

Volume 5 Issue 3 | September 2012

Inside this issue:

- Annual Meeting Information
Page 3
- Atlanta at a Glance
NAMWOLF Annual Mtg.
Page 4
- Get Ready for the EXPO
Pages 5-6, 9
- Six Reasons for Young Lawyers to Attend Annual Meetings
Page 7
- NAMWOLF's Yolanda Coly Honored
Page 8
- The Dollars & Sense of Diversity
Pages 14-15
- Newsletter deadlines/information
Page 18
- NAMWOLF Annual Mtg. Tentative Schedule
Pages 19-21

Law Articles:

- Insurance Liability Claims
Page 10
- Insurance Additional Coverage
Page 11
- NLRB/Union Election Rule Changes
Page 12
- NLRB Report/Social Media
Page 13
- Implications for NY Atty/Client Trust Funds
Page 16



"Legal excellence knows no color or gender"

Annual Meeting Advice for Corporate Counsel

By Sonjui Kumar - Kumar, Prabhu, Patel & Banerjee, LLC (Atlanta, GA)

As we get closer to the 2012 NAMWOLF Annual Conference in Atlanta, we decided to turn to one of our veteran (in terms of attendance) in house counsel, Barbara Stevens of Prudential, for her views on what keeps her coming back to NAMWOLF and her advice on how to get the most out of the Annual Meetings.



Sonjui: Barbara, how many NAMWOLF Conferences have you attended?

Barbara: I have attended 4 annual meetings and 2 business meetings over the past 4 years.

Sonjui: Very nice, and what keeps you coming back to NAMWOLF?

Barbara: There are many reasons to keep coming back to NAMWOLF — promoting diversity, the programs, the seminars and of course, the fun. I feel strongly that we should promote diversity in the practice of law. This covers both hiring of in-house candidates as well as outside counsel. NAMWOLF has provided us with an excellent network of minority and women owned firms that offer a broad range of talent, expertise, and practice areas. Attending annual meetings enables you to meet the firms formally at the firm expositions as well as informally at cocktail hours and dinners.

The programs offered at the annual meetings are another reason for attending. These programs generally offer CLE credits which is always helpful to busy attorneys who strive to meet various continuing education requirements. More importantly, these programs have offered me an opportunity to see what the in house firms know about their areas of expertise. In one instance, this led me to hire a firm (The Patrick Law Group) as I was impressed at the way their associate defended a software user's position against the excellent speakers from Microsoft on the same panel. The programs also offer in-house associates the chance to speak on a variety of topics.

There are also seminars just for in-house counsel where we can speak frankly about our experiences with various firms, how better to communicate amongst each other and with NAMWOLF about our needs and generally exchange ideas about diversity best practices. I have made many lasting friends and colleagues at other in-house positions and government positions that have been helpful in my practice generally as well as helpful in increasing my use and exposure with minority firms.

(Continued on page 2)

Cont'd, Annual Meeting Advice for Corporate Counsel

(Continued from page 1)

Finally, the meetings are fun, the annual meetings are a good way to start and I would recommend the business meetings once a new in-house lawyer and his/her firm make the commitment to work more closely with NAMWOLF on planning events.

***Sonjui:** Wow – you are a believer! What would you say is the number one benefit that Prudential or you have received from NAMWOLF?*

Barbara: We have found high quality minority and women owned firms to cover areas we never would have anticipated they could cover. The best example I have of this is my use of one NAMWOLF firm to handle a large outsourcing transaction and that firm was able to put together a consortium of other firms to handle various parts of the deal (tax, environmental issues, etc.). One would usually think of big firms as the only resource to handle outsourcing deals and this is not at all true.

***Sonjui:** Can you give corporate counsel who have never attended a NAMWOLF event, a few reasons why they should attend?*

Barbara: I would recommend attending to expand your firm's use of diverse outside counsel and to meet other in-house lawyers with the same goals. Both reasons are equally important and hard to replicate in another setting.

***Sonjui:** Does it make sense for companies to send more than one in-house person to the conference?*

Barbara: It makes sense to send individuals who cover different areas of expertise. We try to send at least one litigation attorney and one transactional lawyer to each conference. Sometimes there are financial constraints depending on the location of the annual meeting and individual firm. But even sending one lawyer will enable a new company to see the vast array of resources available through NAMWOLF.

***Sonjui:** So the conferences can be daunting, so much to do, so many choices, do you have a few tips on how corporate counsel can navigate the conference to maximize their time there?*

Barbara:

- Attend the In-house First Time Attendee sessions and the In-house Meet & Greets scheduled for October 14th
- Attend as many sessions as you can and introduce yourself as a new participant. You would be surprised how helpful existing members and corporate sponsors are in helping you meet new people and understand how meetings are set up, etc.
- Participate in informal get-togethers like dine-arounds (if offered) and cocktail parties. These provide a way to meet people in less stressful settings and are generally fun.
- Review the online member firm brochures in advance of an annual meeting. This is helpful to target firms that you might want to speak with during a firm exposition. You can set up appointments that provide extra time to speak with someone who may have relevant expertise in your area.
- Check the NAMWOLF website for regional meetings as these are offered from time to time and provide a new company with a way to participate in a meeting that could be close to their area at a reduced cost.

***Sonjui:** Thank you Barbara. See you in Atlanta.*



Sonjui L. Kumar is a founding partner of Kumar, Prabhu, Patel & Banerjee, LLC, a 13 lawyer firm based in Atlanta, GA. She has been a practicing attorney for over 20 years. Ms. Kumar is a corporate transactional attorney specializing in corporate governance, contracts and transactional matters for a variety of enterprises including technology and manufacturing companies.

Barbara Stevens is Vice President and Corporate Counsel at Prudential Financial and head of General Vendor Contracts Group of the Law Department.



2012 ANNUAL MEETING SAVE THE DATE/SPONSORSHIP INFORMATION

The NAMWOLF Annual Meeting & Law Firm Expo tentative schedule is available for download by clicking [here](#) or going to page 19 of this Newsletter.

We are very excited to announce that we will be kicking off the 2012 Annual Meeting & Law Firm Expo with a cocktail reception at the World of Coca-Cola!

Thank you to Coca-Cola for their sponsorship of this event and the rest of our 2012 Annual Meeting Sponsors:

GOLD: Accenture, Nationwide, Prudential, and Visa

SILVER: Microsoft and Walmart

BRONZE: DuPont, GlaxoSmithKline, Johnson Controls, Lincoln Financial Group, Northwestern Mutual Life Insurance Company, Pacific Gas & Electric, Tyco, Dreamworks, FDIC, Freddie Mac, Krispy Kreme and NBC

OTHER: AT&T and JPMorgan Chase

Sponsorship opportunities are still available. Click [here](#) to download the package information.

Thank you to our 2012 Vendors:

DELUXE: Merck, JuriSolutions, and Superior Review/Altep

TRADITIONAL: Mendelsohn Legal, Inc.

ANNUAL MEETING: Atkinson Baker, BCR, Kusar, Rimkus, Robert Half, Striking Promotions, U.S. Legal Support Inc., Connex, and Counsel On Call

Vendor Opportunities are still available. Click [here](#) to download the package information.

Do you need promotional items, banner stands and giveaways for the Annual Meeting?

NAMWOLF continued our partnership with Striking Promotions this year! Please visit their [web-site](#) or call and/or email Desiree Jacobs (770-674-6570 or desiree@striking-promos.com). Make sure you identify yourself as a NAMWOLF law firm member!

ATTENTION ALL ATTENDEES:

The NAMWOLF room block at the Sheraton Atlanta is now open! The NAMWOLF Room Rate is \$159/night. To book your accommodations by phone, please call 404.659.6500, and reference the 2012 NAMWOLF Annual Meeting. You may also click [here](#) to reserve your accommodations online.



