

Perspectivas @orrick

FALL 2019

No one today doubts that innovation must be part of any company's strategy. That may be one of the best arguments yet for more inclusive corporate and law firm cultures. So, what's the connection between inclusiveness and innovation? A recent study by the Boston Consulting Group found that companies with diverse workforces were more innovative and had higher revenues than companies that were less diverse. In fact, these diverse companies achieved 19% more revenue from new products and services launched over the prior three years. **Dr. Arin Reeves**, our *Listening in Color* podcast guest, explains why diverse, inclusive teams come up with more innovative solutions: **"Innovation is about thinking differently, doing differently. You have to ask yourself - if you limit yourself to just your perspectives or perspectives that are just like your own, where are you going to get the idea to do it differently?"**

With Orrick's focus on serving clients in the Tech & Innovation sector, promoting a culture of equity, inclusion and access is essential to the success of our clients and our firm. I touched on this recently when talking to the International Association of Privacy Professionals about why we are growing our global cybersecurity and data privacy team with a focus on recruiting and retaining diverse talent. We know that we need a broader set of viewpoints to solve the complicated issues that we will encounter over the next 10 years in this field. Moreover, we're empowered by having 75% diverse representation in the leadership of our AI, AV and Blockchain teams, which are themselves more than half diverse - as they tackle the most forward-looking questions our clients face.



Aravind Swaminathan
Co-Leader, Cyber, Privacy & Data
Innovation Advisory Practice
Move the Needle Fund Ambassador

In this issue of *Perspectivas*, we'll hear from our tech-focused lawyers on what's rewarding about working with tech companies. Litigator **Nexus Sea** talks about the challenges new technology brings to product liability law, particularly AI. IP litigator **Caroline Simons**, from our newest office in Boston, talks about our trademark, copyright and trade secrets practice and her takeaways from a recent conference for emerging leaders. Technology Companies Group co-PGL **Amanda Galton** shares how we are collaborating with clients to help make the tech ecosystem more inclusive. You'll read about a diverse team

that is helping China's Baidu innovate in the autonomous vehicle market. And **Radiah Rondon** talks about coming to Orrick as an OnRamp Fellow and resuming her litigation practice. Finally, to unplug a bit, there's a crossword puzzle to help you learn about our employment team, which is 74% diverse, and the work they do in the Tech & Innovation sector. This issue also coincides with our annual Dive/In Day - our global celebration of diversity - and we will give an overview of some of this year's events. To learn more about anything featured in this edition, please contact our Tech & Innovation Sector Leader **Don Keller** or our Diversity & Inclusion and Women's Initiative leadership: **Lorraine McGowen**, **Warrington Parker**, **Karen Johnson-McKewan** and **Leah Sanzari**.

- Aravind

Our People

Nexus Sea on the Challenges AI Brings to Product Liability Doctrine

Nexus is of counsel in our Complex Litigation & Dispute Resolution practice in New York. He's a litigator and trial lawyer who has played key roles in high-profile matters on behalf of Fortune 500 companies, financial institutions and pharmaceutical companies in complex commercial litigation, financial services and product liability matters in state and federal courts. As co-founder of 1844, a community of nearly 60 black male lawyers who practice in large New York City law firms or in-house, he brought 1844's annual summer associates of color event, which provides insights to lawyers of color to help them navigate BigLaw, to Orrick. Recently, Nexus has been helping to lead our thinking about the intersection of Artificial Intelligence and product liability law.

How does AI challenge the typical product liability framework?

In product liability law, the question is often framed: "Which entity in the supply chain bears the primary responsibility for causing the injury?" Current laws and doctrines were designed for a world where physical goods didn't change much after they left the factory. However, the products of today are often a complex combination of hardware, software and services, and as these products continue to evolve, it's not hard to image a future where they not only evolve on their own, but also act on their own – without human input or conduct.



Currently, product liability law focuses on human conduct. For example, in a typical product liability case, a plaintiff who brings a negligence claim argues that a certain standard of care was not followed. The standard of care is generally defined as: "What would a reasonable person or a reasonable company do in the situation?" If the defendant acted differently than how a reasonable person or reasonable company would act, then the standard of care was breached and the plaintiff is owed damages for the harm.

With continued advancements in AI, however, developers are creating algorithms that help products learn on their own and adapt as they continue to learn. With AI, what standard do we use? Would a reasonable person standard still suffice?

The current product liability regime also requires you to prove proximate cause. This means that but for the defendant's action, the plaintiff would not have been harmed. To prove proximate cause, we look at whether the outcome was foreseeable from the defendant's behavior. Let's take for example an AI-based bot that decides – on its own – to tweet out comments that can be viewed as racist or sexist. Can one argue that such actions were foreseeable? Should the bot's developers be held liable for actions that the AI undertakes, particularly if the developers did not program or design the AI to take such actions? These are fascinating legal questions.

What's an example of where AI and product liability law intersect?

Imagine an autonomous vehicle that hits a pedestrian. Or picture the company discussed above, whose AI-based bot tweets out something

Backing Disruptors

We asked Orrick lawyers who are focused on tech and innovation...

What inspires you the most about working with tech companies?

