

Our Mission is to be the organization of choice for in-house lawyers in the greater Charlotte region for their educational, career development, networking, advocacy, pro bono, and community service needs.



Welcome to ACC Charlotte's 2nd Quarter Newsletter 2018

June 12, 2018

A Message from Chapter President John Buckley

If you're like me, you probably don't remember everything I said in this space last quarter, but I want to reiterate this: What's good for our members is good for our chapter.

So much has happened since my last message.

- We've crested 700 members in the Charlotte chapter!
- We were able to move back into a renovated, and larger, Byron's SouthEnd.
- And it's a good thing because we've been averaging over 100 attendees for our Byron's lunches, which are record-setting sizes.
- We graduated our first Advanced Management Program for Legal Executives class, and plan to start a second cohort this fall (stay tuned for info!).



All of these achievements are a result of a strong and engaged membership that participates actively in committees and on our board, along with some wise guidance, borne of experience, from our Executive Director, Jane Nohr. In fact, one of our board members, Nicole Brunson, recently attended an ACC Leadership Development Institute that brings together members of various chapters to exchange ideas and lessons learned. Nicole offered and brought back a number of good ideas, but the over-arching distinction she shared was how much the Charlotte chapter benefits from actively engaged committees to advance and execute on ideas. While we recognize that the board's role is not to just rubber-stamp committee recommendations, we also know that the committees have often been closer and spent more time analyzing the issues, and so we give great respect to their recommendations. In so doing, the board tries to empower and energize the committees. If you'd be interested in contributing your skills and perspective to a committee, even starting mid-year, contact Jane or me, and we can put you in touch with the couple of committee chairs who have room on their committees today.

Moving forward, in addition to Rich Sedory's continuing effort to launch the second cohort this fall of the Advanced Management Program for Legal Executives (mentioned above), we are working on a number of other new efforts:

- Ann Warren is leading the Technology Committee to develop a limited webcasting option for our remote members (think Hickory and beyond, not those just outside I-485 who can make it to Byron's for lunch).
- Thanks to Luther Moore for keeping us apprised that the NC State Bar has adopted, subject to NC Supreme Court approval, a "mandate that one of the 12 hours of approved CLE required annually be devoted to technology training" and so we will be looking at ways to best incorporate that into our 2019 programs.
- Maggie Amos and I met with the Charlotte Chamber to discuss a possible 2019 panel of ACC members with break-outs to discuss with the Chamber's middle-market members "why, when, and how to hire your first in-house counsel."
- I'm also looking to pull together a half dozen or so attorneys who have gone straight to in-house from law school, without the benefit and pleasure of experiencing law firm life. I hope to identify ways we can improve our offerings to benefit this growing segment of our membership. One of our members, Xime Thomas, first brought this opportunity (among others) to my attention, and it was discussed on a call amongst chapter presidents, as this segment of membership is growing throughout the US. I've got about 3 folks who have an interest in participating and need three more.

If you're not yet regularly attending our events, I encourage you to do so, and give yourself some extra time to arrive early and stay late to meet and talk with people you haven't met. If you're looking for ways to get involved beyond attending, reach out to me - bring your business card to an event, connect with me on LinkedIn [[linkedin.com/in/johnbuckley](https://www.linkedin.com/in/johnbuckley)], email me jbuckley@ppmsllc.com, call me or text me 704-905-0716. Specifically, if you live or work Hickory distance or beyond and would like to know more about webcasting, contact me or Ann Warren. If you're someone who has moved in-house without working at a law firm and would like to brainstorm about what ACC can do to benefit this growing segment of our membership, contact me. Finally, if you've been the first in-house counsel for a company and might like to sit on a future panel to discuss it, let me know.

What's good for our members is good for our chapter.

