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FOCUS

A Message From the President

Michael Eckhardt



Michael J. Eckhardt
SVP, Chief Risk Officer,
General Counsel &
Secretary
Wawa, Inc.

We hope you are all enjoying the summer months – the warmer weather, longer days and the loosening (which hopefully continues) of the pandemic restrictions. From April through July, the Chapter has hosted three in person Meet Your Counterparts (MYCs) and our annual Softball Charity Game/Family Fun Night in July. Over 200 members attended these in person events! It has been great to see each other in person at some great venues. And yes, for those of you who attended the In-House Counsel Conference and registered for your Swag boxes, the boxes have arrived with tons of great items from our sponsors! We cannot thank our volunteer practice and social chairs enough for all the time they, along with our Chapter Administrators, Chris Stewart and Joanne Ray, and sponsors put into planning and delivering the packed calendar of events.

In addition to our three in person MYCs hosted by *Ogeltree Deakins at Estia*, *Fisher Phillips at Positano*, and *Greenberg Traurig at The Rooftop at the Logan*, in July Morgan Lewis hosted a virtual tour of *The Barnes Foundation Museum*. Our sponsors hosted over 14 substantive CLE programs since May. We held our first in person General Counsel/Chief Legal Officer Lunch in June as well, where the conversation was

focused on how companies are planning a return to the office. *Cozen O'Connor* hosted our always popular “Tips from the Top” where panelists from companies around the nation shared their insights with our members as to navigating their careers.

The Chapter’s Board finalized and unanimously adopted the Chapter’s initial *Diversity, Equity, Inclusion and Belonging* vision and mission statement, which you can find on our website and also included at the end of this newsletter. Our *Diversity Internship Program*, now in its 14th year, included 19 law students who worked for 18 companies. The participating companies were: Saint-Gobain Corp.; Unisys Corp.; Bancroft NeuroHealth; Pilot Freight Services; Lockton Re LLP; American Water; Cigna; Teleflex Inc.; Venerable; TE Connectivity; AmerisourceBergen Corp.; Exelon Corp.; Toll Brothers; PJM Interconnection LLC; Fanatics Inc.; Chesapeake Utilities Corp.; and Wawa, Inc. Thank you to Laura Bautista and the Diversity Internship Committee for their year-round efforts in making this program a success.

We are delighted to share that one of our own member companies, *Nouryon* in Radnor, received a 2021 ACC Values Champion award. Since 2012, the ACC Value Champions program has highlighted corporate law departments that innovate to optimize legal service delivery for corporations. Nouryon aimed to close the gap between the business and the IP legal department. Michael Finn, the General Counsel, brought on *LKGLOBAL* to reorganize and streamline

In-Transition Membership

If you are a member who is in transition, take advantage of the opportunity to continue your membership **AT NO COST**. ACC will waive dues for existing members 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. [[In-Transition/Retired Application](#)] For more information about In-Transition Membership, please visit: <https://www.acc.com/membership/become-a-member/in-transition-member>.

Retired Membership

Recently retired ACC members may continue their membership at a **reduced rate of \$95 annually**. You can email membership@acc.com to request an invoice for this great rate, or submit the [In-Transition/Retired Application](#), and be sure to select the RETIRED option. For more information about Retired Membership, please visit: <https://www.acc.com/membership/become-a-member/retired-member>.

If you have questions, please contact ACC’s membership department at 202.293.4103, ext. 360 or membership@acc.com.

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the IP portfolio. Through an innovative budgeting matrix tool, selective outsourcing and more, this partnership has helped Nouryon reduce its global IP budget, with both internal and external spend, by 41 percent. By removing low-value patents from the Nouryon portfolio, the total number of patents has decreased by 48 percent, and the number of patent families by 23 percent.

