

Spotlight on Frank James

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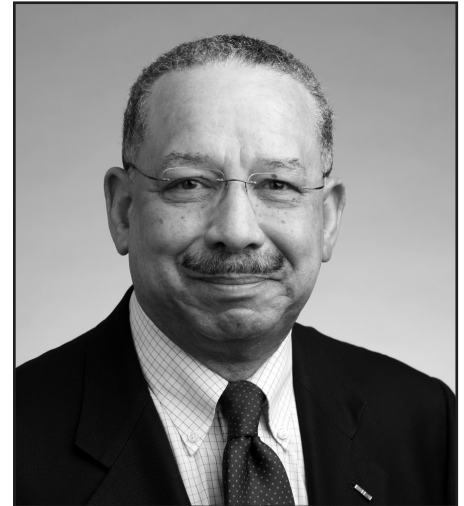
When Frank James joined the law firm of Berkowitz, Lefkovits, Isom and Kushner, P.C. as a shareholder in 1990, he became part of a firm with strong ties to the Civil Rights Movement. Abe Berkowitz, who founded the Birmingham practice in 1928 during the Great Depression, was outspoken during the late 1950s and early 1960s in his opposition to prevailing unfair laws and customs, embodied by Public Safety Commissioner “Bull” Connor. While this made him a target for anti-civil rights extremists, Mr. Berkowitz ultimately contributed to changing Birmingham’s form of government, unseating Connor from his position of control. The resulting Berkowitz firm was the only major Birmingham law firm formed as a consequence of the Civil Rights Movement.

Frank has been a catalyst for change with the Berkowitz firm and with Baker Donelson, which joined with the Berkowitz firm in 2003. Diversity is important to Frank because “it allows us to take advantage of the varying experiences of different individuals. We are not all the same and are products of our environment. Those differences create synergies we would not otherwise have if we were a homogenous group.” This sentiment rings true throughout the Firm, and Frank himself is the very embodiment of diversity. As Chervis Isom, a shareholder in the Birmingham

office, said:

Frank James has been for many years an indispensable member of our Firm. He brought us excellence in profession and character. He brought us diversity in so many ways. He came to us from the University of Alabama Law School where he had served as a professor, whereas most of our people came to us as students directly from law schools. He served in the military, receiving medals for valor in Vietnam and climbing to the rank of Colonel in the U.S. Army Reserves, whereas most of us eschewed service to the nation and moved directly into the professional world. Frank James made his mark on the Berkowitz law firm for many years and continues to make his mark on Baker Donelson, as he leads in a quiet and professional manner.

Frank concentrates his practice in the areas of employment law, employer resources, litigation, mediation and arbitration. Prior to joining the Firm, Frank served as an Assistant United States Attorney and as Assistant Dean and Associate Professor of Law at the University of Alabama School of Law. During more than 20 years with the Firm, Frank has been elected to a term as Secretary-Treasurer of the Birmingham Bar Association, and has served on the Panel of Neutrals of the United States District Court for the Northern District of Alabama and the American



Frank S. James

Arbitration Association National Roster of Neutrals. A Fellow of the Litigation Counsel of America, he has earned the highest Martindale-Hubbell rating for competency and ethical standards, and he has been repeatedly included in the *Best Lawyers in America* and *Alabama Super Lawyers* lists.

Frank has handled thousands of cases in his career and proudly says that his greatest accomplishment, with so many different cases and so many different clients, is that “no disaster has ever befallen any of my clients on my watch.” Not many attorneys practicing as long as Frank can speak of such success. Floyd Gaines, a shareholder in the Birmingham office, believes that Frank’s success is, in part, because “Frank is a tremendous advocate for our clients and the Firm. But, more importantly, Frank practices law and lives his life in a way that exemplifies integrity and the highest ethical and moral standards.”