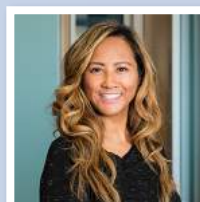


"I love that my tech clients bring me in contact with a very diverse, hard-working and bright group of people who are passionate about their work and demand the best from us."

Juliano Banelos
Practice Group Leader, Comp & Benefits

"The innovations tech companies bring to market impact and enrich our everyday lives in so many ways. It's great to be a part of the team that makes that happen."

Jeannie Shin
Partner, M&A and Private Equity



"I am a tech geek at heart and absolutely love the exposure to new technologies and products. Whenever possible, I actively participate in beta testing of my clients' new products and/or arrange for product demonstrations."

Christina Catzoela
Senior Associate, Tech Companies Group

that can be read as racist or sexist. These are a few examples ripped from the headlines, where an AI's conduct caused some form of harm. Since the product liability regime is built on doctrines that focus on human conduct, anytime a company uses AI to do something that a human typically does and some harm is caused, we'll see this intersection.

In *Nilsson v. General Motors*, for example, a motorcyclist sued GM after he was hit by one of GM's self-driving cars. According to the complaint, the motorcyclist was initially driving in the middle lane behind the GM car. The GM vehicle, which was in self-driving mode at the time, allegedly signaled a move into the left lane, but didn't complete the move before suddenly veering back into the lane it started in. The plaintiff alleged that he continued to drive straight as the vehicle moved to the left, before it suddenly veered back into the middle lane – striking the plaintiff as a result.

The case ultimately settled, but one thing I found particularly interesting was how GM answered the complaint. The complaint alleged that GM owed the plaintiff a duty of care, but GM argued that it was the self-driving car, and not GM itself, that was required to use reasonable care. GM essentially sought to confer "personhood" on the AI machine itself, viewing the machine as an independent "person" under the law. It was a novel approach because under this model, the AI essentially has duties of its own, independent from the manufacturer or developer. Nonetheless, the jury is still out on how the courts will respond to such arguments.

What are some frameworks that the courts could use to analyze these kinds of cases?

One framework is AI personhood, which we just discussed in *Nilsson v. General Motors* – in other words, treating AI as if it were a person. In this scenario, each AI machine would need its own insurance, just like a regular person. AI machines could be sued directly in this scenario as well.

Another framework is common enterprise liability. In this framework, we wouldn't blame a particular person or entity. Instead, each person who

contributed to the supply chain would be liable for the harm. This would include developers, manufacturers, etc.

Personally, I believe the insurance model would probably be one of the best ways for businesses to budget for and limit liability. However, we're still very much in the early stages of these developments, and policymakers are still working through many of these issues.

Is there any legislation that governs this?

In the U.S., there is a bipartisan bill called the Future of Artificial Intelligence Act of 2017, and it focuses on a number of areas: how to encourage investment in AI; what ethical standards we should consider around AI; and an examination of how laws should be modernized.

Other governments are also looking into this. The EU, for example, has two working groups that are addressing how product liability law with respect to AI needs to change. This group is expected to provide a report later this year. Another group is studying the wider legal and ethical implications of AI.

In addition, in 2017 China's State Council issued the New Generation Artificial Intelligence Development Plan (AIDP), which outlines China's strategy to build its domestic AI industry.

With so much uncertainty, how are we advising clients?

We are providing guidance on crafting and developing adequate warnings for end users; advising on insurance issues related to AI-specific liability coverage; and advising on how best to limit liability in contract negotiations with every party in the supply chain, including AI developers and vendors, product manufacturers and service providers.

We're working hard to think through these issues today, so we can partner with our clients to help solve the problems of tomorrow. We help our clients by keeping them aware of developments in the industry, so they can achieve their business goals and objectives. 🧠



"What I like most about working with technology companies is the teamwork involved, both within Orrick and with the client ... I've really enjoyed building strong relationships with the in-house teams at our late-stage private company clients, some of whom I've worked with for many years, and I hope for many years to come."

Niki Fang
Partner, Capital Markets



"There is nothing like seeing the founders build a company from an idea and vision to a successful exit event, knowing that you had a role in that story. Conversely, we provide some of our most valuable counsel when the chips are down and the company needs advice on how to protect itself. In both cases, we are side-by-side with the people who run the company."

Anik Guha
Partner, Tech Companies Group

"I've had the extraordinary opportunity to work with two visionary female CEOs and help take their companies public as the lead associate. I worked on the Series A financing of one of these companies when it was still an early-stage company, and so to take it public about four years later was incredibly fulfilling."

Vinella Sido
Senior Associate, Capital Markets, came to Orrick as an OnRamp Fellow



"I love helping technology companies tell their story to the court. By describing how the company started or the important problem their technology solves, you can personalize the company and make what might be an otherwise dry legal dispute much more compelling."

Libby Moulton
Senior Associate, Supreme Court & Appellate



Our People

Caroline Simons on Our Soft IP Practice

Caroline is a partner in our Intellectual Property group in Boston. A trial lawyer with broad experience in IP litigation and investigations, she works with her clients to navigate disputes and litigation while keeping their strategic goals in mind, helping them protect their brand and their intellectual property.