I am also pleased to let you know that the Board of our Chapter adopted [in July] a combined Code of Conduct and Conflicts-of-Interest Policy which applies to members of the Board and to all Volunteer Leaders. While the Chapter already

has the Conflict-of-Interest provision, the new Code provisions will go into effect on January 1, 2022. The Code is based on best practices for our Association, and creates clarity and consistency around our expectations for how leaders of the Chapter are expected to behave in different situations that may arise. These include ethical standards around confidentiality, treatment of vendors and other third parties and protection of the reputation of ACC and the Chapter. You can find the Code available at the *Our Leadership* page of the ACCGP website and I encourage you to review prior to January 1, 2022.

Our Board of Directors and Officers are here to serve you—we welcome your feedback, your ideas, your input, and most of all your involvement. You can reach me directly at michael.eckhardt@wawa.com or 610.358.8044. We look forward to seeing you and we sincerely hope you will remain actively engaged in the wonderful opportunities that our Chapter has planned for the remainder of 2021.

Warmest regards,
Michael Eckhardt
President
ACC Greater Philadelphia

What Every Executive Should Know About Mediation

By Bruce Ficken, Chair-Construction Law, Cozen O'Connor, and Nicholas Berenato, Associate, Cozen O'Connor

Fifty years ago, mediation was a very narrow discipline, confined mainly to labor/management negotiations. Today, mediation is a central part of most commercial and personal injury litigation, for many reasons. The law favors and protects mediation proceedings in virtually every jurisdiction. *See, e.g.*, 42 Pa. C.S. § 5949 (a). Courts, with crowded dockets at unprecedented levels, see mediation as a means of clearing case backlogs. Escalating legal costs combined with the uncertainty of jury and bench trials encourage litigants to explore whether a dispute can be resolved with the help of a professional mediator. Indeed, it has become very common, particularly in construction contracts, to require mediation as a precondition to suing to recover damages for breach of contract.

Yet as common and widespread as mediation has become, it is remarkable how many mediations fail because a party or both parties fail to appreciate the nature of mediation and how to maximize their chances for success.

Mediation Defined

Mediation is nothing more than a formalized negotiation managed by a skilled professional. *See, e.g.*, American Arbitration Association, *The Model Standards of Conduct for Mediators*. The mediator

decides nothing, nor can a mediator require the parties to do anything they do not want to do. By definition, therefore, the mediator has only the power of persuasion. He can compel nothing. Accordingly, each party needs to realize that they hold the key to not only how the mediation will proceed, but whether it can be successful.

The Role of the Mediator

A good mediator is ethical, knowledgeable and credible. By design, mediators hope that the parties will listen to them, adopt their view of the dispute, and accept their evaluation of claims. Participants often want to rely on a mediator who they may regard as a newfound ally. However, beware. The only goal of a mediator is to get the parties to agree on the resolution of the dispute. *See, e.g.*, JAMS, *A Guide to the Mediation Process for Lawyers and their Clients*. That a settlement may be unfair, or the principles applied, contrary to applicable law, or the result of false assumptions, is not really the mediator's concern, as long as a resolution is reached. Thus, a party to a mediation should be circumspect about adapting the mediator's view of the merits of a dispute.

Many, perhaps most, mediators will offer their opinions on the merits of a dispute. My own practice is to ask questions

and test assumptions, but only opine on the merits of a dispute when asked. What one needs to keep in mind is that commercial litigation is often complex and the facts are often industry-specific. You may have retained counsel, and perhaps experts, precisely because they have considerable subject matter expertise and you trust their judgment. When a mediator expresses his opinions on the merits of a dispute, it may very well be contrary to the advice you are getting from your own lawyer. Indeed, some mediators, in effect, will urge you to substitute their judgment for the judgment of your counsel. If you are inclined to do so, perhaps, you should reexamine your choice of counsel.

On the other hand, there are mediators who specialize in a particular area of the law or commerce. In these cases, you should be more inclined to seek that second opinion and it may be totally worthwhile to do so. You simply must maintain perspective about the mediator's role and objectivity in comparison to your own.

Confidentiality and Mediation

As stated, public policy favors mediation. The law encourages the parties to resolve their disputes through mediation. Central to protecting the mediation process and encouraging litigants to participate is

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confidentiality. If the parties understand they cannot be harmed by anything they say, communication is thereby encouraged which facilitates the negotiations.