Another shareholder in the

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Spotlight on Frank James, *continued*

Birmingham office, Wes Redmond, could not agree more. Wes shared:

Frank and I formed the Birmingham office's labor and employment practice in the early 1990s, and we have worked on many matters together. Most of my trial experience has come with Frank. He is deserving of being considered one of the top employment lawyers in this state. He provides wise and practical counsel to our clients, and I know he enjoys that part of the practice. That may be the reason why lawyers in other firms tell me that he is their top choice for a mediator. In addition, Frank is a great trial lawyer. The great thing about trying cases with Frank is that nothing during a trial seems to bother him. His standard statement to clients is not to worry, but let us carry the burden for you.

It is no surprise that Frank's influence extends far beyond the practice of law. An ordained elder in the Presbyterian Church (U.S.A.), Frank has served on the board of Columbia Presbyterian Theological Seminary and as Moderator of his Presbytery's Committee on Preparation for Ministry. He currently serves as a director of the PCUSA's Board of Pensions and has served as a ruling elder in congregations in Mobile, Birmingham and Vestavia Hills, as Moderator of Presbytery, Moderator of Synod, Alternate Commissioner to the General Assembly, Trustee of Presbytery and Member of the Presbytery's Permanent Judicial Commission and Committee on Ministry.

A long-time trustee and member of the board of the YMCA of Metro Birmingham, Frank has served terms as Chief Volunteer Officer and Chair of the Strong Kids and Communities Campaign. For many years he has been a director of

the University of Alabama Law School Foundation, and is the current board President. He is a member of the Alexis De Tocqueville Society of the United Way of Central Alabama, and donates his time, talent and treasure to various other charitable and community organizations. He is a member of the Kiwanis Club of Birmingham, the Summit Club and The Club.



Little David has Grandpa Frank wrapped around his pinky.

Frank was the Leadership Graduate and a Distinguished Graduate of Infantry Officer Candidate Course Class Number 5-67 and served 30 years in the United States Army, including two years in Vietnam. His military positions included Rifle Platoon Leader, Company Commander, Brigade Intelligence Officer, Deputy Chief of Staff Operations, 121st Army Reserve Command, and Commander, 2d Infantry Headquarters (Battlefield Coordination Element). His awards, decorations and honors include the Meritorious Service Medal, the Bronze Star Medal, the Purple Heart, the Air Medal, the Combat Infantryman's Badge and selection to the Infantry Officer Candidate School Hall of Fame. He is a Life Member of the 25th Infantry Division Association, the 22d Infantry Regiment Society and the Army War College Foundation, and a member of the Association of the United States Army.

Frank is a graduate of the Infantry

Officers Advanced Course (1972), Campbell College (1973), the University of Alabama School of Law (1978), the Army Command and General Staff College (1981) and the Army War College (1990).

On a more personal note, Frank greatly enjoys and feels that he is blessed in every aspect of life. He loves enjoying good food and drink. He relentlessly searches for the perfect hot dog. His hickory smoked barbeque ribs, which he insists need no sauce, are thoroughly enjoyed by family and friends, as are his carefully prepared breakfasts and brunches. An avid racquetball player for more than 30 years, he now religiously solves the *New York Times* magazine crossword puzzle and relishes his contests with the Bridge Baron computer program. Frank is also the proud new grandfather of David Demetrius of Atlanta.

Without question, Baker Donelson is lucky to have such a distinguished individual as Frank James. Mark Baugh, a shareholder in the Nashville office and chair of the Diversity Committee, commented that "Frank has been on the Firm's Diversity Committee since it was created. He has been instrumental in recruiting new talent to our Firm and can always be counted on to offer sound advice and support. We all have our own individual perspectives, but as a veteran, Frank brings a sharp and clear perspective on diversity." We simply would not be the same without Frank and his outstanding leadership and devotion to our Firm.

Frank James can be reached in our Birmingham office at 205.250.8317 or fjames@bakerdonelson.com.

The Changing Landscape of Corporate America: The Elite Sixteen—Are There More to Come?

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C-H-A-N-G-E requires a directional shift or transformation. Despite one's desire not to interrupt the status quo, change challenges the current cultural norms. Traditionally, the accepted cultural norms have excluded the influence of people of color. Our country is now experiencing exponential growth in communities of color, and, with this growth, a new voice and economic power is emerging. Unfortunately, leadership in Corporate America has been slow to reflect this shift.



