

Diversity Matters

Valuing Race and Gender

The Diversity Newsletter of Baker, Donelson, Bearman, Caldwell & Berkowitz, PC

Steven Hall Versus Atlanta

Summer 2011

Valerie Nelan, Birmingham, 205.244.3838, vmnelan@bakerdonelson.com

The story reads like a legal thriller, complete with conspiracy theories, threats and innuendos – but it's all quite real, and centers around an Atlanta homeless shelter. The Metro Task Force for the Homeless occupies a building in Atlanta that sits on a valuable stretch of Peachtree Street. The building was donated to the task force by a Coca-Cola heir 14 years ago, and houses 500 to 700 men each night, nearly all of them African American. Atlanta leaders have long contended that the sight of these men, milling around before the shelter opens at night and streaming out again in the morning rush hour, hurts

downtown business and tourism. City and business leaders have tried for years to cut off all funding for the shelter, using first one method and then another, and yet the shelter remains.

Baker Donelson attorney Steve Hall's pro bono work for the task force was originally pretty standard – a social security card application here and an ID card there. But in December 2008, he was called in to keep the shelter's water on. Since then, Mr. Hall has been involved in what many say is an epic power struggle for the task force's right to remain in the building, culminating in a lawsuit against

AJ. Robinson and Central Atlanta Progress that claimed tortious interference with the business of the task force by means of cutting off funding for the shelter, stalling required certifications for the task force's federal and state grants, and disseminating disinformation to private support of the task force.

The full article detailing the many twists and turns the shelter has faced can be found in Terry Carter's "Battle of Atlanta," in the *ABA Journal's* May 2011 issue.



Steve Hall

Spotlight on Mabel Arroyo

Nicole Jumper, Nashville, 615.726.5766, njumper@bakerdonelson.com

Mabel Arroyo was born and raised in Mayaguez, on the western coast of the Commonwealth of Puerto Rico. She attended college in the same town, then moved to San Juan to attend the Inter American University Law School. Shortly after graduating from law school, Mabel was appointed by Governor Pedro Rosello as an assistant district attorney. The Puerto Rican Senate confirmed Governor Rosello's appointment, making Mabel one of the few females to occupy the role of an assistant district attorney in Puerto Rico. As an assistant district attorney, Mabel worked for the Antitrust



Mabel Arroyo

Division, protecting businesses and consumers from unfair or deceptive trade practices. While working as a prosecutor, Mabel met and married Tim Churchill, who was in Puerto Rico on work assignment for North Carolina State University. In 1997, Tim accepted employment in Middle Tennessee, and they relocated their family to the Nashville area.

Even though Puerto Ricans are U.S. citizens, the official languages of Puerto Rico are both Spanish and English, with Spanish being the primary language. Upon Mabel's relocation to Nashville, she recognized

KUDOS EARNED BY BAKER DONELSON

- Ranked 50th on FORTUNE magazine's "100 Best Companies to Work For" in 2011
- Ranked in the Top 20 law firms nationally by Vault, Inc in the categories of firm culture, hours, formal training, satisfaction and informal training
- Ranked in the "Top 100 Law Firms for Diversity" by *Multicultural Law Magazine* since 2005
- Ranked in the "Top 25 Law Firms for African-Americans" by *Multicultural Law Magazine* 2011
- Ranked in the "Top 100 Law Firms for Women" by *Multicultural Law Magazine* since 2008
- Nashville office named "Best Place to Work" by *Nashville Business Journal*
- Birmingham office named "Best Place to Work" by *Birmingham Business Journal*
- Memphis office named "Best Place to Work" by *Memphis Business Journal*
- Jackson office named "Best Place to Work" by *Mississippi Business Journal*

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Spotlight on Mabel Arroyo, *continued*

that being bilingual created an opportunity for her to practice immigration law, particularly given the significant Hispanic community residing in the area. Mabel began her immigration practice in a small Nashville firm that specialized in immigration law, assisting individuals and local families to obtain U.S. citizenship for themselves or for their family members. As her practice grew, she began to take on more corporate clients and transitioned to a larger firm. In July 2006, Mabel joined the Nashville office of Baker Donelson, and was named a shareholder in 2009.

In addition to assisting corporations with foreign worker employment matters, Mabel also assists hospitals and colleges, such as St. Jude Children's Research Hospital and Meharry Medical College, with securing visas for talented and skilled researchers from abroad. "By helping these outstanding researchers obtain their visas, I feel an even greater sense of reward because I know that my efforts not only help my clients, but also benefit the

community at large," Mabel says.