ATLANTA AT A GLANCE: AN INSIDER'S PERSPECTIVE

By Meka B. Ward, Thomas Kennedy Sampson & Tompkins LLP (Atlanta, GA)

As a native Atlantan and an associate attorney at Georgia's oldest minority-owned law firm, it is with great enthusiasm and pride that I welcome NAMWOLF to Atlanta. As a true **insider**, here are a few notable attractions you do not want to miss:

At **The Martin Luther King, Jr. National Historic Site**, visitors can pay tribute and learn about Martin Luther King Jr., his childhood home, and Ebenezer Baptist Church where he served as pastor. Recordings of his sermons and speeches play inside the church, bringing his message – in his own voice – to a new generation of listeners. The site also includes a center that showcases his important civil rights work and belief in non-violent social change. Tours are available.

See www.thekingcenter.org/plan-your-visit.

The Georgia Aquarium is the world's largest aquarium, covering 13 acres, and is home to tens of thousands of animals, including 500 species from around the world. For tickets and more information, visit www.georgiaaquarium.org.

The Atlanta Botanical Garden boasts more than 30 acres of exotic gardens and wildflower trails. Located adjacent to Piedmont Park in Midtown Atlanta, the garden features a canopy walk and various garden exhibitions.

www.atlantabotanicalgarden.org.

At **The World of Coca-Cola**, visitors can experience the history of the world's most famous beverage brand. To top it all off, the Taste It! beverage lounge offers free sampling of the 63 beverages marketed by Coca-Cola in nations around the world. www.worldofcoca-cola.com.

[EDITOR'S NOTE: We will all see the World of Coca-Cola as they are sponsoring our cocktail reception on Sunday night!]

Centennial Olympic Park, the remaining legacy of the 1996 Centennial Olympic Games, features family fun and live music. www.centennialpark.com.

The High Museum of Art is the leading art museum in the southeastern United States and one of the most visited art museums in the world. It features a collection of classic and contemporary art

and award-winning architecture. www.high.org.

The Fernbank Museum of Natural History offers an observatory, a planetarium, an IMAX movie theater, and oodles of fascinating exhibits. www.fernbankmuseum.org.

At **The Varsity** "What'll ya have? What'll ya have?" is undoubtedly how you will be greeted upon entering, which is the home of the "naked dog," "gloried burger," and the "frosted orange." Many national politicians, professional athletes, and entertainers stop by to show their love of Atlanta at this historical restaurant which touts itself as being the world's largest drive-in restaurant. www.thevarsity.com.

Atlantic Station, a city within a city, features great boutiques, sidewalk cafes, hip restaurants, and a 16-screen IMAX 3-D theater. www.atlanticstation.com. Approximately 15 minutes away, Lenox Mall and Phipps Plaza also provide perfect venues for the shop-a-holics!

Whether you are taking in all, or only a few attractions, please remember that parking is limited at most venues. Public transportation is available through MARTA. For bus routes and rail schedules, visit

www.itsmarta.com.



Thomas Kennedy Sampson & Tompkins LLP is a certified Minority Business Enterprise by the Georgia Minority Supplier Development Council. Meka B. Ward's principal areas of practice include insurance defense, employment law, personal injury, medical malpractice, and premises liability.



THOMAS KENNEDY SAMPSON & TOMPKINS LLP

GET READY FOR THE LAW FIRM EXPO! What New (and Old) Members Should Know

By Linda Burwell, Nemth Burwell, P.C. (Detroit, MI) & Justi Rae Miller, Berens & Miller, P.A. (Minneapolis)

So, you're going to your first NAMWOLF Annual Meeting and you're told to get ready for the EXPO. What's an EXPO you ask? What should I do? What should I bring? Who can help me? This article will attempt to answer some of your questions so you can get the most out of your first EXPO experience.

The Law Firm EXPO is a 3 hour event which this year will be held on Monday, October 15th, from 2:30pm – 5:30pm EST. It is a wonderful opportunity for in-house attorneys who attend the Annual Meeting to meet with our law firms one-on-one. So much so, that many in-house attorneys come solely for the EXPO.

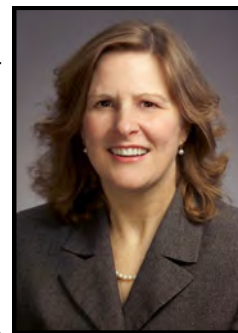
Before the EXPO (in late August), you are given the opportunity to submit a one page Firm Profile and to purchase an advertisement. The Profiles are provided to all in-house registrants in advance of the EXPO and the Profile and advertisement are placed together in a printed Directory that is distributed to all registrants at the Annual Meeting. Make sure you submit this Profile when requested and consider purchasing an Ad. The NAMWOLF Staff can share samples of Profiles and ads with you upon request. See the photos following this article and on page 9 for examples of ads and profile.

The in-house attorneys have the opportunity to schedule 15 minute appointments to meet with you during the EXPO. You will receive a list a few days before the EXPO of the companies who want to meet with you and the scheduled times. Do NOT be concerned if you have only one or no scheduled interviews. We have found that most in-house attorneys prefer to simply walk through the conference hall and stop by tables at their leisure.

You should research any companies and attorneys who have scheduled an interview with you. They indicated they want to know more about you. You should know all you can about them. You should also research companies that you would like to meet, even if they did not schedule an inter-



view in advance. It is likely you will run into these in-house attorneys throughout the conference so you should be prepared. Each law firm is assigned a "booth" consisting of a simple 6' draped table and two chairs. The tables for each firm sit about 3' apart. The tables are arranged in alphabetical order and you will receive a diagram in advance. It's wise to have someone at your table at all times during the EXPO. Many firms have two or more at their table and a few firms bring office or marketing staff. Regardless of who you have at the table, you need to be prepared to give your 2-3 minute elevator speech that quickly highlights your expertise, experience and services. 100+ law firm members exhibit at the EXPO and 90-130 corporate members participate in the EXPO each year.



Firms typically bring banners, flyers or other signage to place at the booth to identify their firm, but it is not required and a table cover with your firm's information or very little signage will suffice. In-house counsel understand that some firms have just been admitted, so don't worry if you are not able to obtain these. It is fine if you simply have firm brochures and other materials that describe your firm. When it comes down to it, the companies are at the EXPO to meet you, not to see how fancy you can make your booth. Photos below this article give a few examples of booth set ups.

Firms also purchase promotional items such as pens, mugs, or other novelty items ("tchotchkes") to be given away to those who visit their booth. In the past, some firms have lavishly offered popcorn, cupcakes, candies and champagne, while other firms have opted to raffle off something rather than give away small items. Whatever you decide to do will be fine. Feedback from prior events is that approximately 25-75 people will visit your booth in the 3 hours so plan accordingly. It is unlikely you'll need 150 coffee cups! Also, remember that everyone is traveling so a small item (and thin/light reading materials) will have more of a chance making it into the travel bag home. Also, a lot of people "carry on" for their flights so wine openers

(Continued on page 6)

(Continued from page 5)

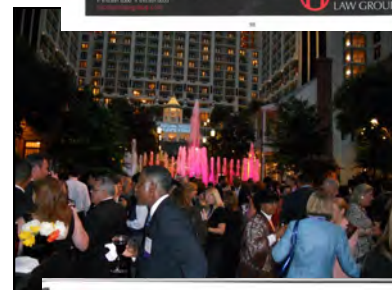
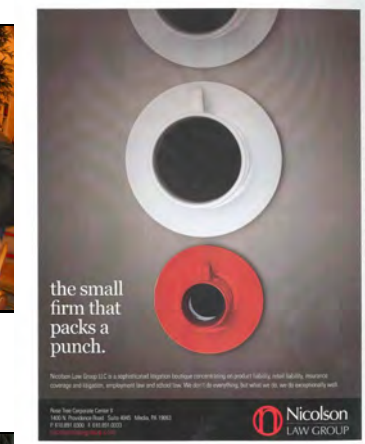
and pocket knives or glass items likely won't make it through TSA's restrictions. And, again, to reduce the stress: When it comes down to it, the companies/firms are at the EXPO to meet you and learn your legal skills, not based on what tchotchke you hand out. **[Editor's note: Although I can say from experience that no one has hired us for our cool tchotchkes, it does make it a little more fun!]**

Also, during the EXPO attorneys from law firm members will also walk around and talk with you about your firm for referral and partnership opportunities. **It is not uncommon to pick up a case from a NAMWOLF firm who needs counsel in another state or needs to refer their client to someone in another practice area.** This is a great time to network and get to know other firms so we suggest you consider doing the same.