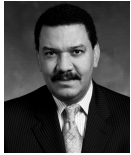
The percentage of people of color running Fortune 500 companies is disproportionate to the percentage of this group's population in our country. Currently, there are only 16 racially diverse Fortune 500 chief executive officers, a number that equates to roughly three percent. This three percent is clearly lower than the CEOs' representative communities, which make up 34 percent of the U.S. population. Why does this matter? It matters because the African-Americans, Asians and Native Americans' buying power, their total amount of income available after taxes for purchasing goods and services, is estimated at \$1.5 trillion—an increase of 65 percent since 2000. The combined African-American and Hispanic markets are larger than the economies of all but 14 countries in the world. It is clear that people of color contribute substantially to the economic well-being of the United States, but the decisions as to the goods and services offered to this group is predominantly controlled by non-racially diverse CEOs.

How can a corporation embrace the change? It is simple. First, partner with institutions of higher education producing students of color who are both intellectually and socially engaged. These individuals understand the current business model and can provide insight to the growing markets of color. Second, corporations should aim to train and retain employees of color to take on future leadership roles—this must be an intentional effort. To truly embrace the growing communities, corporations must not only hire employees of color in entry level positions, but also hire and develop them for leadership positions—it is within these positions that employees of color are able to influence the services and goods marketed to their growing communities.

It is economically feasible and beneficial for corporations to begin to embrace the change and deviate from Eurocentric societal norms. Corporations that begin to do this will be ahead of their competitors, socially, morally, and most importantly, financially. These corporations will also see greater buy-ins from the communities of color. These communities deserve to have a representative class of leadership among the businesses that service and market to them. Anything less is similar to the age old inadequacy of “taxation without representation.”

Baker Donelson Attorneys Stay Involved!

Pro Bono Recognition



Charles Grant

Charles Grant was the recipient of the Tennessee Bar Association Harris Gilbert Pro Bono Volunteer of the Year Award for his work on issues of disenfranchisement and restoration of voter rights.



Tonya Grindon

Tonya Grindon was inducted into the Nashville Bar Foundation Fellows Program, which honors distinguished practitioners in Nashville who have worked to promote and preserve the honor and integrity of the legal profession and improve the administration of justice. Tonya was also selected as one of the *Nashville Business Journal's* 2010 Women of Influence. In addition, she was named the Legal Services Category winner at the Nashville Emerging Leaders Awards. Finally, Tonya was elected president of the Nashville Bar Association Pro Bono Program.



Phyllis Cancienne

Phyllis Cancienne was one of five finalists given the Female Mentor of the Year Award at Postlethwaite and Netterville's 7th Annual Women's Networking Event. Phyllis was also awarded the Good Apple Award by Louisiana Appleseed for her pro bono assistance in ensuring equitable allocation of funding for special needs students in Louisiana public schools.

Sherry Dolan received the 2009 Distinguished Service Award from the



Sherry Dolan

New Orleans Pro Bono Project.



Nyka Scott

The Allstate Foundation awarded its 2009 Community Service Award to **Nyka Scott**.



Valerie King

Valerie King was honored by Pro Bono Partnership of Atlanta as one of the 2009 Volunteers of the Year at their annual Donor and Volunteer Appreciation Reception.

Professional Leadership



Sara Turner

Sara Turner was appointed to DRI's Climate Change Taskforce and will serve as liaison to DRI's Products Liability Committee from the Taskforce.



Robert Tom

Robert Tom was elected secretary of the Tennessee Asian Pacific American Bar Association.



Jonell Beeler

Jonell Beeler was appointed 2009-2010 vice chair of the Payment & Reimbursement Interest Group for the ABA Health Law Section.



Stacie Winkler

Stacie Winkler was selected to serve as a mentor for the 2009-2010 Memphis Bar Association Leadership Forum.



Quinn Carlson

Quinn Carlson was elected to the board of directors of the Community Legal Center.



