

# 2011

## Atlantic Legal Foundation ANNUAL REPORT

### The Year in Review

Atlantic Legal experienced an especially productive year in 2011 as it worked to uphold the rule of law, limited constitutional government, free enterprise and individual rights in significant cases litigated across the country. Of particular note are the several matters in which the Foundation appeared in the Supreme Court of the United States.

In one of the Supreme Court's most significant decisions of the term, *Wal-Mart Stores v. Dukes*, the Court overturned a lower court decision certifying a massive 1.5 million person class action asserting discrimination in employment. The Foundation's brief focused on the trial court's erroneous decision to admit into evidence the testimony of one of plaintiffs' expert witnesses to the effect that Wal-Mart's "corporate culture" made it vulnerable to gender bias.

The Foundation represented the National Association of Manufacturers in the Supreme Court in *Sackett v. U.S. EPA*, a case involving an administrative ruling that a small residential building lot was located in wetlands. The owners faced heavy penalties if they did not restore the land to its original condition, even though state and local permits had been granted. Atlantic Legal's brief argued that a long line of Supreme Court precedent teaches that due process requires a pre-enforcement judicial hearing, except where the government agency must act because of an emergency. Thus, EPA's threat to impose huge penalties and refusal to provide a pre-enforcement hearing before a neutral decision-maker was a denial of due process. The Court's decision could have wide-spread impact on the increasing excessive exercise of bureaucratic control over private property.

Significant property rights also are at issue in *Harmon v. Kimmell*, a "takings" challenge in the Supreme Court to New York's outmoded rent stabilization law. Atlantic Legal joined in filing an amicus brief with the Center for Constitutional Jurisprudence of the Claremont Institute.

Another Supreme Court ruling proved disappointing. Again representing the National Association of Manufacturers, the Foundation filed a brief in support of a petition for *certiorari* filed by White & Case in a case involving a federal grand jury investigation of price fixing by manufacturers of LCD screens, many of which are foreign corporations. The grand jury (which has no extraterritorial subpoena power) sought foreign civil discovery material in the possession of U.S. law firms solely as a result of their work in related civil proceedings. At issue was the interplay between a civil discovery protective order and the sweep of a grand jury subpoena (where there is a conflict among six circuit courts). The Foundation's amicus brief emphasized the foreign relations implications of the case, explained the importance of the doctrine of international "comity," and described in detail the other avenues available to the Department of Justice—including two treaties between the U.S. and Japan dealing with practical legal assistance generally and with cooperation in antitrust enforcement specifically. Unfortunately, the Court denied the petition.





Bill Slattery  
President

Dan Fisk  
Chairman

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The Court denied *certiorari* petitions in two other cases involving issues important to the Foundation. Continuing longstanding opposition to forced student fee funding of political speech, we contended that fee refund procedures at Brooklyn College were constitutionally inadequate to protect student dissenters. In another case the Foundation sought to protect public interest lawyers from unfounded conflict of interest disqualification motions.

Also during the year, Atlantic Legal continued to endorse the application of sound scientific principles (rejecting conjectural theories of causation) in legal and regulatory proceedings on behalf of distinguished leaders in the scientific community. In appellate courts in California and Illinois, the Foundation focused on admissibility of expert testimony in toxic tort cases. Our clients' expert analysis of causation in these asbestos cases in time may serve to ensure that recovery is awarded only to those who have in fact been injured by asbestos exposure. These cases are discussed later in this report.

As in years past, the Foundation expressed its views regarding legal issues of general concern. For example, the Foundation submitted a lengthy comment on a proposed study to be conducted by the Securities and Exchange Commission regarding the adoption of legislation extending the jurisdiction of U.S. courts to private actions by non-U.S. nationals alleging fraud with respect to securities transactions of non-U.S. companies on foreign trading platforms. Our comment letter argues that the Exchange Act's antifraud provisions should not be extended to private rights of action as they have been to the government under the Dodd-Frank Act. The Foundation also urged salary increases for New York State judges, and submitted its well-received report entitled "Adequate Compensation for Judges is Essential for New York's Business and Economy" to the Special Commission on Judicial Compensation. This was the latest development in the Foundation's effort, over several years, to improve the compensation of New York's judges. Subsequently, the commission recommended pay increases, the first in more than a decade.

In November, we were proud to bestow the Foundation's twenty-fourth Annual Award on Edward J. Ludwig, Chairman of BD (Becton, Dickinson and Company). His remarks are reproduced in this report, as are those of Kathryn Wylde, President and CEO of the Partnership for New York City, who received the Foundation's third Lifetime Achievement Award.

We were pleased to welcome three new directors to our accomplished board: Tracy Bacigalupo, Marcy Cohen and William Cook. Their impressive backgrounds are detailed later in this report.

Atlantic Legal's board and advisory council members remain convinced that our legal system and economy need the kind of responsible, objective and vigorous advocacy the Foundation has provided for the past 35 years. With the loyal support of our contributors, leadership and staff we will continue the Foundation's important work.

*Dan Fisk*      *Bill Slattery*



# In The Courts

## Constitutional and Procedural Issues

### *Wal-Mart Stores v. Dukes* —U.S. Supreme Court —Class Action Certification Procedure —Employment Discrimination

The Supreme Court unanimously overturned a lower court decision that certified a 1.5 million person class action against Wal-Mart Stores. The decision not to let the class action move forward was unanimous, because all the justices agreed that claims of employment discrimination cannot be certified where plaintiffs seek the type of monetary damages sought in this case. The justices divided 5-4 over another aspect that will likely impose new limits on class action suits: in that part of the decision, the Court's majority held that the case could not proceed as a class action, because the plaintiffs had failed to demonstrate that the members of the class shared a common claim.

The decision was a success for Atlantic Legal, which partnered with the New England Legal Foundation in filing a friend of the court brief supporting Wal-Mart in opposing class certification. The Foundation focused on the trial court's erroneous decision to rely on the testimony of plaintiffs' sociology

expert witness, who provided the only evidence of a general discrimination policy by asserting that Wal-Mart's "corporate culture" made it vulnerable to gender bias, but who could not estimate what percent of Wal-Mart employment decisions might be determined by stereotypical thinking. This testimony was far from "significant proof" that Wal-Mart "operated under a general policy of discrimination."