It is a busy time getting ready for the Annual Meeting and EXPO. Make sure you fill out all the forms and requests that NAMWOLF sends to you in advance of the Meeting and pay close attention to what the exhibit company requires if you plan to ship your signage/tchotchkes/handouts to the hotel. Also, if you need Internet or other electrical needs for your booth, you'll need to work with the exhibit company on site (and it could include additional cost.) The requirements are different in each city.

The NAMWOLF staff is available to answer any of your questions... this applies to new firms who have never been to long-time members attending the meeting for the first (or fifth) time! For newly admitted firms, you will also hear from a firm member who has volunteered to be a mentor to your firm. Don't be afraid to reach out to them at any time to ask questions. Also, make sure you attend the New Member Orientation at the beginning of the Annual Meeting. This session will help you navigate through your first meeting and your first year with NAMWOLF. Finally, come prepared to have fun and build great relationships. See you in Atlanta!

For more information about preparing for the EXPO, download/view the presentation given by the marketing professionals from NAMWOLF firms Bush Seyferth & Paige PLLC and Gonzalez Saggio & Harlan LLP at: <http://www.bsplaw.com/wp/wp-content/uploads/2012/01/Beyond-Showing-Up-Marketing-The-NAMWOLF-Expo.pdf>



More photos on page 9....

SIX REASONS FOR YOUNG LAWYERS TO ATTEND THE ANNUAL CONVENTION

By Marquettes Robinson, Thacker Martinsek, LPA

The NAMWOLF Annual Convention and Expo, with its friendly environment, array of characters, and small and large group settings, provides the perfect place for a young lawyer to try her hand at networking, business development, and cross marketing. The most frequently given piece of advice at NAMWOLF is to “Get involved.” At the Annual Meeting, young attorneys can find ways to get and stay involved thereby developing a personal stake in NAMWOLF’s future and continued success. Mary LaFave, sixth year attorney with Gaffney Lewis & Edwards, LLC, says, “Our firm is the definition of what NAMWOLF embodies so we take our membership seriously. In order for us to keep that vision going, the torch has to be handed to the next generation of female and minority lawyers.” Ensuring NAMWOLF’s longevity is just one reason that young lawyers should attend. Here are five others:

1. **Strengthen Firm Unity** —Barbara Viniegra, ninth year attorney at Concepcion Martinez & Bellido, and three time NAMWOLF attendee explains how attending NAMWOLF reinforces her commitment to her firm, “Most young attorneys, if we see that our firm is investing in us, and trusting us to let us go out and represent the firm name, we feel compelled to give back to the firm double or triple. I feel like I am part of something bigger.”
2. **Increase The Firm’s Visibility**—The more attorneys that attend on a firm’s behalf, the higher the firm’s profile. That firm will have more attorneys working its table at the Expo, mingling during the happy hours, meeting in-house counsel and other law firm members, and getting involved in the Initiatives and Committees. The privilege of representing the firm on such a national platform is not lost on associates. Lee Ellen Bagley, a fifth year attorney with Gaffney Lewis & Edwards, LLC, explained, “It’s an honor that they have the confidence in us to send us to the Annual Meeting to represent the firm.”
3. **Model Successful Marketing**—Few lawyers are natural born marketers. We have to learn how to promote a practice, develop and nurture a business relationship, and make the ask. The Annual Convention allows a young lawyer to witness all stages of marketing, from some of the best in the field.
4. **Allow Young Attorneys to Establish and Grow Their Own Connections and Network**—The friendships that are started at NAMWOLF are key to the success of the organization and the member firms. There is an intrinsic value to having young attorneys attend, as explained by Jeremy Piccini, founding member of Bertone Piccini: “We want in-house counsel, both current and prospective clients, to know that our attorneys and professionals work as a team. By inviting all attorneys from our firm, both junior and senior, to attend the NAMWOLF Annual Meeting, we are solidifying our culture of teamwork and encouraging all attorneys to develop a professional and social rapport with our clients and prospective clients.”
5. **Inspire Greatness**—NAMWOLF’s in-house and law firm attendees are living proof of what a young attorney can achieve. According to Barbara Viniegra, “NAMWOLF is so inspiring. It makes you want to never give up. I get to interact with amazing attorneys who are trailblazers in the legal and business fields. They have accomplished so much despite the obstacles and discrimination they have faced.”

Young lawyers have plenty to offer and even more to gain from attending the Annual Meeting. So, bring them!

THACKER MARTINSEK LPA

NAMWOLF's Senior Director of Advocacy and Development Yolanda Coly Honored by Canadian Diversity Group

TORONTO, ONTARIO, CANADA — On May 8, 2012, A Call to Action Canada, an organization dedicated to diversity in the legal profession, honored Yolanda Coly, Senior Director of Advocacy and Development of the National Association of Minority and Women Owned Law Firms (NAMWOLF), with the Hinton J. Lucas International Award at its Fourth Annual Conference. The award, presented annually since 2009, recognizes an individual or individuals who have demonstrated sustained commitment to improve the hiring, retention and promotion of women and minority attorneys.

"Ms. Coly is an outstanding example of what A Call to Action Canada is all about," said Hinton J. Lucas, Jr., Vice President and Assistant General Counsel for DuPont. "She represents the mission of the organization in every way."

Joy Casey, founder of A Call to Action Canada, found the decision to choose Ms. Coly an easy one. "Ms. Coly is a tenacious and tireless advocate. She is truly an inspiration and a welcomed partner toward progress." Ms. Coly also received ringing endorsement from other influential members of the legal profession who champion the call for greater diversity.

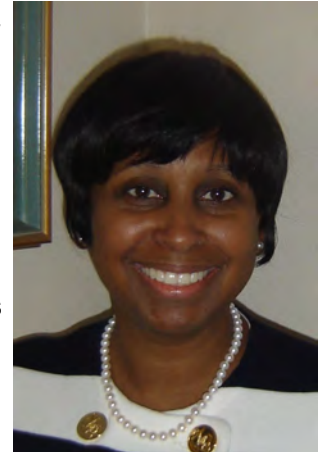
"I have known and worked with Yolanda Coly for several years now," said keynote speaker Joseph West, President and CEO of the Minority Corporate Counsel Association (MCCA). "I respect her tremendously and I am continuously amazed at the level of passion and energy she brings to her work. There are few people as committed to the work of diversity and inclusion as Yolanda and I was thrilled to have the chance to witness her having been honored by A Call to Action Canada."

Barbara Arnwine, President & Executive Director of the Lawyers' Committee for Civil Rights Under Law, also recognizes Ms. Coly's tireless dedication, noting that her "advocacy, creativity, charisma and personal dedication has laid the foundation for inclusion, respect and the retention of minority and women owned law firms to a degree unimaginable just years ago. She is a national treasure and her vision will compel our society forward towards greater equality and diversity for all."

A Call to Action Canada was inspired by the "Call to Action," set in motion in the United States in 2004 by senior legal officers at some of the largest and most influential companies. Over 100 senior corporate counsels in the United States have become signatories to the Call to Action, committing to foster diversity in the legal profession both within their organizations and, especially, in the outside law firms that supply legal services. A Call to Action Canada provides a forum that encourages and supports Canadian in-house counsel in taking a leadership role to advance diversity and inclusiveness in the legal profession. It does this by insisting that its outside law firms demonstrate a true commitment to, and real progress in, the full participation and advancement of women and minority lawyers within law firms; and limiting or terminating relationships with outside law firms that demonstrate a lack of interest in, and commitment to, being diverse and inclusive.