The first principle of confidentiality is that what happens at mediation may not be disclosed unless both parties agree. Disclosure of mediation discussions is contrary to the law and is unethical. A party may not be required to divulge these discussions, even to a Judge conducting the litigation, that are the subject matter of the mediation. In court proceedings, evidence of what occurred at mediation is strictly prohibited, even if statements were made at mediation that would otherwise be regarded as admissions by a party. *See, e.g.*, 42 Pa. C.S. § 5949 (a).

The second rule of confidentiality at mediation is that the mediator may not disclose to either side his private conversations with the other side. *See, e.g.*, American Arbitration Association, The Model Standards of Conduct for Mediators. Indeed, he should only make such disclosures to the opposite party when he has received specific permission to do so.

Still, parties often lose sight of the distinction between protecting statements made at mediation and being required to produce evidence or factual data otherwise discoverable. In other words, parties cannot discuss facts or evidence at mediation and as a result claim because relevant facts were discussed at mediation they, therefore, are confidential and beyond inquiry. *See, e.g.*, 42 Pa. C.S. § 5949 (b)(4). For example, if the subject of litigation is a patented formula, disclosure of that formula at mediation does not protect disclosure of that relevant evidence from discovery. However, what was said about that formula at mediation would be protected by the confidentiality privilege.

What is the Role of Advocacy at Mediation?

Historically, mediations commenced with a presentation and argument from both sides. Presumably, this gives each side a chance to state its best case hoping to persuade the opposite party of the wisdom

of its position. However, mediators have found that opening statements are equally likely to offend the opposite party, who then digs in its heels. Further, it is more common today for mediation and litigation to occur where both sides have a very good idea of their own and the other side's evidence. Thus, it is equally common for the parties to dispense with opening statements and move right into settlement negotiations from separate rooms. At that point, communications with and to the other side are indirect through the mediator.

Thus, the advocacy to the mediator is for the benefit of the opposite party. Often this is where a party can get somewhat confused because these discussions look and feel like it is the mediator who must be persuaded. It is not; he is merely a conduit. Your only audience is the other party and what motivates them should be your primary concern. This can have a profound impact on what is said and how it is said.

Managing Expectations: A Key to Success

Invariably, plaintiffs approach mediation with a preconceived notion of what they must receive in order to settle, just as defendants approach with a definite idea of the most they will pay to settle. Parties want to speed up the negotiations and may cut corners to do so. But any rush to a resolution is likely to end up as a rush to say "no," causing the mediation to fail.

Remember that mediation is a process. If a difficult dispute is to settle, at the end of the process, the plaintiff must be convinced that the settlement is the best he could receive without continuing the litigation. It is the same for a defendant who needs to believe he has reached the best possible result he can expect at that moment. Only at that point are disputes ready to settle. Thus, the process of mediation is just as important as the result. It is the process that allows the negotiations to be successful.

Even if the process fails, as one moves past a failed mediation to the expense and uncertainty of a trial, there is no small comfort in knowing you did absolutely everything possible to avoid the expense of litigation and the uncertainty of trial.

The process of a successful mediation is all about controlling expectations. Plaintiff's demand is almost always ridiculously high. Defendant's first offer is almost always ridiculously low. If plaintiff responds to some movement by defendants by sticking closely to the original number, the mediation may terminate because defendant will conclude that plaintiff is unreasonable. And the same is true for defendants who insist initially on low-balling their offers, in the extreme. The mediation will fail because the offer and counter offers demonstrate the parties now expect the negotiations to fail. So, at the mediation, think of each offer and counteroffer as signals, letting each party evaluate where negotiations are likely to go. Managing expectations is key.

Evaluate Your Mediator

As mediation has grown in popularity, so too the number of mediators has grown exponentially. Not surprisingly, not all mediators are effective and some can be counter-productive.

As one participates in a mediation one should evaluate the mediator. If he conducts himself in any way you feel is counter-productive or he says or suggests anything you and your counsel don't like, you need to tell him. It is perfectly acceptable to manage your mediator as required.