### *Sackett v. U.S. EPA* —U.S. Supreme Court —Due Process Challenge to EPA Compliance Orders

The Sacketts own a small residential lot in Idaho. After obtaining all required state and local permits and approvals, they began to clear and grade the land so they could build a single family home. After the work had begun, the Sacketts received a compliance order from the regional EPA office, advising them (1) that the EPA had determined —without any opportunity for a hearing— that the Sacketts had violated the Clean Water Act by conducting activities in a "wetlands"; (2) that they had to restore the property to the condition it was in before they did the work; (3) that they had to obtain a federal permit to do any work on their land; and (4) that they were subject to civil fines of up to \$32,500 per day, "administrative penalties," or even criminal prosecution.

The Sacketts sued, alleging that they were entitled to judicial review of the EPA's compliance order and that if they could not obtain judicial review under the Clean Water Act or the Administrative Procedures Act the issuance of a compliance order and imposition of penalties without a judicial hearing violated their

right to due process. The federal district court and the Court of Appeals for the Ninth Circuit ruled against the Sacketts, holding that the Clean Water Act implicitly provided only for a judicial hearing *after* they either did the work the EPA demanded and sought to recover the costs or refused to comply with the compliance order and waited for the EPA to start enforcement proceedings. The U.S. Supreme Court agreed to review the Ninth Circuit's decision.

Atlantic Legal's brief in the Supreme Court argued that EPA's refusal to provide a pre-enforcement hearing before a neutral decision-maker was a denial of due process because the procedural choices described by the Ninth



Circuit are untenable: either the Sacketts spend upwards of \$250,000 and two years to get a permit or run the risk of hundreds of thousands of dollars of penalties before they could get judicial review.

***Schain v. Schmidt***  
**—U.S. Supreme Court**  
**—Mandatory Student**  
**Activity Fees**

Atlantic Legal filed a brief in support of a petition for *certiorari*, in a case in which students at Brooklyn College were challenging the adequacy of the City University of New York's regulations which are supposed to protect dissenting students from being compelled to fund political or ideological speech with which they disagree.

The Foundation argued that the college's refund system is not "carefully tailored to minimize the infringement," is "an involuntary loan" for expressive activities to which the student objects, poses the risk that dissenters' funds may be used temporarily for an improper purpose, and is not constitutionally adequate in light of a body of First Amendment teaching on compelled speech in cases dealing with mandatory union and bar association dues. The Supreme Court denied *certiorari*, without opinion.

***Scheffer v. Civil Service***  
***Employees Association***  
**—U.S. Supreme Court**  
**— Public Interest**  
**Lawyers' Right to**  
**Represent a Class**

Together with the Center for Constitutional Jurisprudence of the Chapman University School of Law, Atlantic Legal filed a brief on behalf of the Center for Constitutional Jurisprudence, the Mackinac Center for Public Policy and itself in support of the petition for *certiorari*.

The underlying case challenged several labor law violations by the Civil Service Employees Union in Monroe County, New York regarding use of non-member "agency fees" for political purposes by municipal employees. The petition for *certiorari* sought review of an order of the lower court forbidding National Right to Work Legal Defense Foundation lawyers from serving as counsel for the plaintiff class.

We unsuccessfully urged the Court to grant the petition because this case raises a critical issue for attorneys affiliated with a public interest or legal services organization. We argued that the lower courts erred in as-

suming that merely because an attorney is associated with a public interest organization the attorney would violate the rules of professional conduct to further the organization's supposed ideological position, rather than the interests of his client.

***White & Case, LLP***  
***v. United States***  
***of America* —U.S.**  
**Supreme Court —**  
**Challenge to Grand**  
**Jury Subpoena Power**

Representing the National Association of Manufacturers, Atlantic Legal, filed an *amicus* brief in support of a petition for *certiorari* filed by the international law firm, White & Case.

The petition arose out of an ongoing federal grand jury investigation by the U.S. Department of Justice's Antitrust Division into allegations of unlawful price fixing by the manufacturers of LCD screens, many of whom are foreign corporations.

Discovery in related civil cases includes material from the manufacturers' home offices, primarily in Japan, Taiwan and South Korea. These documents are ordinarily maintained outside the United States. The grand jury subpoenaed the foreign civil discovery material which was in the possession of the U.S. law firms solely as the result of their work in the civil multidistrict proceeding. If those materials were still overseas, they would be beyond the reach of U.S. subpoena power, and DOJ would have to use

the procedures applicable to foreign discovery.



The district court quashed the grand jury subpoenas but the Ninth Circuit reversed, applying a “per se” rule that a grand jury subpoena takes precedence over a civil protective order.

White & Case urged the Supreme Court to grant *certiorari* for three reasons: (1) There is a three-way conflict among six circuits on the interplay of grand jury subpoenas and civil protective orders; (2) The interplay of grand jury subpoenas and civil protective orders is a crucial issue in many high-stakes business cases, in particular, and requires a uniform rule to prevent forum shopping; and, (3) The Ninth Circuit’s “per se” rule circumvents territorial limitations on grand jury subpoena authority, threatening international comity and inviting reciprocal foreign enforcement of criminal process on U.S. domiciled companies and individuals.

The Foundation’s *amicus* brief emphasized the foreign relations implications of the case, explained the importance of the doctrine of international “comity,” and described in detail the other avenues available to DOJ—including two treaties between the U.S. and Japan dealing with legal assistance generally and with cooperation in antitrust enforcement specifically. Unfortunately, *certiorari* was denied.

### ***Harmon v. Kimmell* —U.S. Supreme Court —Due Process Challenge to Rent Control Law**

The Foundation partnered with the Center for Constitutional Jurisprudence of The Claremont Institute to file a brief in support of a petition for *certiorari* in a case challenging the New York City Rent Stabilization Law as a taking of property in violation of the Fifth Amendment to the Constitution. The lower federal courts had dismissed the lawsuit, finding that the rent stabilization law was merely a regulation of rent, not a “physical taking” of the Harmons’ property.

Atlantic Legal’s brief argues that the court below incorrectly relied on *Yee v. City of Escondido* in dismissing the Harmons’ “physical takings” claim because the Rent Stabilization Law compels an owner of rent-stabilized apartments to submit to non-consensual permanent physical occupation of the rent-stabilized apartment units. The case is awaiting decision.

The respondents—New York State and New York City—were initially cavalier, declining to file any response to the petition. Apparently, however, at least some of the justices take the case more seriously, and the court has ordered the respondents to file opposition briefs.