Tell us about your practice.

My focus is intellectual property litigation – I work on cases in trademark and trade secrets, and I've also handled copyright and even some patent matters. Many of these cases, particularly competitor cases, involve more general commercial claims as well, like unfair competition or intentional interference, which is why I have a lot of experience in commercial litigation in addition to IP. And then the other big chunk of my experience and practice is in the white collar and investigations space, including where IP and criminal law meet (e.g., CFAA and Economic Espionage Act) as well as where they decidedly don't (e.g., False Claims, FCPA, Clean Water Act, Hobbs Act extortion). One of my favorite aspects of how my practice has evolved is spending more time in courtrooms and at trial – I've done three this year. Being able to fit all that pretrial work together into a cohesive and persuasive narrative for a jury and the judge – all the while responding in real time to your adversary's attempts to do the same – is exhilarating and immensely satisfying.



What is the one thing everyone should know about our soft IP practice and our Boston team?

#1 – we hate that it's called soft IP, but we can't think of a better name! So soft IP it is. Our former-Fish Boston/NY team has especially strong experience in trademark, trade secrets, copyright and media litigation, with unique strengths in product design trade dress cases and trademark/trade dress cases in the ITC, which used to be relatively rare but now we're seeing more of. One thing you should definitely know about us is that the entire team is composed of trial lawyers; that's the way we think when we litigate. The other thing you should know about

us is that if you hang out with us too much, you might find yourself on stage at the Hong Kong – a particularly raucous (and sticky) bar near Fanueil Hall in Boston – doing karaoke some random Thursday night.

You recently attended a CAA Convene conference for emerging leaders. Any takeaways?

I was floored by the experience; I'm honestly still digesting it. There were some amazing speakers – Brian Grazer, Arianna

Huffington, Doc Rivers – and there was a lot of discussion about wellness, productivity, cross-disciplinary thinking, and the challenges of being right at the cusp of leading your team or your organization and the qualities and mindset you need to take that next step. All of this was invaluable, but running underneath it all was also a lesson on how to build deep interpersonal connections in a short period of time through active facilitating, active listening (Jeffersonian dinner rules!), being really present, and being a bit vulnerable, too, in terms of sharing our highs and lows, including that self-doubt and imposter syndrome that we all struggle with to some degree. I mean, the first directive we were given upon arrival was to "go deep." And people really did, right

Listening In Color

THE PERSPECTIVAS PODCAST

Dr. Arin Reeves, a researcher, lawyer and author who studies leadership and inclusion, talks with Orrick Chairman **Mitch Zuklie** about how collective intelligence fuels innovation, the role of leadership in fostering collaboration – even on inclusive teams – and how law firms can better leverage women's strengths.

“ One way to build relationships across diverse groups in a way that doesn't take a lot of time and really sticks turns out to be when you do service projects together.

– Dr. Arin Reeves



To listen to this podcast, please visit: orrick.com/en/Careers/Careers-Podcasts/Arin-Reeves

off the bat. As a result, I think the network that I developed over a short 48 hours was the equivalent of one that would take months and months of active cultivation, and it happened to be with peers whom I could support (and who could support me) as we continue in our careers.

You are a Move the Needle Fund Ambassador. Can you tell us about what interested you in MTN, and what we all can do to help the firm achieve our goal?

I'm so happy to be a part of Move the Needle, and very proud to be part of a firm that was the first to commit to this initiative. As a lawyer from a background that's currently underrepresented in the industry, I'm obviously interested in the goals of MTN and committed to helping all of us work together, as allies, to close the diversity gap. What drew me in was Orrick's firm goal, which is to work toward serving our top strategic clients with teams that reflect the same diverse composition of the firm by 2025. This approach marries the success of our firm in achieving this goal with the success of our clients and client relationships. We really do believe, at our core, that diverse teams arrive at better solutions, achieve better outcomes and provide better client service, all of which would inure to the benefit of both Orrick and our clients.



I'm so happy to be a part of Move the Needle, and very proud to be part of a firm that was the first to commit to this initiative.

- Caroline Simons
Partner, Intellectual Property, Boston
Move the Needle Fund Ambassador

Our success will depend on our starting (or maintaining) an open dialogue about our shared diversity goals with all of our clients. And we've been delighted by the client response so far. It's another way to deepen our client relationships and be an ambassador for the message of diversity and inclusion, hopefully even beyond the legal industry itself and into the cutting-edge areas where our clients do so much good and innovative work.

Any advice for Orrick colleagues who want to be allies in our inclusion efforts?

