



Raising the Bar

The newsletter of the
Young Lawyers Committee

6/15/2018

Volume 14, Issue 6

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Being known for experience and expertise
begins with seeking these qualities in the
professionals you engage.

SEA
ENGINEERING,
INVESTIGATIONS AND
ANALYSIS SINCE 1970.

Featured Article

Burnt Out? Avoiding Ethical Violations in High-Stress Periods



By Greg Potoroff

Is lawyering stressing you out? If so, you're not alone.

Smart phones and tablets make us reachable *all the time*, and no matter how badly we want to, they are hard to put down. This typically leads to more work, less relaxation and, inevitably, little sleep.

If not careful, frequently repeating this cycle can lead even the best of us to develop "burnt out syndrome." A common pattern of this syndrome is that a professional person feels obliged to help each person who seeks their help, takes on more work than they can handle, including work they find unpleasant, and evades such work by procrastination and self-denial.

Sound familiar? To those in denial, an old story of an Oregon attorney and the disciplinary proceedings brought against him by the Oregon State Bar may provide a healthy dose of medicine:

The charges in *In re Conduct of Loew* flowed from the accused's representation of a client in a licensing proceeding before the National Transportation Safety Board (NTSB). 642 P.2d 1171 (Or. 1982). The client retained the accused to represent him in an administrative hearing to challenge the denial of an upgrading of his pilot's license. The accused performed that responsibility satisfactorily, but the administrative law judge ruled against the client. The client then retained the accused to handle an appeal of the administrative law judge's ruling to the NTSB.

The accused filed a notice of appeal and then obtained three extensions of time for the filing of his brief on appeal. The accused never filed the brief, though, and the NTSB dismissed the appeal. Counsel for the adverse party assured the accused she would not object to reopening the appeal, but no petition for reopening the appeal was filed.

From the commencement of the appeal in June 1979, until August 1980, when the client terminated accused's representation, the accused consistently said that he was working on the brief, that it will be ready and filed soon ("tomorrow," "Thursday," "weekend," etc.) and that he would send the client a copy. But the brief was never filed, and nearly 40 calls from the client to the accused went unanswered.

This behavior, the court concluded, violated three then-Disciplinary Rules of the Oregon Code of Professional

Responsibility (neglect of a legal matter entrusted to him; misrepresentation; and intentionally failing to carry out a contract of employment entered into with a client for professional services) and warranted suspension of the accused's license to practice law, in addition to monetary sanctions.

This case is certainly an example of extreme neglect and misrepresentation, but it is equally important to recognize that a large number of lawyers (maybe even you) are suffering from burnout.

Everyone feels overwhelmed, overworked and underappreciated at times. With so many clients and responsibilities competing for your time, it is hard to remember to check in and take care of yourself. Unless stress is managed with the same care and attention as your client's pressing problems, though, devastating professional and physical consequences can ensue.

For these reasons, it's critical to be aware of common symptoms to look for, the ethical rules that are (or can be) implicated when making decisions under stress, and ways to reduce work-related stress.

Common Symptoms of Burn Out

According to a testifying psychiatrist in the Oregon case, persons who reach the burnout point will feel fatigue all the time, have difficulty sleeping, feel drained, experience an array of physical ailments, have memory lapses, impaired concentration, frequently miss deadlines, backlog work, and develop financial or marital problems.

Ethical Obligations to Be Mindful of When Making Decisions Under Stress

While lawyers are bound by a number of ethical obligations, the following short list includes some of the most frequently violated and ignored Rules of Professional Conduct when stress leads the decision-making process astray:

- Rule 1.2: A lawyer shall abide by a client's decisions concerning the objectives of representation and shall consult with the client as to the means by which they are to be pursued.

- Rule 1.3: A lawyer shall act with reasonable diligence and promptness in representing a client.
- Rule 1.4: A lawyer shall promptly inform the client of any decision or circumstance with respect to which the client's informed consent is required; reasonably consult with the client about the means by which the client's objectives are to be accomplished; keep the client reasonably informed about the status of the matter; promptly comply with reasonable requests for information; and consult with the client about any relevant limitation on the lawyer's conduct when the lawyer knows the client expects assistance not permitted by the Rules of Professional Conduct or other law.
- Rule 1.16: A lawyer shall not represent a client or, where representation has commenced, shall withdraw from the representation if the lawyer's physical or mental condition materially impairs the lawyer's ability to represent the client.
- Rule 3.2: A lawyer shall make reasonable efforts to expedite litigation consistent with the interests of the client.
- Rule 8.4: A lawyer shall not engage in conduct involving dishonesty, fraud, deceit or misrepresentation.
- **Time Management.** It's important to prioritize and schedule your day according to importance, deadlines and amount of work involved. Make two lists. The first of things that need to be done; the second of tasks you plan to accomplish that day.
- **Be Mindful.** Slow down and be an observer of your thoughts and emotions. Think about what you are feeling and why.
- **Put Down the Phone.** When you get home, spend an hour away from your phone and devices. Your eyes (and mind) need a break, and your family and friends deserve your full attention.
- **Take a Vacation.** This is sometimes easier said than done, but do it. Everyone (especially lawyers) needs to unplug and recharge on a regular basis to stay motivated and focused.
- **Stay Active Outside of Work.** Whatever your interest may be, make time for it. Sign up for a race or hike. Volunteer. Take your kids or dog to the park. Having a life outside the office will make you feel more balanced, healthier and happier.

