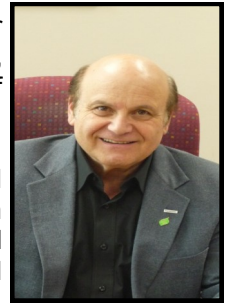


## SPOTLIGHT on Panasonic’s Bob Marin

By Kathleen A. DeLaney — [DeLaney & DeLaney LLC](#)

Robert S. (“Bob”) Marin has been an in-house lawyer for Panasonic since 1975. Over the past thirty-six years, Mr. Marin has observed many changes in the hiring of both in-house lawyers and outside counsel for the company.



Mr. Marin is now the Vice President, General Counsel and Corporate Secretary of Panasonic Corporation of North America. He was first introduced to NAMWOLF at an Annual Luncheon where he was invited to participate in a panel discussion.

When Mr. Marin enrolled at Fordham Law School in 1967, there were very few women and minority students in the entire law school. In that era, the very limited diversity in law school ranks was mirrored in the population of practicing lawyers.

After attending law school, Mr. Marin began his career as the first law clerk to U.S. District Judge Charles L. Briant of the Southern District of New York. Judge Briant hired two female law clerks who went on to federal judicial appointments later in their careers, one as a Bankruptcy Judge and the other as a District Court Judge.

**Panasonic ideas for life** Panasonic primarily uses outside counsel for litigation, transactions, and mergers and acquisitions that are outside the scope of the in-house lawyers’ expertise or demand more time than they have available. Panasonic’s use of outside litigation counsel is limited to occasional matters rather than a large number of similar or repetitive matters.

When looking to engage outside counsel, Mr. Marin’s first priority is to identify the right law firm and the right lawyer to handle the particular matter in the particular jurisdiction. He said that sometimes that means hiring the “Big Law” firms that can assist with many different fields of law in multiple jurisdictions. However, Mr. Marin prefers, where possible, to use small to medium law firms located outside of high cost major metropolitan areas, because such firms tend to be more cost efficient.

While diversity may not be first on Mr. Marin’s list of outside counsel hiring criteria, he views it as an important added benefit. When looking to identify outside counsel, Mr. Marin uses NAMWOLF as a resource. Mr. Marin says that: “NAMWOLF law firms satisfy many of my criteria for law firm selection, because they are small and

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**Spotlight: Panasonic, cont'd.**

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cost effective, and NAMWOLF's rigorous criteria for membership help ensure high quality service".

Panasonic, a Japanese-owned company whose corporate leadership is a mix of parent company expatriates and locally hired United States executives is firmly committed to diversity.

Panasonic is 2011 commemorative sponsor for the upcoming 2011 Annual Meeting & Law Firm Expo.

The author of this article, Kathleen A. DeLaney, is the Managing Partner of [DeLaney & DeLaney LLC](#), an Indianapolis boutique litigation firm that she founded with her mother in 2002. The firm focuses its practice on civil litigation in both federal and state courts trial and appellate courts. The WBE firm is WBENC certified and is a proud member of NAMWOLF.



**Insurance Initiative Update**

The Insurance Industry Initiative hosted a successful luncheon on April 28, in Boston, during DRI's Life, Health, Disability and ERISA Claims Seminar. The luncheon provided delicious food, a beautiful venue and an amazing chance for networking. In attendance were seven in-house attorneys, five being new to the Insurance Initiative and multiple attorneys from five NAMWOLF firms. The event was an overall success!

We look forward to continuing our growth and success in the future. The Initiative is currently working on branching out and changing our marketing tactics, in order to showcase the work our firms can provide. We are always looking for fresh ideas and insight - If you or your firm are interested in joining the initiative, please contact Michelle d'Arcambal at [mdarcambal@darcomb.com](mailto:mdarcambal@darcomb.com) or Natasha Florence at [Natasha.Florence@namwolf.org](mailto:Natasha.Florence@namwolf.org).



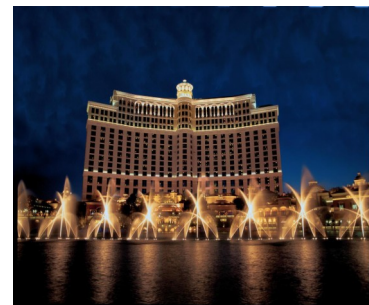
**SAVE THE DATE**  
**NAMWOLF ANNUAL MEETING & LAW FIRM EXPO**

The National Association of Minority and Women Owned Law Firms' (NAMWOLF) 2011 Annual Meeting will take place at the Bellagio, Las Vegas, NV. The 2011 Annual Meeting will feature:

- Gala Awards Dinner
- Seven CLE Tracks
- Vendor Expo
- NAMWOLF Law Firm Expo
- Luncheon Panel Discussions
- Many Networking Opportunities

There is a group rate for the NAMWOLF Annual Meeting of \$179/night, with a \$10 resort fee at The Bellagio. The group rate will be offered until Thursday August 18th. To reserve your room today visit the NAMWOLF website.

Sponsorship and vendor opportunities are still available. Please Contact the NAMWOLF staff for more information at 414-277-1139. We look forward to seeing you in September!