Here's a super simple and practical tip that I learned from Dr. Arin Reeves to help us be more inclusive. It comes down to a physical, visual reminder: make a hard copy list of all the colleagues in your office or your practice group and post it somewhere you'll see it every day. When you are looking to build a team, collaborate on a pitch, or just reach out to grab lunch and connect, work your way through that list and cross off folks you've gone to before so that you have a reason to reach out to someone new. It sounds incredibly simple, but it builds a habit, and really helps avoid the mental shortcut of reaching out to the same folks you work with over and over. And don't be afraid to "go deep" and build those connections! 🧠

Client Spotlight

Helping Baidu Create the "Android of AV"

Baidu has built an open-source platform for driverless car technology called Apollo. According to our client, the platform is "one of the largest autonomous driving ecosystems in the world, bringing together over 130 global partners and used by over 12,000 developers and partners worldwide." Over the last five years, our team has helped pave the way for the "Android of Autonomous Vehicles" to come to market. A team comprising Orrick lawyers in 20 practice areas and 17 offices has advised on: software open-source licensing (Apache), IP infringement, data center creation, data and privacy protection, AV regulatory issues, acquisition and licensing of IP from third parties, CFIUS and export control issues, monetization of Apollo's open-source operating system, and product liability analysis in multiple countries. **Xiang Wang** leads this engagement, and he tells us that for a project of this scale and scope, a global, diverse team is crucial. Earlier this year, Baidu released Apollo 3.5.



Our team visits Baidu's Apollo: (L to R) Xiang Wang, Alyssa Caridis and Rob Shwartz



About the Product: Apollo 3.5

- 400,000 lines of code
- 12,000 developers have sourced the code
- Introduces new driving capabilities, such as the ability to complete unprotected turns and manage speed bumps

Our Focus on the Tech Sector

Promoting Inclusion in the Tech Community

We talked with **Amanda Galton**, co-leader of our global Tech Companies practice in Silicon Valley, to learn how our clients are working to make the tech sector more inclusive. If you know someone who might benefit from connecting with these opportunities, Amanda welcomes you to reach out.

Here are some initiatives launched by our clients that we support:

ChIPs

- **Who are they?** A nonprofit that advances and connects women in technology, law and policy. We're honored that two members of ChIPs' Board also serve on Orrick's Women's Advisory Board: Mallun Yen, a ChIPs founder and COO/Co-founder of SaaStr, and Dorian Daley, Executive Vice President and General Counsel at Oracle.
- **The Global Summit:** ChIPs hosts an annual conference that brings together leaders, innovators and changemakers, and we are a sponsor. Last year, our team led the AI panel.
- **Advocacy Leadership Innovation (ALI) Program:** This is ChIPs' pipeline program.
- **What people are saying about ALI:** Isabel DeCastro, now in college at the University of California, Santa Cruz, said her biggest takeaway from Orrick was "to do something you love, to find something you love, to reach out."



As part of ALI, we hosted more than 30 young women for an up-close look at careers in tech law

M12 Female Founders Competition

- **What is it?** A competition to help high-potential B2B startups, founded by women, gain access to capital.
- **What do winners get?** A total of \$6 million in venture funding to four companies.
- **Who sponsors it?** M12 - Microsoft's venture fund - is partnering with Melinda Gates's Pivotal Ventures and Mayfield.
- **How is Orrick Involved?** We advise M12 on its investments for the winners. This year's competition was just announced. Find out more at m12.vc.

Some of Our Pro Bono Clients

- **Him for Her**, an Oakland-based nonprofit focused on accelerating diversity on for-profit boards
- **Hack the Hood**, a nonprofit that introduces under-resourced youth of color to careers in tech by hiring and training them to build websites for real businesses in their communities, also in Oakland

Perspectives



Amanda Galton (left) and Greg Heibel shared 12 top legal tips with M12 finalists

Consider connecting your contacts with these networks we support:

- **Lesbians Who Tech + Allies San Francisco Summit** - The largest LGBTQ professional event in the world
- **Gaingels** - An investment vehicle focused on private companies with LGBT leadership
- **StartOut** - An organization that connects and educates LGBTQ entrepreneurs
- **Alpha Club** - An invite-only networking community for founders, CEOs and technology influencers with specific programs for female founders and diverse groups

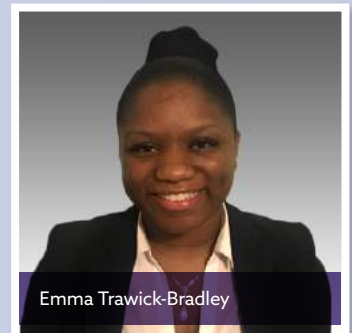
The Dinner

The Dinner is an ongoing conversation that Orrick hosts in the U.S. and UK:

- **Who is it for?** Women entrepreneurs and investors in tech
- **What is it?** Intimate, curated dinners to generate conversation, each with a different theme, such as creatives, life sciences, cuspers or cyber
- **Why?** To build community and support one another's success
- **What people are saying:** "I applaud the work you are doing to build a community of women. I went back to work this morning feeling energized about the future of women in law and entrepreneurship." - Attendee of "The Dinner"

Improving the Pipeline

Our clients are as focused as we are on improving the pipeline for diverse tech lawyers. We partnered with Facebook as part of the Law in Technology Diversity Collaborative to provide a summer experience for a diverse 1L law student, who will spend time at both Facebook & Orrick. The law students will focus on legal issues facing the tech industry and get the perspective of both in-house counsel and outside law firms. We welcomed **Emma Trawick-Bradley** from UC Davis this summer.