## **Sound Science in the Courtroom**

### ***U.S. Chamber of Commerce —U.S. Court of Appeals, D.C. Circuit —Regulation of Greenhouse Gases***

Together with three other public interest legal foundations, Atlantic Legal filed a brief in support of the petitions for review of EPA’s “endangerment” finding that carbon dioxide presents a danger to the environment and health and safety (*Endangerment and Cause or Contribute Findings for Greenhouse Gases Under Section 202(a) of the Clean Air Act*). This finding is the basis for wide-ranging regulation of commercial and personal activity. Several such regulations, limiting “greenhouse gas” emissions from motor vehicles, limiting “greenhouse gas” emissions from “stationary sources” (e.g. powerplants), and a “tailoring rule” designed to permit EPA to not regulate low-level emitters because of “administrative convenience” notwithstanding the language of the Clean Air Act, recently have been promulgated and are being challenged.



Approximately 85 petitions from coalitions of states, Congressmen, trade or industry associations, environmental groups, and individual companies have been filed in the U.S. Court of Appeals for the D.C. Circuit. The 85 separate cases have been consolidated in five proceedings. The relief sought in the petitions varies: some seek overturning the EPA endangerment finding, some seek remand to EPA for consideration of evidence that came to light after the finding was finalized (e.g. "ClimateGate"), and some seek a stay of enforcement of the regulations.

The Foundation's brief addressed EPA's failure to evaluate the costs of its proposed Greenhouse Gas rules as required by the Clean Air Act and the Regulatory Flexibility Act and EPA's use of the "precautionary principle" instead of conducting a cost benefit analysis.

## **Asbestos Litigation —Every Exposure to Asbestos Theory Challenged**

The Foundation has been acutely aware of the significance of asbestos litigation nationally. We are concerned that the mere utterance of "asbestos," no matter the asbestos fiber-type, or the level of exposure, together with "mesothelioma" or "cancer" can have undue impact on juries. Moreover, judges often misapprehend the current state of scientific knowledge, proper scientific methodology, and the application of the law to these science issues. A part of its effort to promote the use of "sound science" in the courts, the Foundation filed friend of the court briefs in courts throughout the country in a number of asbestos exposure cases in which the plaintiffs' expert witnesses on medical causation relied on the "single fiber" or "every exposure" theory. In essence, that theory postulates that even a single inhalation of asbestos fibers from a particular defendant's product is a "substantial" cause of the plaintiff's lung cancer or mesothelioma.

In these cases, typically, the plaintiff was exposed to multiple sources of asbestos, sometimes of different types, from several products made by different manufacturers. Also, typically, the plaintiff's experts have made no effort to quantify either the total exposure, the exposure to a particular defendant's product, or even the fiber type(s) to which the plaintiff was exposed.

Representing eminent physicians, chemists, geologists, physicists, epidemiologists and toxicologists, including Nobel Prize winners in Chemistry or Medicine, the Foundation has sought to educate the courts about the proper scientific method to establish proof of medical causation. Our briefs examine the factual and theoretical predicates of the testimony of plaintiffs' experts, which are — in most cases — seriously flawed from a scientific perspective.

Most states require that a plaintiff in a products liability case establish the "the length, frequency, proximity and intensity of exposure" and also show that the exposure to each defendant's asbestos-containing product was "significant" or "substantial." When there is no measurement, or even a good estimate, of the "dose" of asbestos received by the plaintiff, that element of plaintiff's burden of proof cannot be sustained. Moreover, in many cases the plaintiff's expert ignores the specific type of asbestos used by each defendant in its products; this is particularly important because many cases involve exposure to automotive "friction products" (brakes and clutches) or industrial gaskets. These products almost always use a particular type of asbestos that U. S. Government agencies — ones not known to be friendly towards industry — have deemed to have a risk that "is very low and could be zero" and "are unlikely to cause cancer in humans."

The asbestos cases in which the Foundation filed briefs in 2011 were:

*Betz v. Pneumo-Abex LLC* in the Pennsylvania Supreme Court. Decision pending.

*Coyne v. Archer Daniels Midland, Inc.* in the Illinois Court of Appeal. Plaintiff has withdrawn his appeal.

*Ruben v. Honeywell International, Inc.* in the California Court of Appeal. Decision pending.



## *Shelby v. SeaRiver* —California Court of Appeal —Admissibility of Expert Scientific Evidence

Atlantic Legal filed a brief on behalf of several scientists in a case which raised the issue of the standard of admissibility of scientific expert testimony in California.

The plaintiff, who served for many years (and continues to serve) as an able bodied seaman on vessels, claims that his kidney cancer was caused by exposure to benzene liquid and vapor while loading, unloading and measuring the crude oil carried by the ships on which he served. His sole expert witness, a toxicologist, testified that he concluded that Shelby's cancer was at least in part caused by exposure to benzene, although there is no study which links benzene alone to renal cancer, and despite the fact that the expert did not know the actual degree of Shelby's benzene exposure. Benzene is a known carcinogen for acute myelogenous leukemia (and possibly other blood cancers), but is not known to cause any solid tumor cancers, such as kidney

cancer. The defendants' motion to exclude the testimony of plaintiff's expert was denied by the trial court.

Atlantic Legal argued that plaintiff's expert did not follow "generally accepted" methodology because he "cherry picked" the studies on which he purportedly relied and ignored the vast majority of studies that contradicted his thesis, and that he reached his conclusion without necessary information as to dose, and that the better view, and the one adopted by most California courts, is that California Evidence Code Section 801 establishes a "threshold requirement of reliability" for expert testimony and that where experts, as in this case, base their conclusions on "findings" or theories that are speculative, remote, or conjectural, their opinions do not constitute "substantial evidence" sufficient to support a judgment.

The Foundation urged the court to clarify the California rule, and to adopt the better view that the trial courts should play a more active "gatekeeper" role in enforcing the "reliability" requirement of Evidence Code Section 801. Unfortunately, the Court of Appeal held that the expert opinion of plaintiff's expert was admissible because his procedure—reviewing prior published epidemiological studies—is not "novel" and the fact that the studies he credited were in the minority went to the weight of his testimony, not its admissibility. The decision, which we believe does not reflect proper scientific procedure, is unpublished, and under California rules cannot be cited as precedent.