Past honorees of the Hinton J. Lucas International Award include Kevin Derbyshire, formerly of DuPont Canada, Joel Stern, formerly of Accenture LLP, Debra Henke of Accenture and Thomas Fagan of the Ontario Ministry of the Attorney General.

For more information on A Call to Action Canada and its growing list of member firms, please visit <http://cwmlf.ca/clients-and-partners/>.



Yolanda Coly
NAMWOLF's Senior
Director of Advocacy
and Development

PHOTOS/ADS FROM THE 2011 NAMWOLF ANNUAL MEETING



CPEPP

**Congratulations to the New Member of the
Corporate and Public Entities Partner Program (CPEPP)**

Cox Communications

NAMWOLF Board of Directors

Emery K. Harlan (Chair)
Gonzalez Saggio & Harlan LLP
Richard Amador
Sanchez & Amador, LLP
Janice Brown
Brown Law Group
Linda Burwell
Nemeth Burwell, P.C.
Carlos Concepcion
Concepcion, Sexton & Martinez

Karen Giffen
Giffen & Kaminski, LLC
Gerardo H. Gonzalez
Gonzalez Saggio & Harlan LLP
Kim Howard
Smith Fisher Maas & Howard
Renée Welze Livingston
Livingston Law Firm, PC
Lynn Luker
Lynn Luker & Associates, LLC

Jose Rojas
Rojas Law Firm, LLP
Joel Stern
Hewlett-Packard
Kenneth I. Trujillo
Trujillo, Rodriguez & Richards, LLC
Robin Wofford
Wilson Turner Kosmo LLP

Effectively Managing an Insurance Liability Claim - Correspondence with Carriers

By Stacy RC Berliner and Andrew W. Miller—Thacker Martinsek (Cleveland and Toledo, OH)

Often a policyholder's ability to obtain full coverage for an insurance claim hinges upon its correspondence with the insurer. Some policyholders believe that once they notify an insurer of a claim their responsibilities are over – that the insurer will act in the policyholder's best interest. But, as recent news articles suggest, this is not always the case.

After a policyholder sends proper and timely notice of a claim for all applicable policies, an insurer typically responds in writing to either (1) deny the claim or (2) agree to defend the claim. However, even if an insurer agrees to defend the claim, it will often do so subject to a "reservations of rights letter," in which the insurer reserves its rights to assert coverage defenses as the claim progresses. The insurer must send any reservations of rights letter timely, and it must fairly inform the policyholder of the insurer's position regarding coverage. The latter requirement affords the policyholder an opportunity to evaluate any possible conflict and choose whether to proceed with the defense or obtain independent counsel.

If an insurer fails to provide its coverage position in a timely manner, the policyholder should request and demand in writing that the insurer take prompt action to protect the policyholder's rights. The importance of knowing an insurer's position early is demonstrated in a recent case. As a general rule, most jurisdictions require insurers to provide a defense against all claims in a lawsuit, whether or not all of the claims are covered, so long as there is one potentially covered claim. A Wisconsin appellate court allowed an insurer to settle the covered claims and cease providing a defense, even though noncovered claims remained. *Society Ins. v. Bodart*, 2010 AP2442 (June 7, 2012) ("a reasonable insured would understand...that Society has no duty to defend an insured in a suit once it has become clear that the suit no longer involves any claim that is even arguably covered.")

Unless the reservation of rights letter provides an unequivocal confirmation of coverage, a policyholder should respond to correct inaccuracies and object to inappropriate policy defenses and obligations. For example, numerous insurers assert a right to recoup defense costs if it is later determined that the claim was not covered. This is typically not a right found in the policy; however, some courts have found that a policyholder's failure to object to this assertion amounts to an "implied contract" to repay the defense costs. *United Nat'l Ins. Co. v. SST*

Fitness Corp., 309 F. 3d 914 (6th Cir. 2002). Under *SST Fitness*, the policyholder's choices are to decline the defense, pay for the defense and seek to recover on the policy; decline the defense and file a declaratory judgment action; or accept the defense subject to the reservation. At a minimum, the policyholder should object to the reservation to recoup defense costs and refuse to accept defense payments until the insurer removes it.

The potential prejudice and practical implications of the above situations demonstrates the importance of knowing whether the insurers' interests are adverse to those of the policyholder. In those cases, a policyholder can request independent counsel, at the insurer's expense and through a written engagement letter. Independent counsel hired on behalf of the policyholder may be critical to protect the policyholder's underlying defense and coverage rights.

THACKER MARTINSEK LPA



Stacy RC Berliner and Andrew W. Miller are associated in Thacker Martinsek, LPA's Insurance Recovery Group, which advises and represents corporate and individual policyholders regarding a variety of insurance policies and issues and leading to positive financial impacts for their clients.

Ongoing Confusion over Additional Insured Coverage

By Diane Polscer, Gordon & Polscer, L.L.C. (Portland, OR)

In the context of “additional insured” coverage, the question of whether a tendering party qualifies as an insured is often complicated by restrictions in additional insured endorsements that limit who qualifies for “additional insured” status. Of these restrictions, one of the most debated is the “ongoing operations” limitation, commonly stated as follows: “Such person or organization is an additional insured only with respect to liability . . . caused, in whole or in part, by . . . your acts or omissions . . . in the performance of your ongoing operations for the additional insured.”

Although some courts have found that the “ongoing operations” limitation “evidences an intent to provide coverage to the additional insured only for liability that arises while the work is still in progress,” *see, e.g., Hartford Ins. Co. v. Ohio Cas. Ins. Co.*, 145 Wash.App. 765, 189 P.3d 195 (2008), that goal may not have been accomplished, as the Ninth Circuit recently found the limitation to be ineffective to eliminate coverage for liability arising out of completed operations, *Tri-Star Theme Builders, Inc. v. OneBeacon Ins. Co.*, 426 Fed. Appx. 507, 511 (9th Cir. April 11, 2011) (unpublished) (applying Arizona law).

In *Tri-Star*, the Ninth Circuit held that the timing of damages was irrelevant to the analysis of an “ongoing operations” limitation, reasoning that: “The ongoing operations clause . . . addresses only the type of activity . . . from which the . . . liability must arise in order to be covered, not when the injury or damage must occur.” *Id.* (internal quotations omitted). In other words, if the named insured is engaged in siding operations at the time of acquiring the additional insured endorsement, then the only effect of the “ongoing operations” limitation is to restrict additional insured coverage to liability arising out of siding operations—regardless of when that work or resulting damage occurred. Under this rationale, the “ongoing operations” limitation is hardly any limitation at all.

Treatment of the *Tri-Star* decision by courts within the Ninth Circuit, however, has already begun to diverge. Compare, *Absher Const. Co. v. N. Pac. Ins. Co.*, 2012 WL 966198 (W.D. Wash. Mar. 20, 2012) (referring to *Tri-Star* as “limited foreign and outdated contrary authority” to the Washington Court of Appeals’ decision in *Hartford*); *Evanston Ins. Co. v. Westchester Surplus Lines Ins.*, 451 Fed.Appx. 672, 675 (9th Cir. October 3, 2011) (unpublished) (applying Washington law) (relying upon the interpretation of the “ongoing operations” clause

found in *Hartford* despite being decided after *Tri-Star*), with *McMillin Const. Services, L.P. v. Arch Specialty Ins. Co.*, 2012 WL 243321 (S.D. Cal. Jan. 25, 2012) (“Finding the reasoning of *Tri-Star* persuasive, this Court finds there is an ambiguity in the Additional Insured Endorsement at issue in this case”).

Thus, attorneys representing carriers or policyholders in additional insured disputes need to be keenly aware of whether or not the applicable state’s law recognizes the ongoing operations limitation as an effective bar to coverage for liability arising out of completed operations.