**SEPTEMBER 18-21, 2011**  
**LAS VEGAS, NEVADA**  
**THE BELLAGIO**

## NAMWOLF HOSTS FIRST REGIONAL MEETING IN SAN FRANCISCO!

NAMWOLF held its first Regional Meeting, June 27, in San Francisco. The meeting was built upon NAMWOLF's tradition of providing members with unique opportunities to meet and network with in-house counsel—this time in their own region. The event was a success and I would like to share with you some highlights. First, we would like to recognize Pacific Gas & Electric for hosting the event and Altep, Inc. and Superior Review for co-sponsoring the reception. Those organizations and their exemplary staff made this event possible and we sincerely thank you.

Sixty attendees enjoyed programming which included a Keynote Address from Darragh Davis, VP & General Counsel of PETCO, and an excellent CLE offered by Miller Law Group on the pros, cons, and risks associated with social networking for law firms. The day concluded with a discussion featuring Mary Kasper (Fresh & Easy Brand Markets) and Steve Schirle (PG&E) and lead by Jason Brown.

The goal of increasing visibility of our firms with current and potential corporate partners was met due in large part to the law firm members and in-house counsel who attended. Again, thank you for your participation and support. I would also like to thank to our meeting Co-Chairs: Andrea Clark-Smith (American Airlines), Michele Miller (Miller Law Group), and Joel Stern (Stern Legal Consulting).

Did you enjoy the first Regional Meeting? Please send your feedback, photos, and comments about the event to Jane Kalata at [jane\\_kalata@namwolf.org](mailto:jane_kalata@namwolf.org).



## Welcome New NAMWOLF Members

### New Law Firm Members:

- Lam, Lyn & Phillip, P.C.  
*Houston, TX*
- Thomas Kenney Sampson & Tompkins LLP  
*Atlanta, GA*
- Avila Rodriguez Hernandez Mena & Ferri LLP  
*Coral Gables, FL*
- Nicolson Associates LLC  
*Media, PA*

### 2011 Commemorative Sponsors:

- Prudential (Silver)
- Panasonic (Bronze)
- Tyco (Bronze)

### New Corporate and Public Entities Partner Program (CPEPP):

- Eli Lilly
- Delphi Corporation



## Message from the Executive Director



**G**reetings! I hope everyone is having a wonderful summer. In our most recent newsletter, I mentioned some of the things that we are planning for the year. By the beginning of July we will have launched registration for our Annual Meeting in Las Vegas and held our first Regional Meeting in San Francisco. In addition, NAMWOLF will have a presence at many of the diverse bar association events throughout the country in 2011. One of our goals this year is to increase the awareness and

understanding of NAMWOLF and its mission throughout the legal community. To that end, we have built stronger alliances with our MWBE certifying agencies – WBENC and NMSDC. We have begun an in-depth process of evaluating and engaging potential strategic partners. We have also dramatically increased our focus on social media as a means of reaching a broader audience for our message.

Of all the things we have done to increase the reach of NAMWOLF this year – one of the most impactful changes has been our enhancement of our social media platform. I am constantly amazed at how little effort is required to boost our overall reach to our constituency. We post information on our Regional Meeting, upcoming Annual Meeting and law firm member events/achievements on LinkedIn, Twitter and Facebook. We are receiving feedback and comments from individuals and institutions that are new to NAMWOLF and excited to learn more about our organization.

Before joining NAMWOLF, I was an infrequent user of LinkedIn, Twitter and Facebook – but now I realize the potential opportunities available for our organization and our members to make their mark on the world. I have read many blogs before – but never have I thought to write one. As you probably know, I now regularly write a blog called “Diverse Perspectives” (it can be found on the NAMWOLF website). People are reading my blog – and not just the NAMWOLF staff and my immediate family!! At a recent event, I offered a woman my business card and she asked me for my Twitter username so she could follow me and learn more about NAMWOLF. I began to realize that there are many people who use social media as a means to stay connected with current trends and events– including those the legal industry.

It is my hope that NAMWOLF will be a current and consistent trend that everyone is following in social media. Currently, I have over 520 connections on LinkedIn – most of whom are legal professionals. These connections have linked me, in some manner, to most major corporations in the U.S. All of us know the contacts in our professional and personal networks...but how many of us know the networks of our personal and professional contacts? That is the beauty of LinkedIn and other forms of social media. Effective and efficient use of this vehicle of communication grants the user the ability to reach a much broader audience than his/her immediate environment. I encourage each of you to invest some time and energy to social media and the inherent benefits it can provide to your firm and your personal professional brand. At a minimum, follow NAMWOLF on Twitter, friend us on Facebook and become a connection via LinkedIn – you will be glad that you did!