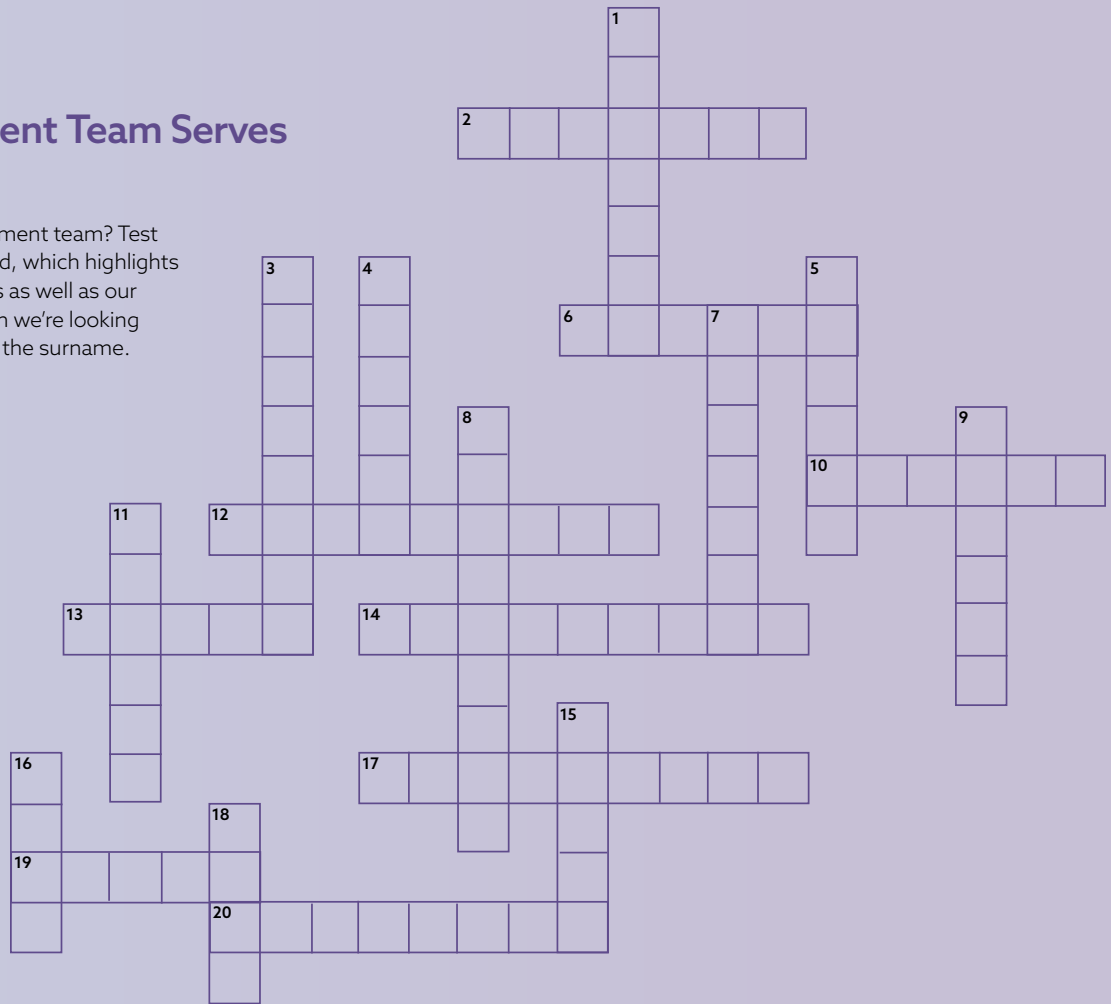
Emma Trawick-Bradley

We also developed a unique 1L program with five law schools (Stanford, NYU, Harvard, BU and BC). Our 2019 1Ls - all of whom were diverse - joined our summer program and spent part of the summer embedded with corporate legal departments at **Citrix**, **Blackboard**, **Verizon Media**, **Personal Capital**, and startup incubator **NYU Tandon Labs**.

Our Practices

How Our Employment Team Serves the Tech Sector

How well do you know our Employment team? Test your knowledge with this crossword, which highlights the work we do for tech companies as well as our outstanding talent. First clue: When we're looking for a member of our team, go with the surname. Answers on back cover.



ACROSS

2 | An all-women trial team (plus Joe Liburt!) successfully defended this Menlo Park-based tech VC firm over a battle with former partner Ellen Pao

6 | A team of employment lawyers and others represent this prophetic business software giant in significant pay discrimination litigation

10 | The Employment practice group's newest partner, who regularly works with Technology Companies Group clients and co-leads "Teamwork in the #MeToo Era" trainings (we offer this firmwide and to clients)

12 | Before Orrick, this partner was the senior career civil rights and labor management lawyer for the Department of Labor

13 | This associate serves on the Equal Pay Task Force of the California Commission on the Status of Women and Girls

14 | Inspired by the NFL's Rooney Rule, this rule measures whether law firms have affirmatively considered at least 30% diverse lawyers for leadership roles (Side note: 67% of the U.S. partners in our Employment practice group are diverse)

17 | Our team defeated class cert in a case against this leading tech company headquartered in Washington alleging gender discrimination in pay and promotion of women in technical roles nationwide