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Smith Moore Leatherwood partners with its clients to produce creative, cost-effective legal solutions. With a reputation for excellence and responsive client service, the firm has more than 140 attorneys located in six offices across North Carolina, South Carolina and Georgia. The firm's core services are litigation, business, health care, real estate, labor and employment, and tax law. Industry teams include trucking and transportation, education, government, nonprofit, financial services, manufacturing, technology, chemical/pharmaceutical, energy, and construction. For more information about the firm and its attorneys, visit www.smithmoorelaw.com.

Platinum Sponsor Feature Article

[Want to Use a Social Media Influencer in Your Latest Marketing Campaign? A Few Things to Consider.](#)

By Amber Duncan

Is your company considering using an "influencer" (an individual with a large social media following) to promote your products, services or brands? Although there are a myriad of matters to consider, if this is your first time dipping your toes into this world, here are a few points to ponder.

Will the influencer be bound by a written agreement with certain

metrics?

Make sure your contracts with influencers adequately protect your brand. Basic terms of the relationship should be set forth in writing - compensation, frequency of posts required, platforms on which posts should be made, whether you require review of the post before publishing, and remedies for noncompliant posts. Additionally, information regarding post content, prohibited content and appropriate disclosures should be included. The growing library of FTC guidance documents - described in more detail below - is a great place to start in deciding what information to share with your influencers. You may want to include a copy of these FTC guidelines in your contract. Things to consider in case a campaign goes awry include morality and indemnity clauses, as well as making sure the company has quick access to content if a post needs to be edited or taken down. It is a good idea to monitor your influencer's posts about your business, and to go over your guidelines and expectations long before the posts ever go up. Your company may also want to adopt a written social media endorsement policy that complies with the FTC's Endorsement Guides.



Will the campaign comply with all applicable FTC Regulations and Guidance?

This is a hot topic for the FTC. The agency made news last fall for pursuing its first ever enforcement action against individual social media influencers. This was after sending warning letters to over twenty big-name social media influencers earlier in 2017. Luckily the FTC has issued comprehensive guidance for influencers, including the following "Do's and Don'ts for Social Media Influencers"[1]:

- clearly disclose any financial or family relationship with a brand;
- avoid assuming followers know about all existing brand relationships;
- ensure sponsorship disclosures are hard to miss;
- do not use ambiguous hashtags as disclosures (i.e. #thanks[brand], #collab, #sp, #spon, #ambassador);
- treat sponsored tags, including tags in pictures, like any other endorsement;
- on image-only platforms, superimpose disclosures over the images;
- do not rely on disclosures that consumers have to click on a hyperlink to see.

It is important to note that the FTC is not stopping with individual influencers - it is also going after non-compliant companies behind the marketing campaigns. Lord & Taylor reached a settlement with the FTC after the agency determined that an otherwise successful viral marketing company did not include proper disclosures to ensure consumers would realize it was sponsored content. The company paid 50 influencers to post pictures of themselves on Instagram wearing the same paisley dress, but failed to disclose they had given each influencer the dress, as well as thousands of dollars, in exchange for their endorsement. In settling the charges, Lord & Taylor is prohibited from misrepresenting that paid ads are from an independent source, and is required to ensure that its influencers clearly disclose when they have been compensated in exchange for their endorsements. We expect the FTC to impose even harsher penalties on non-compliant brands going forward.

Have you complied with all platform specific rules?

Each social media platform has its own set of rules. Closely review all branded/paid content guidelines of every social media platform the influencer will use for your campaign. Be sure to check these guidelines frequently as platforms change their branded/paid content rules often. Facebook and Instagram recently launched branded content influencer tools - encourage your influencer to use these tools, but don't rely on just the tools alone to guarantee compliance with FTC requirements.

[1] Three FTC actions of interest to influencers, Leslie Fair, FTC Business Blog, article available here: <https://www.ftc.gov/news-events/blogs/business-blog/2017/09/three-ftc-actions-interest-influencers>

Membership News

Welcome New ACC Charlotte Members!