## NAMWOLF NEWSLETTER/E-MAIL BULLETIN SUBMISSIONS

Please send **newsletter submissions** to the editor, Justi Rae Miller, at [jmiller@berensmiller.com](mailto:jmiller@berensmiller.com) in Word, Arial, 10 font, single space. Please limit substantive articles to 500-800 words. Photo and logo submissions should accompany the article and need to be jpg equivalent at 300 DPI. Deadlines are as follows:

**3rd Quarter: September 1, 2011**

**4th Quarter: November 1, 2011**

NAMWOLF features a monthly e-mail blast featuring member law firm successes & announcements. Please send **announcements/successes** to [jane\\_kalata@namwolf.org](mailto:jane_kalata@namwolf.org) in Word, Arial, 10 font, single space and limited to approximately 350 words. Photo and logo submissions should accompany the announcement/awards and need to be jpg equivalent at 300 DPI. **As this will be a monthly publication, deadlines for submission will be the 20<sup>th</sup> of each month.**

**NEXT DEADLINES: July 20th AND August 20th**

## Hands Free: What Every Business Person Should Know About Cell Phones on the Road

By Kathryn Goldstein Legge - [Griesing Law, LLC](#)

Are you aware that your company can be held liable if an employee is involved in an accident while driving and using a cell phone or other hand held device for company business? Driving while talking, texting, reading or typing have all become commonplace. Almost everyone feels strapped for time, rushing from one obligation to another. Many of us spend hours in the car daily and it seems like an effective way to get some work completed while sitting in traffic or zipping along. Unfortunately, driving while distracted can lead to dangerous consequences for the driver, passengers, pedestrians and others on the road. And if that happens to you or one of your employees, the driver and the employer can be held liable for the harm inflicted.

Employers can reduce the risk of liability by establishing clear rules and making sure employees are educated about them. Most importantly, doing so can save lives, and secondarily, it can save your company substantial exposure. Consider for example the law firm that was sued for \$30 million when one of its lawyers hit and killed a teenager while the lawyer, driving home from work, was talking to a client on her cell phone.

Your policy should apply if employees are using *company owned* electronic devices or vehicles, whether on company business or personal time, and if employees are doing *company business* using their own hand held devices or personal vehicles. In fact, some states, such as California, have passed laws requiring employers to implement policies on employee cell phone use on business calls while driving. Even if your jurisdiction does not have that requirement, every business should promulgate a written policy.

At a minimum, mandate that employees comply with applicable local, state and federal laws regarding the use of handheld devices while driving. Company policy should direct employees to refrain from using handheld devices while driving and urge them to pull over to a safe location before placing or answering a call, texting or otherwise communicating electronically. Many people assume that using a hands free device, such as a speakerphone, may be enough to avoid a problem. However, engaging in conversation about a stressful topic can be distracting even if the driver has both hands on the steering wheel. In traffic, eyes, hands and mind all should be focused on driving. Ideally, you should discourage or prohibit all business calls on the road.

***“Employers can reduce the risk of liability by establishing clear rules and making sure employees are educated about them.”***

Even a good policy is only valuable if employees are aware of its terms and expected to abide by them. To maximize the company’s protection, employees should be required to sign an acknowledgement that they have read the rules, understand them, and commit to follow them. To assure that employees appreciate how seriously the company considers these issues, the hand held device policy should specify that violations will lead to disciplinary action up to and including termination of employment.

If you have questions about these decisions or what your obligations may be in a specific situation, please contact Kathryn Goldstein Legge at Griesing Law, LLC, [klegge@griesinglaw.com](mailto:klegge@griesinglaw.com) or (215) 618-3720. You may also visit us on the web at [www.griesinglaw.com](http://www.griesinglaw.com).

**GRIESING LAW** LLC



## New Developments in Parallel Criminal and Civil Proceedings: Special Considerations for In-House Counsel\*

By Constance J. Yu — [Sideman Bancroft, LLP](#)



As businesses face evolving standards of corporate governance and industry regulation, parallel criminal and civil proceedings are becoming more common. Corporate employees are often subpoenaed as witnesses before the grand jury - without corporate counsel knowing whether the individual or Company is merely a nonparty witness or the target of the criminal investigation. Corporate officers and directors, faced with potential criminal and civil liability for their official acts, are often counseled to assert their Fifth Amendment rights by refusing to answer questions in discovery, even though the fact finder in a civil proceeding may draw an adverse inference from their silence. In-house counsel frequently has to make complex strategic decisions, while having only limited knowledge about the scope of a government investigation.

Parallel proceedings may arise from a wide variety of situations, such as: business disputes alleging corporate malfeasance, "routine" inquiries by administrative agencies that could result in a referral to the United States Department of Justice ("Justice Dept."), class action lawsuits, or bankruptcy proceedings. Prudent counsel will have a ready strategy for responding to the warning signs of a potential government investigation. Such strategies should incorporate an immediate "litigation hold" procedure (i.e., the suspension of regular document destruction policies), commencing of internal investigation procedures to respond to the requests for information, and an early assessment of whether the Company will request a stay of any civil proceedings, enter into joint defense agreements, or advance costs of independent defense counsel for affected officers, directors, and employees.

Should the Company ask for a stay? Usually, the answer is yes to: (i) avoid adverse inferences from corporate witnesses taking the Fifth Amendment in civil depositions, [1] (ii) avoid what amounts to double jeopardy, [2] and (iii) devote resources to responding to the criminal investigation. Because stays have been characterized as "extraordinary remedy," [3] counsel should also consider whether protective order is feasible. F.R.C.P. 26.