Ways to Manage Work-Related Stress

The good news is that there are a number of healthy choices that can be made to reduce stress, and the following list is by no means exhaustive. These tips are simple and have proven useful to me, but are not meant to be a substitute for psychological or medical advice. If you feel like your stress level is more than you can handle, seek professional help.

Greg Potoroff is a senior associate in Ice Miller's Indianapolis office, providing litigation services for a wide range of commercial matters and clients. He regularly represents companies and individuals in various types of complex litigation, involving supply chain issues, product liability claims, real estate matters, and general competitive business litigation. Greg has jury and bench trial experience and has practiced before both state and federal courts. In addition, Greg has extensive experience providing risk management and litigation services to health care providers with respect to HIPAA compliance and civil commitment proceedings.

Articles of Note

Biometric Privacy: It's Time to Face the Litigation



By Niya T. McCray, CIPP/US

An Overview

Biometric technology has revolutionized the way our clients conduct business, how consumers interact with products, and ultimately, how we as lawyers provide counsel. Biometric data, as defined by

the National Institute of Standards and Technology, is the measurement of physiological characteristics like—but not limited to—fingerprint, iris patterns, or facial features that can be used to identify an individual. Biometrics has become so commonplace in our everyday lives that we often take for granted its presence when unlocking our

phones—fingerprint and facial recognition—or yelling at Siri/Alexa to set that next calendar appointment—voice recognition. A growing number of entities have incorporated biometric data into their daily operations as tools to streamline their systems, prevent timekeeping fraud, and improve the strength and integrity of operational security.

Biometric Legislation

As convenient and familiar as biometrics has become, though, its presence is no greater felt than in the flood of legislation and litigation arising from concerns over how this non-traditional data will be managed. The legislative horizon is murky, to say the least. However, a few states—Illinois, Washington, and Texas—have taken up the mantle and spearheaded the cause for effecting comprehensive biometric data privacy legislation. As it stands, the states have taken dual approaches. Some, like Delaware, New Jersey and North Carolina have opted to amend existing breach notification laws to include biometric data under sensitive personal information; whereas, others, like Alaska, Montana, and Connecticut, are fighting to get biometric specific legislation passed in their respective states.

Illinois' Biometric Information Privacy Act (BIPA) was the first of its kind, passed in 2008. The hallmark of BIPA is its private right of action, which, admittedly, has caused grief for defendants both in and out of Illinois. 740 ILCS 14/1. Texas—Capture or Use of Biometric Identifier, Tex. Bus. & Com. Code Ann. §503.00—and Washington—H.B. 1493—both followed in Illinois' footsteps, carving out biometric statutes of their own. Unlike Illinois, Texas and Washington forewent the private right of action, instead choosing to leave potential suits to the discretion of the state Attorney Generals. All of the statutes, though, implement notice and consent requirements for the collection of biometric data; and, they all propose stiff penalties for those found in violation, with Texas leading the charge at up to \$25,000 in statutory damages per violation.

Biometric Litigation

While the majority, if not all, of biometric litigation seen thus far stems from BIPA, the trajectory of those cases is still instructive as to other jurisdictions, given that BIPA may be applicable beyond the borders of Illinois. As noted, BIPA was responsible, specifically in the last quarter of 2017, for over fifty putative class action suits filed in Illinois state courts. Those suits can be separated into two large categories: 1) employees alleging that employers used biometric timekeeping technologies without obtaining

the statutorily required consent and/or publishing clear data policies, and 2) consumers alleging that businesses collected their data during transactions without disclosing what they were doing, and again, obtaining the necessary consent.

Rosenbach

Despite the onslaught of BIPA litigation, a December ruling from the Illinois Appellate Court curtailed plaintiffs' rush to the courthouse. In *Rosenbach v. Six Flags & Great America*, 2017 IL App (2d) 170317, the plaintiff alleged that Six Flags neither obtained written consent nor disclosed its policies for the collection biometric data—in this instance, fingerprints—gathered during season pass purchase transactions. According to the Court, though, plaintiff failed to allege actual harm, asserting that if she knew of Six Flag's biometric policy, she would not have allowed her son to complete the season pass transaction. The Court zeroed in on BIPA's "aggrieved by" language, looking to the plain meaning of the term. Ultimately, the Court held that a BIPA plaintiff is required to do more than allege a technical violation of the Act, and that a defendant's failure to provide notice or obtain consent before collecting biometric data was not enough to meet BIPA's "aggrieved by" standard.

Google

Beyond the *Rosenbach* case, *Rivera v. Google Inc.*, 238 F. Supp. 3d 1088, 1090-91 (N.D. Ill. 2017), is another instructive suit that helps to better define the broad categorization of data that warrants protection under BIPA. In *Rivera*, plaintiffs' class claimed that Google created facial templates from photos uploaded to Google Photos. Plaintiffs alleged that the collection of their biometric data triggered BIPA, given that Google both failed to obtain written consent and to disclose its biometric data retention policy. Google's counterargument centered on the fact that BIPA expressly excludes photographs from its categorization of biometric identifiers, and that facial scans must be taken in person to trigger the Act. The District Court, to Google's chagrin, entered an order explaining that, "nothing in the text of the Privacy Act [BIPA] directly supports . . . [Google's] interpretation. Nothing in the statute says, one way or the other, how the biometric measurements must be obtained." Practically speaking, *Rivera* creates yet another boon for defendants in the grander context of potential biometric litigation, imploring businesses to be even warier of their data collection practices.

