Administration will likely approach ADA Title III enforcement, and the types of lawsuits plaintiffs are bringing this year. Specific topics covered during the presentation included: an overview of ADA Title III requirements, national lawsuit numbers and hotspots, the Biden Administration's impact on enforcement, COVID-19 issues (related to facemask requirements, telehealth, accessibility of hand sanitizer stations, social distancing measures, etc.), hot litigation topics, and risk mitigation strategies. Panelists included Minh Vu, Partner at Seyfarth Shaw, Michael Steinberg, Associate at Seyfarth Shaw, and Maile Gilmore, Director of Labor & Employment at Analog Devices.

All Webinar Recordings are on ACC-Northeast Website

Materials and/or recordings are uploaded one week after each event/ webinar. For your convenience, they will be posted under "Resources" at the following link:

www.acc.com/chapters-networks/chapters/northeast/resources

Lawyers Have Heart Event

On June 11th, 14 ACC Northeast Chapter members and 10 members from the firm, Preti Flaherty, participated in this year's virtual Lawyers Have Heart road race, as part of the ACC Northeast Chapter team, the "Legal Pace Makers." The Lawyers Have Heart 5k Road Race, which is one of the American Heart Association's fundraising events, was held virtually again this year, due to the pandemic. The AHA focuses on not only protecting the heart and stroke patients who are more likely to be seriously affected by the virus, but also continues to deepen awareness and education within communities that are at high-risk of heart disease and stroke. The Legal Pace Makers raised more than \$1,700, and this participation and fundraising efforts will ensure investments can continue to be made towards the lifesaving mission of the American Heart Association during this current public health crisis, and beyond.











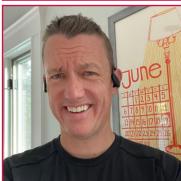


















Welcome New & Renewing Members

Please help us welcome the following members who joined within the last few months:

Juana Baez

HubSpot, Inc.

Brendan Beasley

Highland Electric Transportation

Brian Beaton

The Black Dog Tavern Company, LLC

Gary Boisvert

New Hampshire Ball Bearings, Inc.

Vance Brown

Boston Scientific Corporation

Laurie Churchill

LeMaitre Vascular, Inc.

Christian Ehrbar

Berkshire Grey, Inc.

Kim Emerling

NerdWallet

Marta Farrell

Cupertino Electric, Inc.

lanet Faulkner

Cengage Learning, Inc.

Emily Henderson

CarGurus Inc.

Jacquelyn Knapp

ASICS America Corporation

Stephen LeBarron

Foundation Medicine

Michael Leslie

Sappi North America

Colby Mangonon

Citrix Systems, Inc.

Sa'adiyah Masoud

Tufts Health Plan

Sean McGrath

PTC Inc.

Lindsey McKellick

Carrie Moser

Attentive Mobile Inc

Katherine Nolan

Analytical Space, Inc.

Matthew Palmer

Burton Snowboards

Anthony Parenti

Foundation Medicine

Neil Patel

Confluent, Inc.

Randy Price

XL Fleet Corp.

Timothy Robinson

Medispend

William Robles

Confluent, Inc.

Claire Sakurada

Pieris Pharmaceuticals

Scott Schoen

Alexandra Shaw

Athenahealth, Inc.

Sonya Sibold

Burton Snowboards

Lisa Smith

Clarivate Plc

Elektra Sperling

LeMaitre Vascular, Inc.

Justin Sterk

United States Sailing Association

Wendell Taylor

Biogen

Michael Tenore

Troika Media Group, Inc.

Joanne Thelmo

IFAW

James Tucker Bradley

Acronis

Jamie Vanaria

Carrier

Joshua Waller

Citrix Systems, Inc.

Roger Wiegley

Patrick Wu

NetScout Systems, Inc.

Yilu Zhang

Dolby Laboratories, Inc.

If you forgot to renew please email membership@acc.com.

LET US KNOW...

- What ideas do you have for program topics?
- How can we help you make the most of your ACC membership?
- Would you like to be more involved, serve on a Committee?
- Do you know someone interested in joining?

- Do you have some news you would like to share with your in-house colleagues?
- What types of networking event would you attend?
- Are you new to the area?