Given the Justice Dept.'s mandate for greater cooperation between federal criminal and civil prosecutors, counsel should assume inter-agency

cooperation and collaboration. [4] This trend has led to concomitant discovery opportunities for the defense. Earlier this year, the Justice Dept. issued guidelines for disclosures in criminal discovery, requiring the prosecutor to consider whether other agencies are part of the "prosecution team," thereby subjecting those files to review for exculpatory information, including information derived from a confidential informant [5] Justice Dept. press releases may now give rise to Brady obligations requiring disclosures of information from cooperating agencies in criminal discovery. [6] Should the Company enter into a Joint Defense Agreement (JDA)? Prevailing wisdom is that the Company and its individual officers and employees should retain separate counsel, and consider a JDA. However, JDAs are sometimes seen as leaving a defendant exposed to the actions of a former co-defendant who cut(s) an independent deal with the government. Even the existence of a JDA or the advancement of legal fees for individual employees can be adversely interpreted by the Justice Dept., impairing the Company's ability to receive cooperation credit. [7]

Best practices dictate that businesses facing criminal investigation should retain counsel experienced in both civil and criminal litigation so that a coordinated strategy is devised early. New developments in California law, regarding the discoverability of witness statements, impact how witness interviews are conducted. [8] Because businesses often elect to make voluntary disclosures thereby waiving attorney-client privileges and work product protections, seasoned counsel and their investigators conducting interviews frequently omit inculpatory information or statements from their written notes, and make no recordings of their interviews. [9] In-house counsel should consider regular internal reviews of a Company's criminal defense action plan to incorporate new developments in this rapidly changing legal landscape.

\*Originally published in the California Minority Counsel Program eNewsletter - May/June 2010 Issue.

### Sources

[1] Although corporate entities have no Fifth Amendment privilege, individual witnesses testifying before the grand jury may assert the privilege against self-incrimination. *Kastigar v. United States*, 406 U.S. 441, 444 (1972); *In re Gault*, 387 U.S. 1, 49 (1967); *Pacers, Inc. v. Superior Court*, 162 Cal.App.3d 686, 688 (1984). Fact finders in civil litigation may draw adverse inferences from a witness asserting their Fifth Amendment

(Continued on page 7)

Special Considerations for In-House Counsel

(Continued)

from page 6)

privilege, including attributing those adverse inferences to the corporate entity. *Baxter v. Palmigiano*, 425 U.S. 306 (1976).

[2] *United States v. Halper*, 490 U.S. 435 (1989) (government may not proceed civilly against a defendant already criminally convicted for the same offense if it seeks punitive rather than remedial sanction).

[3] See e.g., *In re Mid-Atl. Toyota Antitrust Litig.*, 92 F.R.D. 358, 360 (D. Md. 1981); *Weil v. Markowitz*, 829 F.2d 166 (D.D.C. 1987).

[4] Memorandum from Attorney General (Janet Reno) to Federal Attorneys (July 28, 1997).

[5] Memorandum of then Deputy Attorney General David W. Ogden dated January 4, 2010, "Guidance for Prosecutors Regarding Criminal Discovery" and codified in the U.S. Attorneys' Manual, Section 165. These procedures were to be implemented by March 31, 2010.

[6] F. R. Crim. Pro. 16 and 26.2; *Brady v. Maryland*, 373 U.S. 83 (1963); *United States v. Reyes*, 577 F.3d 1069, 1078 (9th Cir. 2009); *United States v. Cerna*, 633 F. Supp. 2d 1053, 1059 (N.D. Cal. 2009)(Brady obligations extended to four agencies named in official government press release).

[7] U.S. Attorneys' Manual, tit. 9, Criminal Resource Manual, art. 162, Federal Prosecutions of Corporations (August 2008 rev.), section 9-28.730. [http://www.justice.gov/usao/eousa/foia\\_reading\\_room/usam/title9/28mcrm.htm](http://www.justice.gov/usao/eousa/foia_reading_room/usam/title9/28mcrm.htm)

[8] *Coito v. Superior Court*, \_\_\_ Cal. App. 5th \_\_\_ (Cal. App. 5th Dist. March 4, 2010) (holding witness statements are not per se protected by the work product doctrine). *Coito* is directly at odds with the oft-cited *Nacht & Lewis Architects, Inc. v. Superior Court*, 47 Cal. App. 4th 214, 217 (Cal. App. 3d Dist. 1996). The California Supreme Court granted review of the *Coito* case on June 10, 2010. *Coito* only addresses third party witness statements; therefore, employers may still claim that witness statements made by their own employees or former employees fall under attorney client privilege under *Upjohn Co. v. United States*, 449 U.S. 383, 397 (1981).

[9] Inculpatory statements are still discoverable when counsel and investigators who conduct witness interview are subpoenaed regarding the substance of the interviews, even when not reflected in their notes or recordings of those interviews.



Founded in San Francisco in 1978, [Sideman & Bancroft LLP](#) is a certified women-owned law firm offering significant expertise in civil litigation, government investigations and business crimes, intellectual property, corporate and real estate transactions, tax, estate planning and family law.

## Transactional Initiative Group Report

The newly reinvigorated NAMWOLF transactional initiative group had its first gathering by teleconference on Thursday, May 5, 2011. Roland Sanchez-Medina of *Sanchez-Medina, Gonzalez, Quesada, Lage, Crespo, Gomez & Machado LLP* law firm, assisted by Jane Kalata and Natasha Florence from the administrative offices of NAMWOLF, led the discussions. The idea of the initiative was born from suggestions of participants in the Miami business meeting earlier this year. Approximately a dozen firms were represented on the call.