The most important quality in a mediator is the ability to listen; to allow the parties to be heard is central to the process. The mediator must understand each party's position on both a substantive as well as an emotional level. Thus, if a mediator starts the mediation by expressing his view of the merits, or presses his view of the case, before he generates any consensus of view or rapport with a party, your mediation is unlikely to be successful because the process has been undermined by the mediator.

If your mediator breaches confidentiality either advertently or inadvertently, the process has been compromised and the mediator's credibility has suffered.

If a mediator tells you, in effect, the advice you are getting from your lawyer

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is wrong, be very careful. I consider such conduct unethical because the mediator is inserting himself between you and your lawyer while at the same time suggesting you should disregard the professional judgment of your lawyer who has your best interests at heart. Remember the mediator's interest is to get the matter resolved whether the settlement is in your best interest or not.¹

¹If, with your lawyer present, you ask the mediator his opinion of the merits, the situation is entirely different. In that case you are, in effect, inviting the mediator to disagree with your lawyer if, in fact, he does disagree.

Conclusion

Today many, if not most, disputes resolve themselves through some form of mediation. The expenditures and efficient resolution of disputes is always to be encouraged. Participants in the mediation process need to be well equipped to understand how the process works, the limitations of the mediator and how to maximize the chances of success.



Nicholas Berenato



Bruce Ficken

Law Students Learn Corporate Legal Department Perspective Through ACC Internship

By Laura Bautista, Associate Counsel, Vanguard

What You Need to Know

- Nineteen students have participated in the Association of Corporate Counsel Greater Philadelphia's Diversity Internship program.
- Programs like this give interns an advantage by learning the client side of the law.
- Interns in this program end up doing a good amount of contracting work.

The Association of Corporate Counsel Greater Philadelphia's annual diversity internship program allows new law students to have an understanding of client needs, as they also work on the basic skills required of practicing lawyers. Now in its 14th year, the ACCGP diversity internship program had 19 law students working as summer interns for 18 companies this year, said Laura Bautista, member of the Board of Directors and co-chair of the Diversity Internship Program Committee at ACC GP. The program ran from June 7 to July 30.

The companies that took on interns this year are Wawa Inc.; Saint-Gobain Corp.; Unisys Corp.; Bancroft NeuroHealth; Pilot Freight Services; Lockton Re LLP; American Water; Cigna; Teleflex Inc.; Venerable; TE Connectivity; AmerisourceBergen Corp.; Exelon Corp.; Toll Brothers; PJM Interconnection LLC; Fanatics Inc.; and Chesapeake Utilities Corp.

[Last year](#), all of the interns in the program were working remotely. This year, Bautista

explained ACCGP left it up to the companies to determine if interns worked remotely or went into an office. Some worked from home, some remotely, and others had a hybrid work setting.

Despite the pandemic, the work the interns are assigned has not changed. Bautista, who also serves as Associate Counsel at Vanguard in Malvern, Pennsylvania, said the work interns do varies by company, although much of it is routine contract work.

"Historically, the interns have seen a lot of research, writing and contracts-based work. These types of projects are good for first- and second-year law students, as they get them acquainted with some of the basic skills required of practicing lawyers," said Bautista. An opportunity like this gives young law students a unique understanding of what clients are looking for in their counsel. "Those companies are going to be similar to the clients you might serve if you went to a law firm. It helps you see the legal questions from both sides and be able to provide clients with practical legal advice," Bautista said. "It allows you to be able to differentiate yourself from someone who hasn't had that hands-on practical experience yet," she added.

The defined criteria for those who could apply are 1L and 2L law students who have overcome substantial obstacles in the pursuit of a legal career, or who are members of groups traditionally underrepresented in the legal profession. That can be based on race,

ethnicity, religion, LGBTQ+ status, disability or economic status.

Students submitted a personal essay, transcripts and a letter of recommendation for the application process. Bautista said the Selection Committee paid a lot of attention to personal essays. The application process for this year is closed and applications for next year have not opened yet.

"It is their opportunity to tell us about any obstacles they overcame in pursuing their legal career or as a member of a group traditionally underrepresented in the legal field and what they hope to gain from the experience," Bautista explained.