Facebook

The final installment in the BIPA trifecta is *In re Facebook Biometric Information Privacy Litigation & Gullen v. Facebook Inc.* (Northern District of California), a case that is continuing to attract attention. *In re Facebook* is actively testing the limits of just how far BIPA's statutory protections may reach. Plaintiffs, whose ranks are now whittled down to only users of the social media platform, alleged that Facebook did not obtain "written, informed consent" for using facial recognition software to suggest "tagging" options to friends. Plaintiffs also asserted that Facebook has no formal data retention policy and that the language contained therein is ambiguous. Facebook, arguing under both the Supreme Court's *Spokeo* ruling and the earlier decided *Rosenbach* case, claimed that plaintiffs had shown no actual harm. The Court, however, has rejected that argument, explaining that BIPA codifies a right of privacy with regard to personal biometric information, and that a violation of that right, alone, is enough harm to sustain plaintiffs' case. Most recently, the Court, having concluded that plaintiffs alleged a concrete injury sufficient to establish Article III standing, granted class certification. *In re Facebook*, though still yet to be decided, symbolizes a sort of reversal from *Rosenbach*, as the debate continues on whether a technical violation of BIPA is sufficient to merit standing.

Litigation Preparedness

Given that biometrics is a now, permanent staple, legal counsel for clients in affected industries should start to consider how best to shield their clients from the sting of litigation. *Rosenbach*, *Google*, and *In re Facebook*, collectively indicate that biometric protections may be applicable to more types of data than initially thought, and that those protections may extend well beyond the borders of the state that implemented the statutes. Lawyers, then, should begin charting out potential defense positions, including

the scope and reach of any applicable biometric and data privacy statutes, as well as jurisdictional issues, choice of law arguments, and standing issues, that could help squelch the threat of litigation to their clients. Moreover, lawyers would also do well to determine the types of personal information that their clients collect, keeping an eye on the methods and stated policies for storage, retention, and destruction thereof. Inquiries should also be made as to who the client's service providers and vendors are and, whether their contracts include data privacy provisions.

After lawyers get a basic idea of their client's security framework, they should then advise the client on next steps. The strongest measure of protection from potential litigation is having a thoroughly developed, clearly established written policy as to the organization's security plan. Counsel should ensure that clients understand the value of internal privacy training and the imperative to regularly conduct privacy risk assessments. If you and the client are familiar with your risk areas, then you will be better able to mitigate and remedy them. Effective lawyering in this age of biometric technology undoubtedly includes ensuring that your clients have a data response plan in place so as to eliminate additional confusion in the event of a breach. Admittedly, less is best when it comes to the collection of data; however, with effective preparation and a well-hatched security and response plan, clients can help reduce the likelihood of incident and the cost of litigation associated with data in general, and biometric data in particular.

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Help Me Help You: A New Lawyer's Guide to Working with an Assistant



By Marrielle B. Van Rossum

Working with an assistant for the first time can be incredibly awkward. Often, a twenty-something freshly minted associate will be

matched with an experienced assistant who is sometimes several years, if not decades, older than his or her new "boss." I think I was slightly afraid of my first assistant; not

only had she been working for the managing partner for at least fifteen years, but I had never asked someone to do something for me in a professional setting before and did not want to appear inept or needy. As a first year, I was not filing much, if anything, and my schedule was not really something that needed to be maintained. I left that firm never really knowing my assistant, and I never knew the ways that she could have helped me. I made sure not to make the same mistake with my next assistant, who, like my current assistant, wanted nothing more than to propel me forward.

Failing to develop a strong working relationship with your assistant is problematic for many reasons. Assistants are hired to help attorneys work efficiently, and they cannot do their job if you do not communicate with them. Unfortunately, they are not mind readers, and they only have two hands. Thus, it is incumbent upon attorneys to nurture strong, professional relationships so that—with time and understanding—assistants can anticipate needs and support your success. (And sometimes remind you to eat lunch or catch the sales tag on your jacket before meeting a client.) If gaps in age or experience make things awkward, the best course is to deal with it and move on. Doing so will help you do your job and help your assistant flourish in his or her role. With rare exceptions, assistants want to do well and sincerely want their attorneys to succeed. They can only do that, however, with your input.

Getting to Know You

First things first: get to know your assistant. No, you don't need to be best friends, but you need to know the person who will be working alongside you. Does he have children? Does she drink coffee every morning? Does he go to the gym every afternoon and play pickup basketball? Does she like hiking every weekend? Like you, your assistant has a life outside of work, complete with obligations, relationships, and hobbies to juggle. If you are new, take your assistant to lunch or coffee and chat. With my first assistant, I panicked around the holidays because I had no idea what the protocol was for gifts, and, even then, I never got to know her enough to know what would be appropriate for her. That was completely my fault. And while a holiday gift seems minor, it was emblematic of the bigger problem: my failure to communicate with her meant that I handicapped my own success.

While you're getting to know the person, you and your assistant should also figure out how you are going to work together. For newer attorneys, it is hard to express your preferences if you have not developed any. If you share

the assistant with a more senior attorney, try adopting some of that attorney's preferences to start, like how time will be entered and when to calendar events or reminders. Ask what your assistant does for others and decide if you want that, too. Then, as you go along, make tweaks until you are in a routine that you and your assistant are both comfortable maintaining.