Upon conclusion of the call, it was agreed that all the participating firms would provide a narrative of their particular transactional knowledge, expertise and experience, including examples of deals. The group was keen to make certain that it only publicized transactional legal areas in which the membership was truly experienced. Once the input from the individual group members is gathered, a brochure will be developed to summarize the groups' areas of expertise. The brochure will be available to forward and discuss with member companies of NAMWOLF, other NAMWOLF firm members and potential clients as a marketing resource. The group will be working over the summer to refine the brochure with a deadline for publication and unveiling of the group's product by at the Annual Meeting in Las Vegas in September.

***It's not too late to join in the initiative.*** If your firm has transactional expertise and would like to be a part of this exciting initiative, or for details on the next conference call, or meeting, where to send your summary experience information and how to get involved, please contact Roland Sanchez-Medina at [roland@smgqlaw.com](mailto:roland@smgqlaw.com) or Jane Kalata at [jane\\_kalata@namwolf.org](mailto:jane_kalata@namwolf.org)





## Effective Harassment Policies And Practices Can Be An Employer's Best Defense

By Sara Goldsmith Schwartz — [Schwartz Hannum, PC](#)

With all of the cautionary tales about what can happen when employers don't comply with employment laws, it is nice to hear about an employer whose compliance was rewarded. In *Wilson v. Moulison North Corp.*, a recent opinion by the United States Court of Appeals for the First Circuit, the Court affirmed summary judgment for an employer that took appropriate precautions to prevent harassment in the workplace. In *Wilson*, the Court found that the employer had an appropriate policy against harassment, followed its policy, and as such, could not be found liable for the harassment of an employee.

In *Wilson*, the plaintiff was a former employee of Moulison North Corp. ("Moulison"), an electrical-utility contractor owned by Ken Moulison ("Mr. Moulison"). Moulison had a policy against harassment that directed employees to report harassment to a supervisor or to Mr. Moulison. The policy also provided Mr. Moulison's telephone number.

After the plaintiff began working for Moulison, two co-workers began using racial slurs against him. The plaintiff called Mr. Moulison to complain. The next day, Mr. Moulison visited the work site and confronted the offending co-workers. Mr. Moulison "became irate and berated the men," warning that any further incident of harassment "would result in immediate termination." Mr. Moulison also told the plaintiff to report any further harassment directly to him.

Despite Mr. Moulison's stern warning, these co-workers continued to make racially derogatory comments. Additionally, other co-workers yelled at the plaintiff, contaminated his water bottle, and refused to help him with his work. The plaintiff had numerous opportunities to complain about this to Mr. Moulison and/or his supervisor but failed to do so. The plaintiff complained only to the lead worker on his crew, who did not, in turn, notify Mr. Moulison, the plaintiff's supervisor, or anyone else at the company.

The plaintiff eventually sued Moulison for discrimination under Title VII of the Civil Rights Act of 1964. The plaintiff alleged that Moulison should be liable to him in damages for the initial and subsequent harassment.

First, the plaintiff argued that Mr. Moulison did not mete out sufficient discipline for the initial harassment. The Court rejected this argument. The Court explained that Moulison took prompt and appropriate action by reprimanding the offending co-workers and warning that fur-

ther misconduct would result in termination of their employment. According to the Court, "an employer must be accorded some flexibility" in selecting appropriate sanctions for employee misconduct. The fact that the discipline did not satisfy the plaintiff did not render it inadequate.

The plaintiff next argued that Moulison should be liable for the subsequent harassment because he had complained about it to a co-worker. The Court rejected this argument as well. In particular, the Court determined that the co-worker had no actual or apparent authority to serve as a company representative for such complaints, and accordingly, that the co-worker's failure to report the complaints to management, which never learned of the continuing harassment, did not constitute inaction or neglect by the employer. In the Court's view, the plaintiff's failure to report the continuing harassment to management under Moulison's known and effective policy was "fatal to his claim of employer liability."

The moral of the story is that "doing it right" with employment policies and practices can be an effective shield against prolonged litigation and liability. Thus, *Wilson* serves as a reminder that employers should:

establish and maintain a harassment policy that complies with all applicable state and federal laws;

take measures to ensure that all employees are aware of the policy and its procedure for reporting harassment, including training for managers and employees; and

take prompt action to investigate and remediate any harassment in the workplace.

Contact Schwartz Hannum if you have any questions about *Wilson* or would like assistance in developing, and training employees on, harassment policies and procedures.



\* Sara is founder and co-managing partner of [Schwartz Hannum PC](#), a management-side labor and employment law firm in Andover, Massachusetts. Sara gratefully acknowledges the assistance of Frances S. P. Barbieri in the preparation of this article.





## Diversity Promotions

NAMWOLF has entered into an exciting relationship with Diversity Promotions – a minority-owned business that provides promotional and marketing products for corporations. Through this partnership, NAMWOLF Law Firm Members will be able to order promotional items for your general business needs as well as the upcoming Annual Meeting at a discounted price. Please visit their website [www.diversitypromos.com](http://www.diversitypromos.com) to take a look at their products. If you would like to order, please contact Diversity Promotions directly at [info@diversitypromos.com](mailto:info@diversitypromos.com) or call 770-360-1024 to receive the special NAMWOLF discounted pricing. Also, if you need some innovative new ideas for your marketing products, you can contact David Aikens or Desiree Jacobs at Diversity Promotions at the same email and phone number.