In addition to maintaining her successful practice, Mabel is active in Baker Donelson's diversity initiatives and believes that the Firm's commitment to diversity is what sets it apart from so many of its competitors. Mabel had an early impression of this commitment when, during her hiring interview, she requested that she be able to retain her individual Hispanic clients, many of whom she represents on a pro bono basis. While other firms in the area indicated that they would not welcome her representation of these clients, Bruce Doeg, Office Managing Shareholder of the Nashville office at the time, told her she could retain her individual clients without question, just as she could retain her corporate clients.

In the five years she has been with the Firm, Mabel has made a strong impact within the Nashville office and has served as a role model for other diverse female attorneys. She has been listed in The Best Lawyers in America® in Immigration Law

since 2007 and sits on the board of directors for the Tennessee Hispanic Chamber of Commerce. Mabel is a frequent lecturer on various topics of immigration law, and she also teaches immigration law at Nashville School of Law. Outside of work, Mabel enjoys spending time with her husband and two children, Mia, age 9, and Robert, age 12, and can often be found cheering in the bleachers or on the sidelines of one of Mia's or Robert's sporting events. Mabel is also an avid runner and completed the Country Music Half Marathon in April. She and her family maintain their ties to Puerto Rico and visit at least once every year.



Nicole Jumper is an associate in the Nashville office of Baker Donelson where she is a member of the Securities/Corporate Governance Group. Ms. Jumper focuses her practice on securities, corporate governance, mergers and acquisitions and general corporate matters.

Baker Donelson Launches Firm-wide GLBT Training

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Baker Donelson has launched Firm-wide training on the Gay, Lesbian, Bisexual and Transgender (GLBT) community, continuing our commitment to foster an inclusive environment for all employees. This training is being led by the Firm's Diversity Consultant, Peggy Nagae.

The primary objectives of the Firm's GLBT training are three-fold: 1) to foster an understanding of the importance of GLBT diversity and inclusion in order to maintain a productive and inclusive workforce; 2) to recruit and retain a talented workforce; and 3) to achieve the Firm's strategic goals.

A related but not-so-recent change at our Firm can be found in our employee health care benefits, which are available to domestic partners.

Tammy Reeves is in the Nashville office of Baker Donelson. She is the Firm's Diversity Coordinator and is assistant to Mark Baugh, shareholder and Chair of the Diversity Committee.

Our Non-Discrimination Policy

At Baker Donelson, we strive to create a welcoming and inclusive environment for all our employees. We welcome people of all races, genders, ages, languages, ethnicities, cultural backgrounds, disabilities, sexual orientations, gender identity, marital status and religious beliefs, to assist our clients in achieving their legal goals. We understand and salute the unique perspectives and approaches that are provided by differences in educational background, socio-economic background, personality profile, geographic location, job duties, and marital and family status.

Baker Donelson Presents First Susan E. Rich Award and Barry Ford Diversity Awards

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Susan E. Rich, Callaway Bain and Clarence Risin were all recently recognized for their work in enriching the Firm’s environment.

Susan E. Rich (Chattanooga) was awarded the Women’s Initiative’s first Susan E. Rich Award, which is also named for her. Susan was the first female



Jerry Stauffer and Susan Rich at awards ceremony

to serve as a managing shareholder and the first woman to sit on the Firm’s Board of Directors. She’s smart, hard-working and a straight shooter, but those of us who know Susan recognize that the things that are most remarkable about her are her sharp wit, her way of making everyone feel right at home, and her unmatched sense of humor.

This recognition of her impact on women at Baker Donelson and her impact on the Firm as a whole is long overdue and very well-deserved.

Callaway Bain and Clarence Risin are the first two recipients of the Barry W. Ford Diversity Award. Callaway, lead office clerk in Memphis, exemplifies the inclusive spirit of Baker Donelson and

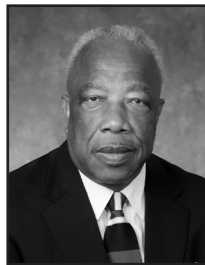
no one, from secretary to attorney to building security guard, is a stranger to Callaway. He has a heart that is evidenced by the care he shows toward all of his co-workers and that he extends into the community. Aside from his service at Baker Donelson, he is pastor of a local church – and is also somewhat of a legend for the spirit he has invoked in his team’s Daily Docket meetings! Callaway received several nominations for this award and is truly deserving.