But You're Still in Charge

One of the most common difficulties that associates encounter is their work being sidelined while a partner's task takes priority. Depending on the situation, there are going to be times where you are just going to have to print your own envelope and meter it for mailing. (Or, if your firm is truly team oriented, someone else will likely be happy to help you.) But, there are times when your work might need to get out first, and that needs to be communicated. If you have a good relationship with your assistant, he or she will be more understanding and can shift things around. Just ask and explain the need. If your assistant truly cannot make your task a priority, then see if someone else can cover. Find a solution before complaining. Of course, if you find yourself in a consistent pattern of playing second fiddle, then you need to make that problem known. That conversation will be easier if you are typically polite and courteous.

To avoid problems like this, be mindful of your assistant's schedule and explain what exactly you need and when. Asking to send a large expert package out at 4:50 p.m. is not going to endear you to anyone—especially if your assistant has an appointment or a child to pick up. If you don't like getting assignments at the last minute or that will require you to work on a weekend, your assistant probably won't like it either—even if it is his or her job to get it done. In a litigation setting, there will be weeks when it's all hands on deck and everyone is working around the clock. For regular day-to-day matters, however, be mindful that the office does not revolve around you.

Your Secret Weapon

Newer associates need to observe as much as possible, and sometimes busy partners forget that the big deposition they are prepping for or the complicated mediation they have scheduled are events that an associate would love to tag along to. If you want more chances to watch an oral argument or attend arbitration, but have trouble connecting with a partner, go to the assistants. They will know what is scheduled when and where it will be held.

Knowing the gist of the case might also give you an idea of how you could pitch in as opposed to being an idle observer. It is a lot more effective to ask, “May I come to the Smith deposition with you on Friday? I will take notes for you and help write the report letter” as opposed to, “Could you let me know when you have a deposition that I could come watch?”

Assistants also can help with the little details to help impress partners on work assignments. Maybe one partner always capitalizes Plaintiff and Defendant, and maybe another eschews footnotes. While certainly other associates and attorneys can help you shape your assignments to fit the partners’ molds, assistants who have worked with their attorneys for years know more intimately the final details that go into a final document. They also know their attorneys’ schedules. So, if you’re going to leave a draft motion on a partner’s desk as instructed, but that partner is suddenly out of the office for the next three days, then perhaps it is better to email that partner a copy, too.

Also, don’t discount the benefit of a second set of eyes: Depending on how busy my assistant is, I almost always have her review everything I do to check for consistency. If her feedback includes, “Well, maybe it’s because I’m not a lawyer, but . . .,” then clearly I failed to communicate my argument effectively.

Just Be Nice

Say thank you. Say please. Say good morning. If you are leaving early and do not have any pressing tasks, give your assistant the option of leaving, too, if possible. There will be times when you need an assistant to stay late or come in early, and an assistant who is respected will be happy to go the extra mile when you need to file a series of motions in limine the same day you have two depositions. When

you prevail on a big pleading that your assistant formatted and filed, share the success. Thank your assistant for going over the final version and getting it out the door. Tell her when a partner loved the detailed memorandum that she proofread—your assistant wants you to do well, and it is her job to help you. And, finally, if there is only one take away, please do not be the attorney who blames his or her assistant for a missed deadline or your own mistake. It is tacky, unpersuasive, and desperate. If your name is on the problematic document, take ownership. If your assistant truly fumbled, address that privately.

The days of assistants running around in heels, delivering coffee, and picking up dry cleaning are over, but there are still many examples of attorneys and other professionals who are dismissive, presumptuous, and sometimes downright rude to assistants. While assistants are there to help, they are not servants, and their job can be extremely complicated. As associates and younger partners, we know what it is like to be spoken down to or reprimanded for not intuiting a superior’s desires, and we also know how hearing “good job” can completely turn your day around. While some people have a “that’s what they’re paid to do” mentality, fostering a mutually respectful and productive relationship peppered with gratitude will not only help your assistant thrive in his or her position but also set you up for success.

Marrielle B. Van Rossum is an associate at Sulloway & Hollis, PLLC, where she defends and advises healthcare providers and corporations in a variety of matters, including medical malpractice, employment and labor, and general litigation. Marrielle is a member of the Young Lawyers Webcast Subcommittee. She can be reached at mvanrossum@sulloway.com.

Leadership Note—The Chair’s Corner

Learn to Network at the DRI Young Lawyers Seminar



By Baxter Drennon

The richest people in the world look for and build networks, everyone else looks for work.

– Robert Kiyosaki

In 2014, the Harvard Business Review studied 165 lawyers to determine the effects of a negative outlook on network-

ing. Casciaro, et al., *The Contaminating Effects of Building Instrumental Ties: How Networking Can Make us Feel Dirty*, 59 Administrative Science Quarterly 706 (2014). The study found that those lawyers that avoided networking activities billed fewer billable hours than their peers. Likewise, the study found that those lawyers that were able to network

effectively had greater career success internally (receiving assignments for choice clients) and externally (brining business into the firm).

Despite those benefits of networking, many people have a fear of networking and outright avoid networking activities. If that is you, the DRI Young Lawyers Seminar is a great opportunity for you to overcome your fears and network with your peers from around the country. It is an event that is designed to encourage networking among young lawyers, and because attendance is almost exclusively by young lawyers, the atmosphere is less intimidating than the normal legal-networking event.

In addition to simply attending the seminar presentations, some of the networking highlights, include:

- A presentation on how to make the most out of professional memberships. This presentation, given by R. Matthew Cairns, in-house counsel at Textron, Inc., will include advice on how to build a network through involvement in DRI and state and local defense organizations. It is tailored for young lawyers.
- A community service project at the Children's Book Bank. Get to know other young lawyers while preparing donated books for children in need. Because registration

is limited, this is a great opportunity to get to know your fellow young lawyers in a smaller setting.