Diane Polscer is the managing partner of the law firm of Gordon & Polscer, L.L.C. in Portland. She focuses her practice on commercial litigation, and has been selected for inclusion in both Oregon Super Lawyers and US News and World Report Best Lawyers in America. In addition, Diane is a frequent speaker and author, and is an active member of many organizations such as the Federation of Defense and Corporate Counsel and International Network of Boutique Law Firms (President - Oregon Chapter).

GORDON & POLSCER, L.L.C.
ATTORNEYS AT LAW

Federal Court Strikes Down NLRB's Election Rule Changes

By Sara Goldsmith Schwartz—Schwartz Hannum PC (Andover, MA)

A U.S. District Court judge in the District of Columbia recently struck down the revised union election procedures of the National Labor Relations Board ("NLRB" or the "Board"), concluding that, in voting to approve these changes, the NLRB lacked the necessary quorum. The revised election procedures, which went into effect on April 30, 2012, contained significant changes sought by unions, including a substantial reduction in the time between the filing of a representation petition and the ensuing election, and a requirement for elections to proceed notwithstanding challenges to employees' voting eligibility. As a result of the court's ruling, the prior election procedures are now back in place. (For more information about the revised procedures affected by this court decision, [click here](#).)

While this is a victory for employers, it may be short-lived. In this regard, the court found fault with the *procedural basis* – but not the substance – of the election changes, noting that the Board is free to impose those changes again through the requisite quorum. Accordingly, employers should act now to ensure that all appropriate protections, including those recommended below, are in place.

Factual Background

In December 2011, the NLRB published a final rule amending its procedures for determining whether employees wish to be represented by a labor union for purposes of collective bargaining. Prior to publication of the final rule, two of the Board's then three members voted in favor of it. The third member, Brian Hayes, neither cast a vote nor indicated that he was abstaining.

The U.S. Chamber of Commerce and the Coalition for a Democratic Workforce (the "plaintiffs") filed a lawsuit in federal court challenging the manner in which the final rule had been approved. They argued that because only two Board members had participated in the vote, the final rule had been adopted without the three-member quorum required by the National Labor Relations Act. In response, the NLRB contended that the quorum requirement was satisfied because Member Hayes had participated in earlier votes on the new election procedures and, as such, had "effectively indicated his opposition" to the final rule.

The Court's Decision

In response to cross-motions for summary judgment, Judge James E. Boasberg ruled in favor of the plaintiffs,

holding that Member Hayes's participation in earlier votes concerning the election changes was not sufficient to satisfy the quorum requirement. Judge Boasberg emphasized that "while the court's decision may seem unduly technical, the quorum requirement . . . is no trifle." However, Judge Boasberg also noted that his ruling "need not spell the end of the final rule for all time," as "nothing appears to prevent a properly constituted quorum of the Board from voting to adopt the [election changes] if it has the desire to do so."

Recommendations For Employers

The court's decision gives employers a golden opportunity to confer with counsel on how best to minimize the likelihood and effectiveness of union organizing, with the goal of avoiding union elections altogether. At a minimum, employers should:

- Adopt and enforce valid policies that (i) limit when employees may solicit and distribute literature in the workplace and (ii) prevent unauthorized visitors from gaining access to the premises. Such policies should always be reviewed by labor counsel, as the rules governing them are complex;
- Be sensitive to issues that are of concern to employees and attempt to remedy legitimate complaints. A proactive approach on such matters can help to alleviate the dissatisfaction among employees that often spawns union organizing campaigns;
- Train supervisors, managers, and human resources personnel in how to recognize and respond appropriately to possible union organizing activity; and
- Develop a plan for communicating the employer's position on unionization and related issues both internally and externally.

Significantly, enacting some of these recommendations *after a union organizing campaign is under way* may be viewed as unlawful retaliation against union activity and, in turn, support an unfair labor practice charge against the employer. Accordingly, employers that wish to remain union-free should act *now* to implement such protections.



Sara Goldsmith Schwartz is President and Managing Partner of Schwartz Hannum PC. Sara gratefully acknowledges the efforts of Todd A. Newman, a Partner at Schwartz Hannum PC, who assisted in drafting this article.



SCHWARTZ HANNUM PC
Labor and Employment Lawyers Guiding Management

NLRB Report Examines Employer Social Media Policies

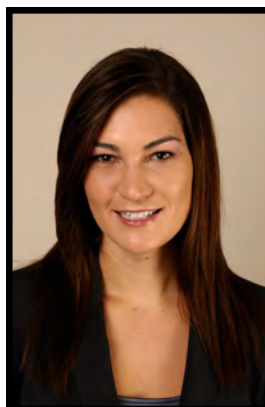
By Melissa Anne Herbert—Nukk-Freeman & Cerra, P.C. (New York/New Jersey)

Currently, social media is the number one activity on the Web. Indeed, Facebook currently generates more traffic than Google and a new member joins Linked In every second. Social media is certainly here to stay and the impact of this fact is widespread. As social media continues its exponential growth, employers are struggling to keep pace with the ever evolving area of law governing the use of social media communications and policies. One particular concern employers and their counsel grapple with is how to draft a social media policy that will serve the employer's needs while remaining legally compliant and enforceable. On May 30, 2012, the General Counsel of the National Labor Relations Board ("NLRB" or "the Board") issued its third Memorandum summarizing the most recent cases before the Board, which focused on overbroad social media policies. As such, it is useful to review the Memorandum for guidance in constructing your social media policy even in the absence of unionized workers as Section 7 of the National Labor Relations Act ("NLRA") protects nonunionized workers' rights to engage in "concerted activities for the purpose of collective bargaining or other mutual aid or protection." According to the Memorandum, an employer's policy will likely be considered overbroad if the terms and restrictions can be deemed vague enough to allow employees to infer, in any way, that they restrict an employee's rights to comment on terms or conditions of employment and/or to act concertedly in doing so, as is protected under the NLRA.

More particularly, the Memorandum found that:

- Requiring employees' posts to be "completely accurate and not misleading" was unlawful because it could be interpreted to apply to discussions or criticism regarding labor practices and treatment of employees. The Board also explained that the policy failed to provide examples for these terms.
- Requiring prior "permission before reusing other's content or images" was unlawful because it could prohibit employees from taking and/or posting pictures of employees picketing or working in unsafe conditions.
- Instructing that "[e]mployees, who receive unsolicited or inappropriate electronic communications from persons within or outside [the employer] . . . contact the President or the President's designated agent," was unlawful because it could be construed to restrain employee rights to communicate with co-workers or third parties, such as unions, regarding conditions of employment.

The Memorandum is helpful because it provides specific factual instances deemed unlawful that counsel should consider when drafting a tailored, legally compliant and enforceable social media policy. Counsel should evaluate currently existing social media policies and determine whether they potentially restrain the rights provided for by Section 7. For example, does the social media policy – in any way – restrain employees from commenting on the terms or conditions of employment and/or to act concertedly in doing so – even if not expressly stated/prohibited in that manner? Does the social media policy contain sufficient examples and explanations of what is acceptable or not acceptable? Are restrictive terms used in the social media policy explained and fleshed out? Bear in mind that so-called "savings clauses" disclaiming that the social media policy restrictions do not apply to employee rights under the NLRA will likely be ineffective if they do not adequately cure any ambiguities of the policy. Counsel should consider these issues, along with the needs and objectives of the employer, in drafting a legally compliant and enforceable social media policy.



Melissa Anne Herbert, is an Associate at the management – side employment law firm Nukk-Freeman & Cerra, P.C. with offices in NJ and NY. Ms. Herbert devotes her practice to representing employers in all aspects of employment law and labor law litigation and federal court and in arbitration forums.

**NUKK-FREEMAN
& CERRA, P.C.**
EMPLOYMENT ATTORNEYS

The Dollars and Sense of Diversity

By Sheryl L. Axelrod, - The Axelrod Firm PC (Philadelphia, PA)

The following is a summary of my article which appeared on the cover of *The Pennsylvania Lawyer*, the magazine for the Pennsylvania Bar Association and its 28,000 members. I wrote it in response to the Institute for Inclusion in the Legal Profession report, "The Business Case for Diversity: Reality or Wishful Thinking?" The authors of the IILP report concluded that the business case for diversity is at best weak and difficult to understand. At over 90 pages and packed with a stunning array of data, the report was widely viewed as the definitive text on the subject, but it does not directly speak to the business case for diversity. In my less than 2,500 word piece, I show that the business case for diversity is neither weak nor difficult to understand. It is clear and convincing.