Robert Brodsky, Senior Counsel, Jeld-Wen, Inc.
Rich Buckley, Director, Counsel, Barings

Emily Mary Chiarizia, General Counsel, Armstrong Transport Group, LLC
Sarah Coble, Senior Associate General Counsel, Carolinas Health Care System
Sheldon Francis, Managing Director, Global Chief Legal Officer, Barings
Robert Alex Glenn, SVP, State & Federal Regulatory Legal Support, Duke Energy Corporation
Kristin Goodchild, Director, Counsel, Barings
Richard Haywood, Associate General Counsel, Zealandia Holding Company, Inc.
Brian S. Heslin, Deputy General Counsel, Duke Energy Corporation
Natalie Hoeper, Corporate Counsel, Red Ventures, LLC
Dylan Holland, Counsel, Wells Fargo Law Department
Travis Iams, Corporate Counsel - Patents & Technology, ITS, Ingersoll-Rand Company
Jeffrey James, Counsel, Duke Energy Corporation
Jack Jirak, Associate General Counsel, Duke Energy Corporation
Allie Lin, Corporate Counsel, Brighthouse Financial
Melissa Loga, Director, Counsel, Barings
Michelle Manha, Deputy General Counsel, Barings
David A. Matthews, Corporate Counsel - Procurement - In Transition
Amanda Molter, Director, Counsel, Barings
Heather Novitsky, Attorney, Bank of America Merchant Services
Kelsey Penrose, Counsel, Wells Fargo Law Department
Megan Petrilli, Legal Operations Analyst, Barings LLC
Ryan Quinn, Legal Counsel, LendingTree, Inc.
Peter Rabinov, Senior Counsel, Duke Energy Corporation
Matt Rollins, Corporate Counsel, Product Tax, Brighthouse Financial
Robert H. Sands, Associate General Counsel - Litigation, Ingersoll-Rand Company
Trevor Sanford, Director, Counsel, Barings
Paul A. Sarkis, Associate Director - Supply Chain, UTC Aerospace Systems
Lindsay B. Schall, Director, Counsel, Barings
Laura Schoenberger, Senior Counsel, Brookwood Hotels
Erin Snyder, Vice President & Deputy General Counsel, Carolinas Health Care System
Demitra Sourlis, Counsel, Duke Energy Corporation
Tyra Spencer, Employment Litigation Counsel, Family Dollar Stores, Inc.
Christine White Tennon
Elizabeth Timkovich, Senior Counsel, Wells Fargo Law Department
Nathan P. Viebrock, Compliance Counsel, LendingTree, Inc.
Michael Walsh, Director, Counsel, Barings
John Zuck, Assistant Vice President - Associate Counsel, LPL Financial

Charlotte Community Spotlight

Featured Article

A Conversation with ACC Members

Phyllis Golden Morey and Nichelle Nicholes Levy

On Mentoring, Leadership, Diversity, and the Charlotte Legal Community

By Diane Crary-Fleming



Phyllis Morey currently holds the position of Vice President & Deputy General Counsel - Litigation for Ingersoll Rand Company in Davidson, North Carolina. She has been with Ingersoll Rand since 2011, which brought her to warmer weather from the Detroit area. Phyllis obtained her Juris Doctor from the University of Tennessee College of Law and her Bachelor of Arts from Memphis State University. She has been an ACC Charlotte member since 2011.

Nichelle Levy currently holds the position of Senior Counsel - Digital & Privacy Data for NASCAR Digital Media, LLC in Charlotte, North Carolina. She has been with NASCAR since 2012. Nichelle

obtained her Juris Doctor from New York University School of Law and her Bachelor of Arts and Master of Art Degrees from the University of Chicago. She has been an ACC Charlotte member since 2012.



Take me through your career moves from outside law firms to the in-house world, and what the biggest surprise has been moving to a corporation.