Email your comments to juliesduffy@gmail.com

CAREER Corner

Click Here to Boost your Legal Career: Two Tricks for Leveraging LinkedIn

By Alex Aferiat, Legal Counsel, The Boston Consulting Group

"I'd like to add you to my professional network on LinkedIn." If those eleven words look familiar, then you're likely one of the nearly 740 million users of LinkedIn, the world's largest professionally focused social media platform. But if you're not currently an active LinkedIn user—meaning someone who regularly updates your profile, frequently posts, and eagerly interacts with your online network—then consider these statistics about LinkedIn usage in the past twelve months: Paid advertising and marketing on LinkedIn from the legal sector was up 68% from 2020; the use of LinkedIn messaging between connected users was up 48% from 2020 usage; and a study conducted by ResumeGo of job seekers using LinkedIn in 2020 found that users with a comprehensive LinkedIn profile were 71% more likely to obtain a job interview than those without.1

So, what does all of this data tell us? It shows that legal professionals like us (and the organizations seeking to connect with us) are increasing their time and resource investment on the LinkedIn platform; and that these trends are likely to continue. And as a former LinkedIn skeptic myself, I'm here to say that my efforts to improve my LinkedIn presence directly facilitated the recruitment and hiring process for my current role. Whether you're actively in the job market or merely looking to grow your network, there is no easier avenue for potential career growth than leveraging the content and functionality of LinkedIn; and no better time than the present to give your LinkedIn presence a boost. So if you're still sitting on the LinkedIn sidelines, consider these two simple approaches to help build your personal online brand and enhance your legal career on LinkedIn.

Keep your profile relevant to your career goals

During my own job search two years ago, a close friend shared a terrific piece of advice about my LinkedIn profile—she recommended I update my work experience and my "About" (bio) section to include specific buzzwords and tasks that precisely matched the job descriptions of roles I wanted. It was such a simple change that made a huge impact—recruiters used the words in my profile to screen for relevant experience; and within days of my update, I received multiple inquiries from recruiters. You don't have to take my word for it—there are countless articles on LinkedIn written by recruiters that recommend how to optimize your profile's keywords and experience to attract recruiters and industry leaders. We've long heard the advice to keep our resumes fresh and relevant, especially when seeking new roles. The same logic applies online - your LinkedIn profile has a public, dynamic resume that can help connect you instantly to the role you're looking for as long as it contains the right content. If you're seeking a new role or hoping to get noticed as an expert in your industry, it's critical that your LinkedIn profile provides the relevant insights into your experience and goals.

Share and interact with topical content

Updating your profile will help you appear in relevant searches; but it's only half of the battle to attract attention on LinkedIn. Sharing topical

content, and interacting with the content posts of your connections, will also help you grow your LinkedIn presence. As attorneys, the details of the work we handle is often confidential and not easy to discuss in a public forum like social media; but there are ways to highlight your career and your passions without ever divulging specifics of your employer or your clients. A great source of content is to check your company's own LinkedIn profile—their posts are sanitized for public consumption and will generally focus on business priorities, which helps take the guess work out of writing your own posts. Even a simple interaction—clicking "like" on a post—can help attract attention because LinkedIn notifies your followers of the content vou've liked or shared. And much like the buzzword search, LinkedIn makes no secret of how it treats frequent sharers of content—the LinkedIn algorithm favors profiles and users who make frequent posts or interact regularly with the content of others. It's always wise to first check whether your employer has a social media policy that dictates the type of content you may share; but assuming you're in compliance, sharing relevant content will help boost your visibility to your network and may help connect you to the roles or professionals you're aiming to find.

Making a career change takes patience, work, and diligence; but leveraging LinkedIn can help clear the path towards your next role. Don't sit on the LinkedIn sidelines—keep your profile current, relevant, and focused; and share topical content that highlights your interests.

¹https://writersblocklive.com/blog/linkedin-statistics/

SOCIAL MEDIA INITIATIVES

ACC-Northeast has been committed to bringing members together while we have been forced to stay apart due to the pandemic. We are rolling out a new video feature titled, "Meet the Members" where members share a few minutes about who they are and what tips and tricks they have learned to keep them sane during the pandemic. We would love to hear your voice





Principal, **Sharon Kamowitz Privacy** & Compliance Consulting



Todd Keebaugh EVP and General Counsel at Eliassen Group



Stephanie Molina **Staff Attorney Staples**

and thoughts to share with ACC-Northeast members. We only require a short 15 minute video interview over Zoom. Contact Julie Duffy with questions or for more information.

Another video/audio series we premiered is "Ask the Experts", which is a Q&A format with industry experts speaking to relevant and specific topics for the membership during these unusual times.

Our goal is to continually share valuable content, to keep you engaged and up-todate via our website, our webinars and the social media channels. If you missed any of the videos/audios, you can find them on our YouTube channel.