The IILP Report

The IILP considered a number of factors: whether corporate law departments incentivize law firm diversity; whether corporations disengage from law firms that fail diversity standards; whether corporate clients ask about law firms' performance in becoming diverse. However, the IILP never directly considered the profitability of diversity.

If you want to know whether one product is more profitable than others, you could ask consumers whether they will buy it, but that won't answer the question. You could ask them whether they will disengage from stores that don't sell it, but that won't answer the question, either. You have to look at customer and revenue numbers.

The same holds true for the business case for diversity. The issue is whether diversity is more profitable than less diverse business models. You can't find out from asking whether corporations seek out more diverse law firms. You have to look at which companies are more profitable.

Diverse Companies Outperform Their Homogeneous Counterparts

What you find when you look at the data is that diversity pays. According to a research report in *Catalyst, Inc.* in 2011 by Nancy M. Carter and Harvey M. Wagner entitled "The Bottom Line: Corporate Performance and Women's Representation on Boards (2004-2008)," the financial returns of companies with three or more women on the board are striking. They outperform companies with all male board members by 60% in return on invested capital, 84% in return on sales, and 60% in return on equity.

Greater Racial Diversity, Increased Revenues and Customers

More racially diverse companies also perform better. According to Cedric Herring's research in "Does Diversity Pay?: Race, Gender, and the Business Case for Diversity" in the *American Sociological Review*, on average, the most racially diverse companies bring in nearly 15 times more revenues than the least racially diverse. In fact, Herring found that racial diversity is a better determinant of sales revenue and customer numbers than company size, age, or number of employees at a worksite.

IBM: An Example of Diversity and Revenue Growth

You can track the positive financial impact of diversity. For instance, as a result of implementing a diversity task force initiative, IBM saw significant increases in its bottom line. It's women's task force accounted for more than \$300 million in revenue in 2001. IBM projects that opportunities its people with disabilities task force identified will produce more than a billion dollars in the next 5-10 years. When IBM became more diverse, its revenues skyrocketed.

Diversity: The Potential for Much Higher Law Firm Profits

A comprehensive study by Douglas E. Brayley and Eric S. Nguyen, authors of "Good Business: A Market-Based Argument for Law Firm Diversity" in *The Journal of the Legal Profession* in 2009, shows that these same metrics apply to law firms. Looking at data from the 200 highest-grossing law firms (the AmLaw 200), "a firm ranked in the top quarter in the diversity rankings will generate more than \$100,000 of additional profit per partner than a peer firm of the same size in the same city, with the same hours and leverage but a diversity ranking in the bottom quarter of firms."

Companies That Don't Diversify Face Greater Exposure

Diversity not only holds great potential to increase law firm profitability; openness to candi-

(Continued on page 15)

(Continued from page 14)

dates from diverse backgrounds — for employment, raises, bonuses, equity, etc. — is essential to minimizing a law firm's exposure.

In January 2010, the Equal Employment Opportunity Commission sued a New York law firm for alleged age discrimination. The case should be a wake-up call to law firms engaging in discriminatory practices.

I minimize companies' exposure to employment and general liability matters for a living. A great way companies can lower their exposure is by implementing practices to lessen the chance women and minorities will be passed over for opportunities they deserve or treated less favorably otherwise in the terms and conditions of their employment.

The full article can be found at <http://www.theaxelrodfirm.com/articles/ThePennsylvaniaLawyer-July-2012.php>.



Sheryl L. Axelrod is the President of The Axelrod Firm PC, a certified woman-owned law firm in Philadelphia handling employment, commercial, general liability, and product liability matters. She is the Chair of the NAMWOLF Dodd-Frank Ad Hoc Committee and the President of the Temple Law Alumni Association, its 4th female to ever hold the post. This year, she was recognized by her peers as one of the Top 50 Women Super Lawyers in Pennsylvania.

While The Pennsylvania Lawyer publication guidelines preclude acknowledgements, Sheryl wishes to acknowledge and thank James Payne of The Axelrod Firm who conducted research in support of the piece, and cite checked the piece.

THE AXELROD FIRM, PC
A certified woman-owned law firm

The National Association of
namwolf
Minority & Women Owned Law Firms
"Legal excellence knows no color or gender"

CRITICAL IMPLICATIONS FOR NEW YORK ATTORNEY-CLIENT TRUST FUNDS

By Andrew P. Karamouzis - Moran Karamouzis LLP (New York and Long Island, NY)

On May 3, 2012, the New York Court of Appeals, the State's highest court, agreed to review a two-year suspension levied on Peter J. Galasso, a prominent Long Island attorney, for failing to prevent the embezzlement of more than \$4.3 million in client funds by his brother, the firm's long-time bookkeeper. Moran • Karamouzis LLP partner, Grace Moran, convinced New York's Court of Appeals to grant leave for our client to appeal his suspension which was levied by the Appellate Division: Second Department in enforcing attorney disciplinary rules governing attorney escrow accounts. In a rare move, the Court of Appeals also granted our firm's application to stay the client's suspension pending determination of the appeal.

On February 21, 2012, in *In Matter of Peter J. Galasso*, 2010-01047, the Appellate Division: Second Department ruled that all disciplinary charges against Mr. Galasso had been correctly sustained by a special referee. The charges included breach of fiduciary duty, unjust enrichment, failure to supervise a non-lawyer employee, failure to safeguard the funds of a client and failure to timely comply with grievance committee information demands. Specifically, the Appellate Division: Second Department held that our client failed to maintain "appropriate vigilance over his firm's bank accounts," which were looted by his bookkeeper/brother, Anthony Galasso, who concealed his theft through forged signatures and fictitious bank statements. In 2008, Anthony Galasso pleaded guilty to two counts of grand larceny and 20 other criminal charges and is now serving a seven and a half year prison sentence. The record is clear that our client, Peter Galasso, had no knowledge whatsoever of the theft and that he cooperated fully with law enforcement in the criminal investigation and subsequent prosecution of his brother.

Our argument to the Court of Appeals focused on the defense that the Appellate Division: Second Department wrongly held our client to what amounted to a "strict liability" standard that did not consider the bookkeeper's multiple layers of deception, including fabricated bank records that were carefully crafted so as to prevent detection by many others, including the firm's outside accountants. Further, we argued that the strict liability standard applied by the Court "required attorneys to be insurers of all escrow deposits" and unfairly required that "an attorney's law li-

cense be posted as additional collateral for his/her designation on an attorney escrow account." Such a strict liability standard will only serve to impose an unattainable level of managerial oversight and investigative prowess upon attorneys with respect to their colleagues and employees. Once that approach becomes the rule, no prudent attorney will ever agree to hold escrow funds, especially when the consequences of a theft could be so drastic.

The suspension of our client under these particular circumstances has sparked outrage and dismay among attorneys throughout the State of New York, and our appeal has drawn support from several prominent bar associations and attorney groups. The Court of Appeals has accepted *amicus* briefs filed on our client's behalf by the Nassau County Bar Association, the Matrimonial and Family Law Bar Association of Suffolk County, the Bronx County Bar Association and the New York State Trial Lawyers Association.

This is a case of first impression which has critical implications for all New York attorneys who hold funds in trust for their clients. Oral argument will be heard by the Court of Appeals in September 2012.

Grace D. Moran and Andrew P. Karamouzis are Partners at Moran Karamouzis LLP, a commercial litigation firm with offices in New York City and Long Island. The firm represents a broad spectrum of Clients in a wide range of commercial and corporate litigation matters typical of much larger firms, but in a more efficient and cost effective manner. Because of our size, our clients receive more specialized attention than they would from larger firms. The Firm practices at all levels of the Federal and State courts in New York, New Jersey, and Connecticut, and several other states.