## Charter School Advocacy

The Foundation's decade-long work on behalf of charter schools has continued. We assisted several charter school organizers to withstand opposition of local school districts even where traditional schools are failing to educate their students. For example, we assisted the charter when local school officials sought to enjoin its operation of a school designed to serve fewer than one hundred fifth graders — principally because of the alleged negative impact the charter would have on the town's strained financial position. State education officials disagreed and the charter has opened (having undergone a vigorous review process by state officials) and is operating and planning to expand. We also were asked to counsel a virtual charter school, seeking to serve students throughout the state, which was challenged due to local financial considerations.

An important issue concerning several aspects of charter school governance remains largely undecided: whether the National Labor Relations Board or State Employee Relations Board has jurisdiction. Charters are privately operated but publicly funded; they are subject to some state regulations but free from others. Are charter schools "political subdivisions"; are charter teachers and administrators state employees? In a proceeding before the New York State Employment Relations Board, we argued that federal law preempted state jurisdiction and that federal law, as it applies to private employers, not state employers, should control. The New York Employment Board disagreed; nevertheless, the essential issue is before other tribunals and will require clarifying state legislation or appellate court resolution.



# Foundation Honors Edward Ludwig and Kathryn Wylde

Atlantic Legal is proud of the impressive list of business and civic leaders it has honored with its Annual Award and Lifetime Achievement Award. This singular tradition was continued with the Foundation's 2011 awards, and New York City Mayor Michael Bloomberg's greetings for the award dinner appropriately celebrated the Foundation's distinguished honorees:



THE CITY OF NEW YORK  
OFFICE OF THE MAYOR  
NEW YORK, NY 10007

November 2, 2011

Dear Friends:

It is a great pleasure to welcome everyone to the Atlantic Legal Foundation's Annual Award Dinner.

Throughout our history, New York has been proud to be a city of opportunity for people of all backgrounds, as well as the scene of innovation in many fields. Our legal system continues to be instrumental in promoting justice, driving our social progress, and keeping our businesses competitive in the global economy. In these critically important efforts, we are grateful for the advocacy of the Atlantic Legal Foundation, and together, we applaud the two incredible leaders you honor tonight, Edward J. Ludwig and Kathy Wylde.

For more than 30 years, Edward J. Ludwig has been instrumental in Becton, Dickinson and Company's success in delivering effective new drugs and vaccines to people throughout the world. He has also demonstrated an outstanding commitment to giving back, serving on the Boards of his *alma mater*, Holy Cross, Project HOPE, and organizations throughout the City. Kathy Wylde, as head of the Partnership for New York City, continues to build bridges between the business community and policymakers, keeping New York an engine for economic growth worldwide. During these challenging times, her vision and expertise are helping us attract even more companies and talented entrepreneurs to the five boroughs, and we look forward to seeing our shared investments in New York's future pay dividends in the years ahead.

On behalf of a grateful City, congratulations again to Mr. Ludwig and Ms. Wylde, and best wishes for a wonderful evening and continued success.

Sincerely,

A handwritten signature in black ink, reading "Michael R. Bloomberg".

Michael R. Bloomberg  
Mayor





## “Aim Toward A Higher Calling for Business: Building Purpose --and Values-driven Enterprises”

Edward J. Ludwig  
Chairman of the Board  
BD

“Thank you, Jeff. I’m delighted to be honored with this award.

I’d like to thank Bill Slattery, Dan Fisk and the Foundation for giving me the opportunity to address you this evening. I’d like to begin by commending you for the good work that you do defending fundamental rights and individual liberties, promoting sound science and good corporate governance, and providing legal representation in support of the same. I’d also like to congratulate Kathy Wylde on her Lifetime Achievement Award.

I have been giving considerable thought to this talk over the past several months. My musings have been taking place within a tumultuous and anxious global environment that is casting an increasingly hostile eye on the very foundations of the capitalist system. As I discuss this situation with other CEO’s and corporate board members, we express a mix of curiosity and bewilderment at being so misunderstood by so many... from the streets of New York to the corridors of Capitol Hill.

What is the source of this outrage? What are people not understanding about our roles as business leaders? Don’t they see the value we create? Don’t they understand that the source of jobs, prosperity and innovation is, in fact, the very business community that they so vehemently disparage?

On the other hand, even a casual reading of business headlines over the past decade leaves one with a better appreciation for the roots of outrage and frustration:

- The Enron and WorldCom scandals
- Failed CEOs get huge exit packages
- Toxic mortgages
- Bank bailouts
- Windfall bonuses
- Insider trading scandals
- Tens of millions unemployed
- Broken promises

What is the true calling of Capitalism? What is the true purpose of business enterprise?

Do businesses only serve investors with a goal of maximizing shareholder wealth?

... or, is there a broader calling for them to focus on broader societal value creation?

Tonight, I am suggesting that there is indeed a very real opportunity (or dare I say obligation!) for businesses to put societal shared value creation – identifying and expanding the connections between societal and economic progress – at the heart of corporate purpose. More and more leaders are embracing the reality that societal needs – not just conventional economic needs – define markets, and that societal harms and



costs can create internal costs and inefficiencies for firms<sup>1</sup>. This is not to be confused with “Corporate Social Responsibility” or pure philanthropy. Philanthropy has an important role, but is not as sustainable and scalable as creating shared value. Philanthropy is an appropriate sharing of our treasure. Shared value is denominated in time and talent . . . it is an extension of who we are!

Shared value creation is already being practiced very successfully by a number of businesses, including my own, Becton Dickinson. In just a moment, I will highlight several examples from BD and other companies that are creating shared value. The concept of shared value creation is being studied at the highest levels of business academia. I’d like to acknowledge three important contributors in this arena.

The first is Jim Collins. Many years ago, as a member of the senior BD executive team, I had the privilege of working with Jim, who had just completed his book *Good to Great*<sup>2</sup>. In his consulting discussions with our top leaders, Jim asked us one question which I remember most clearly. He was talking about great companies having two distinctive characteristics: achieving great performance, and making a great contribution to society. He asked us: “If BD were to disappear in all of its forms tomorrow, would anyone notice?”

That question began a very enriching soul search on the part of the BD Leadership Team which culminated in our publishing and committing to an articulated goal of what our company could become in the next few decades – Our Envisioned Future; we also articulated a specified set of our Core Values; and, at the heart of it all, our corporate Purpose – Helping all people live healthy lives. Fortunately, BD was founded in 1897 as a very purpose-driven organization focusing on quality and providing excellent health solutions for people all over the world. More about this in a moment . . .