Linda Klein

Linda Klein was nominated as the 2010 Chair of the American Bar Association's House of Delegates. In addition, she was named by the Fellows of the American Bar Association as the recipient of the 2010 Outstanding State Chair Award. Finally, Linda was honored with the American Bar Association's Edmund S. Muskie Pro Bono Service Award.



Jennifer Hall

Jennifer Hall has been elected to serve as president of the Young Lawyers Division for the Mississippi Bar for 2011-12.



Nicole James

Nicole James is president-elect of the Napier Looby Bar Association, and will assume the association presidency in 2011.



Shameak Belvitt

Shameak Belvitt was elected both secretary of the Napier Looby Bar Association board and a member of the Napier Looby Bar Foundation board.



Gerry Barrios

Gerry Barrios was selected as an editor of the *ABA Business Torts Journal*. Gerry has also been re-appointed as the co-chair of the Unfair Trade Practices Subcommittee of the ABA's Section of Litigation, Committee

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Baker Donelson Attorneys Stay Involved! *continued*

on Business Torts Litigation.



Charles Huddleston

Charles Huddleston is a member of the most diverse class ever to be inducted into the Gate City Bar Association’s Hall of Fame.



Stephanie Rippee

Stephanie Rippee was named a Fellow of the American Bar Foundation. She has also been appointed vice chair of diversity for the Products Liability Committee of the International Association of Defense Counsel.



Bruce McMullen

Bruce McMullen was inducted as a fellow of the Memphis Bar Foundation.



Monica Frois

Monica Frois has been named among the honorees for the New Orleans *CityBusiness* 2010 Women of the Year, which features 50 New Orleans women selected for helping to move the region forward with energy, innovative ideas, achievements and a commitment to excellence. Monica has also recently been appointed as vice chairwoman of membership for the medical defense and health law committee of the International Association of Defense Counsel.

Community Involvement

Sheri Fox was named to the Circle of Red Society of the American Heart Association’s Go Red for Women



Sheri Fox

Campaign; she serves as an ambassador for the campaign.



Mabel Arroyo

Mabel Arroyo was elected a board member of the Tennessee Hispanic Chamber of Commerce.



Carla Peacher-Ryan

Carla Peacher-Ryan was appointed by Memphis Mayor A.C. Wharton to a four-year term on the Center City Revenue Finance Corp.



Sheila Burke

Sheila Burke was elected to the board of the Bipartisan Policy Center.



Tea Hoffman

Tea Hoffmann was named a board member of the Middle Tennessee branch of the Juvenile Diabetes Research Foundation.

The Knoxville office hosted around 30 first- and second-year law students from the University of Tennessee’s Black Law Student Association. Knoxville Managing shareholder Harry Ogden teamed up with Baker Donelson attorneys **Mark Baugh, Bruce McMullen, Clarence Risin, Charles Grant, Erica Mason, Mark Carlson, Natasha Campbell, Shameak Belvitt, Nicole James, Eric Ebbert, Brad Morgan, Kenny Saffles, Bob Worthington** and **Ashley Lowe** to participate in the event and mentor the students for the Spring 2010 semester.

On October 5, the Nashville office hosted more than 15 Vanderbilt Law School students for a joint reception sponsored by the Diversity and Recruiting Committees. Representatives from a number of student associations were invited, including the Asian Pacific American Law Students Association, Black Law Students Association, J. Reuben Clark Law Society, Jewish Law Students Association, La Alianza at Vanderbilt Law School, Law Students for Veterans Affairs, Native American Law Students Association, OUTlaw, South Asian Law Students Association and Women Law Student Association.



Ben Adams

On October 7–8, **Ben Adams** and **Mark Baugh** attended the Leadership Council on Legal Diversity (LCLD) conference. The conference was attended by over 40 General Counsels and 60 law firm leaders. Membership is limited to general counsels and managing partners. The conference was a next step in the Call to Action that was signed by corporations in 2004. Four working committees in the LCLD are implementing action items to tackle diversity in law firms: the Pipeline, Partnerships, Talent Development and Profile committees.