- Networking receptions after both the Wednesday and Thursday seminar sessions. Meet your fellow young lawyers while enjoying free drinks and food.
- First-Time Attendees' Breakfast. If you are a first-time-seminar attendee, come to breakfast, its free, and meet with the committee leadership and other first-time attendees.
- Post-Seminar Wine Tour. End your week of networking with your fellow young lawyers on a tour of Ponzi and Rex Hill wineries.

Whether you love networking or not, attending the DRI Young Lawyer Seminar will give you the opportunity to make personal connections with lawyers from around the country. I hope you will choose to grow your network and join us in Portland, June 20–22, 2018.

Baxter D. Drennon is vice chair of the DRI Young Lawyers Committee and a member of the DRI Membership Committee. Baxter is a partner at Wright, Lindsey & Jennings LLP in Little Rock, Arkansas, who focuses his practice on both product liability and transportation litigation.

DRI Young Lawyers Member Spotlight



Lelia Schleier

Lelia Schleier is an associate attorney at Klein, Glasser, Park & Lowe, P.L. in Miami, Florida. Her current practice focuses primarily on the defense of professional liability cases involving lawyers and accountants and bad faith litigation. Ms. Schleier also has experience defending casualty and commercial litigation claims, involving aviation, premises liability, negligent security, wrongful death, and first and third-party insurance coverage.

Ms. Schleier has served on the editorial board of *TYL*, a publication of the American Bar Association's Young Lawyers Division and is a member of the Dade County Bar Association and Cuban American Bar Association.

Ms. Schleier attended the University of Iowa College of Law and graduated in 2013. While in law school, Ms. Schleier served as the Senior Note and Comment Editor for the *Journal of Transnational Law and Contemporary Problems* and was a staff member and writer for the

University of Iowa's Center for International Finance and Development.

Prior to law school, Ms. Schleier taught literary and cultural studies and attended graduate school at Brown University. Ms. Schleier also worked as a consultant providing expert witness services on behalf of plaintiffs in toxic torts and product liability litigation.

How and why did you first get involved with DRI?

A mentor recommended that I join DRI, because it is an invaluable platform to cultivate meaningful relationships and further develop professionally. Indeed, when I attended the DRI Insurance Coverage and Claims Institute in Chicago this year, I was blown away by what I learned that was not only relevant to my practice in Florida but also to coverage and claims handling issues on a broader, national scale. I also left the conference wanting to become

more involved with DRI. I am currently working on an article for *Raising the Bar* and am a contributor to the DRI Young Lawyers Communities online page.

What DRI committees (other than Young Lawyers) are you most interested in, and why?

I am a member of the publications, civility and professionalism, and women in the law Young Lawyers subcommittees. I joined these particular subcommittees for many reasons. My interest in the former two dovetail with the work that I have done professionally for many years as a researcher, writer, educator, and more recently, as a lawyer. My interest in the latter stems from my belief that women in this profession need a community that empowers, supports, and encourages us to persist, persevere, and succeed. For similar reasons, I am also most interested in the following DRI substantive law committees: appellate advocacy, insurance law, lawyers' professionalism and ethics, professional liability, and women in the law.

What is your favorite part about being a lawyer?

Defending other lawyers for a living is both thrilling and challenging. A legal malpractice case necessarily involves learning about the different types of law that my clients practice, which is never boring. One day, for example, I could be stepping into the shoes of a client who practices family law, and the next day, I could be analyzing the duties of corporate counsel relating to securities law.

When you are not practicing law, what do you enjoy doing?

I spend a large portion of my day reading at the office, but I also go home to read. As a former academic, I still love reading in my downtime. When my husband and I are able to get away, we love to travel. We are also foodies and enjoy a good concert, musical, or comedy show.

What has been your biggest success in your legal career thus far?

I have had some memorable wins, but what most stands out are the moments when clients have expressed their thanks for the hard work that I have put in on their behalf. It is a big compliment when another lawyer congratulates me for the quality of my work. My clients' appreciation makes the long hours and all the effort worth it.

What is most important piece of advice you have been given related to practicing law?

This is more of a life lesson that I learned from my grandmother when I was very young, but I have applied it throughout my life. She would often paraphrase the saying that is attributed to Socrates: "I only know that I know nothing." As a lawyer, this has continued to be an invaluable teaching. As much as I learn about jurisprudence and the practice of law, there is always so much more to learn.

What is the greatest sporting event you've ever been to?

I come from a family of baseball fans who were very loyal to the New York Yankees. As a result, I grew up a fan of the Yankees. One of the best days of my life was my first time at the old Yankees Stadium, where I was able to see my beloved Yankees defeat the Boston Red Sox. It doesn't get much better than that!

What was your very first job?

My first salaried job was at the University of Miami Law Library when I was in college. I was in charge of shelving very heavy law books. It would be many more years before I went to law school myself. I like to think that I came full circle from my first job to my present career.

If someone is visiting your city, where is it essential that they go to eat?

Miami is a great town for foodies. It is difficult to pick just one place to eat. For anyone who is visiting between August and May, I recommend the iconic Joe's Stone Crab.

laurel road
DRI Members
get a .25%
rate discount
on student
loan refi.
See Your Rates
Subject to eligibility
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Seminar Spotlights

Making the Most of Your DRI Involvement: Drug and Medical Device Seminar



For many young lawyers participating in DRI, there is a substantive law committee that focuses on the area of law where their practice lies and those are the committees where law firms expect their young lawyers to dig in.