The second contributors are thought leaders Michael Porter and Mark Kramer, who published a January 2011 Harvard Business Review article entitled “*Creating Shared Value*”<sup>3</sup>. In this landmark study they observed that many very successful companies had fundamentally redefined their corporate purpose, from merely creating shareholder value and wealth creation, to creating societal shared value. In taking a broader view of full value creation, these firms are also creating considerable wealth and shareholder value, but in a more robust and sustainable manner.

The third contributors are Mike Beer, Russ Eisenstat, Nathaniel Foote, Tobias Fredberg and Flemming Norrgren from the TruePoint Center for Higher Ambition Leadership.

They recently published a book, *Higher Ambition: How Great Leaders Create Economic and Social Value*<sup>4</sup> that provides examples of leaders and companies, including BD, who create outstanding societal value while at the same time creating great shareholder value.

This list is expanding. Even as I was finishing this talk, the November 2011 Harvard Business Review was published and it devotes cover page treatment to this topic, with four articles.

On a personal level, throughout my tenure leading BD, what has really excited and motivated me is the ability to make a difference for society and our business by re-conceiving our products and markets and redefining productivity in our value chain. This enables us to:

- Create stronger, safer, and healthier customers and communities
- Reduce waste and material consumption
- Reduce our environmental impact
- Develop healthier, more engaged and productive associates
- Realize lower costs and higher profits, and higher shareholder value

So let’s get back to that question from Jim Collins: If BD were to vanish from the face of the earth tomorrow, would anyone notice?

The traditional answer would observe that hospitals, laboratories, doctors’ offices and patients need the stuff we

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<sup>1</sup> Michael E. Porter and Mark R. Kramer, “*Creating Shared Value*,” *Harvard Business Review* (January 2011).

<sup>2</sup> Jim Collins, *Good to Great* (New York: Harper Business, 2001).

<sup>3</sup> Porter and Kramer, *loc. cit.*,

<sup>4</sup> Michael Beer, et. al., *Higher Ambition: How Great Leaders Create Economic and Social Value* (Harvard Business Press, September 2011).



make and would not be able to function without us. For example, in our high-volume device businesses alone, we sell over 26 billion devices each year; syringes, blood collection devices, catheters, diagnostic tests. We touch over 600 patients around the world every second of every day of every year. Is that enough? No.

We must do – and are doing – more. Here are some examples:

We partner with PEPFAR and others. BD skilled volunteers are training hundreds of healthcare workers in sixteen African nations to collect lab specimens and run lab tests more safely and effectively, fundamentally strengthening the healthcare systems in these areas. And, our collaboration with the International Council of Nurses on their Wellness Centres program helps ensure access to health and wellness services for more than 20,000 healthcare workers and their families in sub-Saharan Africa. The result is a strengthened health care workforce. One that is better able to address the health care talent shortage in a region facing the greatest challenges in healthcare worker attrition. They are now better able to deal with their AIDS and TB pandemics. Why are we doing this? Because our purpose is to “Help all people live healthy lives” . . . with a special calling to focus on the professionals who use our products every day!

BD is known for its deep expertise in logistics and supply chain management. We recently applied these skills in Zambia, where BD quality and operations experts conducted a comprehensive mapping of how vaccines get to where they need to be. We did this in partnership with the Gates Foundation. This value stream analysis demonstrated to practitioner partners how they can fundamentally improve the management of vaccination campaigns. The result: more doses can be delivered with higher compliance and lower cost so that far more people benefit from these life saving medicines . . . our value extends beyond products and is amplified when we share our knowledge and skills!

Partnering with Project HOPE, BD has brought essential diabetes care education to rural populations in China and India. Our associate volunteers trained healthcare professionals to train other workers and patients in the proper diagnosis and treatment of diabetes. Why are we doing this? Well, you can’t live a healthy life with diabetes unless you have proper diagnosis and know how to care for yourself. Our patients need value beyond our products . . . they need the kinds of clinical knowledge and support that we, perhaps uniquely, are able to provide.

BD developed the first “auto-disable” immunization syringe in 1988 in response to the problem of reusing injection equipment in developing and emerging countries. Until then, reuse was a cause of the spread of HIV/AIDS and hepatitis among children being vaccinated against common childhood diseases.

These devices have higher value. They prevent harmful reuse. Yet, over time, we have been able to manufacture and sell these devices to international agencies at around 5 to 6 cents each – prices very close to those of the conventional products they replaced. BD was able to achieve this breakthrough by working with key partners and applying its deep expertise in low-cost/high-quality manufacturing. As a result, the WHO and other agencies have instituted policies requiring the use of auto-disabling devices in all immunization campaigns. From 1999 through 2008, over six billion immunizations were administered safely with these devices to children in developing and emerging countries, helping to shut down a source of disease being spread among the world’s children.

On the environmental front, BD applied its deep knowledge of manufacturing and logistics to redefine basic syringe design. This resulted in a syringe design with 30% lower material utilization, yielded a substantial cost reduction, and reduced waste volumes for the end user, placing less stress on the environment.

In the U.S., we also partner with Waste Management, Inc. to provide hospitals with the most environmentally responsible and effective disposal service for single-use medical supplies. BD has numerous “zero landfill” manufacturing plants in different parts of the world and the number grows each year . . . creating great value for the environment and lower costs for BD.

BD began a “Healthy Lives” campaign for our U.S.-based associates three years ago. We provide counseling, free screening, incentives, WeightWatchers® programs and smoking cessation courses. We are providing our associates with the tools and information they need to manage their health better. BD also provides basic healthcare services and support to its associates all around the world, not just in the U.S. Why? Well let’s go back to our purpose: “Helping all people live healthy lives” . . . starting with our own associates!

Our total medical cost inflation has gone to near zero, down from 8+% before the “Healthy Lives” initiative. . . a substantial cost savings for BD and our associates.



These are but a few examples of how we are broadening and redefining our approach to products, markets, services, productivity, even associate engagement! The result: higher shared value, higher shareholder value too!

When my colleague, Mike Beer read a draft of this talk he said I made running companies this way sound too easy. Well, as I said earlier, BD has a long tradition of behaving this way. We had a proper upbringing from our mentors who preceded us! But it is not automatic. It requires continual renewed commitments on the part of leadership. This is not to suggest it is all top down. Our shared value initiatives are owned and operated by our engaged associates . . . with many of them serving as volunteers!

A skeptic may observe that this is all well and good for a healthcare company like BD, but what does this have to do with other commercial enterprises? Plenty!