19 | This partner leads a CLE on managing a multi-generational workforce to help companies navigate ageism and age-related issues, together with associate Annie Prasad Vadillo, and Danielle Hohos, VP and Deputy General Counsel for Williams-Sonoma

20 | Partner Mandy Perry won the first employment tribunal claim in the UK for "the" social network

DOWN

1 | Our team helped defeat class cert for this limited character-count social media giant by establishing that the plaintiff engineers failed to meet the standards set out in the Supreme Court's *Dukes* decision

3 | This partner co-authored popular treatise *Corporate Whistleblowing in the Sarbanes-Oxley/Dodd-Frank Era*

4 | Our German and French teams were recently engaged by this popular San Francisco-based data analytics company

5 | This partner is a Fellow of the American College of Trial Lawyers and has been named an *AmLaw* Litigator of the Week three times

7 | This partner is a founding Board Member of the San Francisco Mother Attorneys Mentoring Association (SF MAMA)

8 | Our Silicon Valley and Sacramento teams recently completed a trial for this leading biotech company, the first biotech company to go public and now a member of the Roche Group

9 | One of the group's newest sharing economy clients is this company, which first funded its business by selling limited edition cereal boxes during the 2008 U.S. presidential election

11 | This well-known tech company that is aiming for the moon – literally – relied on our team to obtain two resounding trial wins in a span of just eight months

15 | This team member once served as Chief of Employment Litigation-East Branch for the U.S. Air Force

16 | The short name of this sweeping privacy legislation in California, which, as currently drafted, impacts employee data in addition to consumer data (and Orrick has a tool to help clients gauge compliance with!)

18 | This company – look for their logo on the windshield – relies on our Employment team in matters involving the classification of its drivers

Our People

3 Questions for Radiah Rondon, Former OnRamp Fellow

Radiah is an associate in our White Collar group in D.C. and came to Orrick through our participation in the Diversity Lab's OnRamp Fellowship program. The OnRamp Fellowship matches experienced lawyers who have taken a career break and want return to the workforce with law firms or legal departments.

“ OnRamp was life-changing.
- Radiah Rondon, Associate

Tell us about your practice. What do you want to be known for?

I represent companies in high-stakes government investigations and monitorships related to the FCPA. In both these areas, I critically analyze and assess complicated corporate compliance structures to provide valuable insight and advice to clients. My goal is to become a bona fide white collar compliance and investigations guru. I can't think of a better way to pursue that path than under the tutelage of a department full of brilliant and well-regarded lawyers.

What was your experience with the OnRamp Fellowship?

OnRamp was life-changing. I was out of substantive legal practice for almost 10 years when I heard about the Fellowship. Prior to that, I was convinced that law firm practice was something that I would never be able to return to after leaving to take care of my younger children, who were both born prematurely. But the Fellowship provided the “ramp”

that allowed me to do that. And, once here, the ramp continued to help. There were monthly calls with other Fellows where we were able to support one another while we all reacclimated. Now that I am a full-fledged associate, OnRamp continues to support me.

What's on your bucket list?

I would really like to visit each of the seven continents and the “wonders of the world” - including the classic seven as well as those on the “new” list of wonders. 🌐



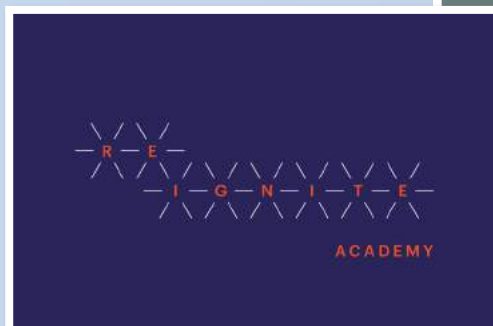
Radiah with her daughters Diane (top) and Faith

QUICK FACTS ABOUT ONRAMP FELLOWS

- 9.1** Average number of years fellows are away from the practice of law
- 71%** Percentage of fellows who left law to care for family
- 74** Number of fellows placed since OnRamp launched five years ago

Across the Pond...

Earlier this year, under the leadership of **Nell Scott**, we also welcomed our first Reignite Academy Fellow, **Elizabeth Monro-Davies**, to our Corporate team in London. Reignite Academy is similar to the OnRamp Fellowship, and Orrick is one of six law firms co-founding this new program in the UK with CMS, Macfarlanes, Reed Smith, Sidley and White & Case along with Inclusivity, She's Back and XX Advantage. The collaboration won the Diversity & Inclusion category at the 2019 *Financial Times* Innovative Law Firm Awards - Europe.



“ It's amazing that firms have supported this and opened the door a little bit for people with more diverse backgrounds.
- Elizabeth Monro-Davies, as quoted in *The Lawyer*

This is our 11th year of **Dive/In**, an annual day of conversation about inclusion and belonging, and a celebration of the different backgrounds and cultures that make up our global community – and contribute to making us stronger. Here are some of this year's Dive/In events around the world.



DIVE/IN 2019

OCTOBER 29: ORRICK'S 11TH ANNUAL DAY OF
INCLUSION, CELEBRATION & EDUCATION

UNITED STATES

NEW YORK: On the 400th anniversary of enslaved Africans arriving in Virginia, Professor Gloria Browne-Marshall will talk about the legal implications of the 1619 African arrival.