From my experience, it is vitally important as a young lawyer to develop your presence in both the Young Lawyers Committee and the substantive law committee of your choosing. This two-step approach will give you far more opportunities to shine than involvement in a substantive law committee alone.

I first became involved with DRI in 2014 when I attended the DRI Drug and Medical Device (“DMD”) Seminar. At the time, the small firm where I worked served as local counsel for a medical device company and the partner on the cases with me wanted me to attend the DMD seminar to meet our clients and to start building my knowledge in the drug and medical device arena. After attending this seminar and making initial connections, I joined as a volunteer member of the Community subcommittee for DMD. From that connection, I met Kelly Jones Howell, who was the upcoming Chair of the Young Lawyers Committee. Kelly encouraged me to jump into the Young Lawyers Committee as well as DMD and I still cannot thank her enough for that advice.

I attended my first Young Lawyers Seminar in 2015, while still maintaining my presence in the DMD Committee. After attending the Young Lawyers Seminar, I was able to join the Young Lawyers Steering Committee and start increasing my connections in this committee. The best thing about getting connected and involved in the Young Lawyers Committee is that you make connections with other young lawyers who are also involved in substantive law committees. The young lawyers in DRI watch out for

one another, promote each other, and seek out opportunities for other young lawyers.

For me, this came to fruition in the fall of 2017 when a former Young Lawyer Committee member—now involved in seminar planning for DMD—reached out to see if I would be interested in speaking on the main stage at the DMD Seminar. This past May, I spoke on a panel at the DMD Seminar on the topic of millennial jurors. The planning committee wanted a millennial trial lawyer to be on the panel and, because of my involvement and commitment to both Young Lawyers and DMD, I was asked. The panel consisted of a jury consultant, who spoke about the demographics and statistics of the millennial generation; a senior trial lawyer, who spoke about conducting voir dire and the types of techniques to use in voir dire of millennial jurors; and, myself, who spoke about trial techniques to use in persuading millennial jurors. And yes, I did use a Legally Blond clip in one of my slides.

From what I was told, this is the first time a young lawyer has spoken on the main stage at the DMD Seminar. I’d like for us, as a Young Lawyers Committee, to find more opportunities like this for our young lawyer members in the substantive law committees. But finding these opportunities begins with our commitment to both the Young Lawyers Committee and our respective substantive law committees. The Young Lawyers Seminar this summer is focused on one general idea—building your brand. It is never too early to start building your brand, in both the Young Lawyers Committee and a substantive law committee. Trust me.

Brett A. Tarver
Jones Day
Atlanta, Georgia

Employment and Labor Law Seminar in the Windy City



I just returned from DRI’s 2018 Employment and Labor Law Seminar held in Chicago on May 16–18, 2018. This was my fourth time attending the annual seminar and this year’s seminar, just like the prior three seminars I have attended, was excellent and provided unparalleled

substantive CLE sessions covering current and highly intriguing content. However, (and not to take away from the invaluable CLE programs), my favorite part of every seminar is the superb networking opportunities.

Beginning with the committee's Tuesday night offsite excursion to tour Wrigley Field, meeting with the Cubs' General Counsel, and reception at Smoke Daddy's BBQ, this year's seminar truly lived up to the high bar the seminar sets each year. The presentations, happy hours, and informal networking opportunities were also fun, insightful, and full of opportunities to network and make real connections with fellow lawyers (and potential clients) from around the country. If you have not already, you should certainly consider attending next year's seminar (and if you are ever at Wrigley Field, I suggest walking across the street to enjoy excellent food at Smoke Daddy's).

The CLE sessions are some of the, if not THE, best I have ever attended. The written materials are excellent desk references and the presentations are interesting and cover new and emerging trends in the law. I would be remiss if I did not mention J. Al Latham's Annual Employment Law Update held every year on Thursday morning. Well worth the price of admission, there is nowhere else you get such in-depth coverage and analysis of every major labor and employment law case from the past year. The practical tips from experienced practitioners during the other twelve sessions are also unmatched. Every year I find that I walk away with a deeper understanding of my practice area and a number of practical considerations and tips to offer my clients in handling various matters.

The Employment and Labor Law Committee's annual community service project also provides attendees the opportunity to give back to the local community and yet another opportunity to network with fellow lawyers. While I was unfortunately unable to attend this year's event at the Ronald McDonald House Chicago, my friends on the committee who attended were eager to brag about what I missed. Members of the committee were able to interact with children and families at the Ronald McDonald House

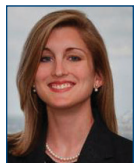
Chicago and prepared and served them lunch. Just as notable, as a committee we were able to raise over \$4,000 for the Ronald McDonald House this year.

Last, and certainly not least, the Employment and Labor Law Seminar's networking opportunities are first-rate. Whether it is the opportunities to network with other defense counsel (both outside and in-house) over breakfast, during breaks, lunch, at the networking receptions, the dine-arounds, the Young Lawyer's Offsite Reception (open to all), or just informally at the hotel's bar, the countless opportunities to meet your defense colleagues is unmatched. I recommend signing up for one of the three young lawyer dine-arounds to meet with your fellow young lawyers from around the country in an intimate and informal setting at a great restaurant. If you cannot make the young lawyer dine-arounds, the committee offers dozens of additional dine-arounds to network with your colleagues. This year I was privileged to be selected as a Young Lawyer Liaison Vice Chair for the Employment and Labor Law Committee and had the opportunity to assist with planning the young lawyer dine-arounds and offsite reception. Not to toot our own horn, but the young lawyer dine-arounds and off-site reception were exceptional and highly attended. Taking advantage of the valuable networking opportunities at the seminars has allowed me to find numerous referral sources and friends and has helped advance my practice and career.