So let's turn to the literature: As documented in the Porter/Kramer articles, the societal benefits of providing appropriate products to lower-income and disadvantaged consumers can be profound, while the profits for companies can be substantial. For example: Low-priced cell phones that provide mobile banking services are helping the poor save money securely and transforming the ability of small farmers to produce and market their crops. In Kenya, Vodafone's M-PESA mobile banking service signed up 10 million customers in three years; the funds it handles now represent 11% of that country's GDP. In India, Thomson Reuters has developed a promising monthly service for farmers who earn an average of \$2,000 a year. For a fee of \$5 a quarter, it provides weather and crop pricing information and agricultural advice. The service reaches an estimated 2 million farmers, and early research indicates that it has helped increase the incomes of more than 60% of them – in some cases even tripling incomes. As capitalism begins to work in poorer communities, new opportunities for economic development and social progress increase exponentially.<sup>5</sup>

Coca-Cola has already reduced its worldwide water consumption by 9% from a 2004 baseline – with a goal of a 20% reduction by 2012. Dow Chemical managed to reduce consumption of fresh water at its largest production site by one billion gallons – enough water to supply nearly 40,000 people in the U.S. for a year – resulting in savings of \$4 million dollars.

Let me share a personal encounter with a company focused on better uses of water. The name of the company is Xylem, a recent spin out of ITT. Their "Watermark" program began in 2008 as a three-year, \$4 million dollar commitment to bring water, sanitation and hygiene education to schools in water-stressed regions of the developing world, and to provide safe water in times of emergency.

Through partnerships with leading nonprofits and the participation of employees, Watermark surpassed its initial goal of reaching 500,000 people by improving access to safe water and sanitation to 300 schools across China, India, Guatemala and Honduras, and responding to numerous emergency situations across the globe.

In 2010, the Company pledged an additional \$10.5 million dollars to expand the program and serve one million more people by 2013. Xylem associates, serving as volunteers, are driving the success of this program!

Another example is found at health insurance company Aetna. Since 1980, Aetna and the Aetna Foundation have awarded more than \$394 million in grants and sponsorships that today are focused on efforts to improve health and the healthcare system. \$30 million dollars in grants support research and programs that address racial and ethnic disparities in healthcare, and \$8 million dollars helps combat childhood obesity, funding 75 innovative community-based fitness and nutrition programs last year. Aetna's 3-Point-Play, an innovative school-based program to engage children and their families in nutrition and conditioning, has demonstrated significant reductions in Body-Mass-Index for students in public schools in Texas and Washington, DC.

Aetna also leverages the strength of its relationships to help people live healthier lives, requiring its qualified suppliers to offer health benefits to their employees – and it has 100 percent compliance today. Aetna employees also bring their personal commitment to the cause through volunteer efforts – giving nearly 2 million hours in the past five years.

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<sup>5</sup> Porter and Kramer, *loc. cit.*



Here is a final example noted by the TruePoint team:

The example is Standard Chartered Bank. Yes, I said bank! SCB is a very successful London-based global bank which was one of the few to weather the recent financial crisis in excellent form – and no bail out.

In 2003, SCB created “Seeing is Believing” in partnership with the International Association for the Prevention of Blindness. Its mission is to provide eye-care access to people around the world and, in particular, to alleviate the problems associated with preventable or reversible blindness. By the end of 2009, SCB had restored the sight of over 2.5 million people across its markets. It raised millions of dollars for its partner organizations and applied the skills of SCB’s highly trained bankers. As CEO Peter Sands noted, “Our guys locally have gotten involved in helping with the financial management and providing support to the NGOs, particularly in places like Africa and Bangladesh. The program has unleashed huge amounts of energy.” It has also reinforced the sense of community across the bank. Sands said, “People in Sierra Leone did a sponsored walk that raised, in the scheme of things, not a huge amount of money . . . . But it’s the idea that the people in Sierra Leone are raising money for eyesight in Bangladesh.”<sup>6</sup>

Alright already, I think you get the point. Going back to where I started, there’s a great deal of tense, angry invective going on out there about the value of Capitalism. It’s getting front page coverage and a lot of airtime. And yes, business leaders should pay attention to these messages and understand the root cause of these concerns.

There is also another story out there, though it’s not getting enough press. It is our responsibility to make sure that this story does get heard, and also to listen to the voices around us.

Enterprises must (and do) create shared sustainable value which serves both society and shareholders. BD has been recognized by external organizations as a most admired and most ethical company, as an environmentally responsible company, and as one of the top employers in many of our locations.

As far as shareholder value, over the past decade BD has been in the top quartile of our peer group in total returns to shareholders. But creating shareholder value alone is not enough. I am honored to have served an organization for the past 33 years that has not only created excellent shareholder value, but also, I believe, created tremendous value for society. By the way, I have been remiss in not telling you what our envisioned future is.

Well, BD’s envisioned future can be summarized as follows: “We are striving to become the organization most known for eliminating unnecessary suffering and death from disease, and in so doing, become one of the best performing companies in the world...Our vision is for the BD symbol to become as recognized as the Red Cross symbol when people think of improving human health all over the world...People who choose a healthcare career will want to work here . . . .” Seeking to accomplish their life’s work as part of their work life! This is an envisioned future worthy of great commitment!

I joined BD in 1979 because a recruiter found my year-old resume in a file and called me in for an interview. So I really came to BD by accident. But, I stayed for 33 years on purpose . . . to help achieve our purpose.

Thank you.”

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<sup>6</sup> *Beer, et. al., loc cit.*





## “Looking For Leaders”

Kathryn Wylde  
President & CEO  
Partnership for New York City

When asked to provide a topic for my remarks at this Atlantic Legal Foundation dinner, the first thing that came to mind was the title “Looking for Leaders.” Leadership –or the lack thereof – is a theme that seems to define the times we live in.

Two weeks ago, the Partnership for New York City organized a trip to Washington DC by two dozen CEOs for meetings with Congressional leaders and senior White House officials. The message of our business delegation was the following: American employers will start hiring and investing again only when the federal government demonstrates that it can act decisively to put its fiscal house in order and provide business with a predictable regulatory, tax and legal environment. The hope was that Republicans and Democrats will pursue fiscal reform along the lines championed by Alan Simpson and Erskine Bowles, meaning a sensible but tough-minded approach to restoring the country’s fiscal and economic health.