Phyllis: I have worked in-house and in law firms over my career, and in some ways, they are similar, but I think it can be surprising how broad the in-house work is compared to being in a law firm. When a project comes to you in-house, there aren't the same limitations that similar work assignments in a law firm can have. My experience in law firms involved the firm being retained to give advice about specific legal questions or develop defenses in a litigation matter. However, in a law firm I did not have the opportunity to give advice about ways to improve what the business does, how to mitigate the business risks, or how to help the business avoid similar litigation pitfalls in the future. However, attorneys who serve in-house roles are expected to be business partners and give proactive advice and counseling about any matter that advances the business goals and add shareholder value.

Nichelle: I started out my legal career as an intern with the National Hockey League, so that was an in-house opportunity. I had a sense that with my background, previously in advertising and marketing and consumer packaged goods, that I would enjoy being in a corporate environment. I like being a part of the "enterprise" and having the Legal Department being a part of that and having the same goals. After law school, I had really wanted to practice in the area of entertainment and sports, and working at Loeb & Loeb was my best opportunity to do that. After a few years I had an opportunity to move in-house with Time Warner. I was working very closely with one business unit, getting to know them very well, really being hands-on counsel, and I really do enjoy that. When I moved to Charlotte, I was fortunate to land at a law firm, Robinson Bradshaw. Many companies in the Charlotte area do not have their own in-house counsel, and so in a lot of respects, the law firm functioned as outside in-house counsel for those clients.

So you sort of had a taste for being in-house before you ever actually got there?

Nichelle: Exactly. Working very closely with a few concentrated clients, and working with them day-to-day on a variety of issues, you get to know their business very well. So what I will say is what I have enjoyed across all of those past opportunities is the ability to work closely with the client, over a range of matters, not just one-off matters. I like to be a partner with the business, and so any opportunity to do that, I really enjoy it.

Have you felt differences or similarities between the New York legal community and the Charlotte legal community, Nichelle? And for you, Phyllis, the Detroit area legal community and the Charlotte legal community?

Nichelle: That's a tough one because I do not even know what the New York legal community is; it is so big and sprawling. Because I went to law school in New York, at NYU, I had my law school friends that I kept connected with, and I was a part of the New York City Bar Association, but not with the ACC. But I find the Charlotte ACC very welcoming, there's a lot of collaboration, and certainly great networking for lawyers new to town. It is a supportive organization for lawyers here and that is very much needed.

Phyllis: The largest difference I have observed between Detroit and Charlotte are the primary industries in the two cities. Detroit is heavily automotive - with original equipment manufacturers and suppliers - most local attorneys have familiarity with the needs of the automotive industry. By contrast, Charlotte is heavily banking industry-based, so many law firms have banking concentrations and, by comparison, finding attorneys with extensive products liability experiences is more of a challenge in this locality. The primary businesses in a locality drive the breadth of experiences the lawyers have developed in ways that I had not really thought about until recent years. In addition, I have noticed that there appears to be less diversity among attorneys in Charlotte, as compared to Detroit. I do not know the cause of that difference; perhaps my perception is based upon what is seemingly a smaller legal community in Charlotte than in Detroit. Interestingly, in Charlotte there are also several national firms with local offices, while that is not as prevalent in Detroit.

What has your experience been interacting with the Charlotte legal community?

Nichelle: I really enjoy ACC. We don't have a huge legal department here in Charlotte, and so coming from a firm with 100 or so lawyers, the ACC is a nice opportunity to get to know other lawyers in the Charlotte area, and people can kind of let their hair down. I really enjoy the fellowship.

I know that you previously served as the Chief Diversity Officer at Brooks Kushman P.C. in Detroit, Phyllis. Can you speak to your experiences regarding such initiatives?

Phyllis: As the Chief Diversity Officer, I had the opportunity to learn about the wide-ranging diversity initiatives that different companies advanced as part of their retention of outside counsel. In Detroit, there were many companies that recognized the value of diversity and they started employee resource groups for women, African-Americans, Asian-Americans, Latinos, etc., which were established in the 1980s and 1990s. With that history, there was a broad awareness about diversity from a corporate standpoint. In other regions of the country, however, the focus upon diversity and employee resource groups may not have the longevity as in Detroit, so the evolution of employee resources groups is not as established.