Companies that participate must pledge to give interns an in-house work experience, Bautista said. They also must agree to pay the interns \$7,500 for the course of the internship. For companies participating for the first time, ACC GP will give them a \$2,500 stipend so they only have to pay interns \$5,000.



Laura Bautista, Associate Counsel at Vanguard, member of the Board of Directors, and co-chair of the Diversity Internship Program Committee at the Association of

Corporate Counsel Greater Philadelphia, was interviewed by Dan Clark who covers cyber security, legal operations and intellectual property for *Corporate Counsel*.

Tech Toolbox: Getting Focused with Contextual Computing

By Greg Stern, Consultant, Chubb Group

We all know that one of the biggest threats to productivity is distraction. Despite conventional wisdom (and our understandable but misguided desire to believe — or at least hope — that we can accomplish too many things in a limited time), our brains are not good at multitasking. Every time we switch our attention from one track to another, it not only creates a cognitive burden but disrupts our attention and derails our trains of thought right when we may be in the middle of a solid burst of productivity.

Most of us know the feeling of having a writer's block suddenly dissolve, allowing us to express some important idea in a meaningful way. But you can lose your state of flow just as easily — staying in that groove means keeping your focus. And that means avoiding distractions.

When we were in law school, we understood this implicitly. We knew that we needed some quiet place to study and took precautions to ensure that our focus would remain undisturbed. But many of us have lost sight of the importance of focus when doing work in the world of corporate law. We allow — sometimes even invite — distractions. Email and DM alerts and unscheduled meetings and phone calls constantly vie for our attention.

On top of that, we have trained ourselves to expect and even desire distractions. We start to do research on our topic with the best of intentions, and then go haring off on some interesting sidetrack. (How many calories are in a smoothie, anyway?) Or we take a “brief” break to check in on social media, news, or sports, only to find that many minutes or even hours have passed. If we are back in the office, we may get up to stretch our legs only to find ourselves pulled away from our work by non-work-related conversations with colleagues.

I'm not saying that any or all of these are bad all the time. In fact, there are times when the best thing you can do to avoid burnout or reset your brain is to take some kind of break. Indeed, that's what the pomodoro technique is all about — taking a break to refresh your ability to focus. But it's critical to be able to keep your focus

on the work you actually need to get done when you are in the midst of it.

Part of achieving this is just developing self-discipline and better concentration. Like most things, it takes practice and intentionally developing good work habits. But many of the distractions that tug at us involve the technology we use, and that technology has become both pervasive and invasive. We need some way to reduce the noise level from our tools so they don't just become distraction devices.

There are a lot of ways to do that, and I have written before about some of them, like changing your [email alert defaults](#).

But a big way to maintain your focus is to take advantage of something pretty new.

Contextual computing

Contextual computing involves having your various devices behave differently depending upon the context in which you are using them. So, for example, you may always plan to turn on a do not disturb setting that eliminates calls and message alerts while you are in meetings. That's great when you remember to do it — and on the right device — but wouldn't it be better if your smartphone, tablet, etc. automatically did that whenever your calendar indicated you were in a meeting?

But let's take that concept one step further. Suppose you could trigger a specific group of settings for particular contexts designed to ensure your ability to get something done and avoid unnecessary distractions.

Let's say you intend to write a critical memo for an important client. You know that there are certain apps you will need, like your browser, a word processor, maybe a mindmap tool, perhaps your pomodoro timer, and the specific email from your client that triggered the assignment. And there are other apps or instances you don't need and could distract you: social media apps or sites, your general mailbox, IM or DM apps, your phone, tabs in your browser that don't pertain to your project, etc. And let's also acknowledge that you need to be able to get alerts for critical

communications from particular VIPs like I mentioned above.

Now suppose the apps (you either need or don't want) and the list of VIPs are fairly consistent whenever you are writing an important memo. Wouldn't it help you be even more productive if you had a switch to turn these settings on and off just by triggering a set of commands for the context you call “Memo Writing”?