Much of the discussion focused on the Deficit Super Committee, comprised of 6 Senators and 6 Representatives evenly split between the two parties. New Yorkers called for that Committee to meet the November 23rd deadline for bipartisan agreement on a deficit reduction package of \$1.2-\$1.5 trillion and to provide a timetable for accomplishing necessary tax and entitlement reform.

The Washington response was that not much is likely to happen until after the 2012 elections. Leaders of both parties understand that the country faces a jobs crisis. They know Americans are demanding solutions and a clear path forward. But they seriously doubt that they can rise to the occasion and get these things accomplished. Instead, they suggested that the CEOs should write op eds, get on Squawk Box, and call up Members of Congress to, effectively, provide the political pressure the legislators need to do the right thing. This is despite the fact that the standing of corporate executives in public opinion polls is just slightly higher than the 9% approval rating of Congress.

I was struck when both a top Congressional Republican and a top White House Democrat suggested, in almost identical words, “Please don’t ask us to go big and bold. We can’t get it done.” They clearly fear the inability to meet raised expectations and then experiencing the same drop in consumer and employer confidence that followed the modest achievements of last summer’s debt ceiling negotiation.

The business executives got similar, disappointing responses to every federal action they view as essential to economic recovery: Immigration reform – “there is not a chance.” Infrastructure Bank – “passage very unlikely.” Intellectual Property Protection – “cannot seem to get it on the Congressional calendar.” To say that our delegation of New Yorkers was frustrated with the lack of leadership in the nation’s political capital is an understatement.

So we returned to New York and the phenomenon of Zuccotti Park, where a disenfranchised group of Americans have touched a chord. The absence of leaders is a defining characteristic of the Occupy Wall Street movement. Their intention is to restore true popular democracy. They want to retake control of the country from the “corporate elite who own the politicians” – the 1 percent – on behalf of the 99 percent of Americans who believe they have no say and no future. They believe only then will America tackle its problems of income inequality and joblessness.



In contrast to both Washington and Zuccotti Park, when one looks to city and state governments across America, there are some exciting signs of leadership. Last week, Marty Lipton hosted a discussion with Governor Jack Markell of Delaware, a Democrat and the next chair of the National Governor's Association, who emanates common sense and vision. On the other side of the aisle there is Chris Christie, a Governor who stopped construction on a \$9 billion tunnel under the Hudson River because New Jersey is broke. We need that tunnel, but if previous governors had shown this same sense of fiscal responsibility, there would be money to pay for it. Christie declared a day of reckoning.

Our own Governor Andrew Cuomo also has demonstrated courageous leadership. In his first year in office, Cuomo eliminated a budget deficit of \$10 billion without raising taxes and pushed through a property tax cap. He took the first step toward medical malpractice reform, with enactment of a trust fund for neurologically impaired infants. Cuomo and many other governors have made tough decisions and taken the heat. They have put getting something done ahead of being re-elected.

Finally, there is our city. The Partnership for New York City was founded by David Rockefeller, who saw the need for business to provide leadership in order for New York to emerge from the urban crisis of the 1970's and become the pre-eminent platform for global business. A question I am frequently asked by those who are searching for leaders is, who is the David Rockefeller of this generation? The answer, of course, is Mike Bloomberg, who is not just the city's richest man and most prolific philanthropist, but is also our mayor. Bloomberg led the city's successful resurgence after 9/11, its survival of the financial crisis, and he plans a legacy that will include transforming New York into the tech capital of the global innovation economy.

So we do have some great leaders and I believe it is the responsibility of thoughtful Americans to identify and support them with all the energy and resources we can muster.





Dan Fisk presents Tiffany mantel clock to Ed Ludwig



Dan Fisk, Kathy Wylde



Dan Fisk, Kathy Wylde, Dinner Chairman Jeff Sherman, Ed Ludwig



Ed Ludwig discusses "Aim Toward a Higher Calling for Business: Building Purpose- and Values-driven Enterprises"



Martin Lipton, Kathy Wylde





Todd Zubler, Monica Zubler



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*Chairman of the Board  
BD*

2010



**W. James McNerney, Jr.**  
*Chairman, President and CEO  
The Boeing Company*

2009



**Chad Holliday**  
*Chairman of the Board  
DuPont*

2008



**William C. Weldon**  
*Chairman of the Board and CEO  
Johnson & Johnson*

2007



**Hon. Fred F. Fielding**  
*Counsel to President George W. Bush  
Former Counsel to President Ronald Reagan*

2006



**Thomas J. Donohue**  
*President and CEO  
U.S. Chamber of Commerce*

2005



**Edward D. Breen**  
*Chairman and CEO  
Tyco International Ltd.*

2004



**Hon. George J. Mitchell**  
*Former United States Senator  
Chairman, The Walt Disney Company  
Partner, Piper Rudnick LLP*

2003



**Maurice R. Greenberg**  
*Chairman and CEO  
American International Group, Inc.*

2002



**Henry A. McKinnell, Jr., Ph.D.**  
*Chairman and CEO  
Pfizer Inc*

2001



**Hon. William S. Cohen**  
*Former Secretary of Defense  
and United States Senator*

2000



**Norman R. Augustine**  
*Retired Chairman and CEO  
Lockheed Martin Corporation*

1999



**General P. X. Kelley**  
*Former Commandant of the Marine Corps*

1998



**Hon. Rudolph Giuliani**  
*Mayor of New York City*

1997



**Hon. Donald Rumsfeld**  
*Former Secretary of Defense*

1996



**Bruce Atwater**  
*Retired Chairman and CEO  
General Mills, Inc.*

1995



**Alfred C. DeCrane, Jr.**  
*Chairman and CEO  
Texaco Inc.*

1994



**Malcolm S. Forbes, Jr.**  
*Chairman and CEO  
Forbes, Inc.*

1993



**Amb. Carla Anderson Hills**  
*United States Trade Representative*

1992



**Paul H. Henson**  
*Retired Chairman and CEO  
Sprint Corporation*

1991



**Walter B. Wriston**  
*Retired Chairman and CEO  
Citicorp*

1990



**Irving S. Shapiro**  
*Retired Chairman and CEO  
DuPont*

1989



**Edmund T. Pratt, Jr.**  
*Chairman and CEO  
Pfizer Inc*

1988



**Hon. William E. Simon**  
*Former Secretary of Treasury*



# New Board Members

Tracy Bacigalupo is a partner with Foley & Lardner LLP and has practiced for more than 20 years in the areas of mergers and acquisitions, venture capital transactions, intellectual property law and general corporate and real estate investment trust law. She is a member of the Transactional & Securities Practice.