SAN FRANCISCO: Psychologist Dr. Milo Dodson will connect inclusion to better mental health. We will also screen the documentary *Separated: Children at the Border*, introduced by Employment associate **Lara Graham**, a member of the Orrick team that interviewed detained children.

ORANGE COUNTY: A screening and discussion with Sandra Robbie, Emmy-winning writer/producer of the documentary *Mendez vs. Westminster: For All the Children / Para Todos los Niños*, about the 1947 landmark Orange County school desegregation case.

BOSTON: A tour of the Institute of Contemporary Art's exhibit "When Home Won't Let You Stay: Migration Through Contemporary Art." Exhibits range from personal accounts and poetic meditations to painting and sculptures.

AUSTIN: A representative from The Kind Clinic, a sexual health and wellness clinic, will discuss the services they provide for the LGBT community in Central Texas, including HIV and STI testing and care, and gender-affirming care.

LOS ANGELES: Father Greg Boyle will speak about the success of Homeboy Industries, his anti-gang program started in 1988, which employs and trains former gang members in a range of social enterprises.


ASIA

TOKYO: A leading cultural anthropologist in Japan will give a talk on the culture of native Hawaiians and the impact of U.S. statehood.

EUROPE

LONDON: A discussion of neurodiversity in the workplace with leading thinkers in speech, language and developmental psychology.

MILAN/ROME: A talk with the HR Director of Air Italy, which sponsored Pride in Milan and Toronto, and is also the first European airline to make a non-binary gender option for passengers booking flights.

DÜSSELDORF: A visit to Gemeinnützige Werkstatt für angepasste Arbeit (Workshop for Adequate Work) to learn about its pioneering programs for people with disabilities to gain employment. 

Congratulations to...

- **Yoshi Takatori** – named one of the 10 most innovative lawyers in Asia by *Financial Times*. Yoshi was also featured in an article by *FT*, which said he was "arguably Japan's leading evangelist for alternative dispute resolution."
- **Wendy Butler Curtis** – our Chief Innovation Officer and leader of our eDiscovery practice, on being named the Most Innovative Lawyer of the Year in North America in 2018 by *Financial Times*
- **Tony Kim, Aravind Swaminathan** and **Heather Sussman** – named to Cybersecurity Docket's Incident Response 30 for 2019
- **Lorraine McGowen** – a 2019 MCCA Rainmaker and a "Most Influential Woman in Corporate America" by *Savoy Magazine*
- **Cathy Lui** – a National Asian Pacific American Bar Association (NAPABA) 2019 Best Lawyer Under 40
- **Mel Bostwick** – a *Law360* Rising Star for appellate and a *National Law Journal* D.C. Rising Star
- **Rohit Sachdev** – a *Law360* Rising Star for project finance
- **Brianna Pomatico** – a *Law360* Rising Star for immigration
- **Danny Rubens** – a "Best LGBTQ+ Lawyer Under 40" by the National LGBT Bar Association
- **Abby Lloyd** – a *Business Equality* "LGBTQ Leader Under 40"
- **Steve Lessard** – the new President of the New York County Lawyers Association (and the first openly LGBTQ president of a major bar association in New York)
- **Easha Anand** – described as one of the "next generation of lawyers to watch as a future leader of the profession" in an *American Lawyer* story about her win in the U.S. Court of Appeals for the Ninth Circuit, where an *en banc* ruling overturned the life-without-parole sentence of a juvenile offender from Arizona
- **Mitch Zuklie** – on being named to the LCLD Board

Celebrating Successes

Founding the Move the Needle Fund

We're part of an unprecedented collaboration to improve diversity & inclusion in the law. The Move the Needle Fund is a five-year effort that will apply research-backed methods to drive meaningful change. We're working with the Diversity Lab, 25+ forward-thinking corporate legal departments, our peer firms and community leaders to innovate and make progress at Orrick and in our profession. Each of the five participating law firms is setting a unique goal. Ours is focused on working jointly with our clients to improve the diversity of our client teams as we improve the diversity of our firm.



Mansfield Certified Plus - for the Second Year in a Row

The Diversity Lab announced the results of Mansfield Rule 2.0 and we have achieved Mansfield Certification Plus for the second time. Certification



Plus indicates that we have at least 30% diverse lawyer representation in a notable number of our current leadership roles and committees. Our recently promoted diverse partners will have the opportunity to participate in a client forum and connect with and learn from leading in-house counsel. Mansfield 3.0 will also focus on lawyers with disabilities.

Partners of Color Retreat

Our first Partners of Color Retreat in March in Los Angeles brought together over 50 partners from every Orrick office.