If you are an employment or labor lawyer, you must sign up to attend next year's seminar in Phoenix, Arizona. I have already blocked off May 8-10, 2019, on my calendar for next year's seminar and hope to see you there!

David Renner
Port & Schell
Pittsburgh, Pennsylvania

Retail and Hospitality Seminar Welcomed to Chicago



The DRI Retail and Hospitality Seminar is always a great reunion of colleagues from around the country who represent similar clients. We descended upon Chicago on Wednesday, May 2 and kicked things off with an on-site reception, followed by dine arounds and late night shenanigans. The CLE portion kicked off bright and early on Thursday, May 3 with panels and speakers throughout the day on various topics relevant to the industry, such as sustainability, media-

tion strategies, and liquor licensing. I also had the pleasure of moderating a panel on emergency preparedness best practices. The keynote speaker, Deborah White, of the Retail Industry Leaders Association, gave an interesting presentation on the state of the retail industry and the trends for modernization and innovation. At the seminar, we also participated in a toiletry drive, to benefit homeless women and teens.

On Thursday evening we ventured out again for dine arounds, enjoying the great food and atmosphere that

Chicago has to offer. After lots of laughter and desserts, we attended a late night event at the House of Blues Foundation Room hosted by the Young Lawyers. On Friday morning, the seminar continued with interesting speakers on accommodations for service animals and inclusivity of LGBTQ+ individuals. All good things must come to an end and, after shaking hands and exchanging hugs with friends old and new, the sun set on this year's DRI Retail & Hospitality Seminar and on the city of Chicago. Next year, we will venture south to the sunny state of Florida for the conference. Save

the date and pack your family's bags—we will be in Orlando at the Loews Sapphire (part of the Universal Resort) on May 9 and 10, 2019. If you may be interested in presenting on a topic or have clients in the area you would like to host, please contact me. We are already planning what is sure to be another successful and enlightening event!

Megan Peterson
Simon Peragine Smith & Redfearn
New Orleans, Louisiana

Fidelity and Surety Roundtable Conference in Chi-Town



Last month, I attended DRI's Fidelity and Surety Roundtable Conference in Chicago, where I also had the privilege of presenting to the attendees regarding the Performance Bond Surety's Options and Strategies when faced with a Dormant Project. It was not only my first time attending DRI's Fidelity and Surety Roundtable but also my first time speaking at a conference. Overall, it was a great experience.

DRI conferences are a phenomenal opportunity to see familiar faces and establish new connections. DRI's Fidelity and Surety Roundtable was attended by approximately 70 individuals which provides an intimate environment in which attendees can really interact with and get to know one another. The conference kicks off on a Thursday evening with cocktails and dinner at a Chicago institution. This year, the group gathered for dinner at Gibson's steak house. The seminar follows on Friday morning from 8:00 a.m. until noon. Because the group of attendees is relatively small, members are encouraged to ask questions and interact with the speakers during their presentations, hence the name "Roundtable." DRI allows its members to present on any relevant topic of personal importance and use to

fellow defense attorneys. For my presentation, I focused on a topic that has come up a few times in my practice that presented a unique factual situation which I thought fellow defense attorneys would find intriguing and thought provoking. The presentation allowed me to showcase my speaking abilities in front of other attorneys as well as several current and potential clients. It really opened up the door to further interactions and conversations with other members that I may not have had otherwise.

Following the seminar, the group gathered for a trip on the "L" to Lagunitas Brewery, where the networking, socializing, and good conversation continued. In past years, and when there is a home game, the attendees have made the trip to Wrigleyville to watch the Cubs play.

I would encourage everyone to get more involved in DRI and all it has to offer. If you are considering attending your first seminar do not hesitate to reach out to committee members before your trip. Many committees will even set you up with a seminar mentor to help direct you to all the activities and opportunities.

Kaile Mercuri
Simon Peragine Smith & Redfearn
New Orleans, Louisiana

Membership Minute

How to Make the Most of Your YL Seminar Contacts

By **Stephanie M. Wurdock, Matt DiMario, Jami Lacour, and Gayatri Deodhar**

The Young Lawyers Seminar in Portland is **THIS MONTH!** The program schedule this year is incredible and filled

with a variety of ways to build your brand, which includes meeting new legal contacts. Whether through the commu-

nity service project, someone sitting at your table during the CLE presentation, at lunch, a networking reception, a dine-around, or at the winery tour, you will certainly be introduced (or introduce yourself) to someone new who one day may impact your legal practice in a major way.

So how do you make the most of these new Young Lawyers Seminar (YL) contacts? Follow these few pointers and you will be on your way:

1. Give more than just an introduction. Although we are all lawyers, we are so much more, and discussing non-legal interests usually creates some common ground that you and your contact can bond over.
2. Introduce the new contact to your group of friends, or if you are a first-timer, ask that you be introduced to other DRI members your new contact knows. Everyone is at YL Seminar for this exact reason—to meet and network (it won't be weird, I promise).
3. Exchange business cards. Although everyone has a nametag, we often have a difficult time remembering the name of an impressive young lawyer weeks later. If you have their business card, you will have an easier time matching their face to their name.