Ms. Bacigalupo negotiates and advises clients on acquisition transactions and related matters. She also counsels publicly- and privately-held entities organized under Maryland law, including REITs and open- and closed-end investment companies headquartered across the country, as well as their directors and trustees, on a wide variety of general corporate and governance issues in securities offerings and other transactions (e.g. equity and debt offerings, mergers, acquisitions, redemptions, dissolutions, fund reorganizations, and credit facilities), including issues relating to duties of directors, interested director transactions, board and stockholder meetings, board committee functions, charter and bylaw provisions, and takeover defenses. She also advises clients on intellectual property development, protection and enforcement strategies, as well as software development and licensing arrangements.

She earned her J.D. from Washington and Lee University and her Bachelor of Arts degree from Hollins College.

Ms. Bacigalupo is a member of the American Bar Association Committee on Negotiated Acquisitions, Section of Business Law; and the Maryland State Bar Association Committee on Corporate Laws.

Marcy Cohen is Managing Director and General Counsel of ING Financial Holdings Corporation and its operating subsidiaries. She also serves as Regional Head of Legal for the Corporate and Institutional Clients business of ING in the Americas. Her responsibilities include providing counsel and legal support to the region in transactional, litigation, corporate governance and regulatory matters with a focus on international and domestic capital markets activities, structured finance, securities law matters; leading the legal departments in New York, Mexico City and Sao Paulo; and serving as a member of the Americas Management Team and the extended Global Legal MT.

Ms. Cohen has over 25 years experience serving in various in-house counsel roles for major global financial institutions and has been with ING since 2006. Before joining ING, she held senior legal positions at several global financial institutions including BNP Paribas, WestLB, Republic New York Corporation, Atlantic Bank of New York and Bank Leumi.

She is an active member of various professional organizations and committees, and has served as Chair of the International Banking Committee of the American Bar Association's Banking Law Committee, Chair of the Corporate Counsel Committee of the New York State Bar Association, Chair of the Litigation Committee of the Futures and Derivatives Committee of the NYSBA and member of the Regulatory and Legislative Committee of the International Institute of Banking. She is a frequent speaker at industry conferences.

Ms. Cohen received her undergraduate degree with honors from Herbert H. Lehman College majoring in political science. She received her J.D. from New York Law School.



**Tracy A. Bacigalupo**



**Marcy Sharon Cohen**





**William P. Cook**

William Cook chairs DLA Piper's Global Communications, eCom-merce and Privacy practice and represents the largest telecommu-nications and media companies in the U.S. He focuses on strategic advice and planning, particularly with regard to competition and mar-ket entry issues; complex partnership structuring and mergers and acquisition agreements; privatization; global regulatory compliance; commercial and government contracts and procurement issues; li-censing agreements; and telecom-related intellectual property and restructuring issues.

Mr. Cook also represents communications and media clients in the federal courts and before regulatory bodies, both in the U.S. and over-seas, including the FCC, state public utility commissions, local cable franchising authorities, and various federal agencies, including the U.S. Department of Justice. Also a member of DLA Piper's Govern-ment Affairs Group, Mr. Cook focuses on the formulation and utilization

of public policy, and related legislation and regulations, at the local, state, and national levels for clients in the communications and media industries.

Mr. Cook is active in Latin America, the Middle East, and Asia representing clients from those regions on matters involving communications and media law, as well as on the national security aspects of U.S. law, in-cluding the Foreign Agents Registration Act, the Committee on Foreign Investment in the U.S., the Electronic Communications Privacy Act, the Patriot Act and the Foreign Intelligence Surveillance Act.

During his long service with the U.S. government, he served as General Counsel of the Immigration and Natu-ralization Service. Prior to that assignment, he served as Senior Counsel in the Office of Legislative Affairs, Department of Justice, where his portfolios included national security, national defense, and immigration mat-ters. His government service also includes assignments at the National Security Agency and in the Office of Intelligence Policy and Review of the Department of Justice.

Mr. Cook also has extensive litigation experience as a trial attorney with the Department of Justice's Civil Divi-sion and in the United States Attorney's office in Baltimore, Maryland, where he represented the U.S. Food and Drug Administration in several high-profile seizure actions.

A commander in the U.S. Navy Reserves, Mr. Cook is a combat veteran of Operation Desert Storm, where he served on the staff of COMIDEASTFOR and as naval liaison officer to the Government of Kuwait and as naval advisor to the Kuwaiti Navy. He is also a veteran of combat contingency operations in Grenada and Lebanon and served on the Sixth Fleet Counter-Terrorism Task Force.

Mr. Cook also serves nonprofits in the District of Columbia. He is past chairman of the board of governors of the George Washington University Club, past president of the Heifetz International Music Institute, and a founding member of the board of directors of the Washington, DC Technology Council. He currently serves as general counsel of the Friends of Cancer Research.

He received his J.D. from Southwestern University and B.A. from George Washington University.



## Board Speaker

Kirby Griffis, a member of Hollingsworth LLP in Washington D.C., specializes in pharmaceutical and medical device litigation. In June, 2011, at a dinner meeting of the Foundation, he discussed the growing industry of companies that underwrite litigation by providing funding directly to plaintiffs' law firms. Mr. Griffis pointed out that "litigation funding enables plaintiffs' firms that are reluctant to take on risky litigation to shift the risks of failure to investors, who are able to bear the risk because they can spread it around. Obviously that will cause more litigation to occur." He explored a number of other issues raised by third-party litigation funding, including conflicts of interest and the disclosure of confidential information.



**Kirby Griffis**

## Also Of Interest

Atlantic Legal's advisor and Harvard Professor *emeritus* Richard Wilson was awarded the 2012 Andrei Sakharov Prize by The American Physical Society for "tireless efforts in defense of human rights and freedom of expression and education anywhere in the world, and for inspiring students, colleagues and others to do the same."

Director Philip Sellinger received the AJC Metro New Jersey's Judge Learned Hand Award at its annual dinner in November.

Atlantic Legal Chairman Hayward D. Fisk has been elected to the Board of Directors of Orange Legal Technologies, the Board of Governors of the University of Kansas Law School and to the Board of Directors of Start Engines, an incubator for emerging technology companies in the greater Los Angeles area.

Director Jeffrey Sherman was a panelist in a New York City Bar Association program: "Lessons from General Counsel —What Every In-House Lawyer and Those Who Advise Them Need to Know."



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