In addition, Diversity Promotions will provide a NAMWOLF merchandise website. Remember those great vests we were wearing at the business meeting and the polo shirts with the NAMWOLF logo that you have seen in the past? We will be launching a website shortly that will allow you to order merchandise with NAMWOLF's logo! There will also be a "store" at the upcoming Annual Meeting that will allow you to place orders onsite!

Should you have any questions, please do not hesitate to contact Jane Kalata ([jane\\_kalata@namwolf.org](mailto:jane_kalata@namwolf.org) or 414.982.2131)



Promotional Products That Make A Difference

## NAMWOLF Announcements



NAMWOLF's New Address is:  
**735 N. Water St., Ste. 1205**  
**Milwaukee, WI 53202**

Please make sure to  
 update your files!

Find us on  
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More 2011 San Francisco Regional Meeting Photos



**NAMWOLF Headquarters**

735 N. Water St.; Suite 1205  
 Milwaukee, WI 53202  
 Tel: 414.277.1139 | Fax: 414.831.2285  
[info@namwolf.org](mailto:info@namwolf.org)

**Jason L. Brown**

Executive Director & General Counsel  
[jason\\_brown@namwolf.org](mailto:jason_brown@namwolf.org) | 414.277.1139 ext. 2130

**Yolanda Coly**

Senior Director of Advocacy & Development  
[ycoly@namwolf.org](mailto:ycoly@namwolf.org) | 414.277.1139 ext. 2137

**Jane Kalata**

Director of Events & Operations  
[jane\\_kalata@namwolf.org](mailto:jane_kalata@namwolf.org) | 414.277.1139 ext. 2131

## Spotlight — Member Firm: Nukk-Freeman & Cerra, P.C.

By Laura Gibson — [Ogden, Gibson, Brooks, Longoria & Hall, L.L.P.](#)

**Suzanne Cerra and Katherin Nukk-Freeman** became friends while at Boston College of Law where they both received their JD's in 1993. Following graduation, Suzanne practiced law in New Jersey and



Katherin ventured to Sacramento, California to begin her legal career. Katherin returned to New Jersey in 1996 where she worked as an associate and ultimately made partner in 2000 in one of New Jersey's premier firms where she continued to work until 2006. Suzanne worked as an associate and made partner at the firm which is now known as Ogletree Deakins before opening her own firm in October of 1993.

In January 1996, Suzanne and Katherin kicked the year off to an excellent start by opening their own firm, Nukk-Freeman & Cerra, P.C. Since then, they have grown their all women firm to 18 lawyers and are known for their stellar employment practice. When the firm began, Suzanne's children were 6, 4 and 5 months old. Katherin's children were 4 and 2. The firm's 18 attorneys are mothers to 36 children. Despite their family obligations, the lawyers at NFC are known for their excellent services and top notch talent. All of the firm's partners work full time with 60% of the non-partners working full time and 40% working on a flex time arrangement. The NFC business model is clearly working with the firm's clients receiving excellent services and the firm's lawyers able not only to be excellent contributors to the firm and its clients but also exceptional parents, family members and leaders in the community.

**When was the firm founded?** The firm was founded in January 2006.

**Who are the founding shareholders?** The founding shareholders are Suzanna M. Cerra and Katherin Nukk-Freeman.

**And how big is the firm – office location, partners and attorneys?** The firm consists of 5 principals, 2 senior counsel, 4 counsel and 7 associates for a total of 18 attorneys and 4 professional non-lawyer staff. All of the firm's employees are women. The firm's office is in Short Hills, New Jersey.

**What are the firm's significant areas of practice?** The firm concentrates its practice on all areas of employer-employee relations. The firm does training sessions and conducts audits of clients designed to prevent litigation from occurring. Approximately 75% of the firm's business is handling defense of employment matters. The firm also provides advice regarding executive compensation, employee benefits and compliance. The firm is ranked as one of the top labor and employment law firms in New Jersey.

**How did your firm come to know NAMWOLF? Why did you join?** The principals of the firm learned of NAMWOLF based upon the recommendation of Joe West at Wal-Mart, one of NAMWOLF's corporate partners.

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

TEAMING WITH EMPLOYERS  
TO BUILD A BETTER WORKPLACE

**Please name some corporate clients of the firm.** Wal-Mart, Prudential, Capital One and MetLife.

**Why is diversity important to your firm?** The principals of the firm are philosophically committed to diversity. They both started their careers at male dominated firms and were promoted through the ranks. They know the challenges that are presented to women lawyers who have primary responsibility for family obligations but who also want to actively practice law. They also believe that there is a business case for diversity.

**What are your thoughts on the Annual Meeting? And what tangible benefits has your firm received from the conference?** The principals of the firm loved the Annual Meeting in Washington, D.C. They especially appreciated making connections with other law firms, sharing ideas and best practices and establishing a network of other NAM-

*(Continued on page 11)*

## Spotlight — Member Firm: Nukk-Freeman & Cerra, P.C., cont'd.

(Continued from page 10)

WOLF firms. A NAMWOLF firm referred a piece of business to the firm as a result of their interactions at the Annual Meeting.

**Anything specific you loved about either the Annual Meeting in D.C. or the Business Meeting in South Beach, Florida?** During the business meeting, the firm loved participated in a dine around that, by happenstance, was comprised of all NAMWOLF law firm members. The conversation among the five women who attended was very candid and engaging and the participants walked away with a real sense of community with one another.