Well, that is the idea behind contextual computing. You pick a set of contexts that might benefit from a more focused approach — memo writing, research, email processing, meetings, family or other personal time, etc. — and then you selectively choose which apps and VIPs have permission to be enabled in that context.

Setting it up

Sounds interesting, you say, but how do we actually do that? One way, which is a little primitive and laborious, is to have a checklist for each context, and then manually go into your devices and close the applications on the disable list and open the ones on the enable list, doing the same thing with your various alerts so that only the enabled apps and your VIPs can get through.

Another approach, if you are nerdy enough, is to use an app like Keyboard Maestro for Mac, AutoHotKey for Windows, or Shortcuts for iOS (and in September, your Shortcuts will also work for Mac) to trigger a whole set of commands using just a few keyboard prompts that would do the appropriate enabling and disabling. That is both harder and more interesting than it sounds.

But here is the good news: this fall, both Mac Monterey and iOS/iPadOS 15 are getting a feature called Focus that will allow you to easily create various contexts and granularly control the apps and alerts you enable and disable in each. Not only that, but if you trigger a Focus on any one of your Apple devices, it will propagate

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that command set across all of your others. So, for example, if you turn on Memo Writing on your Mac, it will apply the same set of constraints to your iPhone and iPad. Here is how Apple describes it:

iOS 15 delivers powerful tools that help users focus and reduce distraction. Focus is a new feature that filters notifications and apps based on what a user wants to focus on. Customers can set their device to help them be in the moment by creating a custom Focus or selecting a suggested Focus, which uses on-device intelligence to suggest which people and apps are allowed to notify them. Focus suggestions are based on users' context, like during their work hours or while they're winding down for bed, and when Focus is set on

one Apple device, it automatically applies to their other Apple devices. Users can create Home Screen pages with apps and widgets that apply to moments of focus to only display relevant apps and reduce temptation. When a user's Focus is blocking incoming notifications, their status is automatically displayed to others in Messages, reflecting that a user is not currently reachable.

Windows also has a contextual computing solution, although it isn't nearly as comprehensive — yet. Their Focus Assist mode allows you to granularly control the notification alerts you receive. You cannot (yet) specify different settings for different contexts or automatically launch and quit specific apps like you can on the Apple

platform, but I suspect they will follow Apple with a similar solution soon if there is enough interest.

And there should be! Our attention is one of our most valuable attributes, and we can no longer afford to waste it by chasing every distraction or diversion our beloved but too busy devices try to wave in front of us. We need to ensure that our devices help us stay focused and make our jobs easier, not harder. I believe contextual computing is a very promising next step in that direction.



Greg Stern

2021 Upcoming ACCGP Events

Visit [ACC Greater Philadelphia](#) for the most current event details or to register for chapter events.

OCTOBER

October 1

In-person GC lunch

October 5

VIRTUAL Labor & Employment CLE Institute with Jackson Lewis, Greenberg Traurig, and Stevens & Lee