Initiative/Alliance Updates

IP Alliance

As to the IP Alliance, we conducted our first business mission last month. This first mission was to Dallas, Texas. We identified a number of additional opportunities in the Dallas/Houston/Austin area and plan to return for a follow-up mission there in 2013. Our member firms have submitted their individual firm profiles to NAMWOLF staff, who is in the process of compiling these into a "Pitchbook" for use in promoting IP Alliance member firms to companies interested in our Alliance. We have also coordinated an IP presentation to be given at the Annual Meeting in Atlanta. We look forward to seeing everyone in Atlanta.

The Labor and Employment Initiative is off to a strong start. We are in the process of preparing our first pitch-book which will be disseminated to in-house counsel and members at the Annual Meeting in October. We will also hold a webinar on "What Every Lawyer Needs to Know about Labor and Employment Law" on December 5, 2012. We will also be submitting proposals for CLE presentations for the 2013 Annual Meeting. Can you believe we are already talking about planning next year's meeting! If you haven't already joined the Labor and Employment Initiative, you can still do so. Please let Jane Kalata know of your interest and we will get you involved with the group. In that regard, the Labor and Employment Initiative will hold its second meeting of the year at the Annual Meeting. Please be sure to look at your schedule for the time and place of our meeting. Laura Gibson, Co-Chair, NAMWOLF Labor and Employment Initiative 2012.

Labor and Employment Initiative

Marketing Initiative

The Marketing Initiative gathered feedback from the Business Meeting and has put together a comprehensive overview of the top five marketing issues facing NAMWOLF member firms. The team, comprised of six marketing professionals who span the United States, have been meeting monthly and working countless hours to develop a unique session for the 2012 Annual Meeting. The game show style session will feature an in-depth overview of how a website can help your firm grow in business development, the importance of building an effective brand, establishing credibility and creative uses of social media. We hope you join us to learn the ins-and-outs of successful law firm marketing. Audience participation will be solicited and prizes will be awarded!

NAMWOLF's Young Lawyers' Initiative's primary focus is to share strategies and promote younger attorneys practicing in women and minority-owned law firms. In-house counsel from NAMWOLF corporate entities participate in meetings to offer advice and share personal experiences. After a successful session at the 2012 Business Meeting, the Initiative is planning a Briefing Session at the Annual Meeting this fall. The Session will provide younger attorneys the opportunity to discuss how to maximize their experience at the NAMWOLF conferences, network on behalf of their firms and themselves, and give them the chance to interact with some of NAMWOLF's influential corporate and law firm members in an intimate setting. For more information, please contact Lauren Kerr of Bush Seyferth & Paige, PLLC, at kerr@bsplaw.com or Jennifer Coya of Rojas Law Firm, LLP, at jcoya@rojaslawfirm.com.

Young Lawyers Initiative

The NAMWOLF Newsletter is now completely formatted with hyperlinks so you can link to a person, firm or company by clicking on the name, photo, logo or event with the Control (Ctrl) button...

For ease of reading, other than the box to the right, we've removed the color/underlined link look!



NAMWOLF Newsletter/Website Submissions

Please send **newsletter submissions** to the editor, Justi Rae Miller, at jmiller@berensmiller.com in Word, Arial, 10 font, single space. Please limit substantive articles to 550 words. Photo, logo and a short bio (2-3 sentences) should accompany the article. Photos/logos need to be .jpg equivalent at 300 DPI. Deadlines are as follows:

4th Quarter 2012: November 1, 2012

NAMWOLF now features member law firm successes & announcements on its website at [Emerging Trends](#) and sends out these notices on [Twitter](#) and [Facebook](#).

Please send **announcements & successes** to jane_kalata@namwolf.org in Word, Arial, 10 font, single space and limited to approximately 350 words. Photo and logo submissions should accompany the announcement/awards and need to be jpg equivalent at 300 DPI. A link to the article at your firm's website is also suggested.

NAMWOLF Headquarters

735 N. Water St.; Suite 1205
Milwaukee, WI 53202

Tel: 414.277.1139 | Fax: 414.831.2285
info@namwolf.org

Yolanda Coly

Senior Director of Advocacy & Development
ycoly@namwolf.org | 414.277.1139 ext. 2137

Jane Kalata

Senior Director of Events & Marketing
jane_kalata@namwolf.org | 414.277.1139 ext. 2131

Samantha Surillo

Communications & Membership Coordinator
samantha_surillo@namwolf.org | 414.277.1139 ext. 2133



Find us on
Facebook

Linked in

follow us on
twitter

2012 Annual Meeting & Law Firm Expo

Schedule of Events

Schedule is tentative and subject to changes.



SUNDAY - OCTOBER 14, 2012

- 9:00 a.m. – 11:00 a.m. Vendor Set-Up
- 11:00 a.m. – 5:30 p.m. Registration & Vendor Expo
- 12:30 p.m. – 4:00 p.m. Law Firm Expo Set-Up
- 12:30 p.m. – 2:00 p.m. NAMWOLF Board of Directors Meeting
- 1:15p.m - 2:15 p.m. Who Wants to Be a Marketing Expert? How To Take Your Electronic Marketing To The Next Level in Today's Social World
- The Marketing Initiative gathered your feedback from the Business Meeting and compiled a comprehensive overview of the top five marketing issues facing NAMWOLF member firms. This session will feature a fun and interactive "game show" format that will take audience members through the top five. You will walk away knowing how a website can help your firm grow in business development, to build a brand, establish credibility and become a social guru by utilizing social media.
- 2:30 p.m. - 3:30 p.m. **Anatomy of a Bank Closing and How to Work with the FDIC**
- The Federal Deposit Insurance Corporation (FDIC) is an independent agency created by Congress to maintain stability and public confidence in the nation's financial system by insuring deposits, examining and supervising financial institutions for safety and soundness and consumer protection and managing receiverships. Learn about how and why banks are closed, how the FDIC manages the process and how outside law firms work with us as local counsel on a variety of matters.
- Presented by:**
- Mona Diaz, Senior Attorney, Resolutions and Receiverships - Federal Deposit Insurance Corporation
- Mark Edward Reeves, Counsel, MWOLF Program Coordinator, Outside Counsel Management - FDIC - Legal Division
- 3:30 p.m. - 4:30 p.m. **New In-House Orientation/First Time Attendee**
- This session will provide a brief overview of NAMWOLF and navigating your first annual meeting. It is ideal for in-house counsel who are new to NAMWOLF and are attending their first Annual Meeting. This is a great opportunity to network with in-house counsel currently utilizing NAMWOLF firms.
- 3:45 p.m. - 5:00 p.m. **New Law Firm Member Orientation**
- This session is designed to provide new law firm members and first time Annual Meeting Attendees with a brief overview of NAMWOLF's growth, resources, relationships and opportunities. It will also provide a guide for Attendees to get the most out of your first Annual Meeting and your Membership.
- Moderated by:**
- Linda Burwell, Nemeth Burwell, P.C.
- Robin Wofford, Wilson Turner Kosmo LLP
- 4:45 p.m. – 5:45 p.m. **In-House Meet and Greet (In-House ONLY)**
- Join first time In-House attendees, Inclusion Initiative Members, and Advisory Council Members for an informal meet and greet to kick off the Annual Meeting! (IN-HOUSE ONLY SESSION)
- 7:00 p.m. – 10:00 p.m. **Kick-Off Cocktail Reception**
- The World of Coca-Cola - ***Sponsored by The Coca-Cola Company***
- Join us in kicking off our 2012 Annual Meeting & Law Firm Expo at the World of Coca-Cola! Enjoy the museum and entertainment. TRANSPORTATION TO AND FROM THE EVENT WILL BE PROVIDED.