**Tell me about your recent victories, special recognitions and awards?** The firm has received numerous awards recognizing its diversity efforts including the Top Small Business in New Jersey, Top Diversity Owned Businesses in New Jersey, Top Woman Owned Business in New Jersey and Top Five Hundred Emerging Businesses in America in 2009 and 2010. In 2009, the firm was recognized with the Better Business Enterprise National Star by the WBENC, the SBA's NJ Women in Business Champion of the Year for 2009, Inc. 5000 List for Growing Businesses, where the firm was ranked 539 and the Alfred P. Sloan Foundation Award for Business Excellence in Workplace Flexibility in 2009. Additionally, Suzanne Cerra was recently recognized as one of the Best 50 Women in Business by *NJ Biz*. She has also been recognized as a Top 50 Woman Lawyer in New Jersey as well as a Top 100 Lawyer in New Jersey by *Super Lawyers*. Additionally, Katherin Nukk-Freeman was recognized as a Top 50 Woman Lawyer in New Jersey by *Super Lawyers* as well as the Enterprising Women of the Year 2010 by *Enterprising Women Magazine*.

**What are you firm's long term goals?** The firm wants to continue to be a law firm that is known for providing excellent services to its clients. While doing so, they want to continue to provide a personal environment for their employees, 100% of whom are women, and to provide the flexibility to allow the firm's lawyers to practice law while at the same time, raising their children.

**What has been your involvement with NAMWOLF? For how long?** The firm joined NAMWOLF in the Spring of 2010. Members have attended two Business Meetings and the Annual Meeting in D.C. They are excited about the annual meeting in Las Vegas.

You can reach [Nukk-Freeman & Cerra](#) at 973-564-9100.

## Intellectual Property

By Jose I. Rojas, Rojas Law Firm, LLP. - Miami, FL  
Co-Chair, NAMWOLF IP Alliance

The Intellectual Property ("IP") Alliance recently participated as an exhibitor at the AIPLA Spring Conference in San Francisco, CA. We were able to meet and speak with many in-house counsel who were not aware of NAMWOLF and also meet new representatives (who handle IP matters) from companies that are already involved in NAMWOLF. It was a great kick-off event for the IP Alliance. Thank you to Jane Kalata (NAMWOLF) for her untiring support and work during the event. Jose Rojas (Rojas Law Firm) and Nancy Mertz (Donovan & Yee) attended the AIPLA Conference and represented the IP Alliance at the various meetings and seminars. They handed out a good number of our IP Alliance one page flyer and NAMWOLF Annual Meeting invitations to in-house counsel.

The IP Alliance has developed an ambitious Ten Step Plan to create more awareness and opportunities for law firm members and corporate partners that are a part of the Alliance. We will roll out the plan at the Annual Meeting and begin implementation in this upcoming year. If you are interested in joining please contact Jane Kalata at [jane\\_kalata@namwolf.org](mailto:jane_kalata@namwolf.org). We would like all NAMWOLF member firms with substantial IP practices and all Corporate Partners with IP interest to join us in this effort.

The author of this Spotlight article, Laura Gibson, is one of four partners who founded [Ogden, Gibson, Broocks, Longoria & Hall, L.L.P.](#) in 1993. The firm is certified as a Women's Business Enterprise by the WBENC. Prior to forming the firm, Ms. Gibson was a trial partner with the firm which is now known as Locke Lord Bissell & Liddell in Houston, Texas. Ms. Gibson is Board Certified in Labor and Employment Law by the Texas Board of Legal Specialization. She has extensive trial and appellate experience handling complex commercial litigation and arbitrations in areas involving employment, energy, securities, banking, copyright and communications law.





## Which Corner?



By Pam Bertieri — Director of Marketing, [Gonzalez Saggio & Harlan LLP](#)

After a recent sports physical therapy session, my teenage daughter's trainer said, "You have turned the corner." My daughter replied, "Which corner?" The trainer and I laughed. Later that day, I realized that there is more than one corner in any progression, and this concept could be applied to marketing at the upcoming September NAMWOLF Annual Meeting & Law Firm Expo in Las Vegas.

### First Corner

How do you want to portray your firm at the Expo? Think about how you want your exhibit to look. Do you have a booth, banner, tablecloth, or signage? What collateral do you want to distribute – printed brochures, CDs, flash drives? What types of promotional items do you want to give away? Do you want to have a drawing? These are all items that need to be considered now. The Expo is just a few months away, and scrambling at the last minute shows. Order your booths, signage, promotional items, etc. now to avoid last minute chaos.

As you are planning your Expo exhibit, think about ways to make your booth exciting and interesting so that in-house counsel will want to meet with you. If you have a person sitting at the table with a stack of literature and another firm with an exhibit that speaks to their firm's expertise and has that "wow" factor, who do you think in-house counsel will visit with first? Set yourself apart.

### Second Corner

Determine who will staff your booth at the Expo. Consider having more than one attorney or including marketing personnel at your booth. This choice is very important because these people will create the first impression of your firm to in-house counsel. Choose individuals that stand out and are eager, personable, good listeners, and knowledgeable about your firm and practice areas.