4. Plan to meet with your contact before or after a YL Seminar program for coffee, a meal, a drink, or a fun activity.
5. Follow up with your contact after the seminar by email, a nice letter, or even a small gift to let them know how much you enjoyed meeting them.
6. If appropriate, also follow your new contact on social media. This way, you can stay updated, check in and talk about new adventures, business successes, and life events, and feel like you haven't missed a beat by time you see them again at the next DRI event.
7. Don't forget to reach out to your new contact if you are ever in their hometown! DRI members have a special bond and always make time to catch up with other members and show them a great time.

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Timeout for Wellness

High Blood Pressure: The Silent Enemy



By Amber A. Eklof

May was National High Blood Pressure Education Month. High blood pressure, or hypertension, is often referred to as the “silent” condition that affects at least one in three Americans. As our heart beats, it creates pressure that pushes blood through our arteries and veins. High blood pressure results when this force against the artery walls is too high. Among other issues, lifestyle choices that contribute to high blood pressure may give rise to additional, more serious health problems such as heart disease, kidney failure, and stroke. Recent studies suggest that high blood pressure may be linked to an increased risk of cognitive disorders, such as dementia.

Even individuals who think they lead a “healthy life” may be one of millions of Americans on the border of having high blood pressure. High blood pressure affects individuals of all ages. About one in four men and nearly one in five women age 35 to 44 have high blood pressure.

Additionally, high blood pressure often goes undiagnosed because the majority of individuals with high blood pressure do not have recognizable symptoms such as sweating or headaches. Because many people feel fine, they do not engage in preventative or ameliorative practices to reduce the risk of high blood pressure, and other related diseases.

Experts now believe the increased risk of stroke among young adults is related to the uptick in obesity, high blood pressure, and diabetes—conditions that are preventable and treatable through diet and lifestyle adjustments. There are easy steps we can take to lower our risk for or reduce high blood pressure. In addition to making an effort to regularly check your blood pressure, maintaining a healthy lifestyle can significantly lower or eliminate the risk of cardiovascular and cognitive issues that may result from high blood pressure. These include:

- **Eat a low sodium diet:** A small reduction in sodium can improve your heart health and reduce blood pressure by 5 to 6 mm Hg if you have high blood pressure. While individual sodium levels vary, a lower sodium intake—1,500 mg a day or less—is best for most adults.
- **Boost your potassium:** Potassium can minimize the effects of sodium on blood pressure. Foods such as fruits and vegetables are the best sources of potassium.
- **Avoid stress triggers:** Anticipate activities or actions that can make you stressed, such as rush hour traffic or running out the clock on a last minute deadline, and craft your schedule to avoid these stressors. Make time for your favorite activities or hobbies, such as taking a walk, cooking, or volunteering.
- **Move:** Engaging in physical activity for 20 to 30 minutes a day can help lower your blood pressure. This includes strength training, walking, jogging, cycling, swimming, dancing, and anything else that gets you moving.
- **Eliminate smoking:** Smoking has the immediate effect of raising your blood pressure. Quitting smoking can help reduce your blood pressure.
- **Limiting alcohol consumption:** According to the Mayo Clinic, by drinking alcohol *only* in moderation, you can potentially lower your blood pressure by about 4 mm Hg. However, that beneficial effect is lost if you drink too much alcohol, which can actually raise your blood pressure by several points.

The CDC recommends checking your blood pressure at least once every year. You can check your blood pressure at a doctor's office, your local pharmacy, or at many grocery stores—just look for the blood pressure station toward the back of the store.

Sources

5 Surprising Facts About High Blood Pressure, National Center for Chronic Disease Prevention and Health Promotion, <https://www.cdc.gov/features/highbloodpressure/index.html> (May 27, 2016).

May Is American Stroke Month and National High Blood Pressure Education Month, <http://newsroom.heart.org/events/event-20180418> (May 1, 2018).

10 Ways to Control High Blood Pressure Without Medication, The Mayo Clinic, <https://www.mayoclinic.org/diseases-conditions/high-blood-pressure/in-depth/high-blood-pressure/art-20046974> (April 10, 2018).

Amber A. Eklof is an associate in the San Francisco office of Gordon & Rees and is a member of the Employment Practice Group. Ms. Eklof's practice includes defending employers in all phases of employment litigation including discrimination, harassment, wrongful termination, retaliation and whistleblower claims, and alleged wage and hour violations, including class actions. Amber can be reached at aeklof@gordonrees.com.

News & Announcements

Laura Emmett Appointed President of Canadian Defence Lawyers

On June 6, 2018, **Laura Emmett**, a lawyer at Strigberger Brown Armstrong LLP, became the President of the Canadian Defence Lawyers. The CDL is the only national organization in Canada that represents the interests of civil defence lawyers. Laura is the youngest President in the

organization's history and the first young lawyer to hold this position. The Canadian Defence Lawyers is particularly proud that there is equal representation of men and women on the 2018–2019 Board of Directors.

And The Defense Wins

Have you or one of your fellow young lawyers recently received an honor, a promotion, or a defense win? Contact the editors Candace Deer (Candace@wilsonberryhill.com), Shelley Napolitano (SNapolitano@maronmarvel.com),

[Taryn Harper \(TarynHarper@gtlaw.com\)](mailto:TarynHarper@gtlaw.com), Anna Tombs (Anna.Tombs@mcmillan.ca), and Daniel Furshpan (Daniel.Furshpan@suffolkcountynyny.gov) so we can share it in *Raising the Bar!*