Mark Baugh

A Conversation with Baker Donelson Women

Founded in 2004, the Baker Donelson Women's Initiative was formed to address the growing national concern regarding retention and advancement of women in law firms. The Women's Initiative has made a commitment to expand diversity and celebrate the success of our professionals, and it seeks to improve recruitment, retention and representation of women in leadership while improving career development.

To that end, we want to share with you the background and observations of three of our women lawyers with the longest tenure at the Firm. This issue features shareholder Jill Steinberg; future issues will focus on other women shareholders and the challenges and opportunities they have faced in their careers.



Jill Steinberg, a 1985 graduate of the University of Tennessee law school, practices out of the Memphis office, and was the first Chair of the Baker Donelson Women's Initiative. She is a member of the Health Care Litigation group and concentrates her practice in medical malpractice, product liability and personal injury defense.

What was the motivation behind the founding of the Baker Donelson Women's Initiative?

It was originally contemplated to focus on marketing and networking for women attorneys, but it evolved to include the other aspects of our mission statement.

"Baker Donelson formed its Women's Initiative Committee to:

- *substantially improve the recruitment and retention of women attorneys;*
- *increase the representation of women in leadership positions at the Firm and the communities we serve;*
- *heed the call of our clients to provide a more diversified attorney team; and*
- *improve career development for its women attorneys, thereby enhancing the economic viability of the Firm."*

What has been the biggest challenge of your career?

There are not enough hours in the day to do everything I want to do!

BAKER DONELSON
BEARMAN, CALDWELL & BERKOWITZ, PC
Women's Initiative

How has your experience differed from what you expected when you started out?

I had no idea what law practice would be like and how my career would evolve. When I began with the Firm, we had 45 lawyers in two offices (Memphis and a very small Knoxville office). I certainly did not expect to be practicing in a large regional firm with more than 550 lawyers, but it has been something that I have loved.

What has been the most surprising thing about your career?

I have been most surprised at how I have been able to be a rainmaker and manage large amounts of litigation.

What was the most rewarding client interaction?

When I was six months pregnant with my second son, I tried back-to-back jury trials for two physician clients just before Thanksgiving. Both were defense verdicts and both were very grateful and gracious. My family was having a reunion with about 80 family members descending on Memphis for Thanksgiving. I was hosting dinner at my house on Friday night for my family, just two days after the second jury came back. One client sent me a huge basket and the other sent an incredible arrangement of flowers to my house on Friday with a wonderful thank-you note. I felt so proud! Here I was about to have a baby, really soaring in my career and surrounded by lots of family who were excited for me on all fronts as well.

Has the landscape changed for women since you started out?

When I first started practicing, there were no women litigators in the Firm and no one to mentor me. Women lawyers, particularly litigators, are a huge segment of the Firm now and they have each other to lean on and to learn from. I am very jealous of the camaraderie and wish that I had had

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A Conversation with Baker Donelson Women, *continued*

the opportunity to work with women litigators in my early career.

Why did you choose a law career?

I wanted a profession where I could have challenges every day, make a good living (I had previously considered being a high school teacher or principal), and could have flexibility with career paths.

Did you clerk at Baker Donelson?

Yes, during the summer of 1984 after my second year of law school.

Have you ever practiced anywhere else?

No.

How many children do you have and how old are they?

Two boys – Corey, age 20 and Eli, age 16.

What are your three best rainmaking tips?

1. Develop your internal marketing relationships.

Your colleagues in the various offices have many choices with respect to sending out work. There are great internal opportunities for the development of business. Get to know people throughout the various offices and practice groups, particularly people who have a lot of business. Landing even one referral from a colleague can lead to more opportunities and increase your business as well.

2. Have a great resume online. Many clients shop for attorneys on the internet. Additionally, Baker Donelson is a well known and respected firm and corporate counsel and new clients often go to our website to look for the attorney whose experience fits the client's needs. Having a resume that sets forth your experience in a professional and comprehensive manner is a great magnet for business.

3. Develop an expertise and become well known among clients and other attorneys as someone who is a go-to person in that area of the law. Love what you do and it will show!

You can reach Jill Steinberg in our Memphis office at 901.577.2234 or jsteinberg@bakerdonelson.com.

www.bakerdonelson.com

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