This may sound silly, but don't forget to register for the Annual Meeting, and do it before the deadline. Pay attention to the shipping requirements for the Expo, as many hotels do not allow direct shipping, and freight must be received through the exhibit company handling the Expo. Complete all forms requested by the exhibit company, and remember to request electricity, Internet access, or any other special needs.

### Third Corner

NAMWOLF sends emails in the months preceding the Annual Meeting with lists of registered in-house counsel. Review these lists as soon as you receive them to deter-

mine which companies you would like to meet with, and research these companies and their in-house counsel. What does the company do? Where are their headquarters/locations? What is the history of the company? Gather background information on in-house registrants, and determine their areas of responsibility. Review news, events, press releases, and recent cases involving the company.

In-house counsel knows if you understand their business – or not. Utilize resources on the Internet to locate information, such as Google, Yahoo Finance, Martindale-Hubbell, LinkedIn, Manta, Hoovers, and the company's website. Bring this research with you to the Annual Meeting, and make sure that you have reviewed the information gathered. Be prepared.

### Fourth Corner

It's Law Firm Expo day. Make sure that your booth, collateral, promotional items, etc. are displayed and ready prior to the start of the Expo. Make sure that you have plenty of business cards. I cannot tell you how many people I have met at the last four Annual Meetings that do not carry business cards or have depleted the supply that they brought with them. Dress professionally. Smile. Be engaging. Ask questions. Listen. Do not sit at your booth with your head down. Turn your BlackBerry off. Be prepared to explain your experience and services with a one or two minute elevator speech. Take notes of who you met with and what type of follow up you might need to make.

When the Annual Meeting is over, it is very important to follow up with the people you met. Send a handwritten note, an email, or a letter with material that in-house counsel requested or that may be of interest to them. Results don't just happen. You must actively follow up and market yourself and your firm.

With just a few months remaining before the Annual Meeting, has your firm turned the first corner? The second corner? Being successful and putting your best foot forward begins with a well-thought-out action plan.

I much prefer my daughter's musings as a teenager – "Which corner?", rather than the somewhat embarrassing questions she asked me as a preschooler that made me feel old. Just for fun, I will share a couple of those intriguing questions. "Mom, what color will my hair be when I grow up? Or will it change colors like yours does?" And my favorite, "Mom, did you used to write with a feather?"

## A U.S. SUPREME COURT VICTORY IN PATENT LAWSUIT BY PRUETZ LAW GROUP DEMONSTRATES CALIBER OF NAMWOLF FIRMS

By Sandra Sakamoto — [Lim, Ruger & Kim, LLP](#)



A NAMWOLF law firm co-founded by a mother-daughter team, [Pruetz Law Group, LLP](#), emerged victorious in its representation of Roche Molecular Systems in a patent infringement case through trial, the Court of Appeals and finally the U.S. Supreme Court.

In a case brought by Stanford University, Chief Justice Roberts writing for the Court in *Board of Trustees of the Leland Stanford Junior University v. Roche Molecular Systems*, \_\_\_S.Ct. \_\_\_ (2011), affirmed the Federal Circuit's holding that the Bayh-Dole Act does not change longstanding patent law by automatically conferring title to federally-funded inventions in federal contractors or authorizing such federal contractors to unilaterally take title to such inventions. It is significant that this is the first patent case where the Court has gone against the Solicitor General who supported reversing the Federal Circuit's decision.

A highly skilled intellectual property and complex business litigator, Adrian Pruetz is no stranger to high stakes litigation for major businesses. Experience and a set of outstanding lawyering skills is what has earned Ms. Pruetz the trust of large corporations and ranks her among California's 2011 Top 50 Women Lawyers and a Super Lawyer in Intellectual Property Litigation. Adrian Pruetz has been lead counsel for Roche since 2004 when she was a partner at a major litigation firm in charge of the firm's intellectual property litigation practice, and Roche maintained its relationship with Ms. Pruetz after she left to form her own woman-owned law firm in 2007. It was the superb lawyering skills and knowledge of Ms. Pruetz, her daughter Erica Pruetz, Lauren Gibbs and Avi Schwartz at the Pruetz Law Group, together with co-counsel who argued the case, that resulted in Roche's ultimate victory against Stanford and its team of major law firms.

A case in point, no matter the size of the matter or the firm handling it, the outcome of a case is ultimately the work of the lawyers handling the matter. Clients place their confidence in the caliber and ability of their outside

counsel. As demonstrated by the Pruetz Law Group NAMWOLF member law firms have lawyers with the experience, knowledge and skills necessary to handle cases not unlike any large law firm but with the value added benefit of a more streamlined infrastructure.

***"The business of winning does not require an army of lawyers. It requires the tenacious advocacy of lawyers with the expertise and judgment to develop and implement winning strategies."***

– The Pruetz Law Group website

The Pruetz Law Group is a Los Angeles based intellectual property and business litigation firm with a winning track record in trials, arbitrations and appeals nationwide.



The author of this article, Sandra Sakamoto, is a partner in the transactions group at [Lim, Ruger & Kim, LLP](#) specializing in real estate and business transactions. Her experience includes real estate development, acquisitions, dispositions, leases, and licenses of properties. Prior to joining Lim Ruger, Ms. Sakamoto served as General Attorney and Assistant General Counsel for a global Fortune 50 telecommunications company where her practice focused on a wide variety of commercial litigation, real estate and business transactions, and issues involving easements and public rights-of-way.