Throughout your career and even back during your education, did you ever have a mentor that guided you?

Nichelle: Always. I have been very fortunate to have mentors really everywhere that I have been. I have always felt that I have had mentorship or sponsorship support, with folks looking out for me, and people who I could go to and bounce ideas off of, and I think that is very important, so I have always tried to cultivate that, everywhere that I have been.

Phyllis: Yes, several. Most of my mentors were women, but I have also been fortunate to have male mentors as well. They described their career paths and gave me very sound and insightful advice about my career at critical points. Through their consults, I realized that there are different routes for each person to pursue to achieve success. So they emphasized that while there was no "single path to achieve success," whatever course you pursue will require lots of hard work, being ultra-prepared, and being ready to take on new challenges and embrace those opportunities when they come along. They also encouraged me to approach those challenges with determination and confidence.

What do you believe makes a good leader within the in-house legal world?

Nichelle: We are very fortunate here at NASCAR with our general counsel, Karen Leetzow, and I think she is a great role model for a lot of people here. I think you have to be very knowledgeable on a wide range of topics, you need to be open-minded on hearing different perspectives, and of new information that you may not be aware, and be open to processing that information really in real time. There is a certain amount of humbleness that is good to have in that role. You also have to have the courage of your convictions, to trust your own judgment. Being able to understand your business and what their sensitivities are, and then being a trusted partner to your business client. A good general counsel knows their client, understands their client's risk tolerances, and tries to impart information as concisely as you can, and be somewhat fearless.

Phyllis: I think the best leaders must have a multi-faceted ability to guide decision-making with a collaborative focus that incorporates the legal, business and people considerations. Therefore, having a broad knowledge of legal issues, an appreciation of the business issues and challenges, an understanding of risk assessment and risk mitigation, while recognizing the importance of the people who comprise your team. I have had the opportunity to work with true "servant leaders" who enjoy coaching people and discussing the career aspirations of others. Most importantly, I think the best leaders are great listeners, strive to provide honesty in giving feedback, have a sincere desire to help others achieve their potential, and emphasize the importance of teamwork to achieve the ultimate goals.

I think that's great advice for people at any stage of their career.

Nichelle: One thing I didn't say and I always try to give this advice to young people starting their careers, the number one thing I always say is key is integrity. You only get one shot with it, and your integrity is all you really have. You can't compromise it, because once you have, you cannot get it back. And I think that is also important in a general counsel.

Has working with other females shaped your time as a lawyer, and being a female yourself within the legal profession?

Nichelle: I think I have almost always worked for women, strong women, and wonderful role models. Even when I did not directly report to women, I was always paying attention to and seeking out these successful women as role models and mentors. There are women in the sports industry, and they are often found in the legal department.

What do you believe is most impacting the in-house counsel practice right now, and what advice would you give to others to meet those challenges?

Phyllis: One of the more challenging aspects of the in-house practice today is how we can do more with fewer resources. With every company I have encountered, there has been a constant focus on decreasing outside counsel costs. I think one way to achieve this goal is to identify ways to make outside counsel more efficient, or to bring some of the work in-house, without increasing headcount in-house. It is about being creative and innovative to retain costs, without adversely impacting quality. One way to meet these challenges is to make sure we are ensuring that non-lawyer personnel are working at their highest and best value. Use of technology is another way to augment the work we need to accomplish. Looking into temporary or contract attorneys to alleviate heavy workloads when necessary can also be more cost efficient than the traditional outside law firm structure. I think lawyers should always value continuing education, no matter whether you are early in your legal career, in a mid-career phase or in an advanced stage in your career. Each of us should learn as much as we can about the company for which we work, about the challenges facing the company, and learn about the industry overall. Understanding how your legal skill sets can add value to the business is one way you can deliver shareholder value, while also enhancing your own personal development.