October 7

VIRTUAL Litigation Round Table with Schnader Harrison

October 7

Lehigh Valley Meet Your Counterparts Networking Reception with Stevens & Lee

October 8

**Annual Paralegal Forum
Rescheduled to March 22, 2022**

October 13

**VIRTUAL Business Skills Institute with Citrin Cooperman and Royer Cooper Cohen
Braunfeld LLC**

October 14

Intellectual Property Webinar with Dechert

October 19 to 21

Virtual ACC Annual Meeting

October 26

Women's Event with Faegre Drinker

October 27

VIRTUAL Corporate Counsel University (CCU) with Cozen, Dechert, & Faegre Drinker

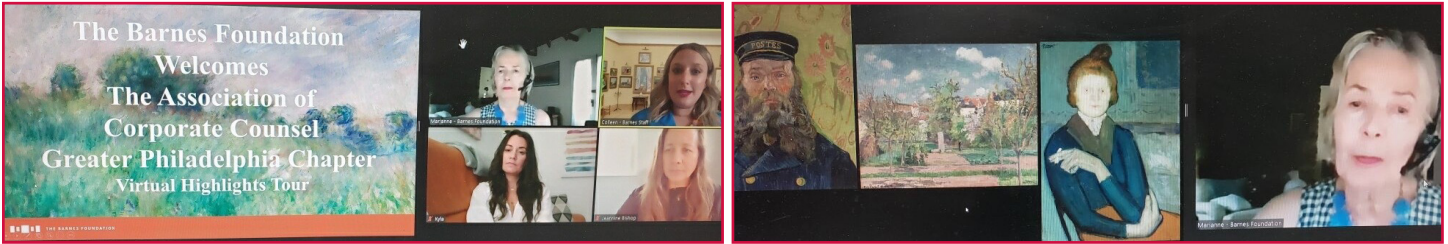
October 28

Meet Your Counterparts Networking Reception in Delaware with Morris Nichols

Be on the lookout for calendar updates!

In Case You Missed It

Virtual MYC with Morgan Lewis at The Barnes Foundation Museum July 29, 2021



Family Fun Night and Softball Game July 22, 2021



In-person MYC with Greenberg Traurig at The Logan June 29, 2021



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 box-seat to identify opportunities to generate value for clients. A key example that

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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 higher-order 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

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 [In-house Counsel Certification Program](#) 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 [securities law skills](#) 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. [Learn more.](#)

Sponsors for 2021

We thank our 2021 Sponsors for their support of our chapter. Without them, we could not achieve the levels of success that the chapter consistently reaches.

DIAMOND



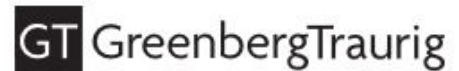
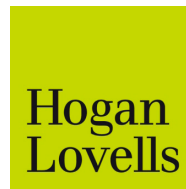
EMERALD



PLATINUM



GOLD



SILVER



À LA CARTE





New Board Member Spotlight

Tonya Harris

1. In what year did you start in your current position as in-house counsel?

I started working for PPL Services Corporation in 2012 as Counsel. In 2020, I was promoted to Senior Counsel.

2. In what year did you first work in-house?

I have been working as in-house counsel since 2012.

3. What law school did you attend?

I attended Villanova University School of Law (n/k/a Villanova University Charles Widger School of Law)

4. Where did you attend college and graduate school? What degrees do you hold?

I graduated from Temple University's School of Communications, earning a Bachelor of Arts degree. I also hold an Associate's Degree in Multimedia and Web Design.

5. What do you consider to be your most pivotal career move?

My pivotal career move was leaving a career in advertising, promotions and marketing to pursue a law degree.

6. What is the best thing about your current job?

My job gives me the opportunity to have a positive impact on people's lives and make a difference through volunteering and community outreach. After each community event, I return home and I know I made a real difference.

7. What is the worst job you have ever had?

During summer break from college, I was a telemarketer for a gourmet meat company.

8. What is the most valuable life lesson you still apply today?

Treat others as you would like to be treated.

9. What do you consider to be the best thing about ACC membership?

The best thing about ACC membership is the ability to network with other in-house counsel on a national level.

10. How do you achieve work/life balance?

I designate time to do the things that I enjoy.

11. If I were not practicing law, I could see myself studying the culinary arts.

12. My favorite vacation spots are:

Italy and Hawaii (so far.)

13. A place I have never been but would most like to visit is:

Australia.

14. My all-time favorite movies are:

Tombstone and Braveheart.

15. If applicable, please tell us about your pet(s).

We have a 5-month-old Shiba Inu puppy named Keanu (yes, after Keanu Reeves.)

The Greater Philadelphia chapter Boasts **Two** 2021 ACC Value Champions Winners! The ACC Value Challenge provides resources and training for legal executives to help affect change within the legal industry. By realigning relationships and promoting value-based fee arrangements and other management tactics, such as project management, process improvement, efficient use of technology and knowledge management tools, the market for the delivery of legal services benefits from the same insights and wisdom upon which every other service industry relies to provide world-class value to their clients.

Please join us in congratulating
Michael Finn and Timothy Lorenz and the teams at
Nouryon (Radnor) and LKGLOBAL (Scottsdale.)