MONDAY - OCTOBER 15, 2012

- 6:30 a.m. - 7:30 a.m. Yoga Session - Sponsored by Griesing Law Firm, LLC
- 7:00 a.m. - 8:30 a.m. Law Firm Expo Set-Up
- 7:00 a.m. - 5:30 a.m. Registration & Vendor Expo
- 8:30 a.m. - 8:45 a.m. Opening Remarks and Continental Breakfast
- 8:50 a.m. - 10:20 a.m. CLE Session: Dealing Effectively with Bullies, Rulebreakers and Unprofessional Adversaries: How to Balance Vigorous Advocacy with Ethical Constraints (Ethics)
- 10:30 a.m. - 12:00 p.m. CLE Session: Intellectual Property Law Update 2012
- 10:30 a.m. - 12:00 p.m. CLE Session: Indemnification Agreement and Indemnification Provisions – What are the Limitations on Liability.
- 10:30 a.m. - 12:00 p.m. CLE Session: What Every Employment and Transactional Attorney Should Know About Section 409A-Traps for the Unwary

WHERE:

ATLANTA, GA

Sheraton Atlanta

165 Courtland Street NE

WHEN:

Sunday, October 14 -
Wednesday, October 17,
2012

WHO:

Representatives from the nation's top minority and women owned law firms, corporations and government entities, supplier diversity professionals will be in attendance.

REGISTRATION:

The 2012 Annual Meeting & Law Firm Expo is FREE for In-House Counsel to attend. ADVANCE REGISTRATION REQUIRED. Click [HERE](#) to register!

ACCOMMODATIONS:

The NAMWOLF Room Rate is \$159/night. To book your accommodations by phone, please call 404.659.6500, and reference the 2012 NAMWOLF Annual Meeting. You may also click [here](#) to reserve your accommodations online.

ATTIRE:

Business Casual

SPONSORSHIP:

Opportunities are still available. Click [here](#) for more information.

VENDOR:

Opportunities are still available. Click [here](#) for more information.

2012 Annual Meeting & Law Firm Expo

Schedule of Events

Schedule is tentative and subject to changes.



MONDAY - OCTOBER 15, 2012 (Cont.)

- 12:15 p.m. - 1:30 p.m. Luncheon Key Note Speaker: Karen Ripley, Chief Legal and Corporate Services Officer - MillerCoors
- 1:35 p.m. - 2:35 p.m. Inclusion Initiative Session (In-House ONLY Session)
- 2:30 p.m. - 5:30 p.m. Law Firm Expo
- 7:15 p.m. - 8:00 p.m. Cocktail Reception
- 8:00 p.m. - 10:00 p.m. Gala Awards Dinner & Entertainment

TUESDAY - OCTOBER 16, 2012

- 8:00 a.m. - 5:00 p.m. Registration & Vendor Expo
- 8:45 a.m. - 10:00 a.m. Kick Starting Diversity Spend in your Legal Department - A How to Guide and Look From Beginning Your Program to Maintaining Your Program.
- Moderator:**
Vickie Turner, Wilson Turner Kosmo
- Panelists:**
Alita Wingfield, Morgan Stanley
Charemon Grant, BCBSGA - Wellpoint
Kimberly Kennedy, Krispy Kreme
Rafael Medina, McDonald's Corporation
- 10:15 a.m. - 11:45 a.m. CLE Session: Advanced Strategies for Success in Mediation
- 10:15 a.m. - 11:45 a.m. CLE Session: Navigating the ERISA Fiduciary Liability Thicket: Strategies for Employers and Plan Administrators
- 10:15 a.m. - 11:45 a.m. CLE Session: Preventing the Runaway Arbitration: From Drafting the Contract Through the Award
- 11:55 p.m. - 1:10 p.m. Luncheon Panel Discussion: Drawing Back The Curtain: Revealing The Law Firm Selection Process Among Corporations With Procurement Teams (All attendees invited)
- Moderator:**
Sheryl L. Axelrod, The Axelrod Firm, PC
- Panelists:**
Rick Richardson, Vice President & Associate General Counsel, GlaxoSmithKline
Justin Ergler, Sourcing Group Manager, Legal Services Procurement, GlaxoSmithKline
- Remaining Panelists TBA**
- 1:15 p.m. - 2:45 p.m. CLE Session: Accommodating Mental Disabilities: Managing the Real Life Challenges in the Law
- 1:15 p.m. - 2:45 p.m. CLE Session: A Focus on In-house Counsel: Considerations When a Whistle blower Knocks on Your Door
- 2:50 p.m. - 4:05 p.m. Law Firm Member Cross Marketing Session
- 2:50 p.m. - 4:05 p.m. In-House Session Counsel Session
- 4:15 p.m. - 5:30 p.m. General Counsel Panel: The New Legal Normal: Emerging Trends in Legal Departments and the Role of Outside Counsel
General Counsel, Chief Legal Officers and other Key Legal Executives discuss current and evolving trends in corporate legal departments, and how these changes impact when and how and when outside counsel are engaged by their companies.
- Moderated by:**
Hinton J. Lucas, Vice President & Assistant General Counsel, DuPont
- Panelists:**
Timothy Phillips, Interim General Counsel, American Cancer Society
Debra Kuper, Vice President, General Counsel & Corporate Secretary, AGCO
Andrew Chang, General Counsel and Corporate Secretary, DreamWorks
- 5:45 p.m. - 7:45 p.m. **Closing Cocktail Reception**
Entertainment TBA

WHERE:

ATLANTA, GA
Sheraton Atlanta
165 Courtland Street NE

WHEN:

Sunday, October 14 -
Wednesday, October 17,
2012

WHO:

Representatives from the nation's top minority and women owned law firms, corporations and government entities, supplier diversity professionals will be in attendance.

REGISTRATION:

The 2012 Annual Meeting & Law Firm Expo is FREE for In-House Counsel to attend. ADVANCE REGISTRATION REQUIRED. Click [HERE](#) to register!

ACCOMMODATIONS:

The NAMWOLF Room Rate is \$159/night. To book your accommodations by phone, please call 404.659.6500, and reference the 2012 NAMWOLF Annual Meeting. You may also click [here](#) to reserve your accommodations online.

ATTIRE:

Business Casual

SPONSORSHIP:

Opportunities are still available. Click [here](#) for more information.

VENDOR:

Opportunities are still available. Click [here](#) for more information.

2012 Annual Meeting & Law Firm Expo

Schedule of Events

Schedule is tentative and subject to changes.

WEDNESDAY - OCTOBER 17, 2012

8:00 a.m. - 12:00 p.m. Registration

8:45 a.m. - 10:15 a.m. CLE Session: Navigating Ethical Minefields When Representing a Corporation: Strategies and Tips for In House and Outside Counsel (Ethics)

10:20 a.m. - 11:20 a.m. Intellectual Property Alliance Meeting

10:20 a.m. - 11:20 a.m. Labor & Employment Alliance Meeting

10:20 a.m. - 11:20 a.m. Transactional Alliance Meeting

10:20 a.m. - 11:20 a.m. Insurance Initiative

10:20 a.m. - 11:20 a.m. Advocacy Committee

11:25 a.m. - 12:25 p.m. Law Firm Member Forum



WHERE:

ATLANTA, GA
Sheraton Atlanta
165 Courtland Street NE

WHEN:

Sunday, October 14 -
Wednesday, October 17,
2012

WHO:

Representatives from the nation's top minority and women owned law firms, corporations and government entities, supplier diversity professionals will be in attendance.

REGISTRATION:

The 2012 Annual Meeting & Law Firm Expo is FREE for In-House Counsel to attend. ADVANCE REGISTRATION REQUIRED. Click [HERE](#) to register!

ACCOMMODATIONS:

The NAMWOLF Room Rate is \$159/night. To book your accommodations by phone, please call 404.659.6500, and reference the 2012 NAMWOLF Annual Meeting. You may also click [here](#) to reserve your accommodations online.

ATTIRE:

Business Casual

SPONSORSHIP:

Opportunities are still available. Click [here](#) for more information.

VENDOR:

Opportunities are still available. Click [here](#) for more information.