Nichelle: Right now, it is regulation, and compliance with those regulations. There are changes happening very quickly on the privacy front, for example. So generally, it is about staying abreast of developments as in-house counsel, and it's also a challenge, because we are so immersed in the day-to-day, but we need to break away and make sure we are staying educated. ACC certainly helps with that in our community through the offered seminars and luncheons.

Thanks to Nichelle and Phyllis for their time.

This interview was edited for clarity and length.

About the Author: *Diane is assistant general counsel of Schaeffler Group USA Inc. in Fort Mill, SC. She is a member of the ACC Charlotte Chapter Communications Committee.*

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Recent Chapter Events

International Affinity Group Event

International Affinity Social Event: Travel the Globe with International Cuisine & Wine Pairings

On March 13, 2018, our International Affinity Group gathered for a Social Event featuring Executive Chef Nicolas Daniels presenting six food/wine pairings, one from each continent, to our group along with a Q&A between the chef and our members. Chef Daniels drew inspiration from his native Chilean background, pairing unique dishes with signature cocktails and global wine varietals to offer to everyone. The evening was filled with exquisite dishes and cocktails, and was held at Loft and Cellar in Uptown.





Thank you to our generous sponsor, **Ogletree Deakins**, for a lovely evening.

Community Service Event

Community Service Project for Hospitality House

On May 22, 2018, our chapter members, along with our Sponsor, Littler Mendelson, helped support a very worthwhile charity in our community, Hospitality House. This house is open to adults and children who are family members of loved ones receiving treatment for life-threatening illnesses at one of our area hospitals. This may include cancer treatment, a transplant, a cardiac crisis, a traumatic injury, or other serious illnesses. These families could be staying at Hospitality House for a very extended period of time. Our members helped stuff over 100 bags filled with items to donate to the adults and children staying at Hospitality House. The event was a huge success and was followed by a cocktail reception with appetizers at Sugar Creek Brewery.



Thank you to our generous sponsor **Little Mendelson** for providing all items needed as well as venue and reception costs.

Manufacturing Affinity Group

Behind the Scenes Hendrick Motorsports Racecar Manufacturing Facilities Tour

The Manufacturing Affinity Group held its "sold out" event at the Hendrick Motorsports Racecar Manufacturing Facility on April 17. Hendrick provided two tour guides who split the crowd into two groups and then led tours of the Chassis/Body Shop, Engine Shop and Race Shop. The two groups then came back together for a buffet lunch catered by Bonefish Grill. During the lunch, the Steering Committee thanked Shumaker Loop for its hard work in securing the tour and in providing the meal. David Conaway then introduced all of his Shumaker colleagues who were with him. The tour was very informative and entertaining, the lunch was delicious and everyone seemed to have a great time.







A great experience for everyone and thank you for our generous sponsor, **Shumaker Loop** for a perfect outing.

Women's Affinity Group: Private Tapas Tasting Event at Chef Alyssa's Kitchen

The Women's Affinity Group gathered for networking and cooking with the women of Smith Moore Leatherwood wherein everyone rotated between four stations of tapas-style dishes that you made and then enjoyed. Our menu was:

- Lamb Sliders with Mint Lemon Yogurt Sauce and Tomato Chutney
- Pistachio and Goat Cheese Stuffed Bacon-Wrapped Dates
- Build-Your-Own Roasted Vegetable and Quinoa Salad
- Hand Rolled Chocolate Truffles







The group enjoyed the tapas they made along with drinks and mingling. A great evening was had by all and thank you to our generous sponsor, **Smith Moore Leatherwood** for a perfect evening.

Did you miss an event? Presentation materials from past events are available on the ACC Charlotte website [here](#).

**View Our Calendar of
Upcoming Events**

ACC Charlotte Chapter, P.O. Box 2964, Huntersville, NC 28070
704-999-0814, email: charlotte@accglobal.com

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