New and Returning Members

Crystal Bailey

Vertex Inc.

Nicole Barron

Avenue 365 Lender Services, LLC

Christopher Bedor

Irish Studio, LLC

Lori Brewington

Sallie Mae Bank

Paul Carango

Incyte Corporation

Paul Carango

Incyte Corporation

Jessica Cicali

Cardone Industries, Inc.

Yvonne Clark

Spark Therapeutics, Inc

Gary Clarke

GoBrands, Inc.

Richard Connelly

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Lauren Crilley

The J.G. Wentworth Company

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Southeastern Pennsylvania Transportation Authority

Elizabeth Darrington

GoBrands, Inc.

Joe Deloney

GoBrands, Inc.

Michael Donnini

Comcast Corporation

Jessica Downing

Spark Therapeutics, Inc

Sarah Dunn

Arkema Inc.

Susan Ellington

Brenntag North America, Inc.

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Brenntag North America, Inc.

Madeline Farmer

American Water Works Company, Inc.

Elizabeth Feeney

Incyte Corporation

Jennifer Fitzgerald

Spark Therapeutics, Inc

Nathaniel Flandreau

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Amy Garabedian

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Attorney

James Murdaco

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Answernet, Inc.

Susan Oberlies

Lincoln Investment

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Colette Pete

Philadelphia Regional Port Authority

Brian Pierce

Lassonde Pappas & Company, Inc.

Robin Quartin

Spark Therapeutics, Inc

James Quinlan

LifeBrand, Inc.

Leslie Reeve

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Sandra Rosenberg

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John Sharrar

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Howard Sherman

Allstate Insurance Company

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Unique Industries, Inc.

Jane Siegfried

Radial, Inc.

Christopher Solecki

Givnish Family Funeral Homes

Alexander Spanos

IKEA North America Services, LLC

Alexander Spanos

IKEA North America Services, LLC

Dana Stefanoni

South Jersey Industries Inc

Brody Stevens

Incyte Corporation

Gelvina Stevenson

Children's Hospital of Philadelphia

Philip Storm

EPAM Systems, Inc.

Doria Sutton

Filo Mortgage

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Nilam Vahora

Frontage Laboratories, Inc.

Quinn Wetherall

GoBrands, Inc.

David Wheat

Brenntag North America, Inc.

Samantha Wilson Jones

Spark Therapeutics, Inc

Anne Winner

North America Financial Lines

Brandon Wise

Cardone Industries, Inc.

Call for Nominations!

We are looking for members to serve on the Board of Directors of the ACC Greater Philadelphia chapter. If you are interested in serving your chapter, please click on this [LINK](#) for more information on nominating yourself (or another member in good standing) for the 2022 Board of Directors Class of 2024.

FOLLOW THIS LINK TO VIEW THE NOMINATION FORM.

Diversity, Inclusion, Equity and Belonging Mission Statement

The ACC of Greater Philadelphia is committed to promoting and advancing the goals of diversity, inclusion, equity and belonging for the benefit of its members, sponsors, the legal profession and the greater community in which it serves. ACC of Greater Philadelphia celebrates the rich diversity of its membership and aspires to provide diversity in programming, activities, sponsorships and outreach of the Chapter to balance the equities, broaden opportunities, provide greater access and ensure a fair and level playing field for the in-house constituencies we represent and serve.

Diversity, Inclusion, Equity and Belonging Aspiration and Vision Statement

The ACC Greater Philadelphia Chapter aspires to be a thought leader in promoting and advancing a diverse and inclusive culture of connection and belonging for the in-house counsel community and the companies our members serve. The Chapter aims to provide its members with educational opportunities so that members can be thought leaders in the diversity, inclusion, equity and belonging arena in their organizations. The Chapter recognizes that our differences are our strength and that our similarities unite us. The Chapter aspires to be a catalyst to drive our profession and the clients we serve to embrace differences, open minds, expand opportunities and create an inclusive culture that enhances the profession, provides opportunities, closes gaps and opens doors.

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