“ The focus on collaborative business development was excellent – very concrete and practical. I also thought that the retreat was very successful in involving lawyers from all of our offices. It was really great to hear everyone’s perspectives. – **Nick George**, Partner, E&I, Paris

Speaking Out

- Orrick signs letters to support transgender, gender non-conforming and intersex people – one spearheaded by the Human Rights Campaign and Out Leadership and the other by the Transgender Legal Defense & Education Fund
- **Rena Scott** speaks about how the construction industry can better manage multicultural and male-dominated teams at the Women in Construction Europe Conference
- **Warrington Parker** spoke about diversity at the Coalition of Black Excellence Summit
- **Lorraine McGowen** presented at the National Bar Association's 29th Annual Wiley A. Branton Issues Symposium Hosted by eBay and Facebook, and co-hosted the Northeast Women in Public Finance Black Women Who Lead Conference
- **Laura Metzger** talked about her career path and leadership roles at the Women in Law Leadership Event
- **Roland Chang** was elected to serve on the Board for the Asian American Bar Association of the Greater Bay Area
- **Tierra Piens** was named to the Board of Directors of the Charles Houston Bar Association



Will Stute (left) and Francesca Morency joined our client NCAA for its March Madness Tip-Off Reception

- **Nexus Sea** is an LCLD 2019 Fellow and **Robert Uriarte** is a Pathfinder
- **Darren Teshima** was appointed to the San Francisco Bar Association's Judiciary Committee
- **Kelly Newsome** and **Walter Alarkon** participated in the New York City Bar's 2019 Associate Leadership Institute
- **Hiroki Sugita** spoke at Silicon Valley Japan Platform's "Defying Silicon Valley – the Battle to Success" event in support of Japan-based entrepreneurs facing challenges with overseas expansion

Perspectives

The Pipeline in Paris

For the second year, our Paris office partnered with Les Entrepreneurs de l'Excellence, an organization that promotes access to higher education and equal opportunity for students of diverse backgrounds. At the end of 2018, we brought together law students and legal professionals in both traditional and non-traditional lawyer jobs.

2019 Lavender Law Conference & Career Fair

Orrick sponsored this year's event, which is the largest LGBTQ+ legal conference in the United States, with 1,700 attendees.

Werten Bellamy's Annual Chart Your Own Course Conference

Sixteen Orrick team members attended Werten Bellamy's professional development conference for lawyers of color. **Kelly Newsome** organized a dinner, which included colleagues from Morgan Stanley, Texas Instruments, J.P. Morgan and Amazon.



An all-female team leads pre-trial arguments for J&J: (L to R) Shasha Zou, Alyssa Barnard-Yanni, Nina Trovato, Shaila Rahman Diwan and Anne Malik



Following a panel at our LGBTQ+ Attorneys Retreat: (L to R) Affinity Group Leaders Steve Lessard and Trish Eichar; and panelists Demoya Gordon, D'Arcy Kemnitz, Matt Tague and Kristen Jacoby

LGBTQ+ Attorneys Retreat

Forty-six lawyers from 16 offices, including five in Europe and one in Asia, came together for Orrick's first-ever LGBTQ+ Attorneys Retreat. Speakers included: Professor Larry Levine, who talked about LGBTQ rights in the U.S. in the post-Kennedy era; Orrick alums Kristen Jacoby at Genentech and Matt Tague at JPMorgan; D'Arcy Kemnitz from the National LGBT Bar Association; and Demoya Gordon from the NYC Commission on Human Rights. [?](#)



We have been named:

- **Top Ten Family Friendly Firm by Yale Law Women** – for the 7th time
- **Best place to work for LGBTQ Equality by Human Rights Campaign Foundation** – for the 13th time
- **Women in Law Empowerment Forum "Gold Standard Firm"** – for the 7th time
- **Global 20 firm by Law360** – for the 8th time
- **2019 ChIPs Honor Roll Awardee** – one of three firms
- **Top 5 for pro bono** – *The American Lawyer*
- **#4 on People's Companies That Care list**
- **2019 Finalist for MCCA's Sager Award**



New York summer associates volunteer at the Storefront Academy, a pro bono client in Harlem

Read this...

- **Lynne Hermle** details how public companies will benefit from new California regulations requiring boards to include at least one woman board member by the end of this year in a *San Jose Mercury News* Op-Ed.
- **Emily Tabatabai** discusses her unconventional road to becoming a partner at Orrick and gives insights into Orrick's agile working culture as well as opportunities in data privacy in Law.com's "How I Made Partner" profile series.
- **Kelsi Brown Corkran** is featured in a Law.com story on the lack of opportunities for women litigators to argue before the Supreme Court, where she credits **Josh Rosenkranz** with opening the door for her to argue last year's case, *City of Hays v. Vogt*.
- *Bloomberg Law* featured our Supreme Court & Appellate practice's emphasis on giving associates at-bats to argue important cases in the federal appeals courts, highlighting significant recent wins by associates **Rachel Shalev** and **Easha Anand**.

“ I would say to men, I think the same thing I would say to women, which is, look for opportunities to promote other people.”
– **Kelsi Brown Corkran**

EMPLOYMENT TEAM CROSSWORD PUZZLE ANSWERS

ACROSS: 2 Kleiner | 6 Oracle | 10 Lupion | 12 Wilkinson | 13 James | 14 Mansfield | 17 Microsoft | 19 Perry | 20 Facebook

DOWN: 1 Twitter | 3 Phillips | 4 Splunk | 5 Hermle | 7 Connell | 8 Genentech | 9 Airbnb | 11 SpaceX | 15 Lorek | 16 CCPA | 18 Lyft

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