If you have other ideas, or want to provide feedback, please email us here: northeastadminstrator@accglobal.com







We hope our online activities will help you feel a sense of connection and community. Please make sure to follow us:



LinkedIn: https://www.linkedin.com/company/acc-northeast/



Twitter: https://twitter.com/ACCNortheast

Around the In-House

A Monthly Podcast brought to you by the P & CM Committee-NOW on iTunes

This podcast series features corporate counsel at various stages of their careers from a variety of industries and backgrounds, discussing practice and career matters, along with tips for success. Topics may include team building and time management, efficiency and technology tips, career development, along with a few surprises. Alex Aferiat, Legal Counsel at Boston Consulting Group moderates this series, which recently featured Patrick Wu, Counsel, Staples. If you missed any of the previous interviews you can listen to them on:



Google Podcasts

Spotify



If you would like to participate or have ideas for topics, please contact Sharon Kamowitz at sharon@kamowitz.com.



All recording of these sessions are up on the website

· · · · Negotiations Institute · · · ·

Please join ACC-Northeast for this unique series focused on negotiation strategy for in-house lawyers. This series will be held in Portland, Maine this fall.

We have partnered with three regional law firms, Bernstein Shur, Verrill and Pierce Atwood, to develop the first three sessions. Each of these sessions will provide a "deep dive" into an important aspect of negotiations. The sessions are free to all in-house counsel.

To sign up please click on session titles below:

October 5, 2021 with Bernstein Shur:
Collaborating & Preparing for the Negotiations

October 12, 2021 with Verrill: Undertaking the Negotiations

November 3, 2021 with Pierce Atwood:

Negotiations - Best Practices and Lessons Learned

November 17, 2021*

Ethics of Negotiation (sign up to follow)

*The final session will feature a roundtable discussion on ethics with panelists from each of the prior sessions. That session will be held on November 17, 2021 at the Rising Tide Brewery and will include ample time for networking. Invitation and further details sent in October.

(Note Maine CLE is approved: A total of 6.5 ME CLE credits will be earned for attending all Programs, including two hours of ethics.)

Upcoming Events

Mark Your Calendar and Plan to attend:

ACC Northeast offers a variety of programs, webinars and events designed for our members' unique interests. Keep your eye on the Chapter Events calendar on the website and be sure to participate in a few or ALL of the Chapter Programs happening in 2021.

September 22

Nutter, last session of 3 Part Series on Personal Estate Planning

October 7

Mixing Business with Pleasure: A pop up virtual discussion with Mintz

October 14

D, E & I Event with BSO and Verrill

October 21

Doing Business in India with Majmudar & Partners

www.acc.com/chapters-networks/chapters/northeast/events

ACC-Northeast presents
Goodwin's Legal Operations &
Corporate Counsel Roundtable
November 3, 2021
Virtual Meeting
12 - 1:30 PM

Networking Event on Sept 23rd at Mighty Squirrel Brewery



sponsored by Bowditch & Dewey

Family Volunteering Shift

at Cradles to Crayons on Sept 25th 1-3 Cradles to Crayons

PRO BONO Opportunities

Looking for rewarding and inspiring ways to make a difference?

Become a volunteer attorney with the Women's Bar Foundation! The Women's Bar Foundation provides free legal assistance to low-income individuals, primarily women and their children: domestic abuse survivors, seniors needing essential planning documents, such as wills, and powers of attorney,



and incarcerated women. As a volunteer attorney, you will receive free, comprehensive training; gain valuable skills in client counseling, negotiation, trial advocacy and drafting; receive expert guidance from experienced mentors; and provide critical services to low-income individuals and their families who have nowhere else to turn. Attorneys have a variety of choices, from limited assistance to full representation. Interested? Please contact W. Lola Remy, Director of Pro Bono Programs atlremy@womensbar.org or visit us at https://wbawbf.org/content/volunteer.

Interested in exciting, challenging, and rewarding opportunities for pro bono service? Then look no further than the Volunteer Lawyers for the Arts of

Massachusetts, a program of the Arts & Business Council of Greater Boston. The VLA provides legal services to independent artists and arts and cultural organizations throughout Massachusetts (and increasingly, New England!). Clients seek assistance with issues



in all manner of civil law, including transactional matters—copyright, trademark, business formation (both for-profit and nonprofit), and patent prosecution—as well as more traditional legal aid issues, such as immigration, housing, and labor. Attorneys can participate in a variety of ways: providing a limited-scope consultation, volunteering on a matter from start to finish, and co-presenting educational workshops. For more information on getting involved, please visit https://artsandbusinesscouncil.org/vla, or contact Luke Blackadar at vla">vla">vla" (artsandbusinesscouncil.org/vla, or contact Luke Blackadar at vla (artsandbusinesscouncil.org.



Litigation Section; Pro

Bono Partner



Christine Hughes





ACC-Northeast Summer Outing at Polar Park - What a Fun Night!

Members of ACC-Northeast and families enjoyed a beautiful evening at the new Red Sox Triple A stadium in Worcester which opened this Season. All had fun, networking, watching some good baseball, and munching on ballpark snacks. We even had a caught foul ball!



















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