Clarence Risin is a major reason the Firm’s commitment to diversity is so strong. Among his many contributions, Clarence founded the Firm’s Diversity Committee in 2002 and chaired it for five

years. Under his leadership, the number of minority attorneys increased by 100% in two years. He also established the Firm’s minority mentoring program for associates and began recruiting efforts at historically black law schools. Clarence



Clarence Risin



Barry Ford

now serves as a fellow with the national Leadership Council on Legal Diversity, and was profiled in the last issue of



Callaway Bain after receiving his award

Diversity Matters. This award is a symbol of the Firm’s huge appreciation for all Clarence has done to foster our shared beliefs.

We cannot forget the award’s namesake. Barry Ford displays an exemplary commitment to diversity, both at Baker Donelson and outside the Firm.

During Judge Ford’s impressive legal career, he has worked in civil rights, private practice, and as City Judge of Pontotoc, Mississippi. He served as City Judge until January 1991, at which time he made history by being elected the First African American Circuit Court Judge for the First Circuit Court District of Mississippi. He now serves on the Firm’s Board of Directors. Baker Donelson has been proud to have Barry Ford as a member of this Firm since 2000.



Liz McKee is HR Communications Manager in the Memphis office of Baker Donelson.

The Women's Initiative Shares A Few Minutes with Sheila Burke

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*For those of us who grew up in the 60s and earlier, the image of a nurse is a woman in a white dress, stockings and shoes, with an iconic starched white cap. For those from the 70s and 80s, the fatigues on the nurses on M*A*S*H updated the image a bit, but they were all female, and the doctors were all male. E.R. and Grey's Anatomy have brought us some female doctors and nurses in brightly colored scrubs. In theater and in real life, the uniforms may have changed but the constant is that this profession remains, by a vast margin, a profession of women.*

As part of our Women's Initiative, I recently sat down with Sheila Burke, RN, MPA, FAAN, and Senior Public Policy Advisor in Baker Donelson's Washington office. Sheila is currently serving as the committee chair of the Future of Nursing: Campaign for Action, organized by the Robert Wood Johnson Foundation in collaboration with AARP, which launched in November 2010 following the release of the landmark Institute of Medicine report "The Future of Nursing: Leading Change, Advancing Health" (IOM study).



Sheila Burke

Sheila, whose distinguished and varied career includes serving as Chief of Staff to former Senate Majority Leader Bob Dole (1985-1996), and as a member of the Institute of Medicine, National Academy of Sciences, and the Association of American Medical Colleges, began her professional career as a nurse after receiving her BS in nursing from the University of San Francisco and her masters in Public Administration from Harvard.

Donna K. Thiel: How did the Campaign for Action get started?

Sheila Burke: Because we need more physicians and nurses in this country! The IOM study recognized that with the passage of health care reform, the U.S. health care system is facing

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Women's Initiative

40 million newly insured people and a serious workforce shortage in the primary care sector. The Campaign for Action is working to implement some of the recommendations of the IOM study and to elevate the status of nursing generally in the United States, with a goal of making the profession more rewarding and more attractive to the best and brightest students.

DKT: What is the state of nursing in the United States today?

SB: The good news is that our nurses have more training and education than ever before. We have more advanced nurse practitioners (nurse anesthetists, midwives and nurse practitioners) than ever before. We have a very high demand for nurses, but we also have a brain drain of some of the most qualified nurses to management, teaching and other roles other than direct patient care. There are also a large number who are approaching retirement.

DKT: What are some of the impediments to the growth and development of nursing in the United States?

SB: Let's face it: nurses have a bit of an image problem. From the beautiful compliant assistant to Dr. Kildare, to the evil Nurse Ratched, to the drug addicted Nurse Jackie, our media images of nurses are not drawing kids into nursing!

And nurses are not always seen as leaders in health care. But the fact is that we have 3.1 million nurses on duty in schools, workplaces and battlefields, as well as hospitals and individual homes. As health care changes in this country, they will, I believe, be called upon more and more to be a source for the leadership we need to improve care at the bedside and across the health care system.

DKT: Changing the image of a profession is not easy—as lawyers know. How do you plan to start?

SB: We have to begin on the inside, and at the beginning.

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The Women's Initiative Shares A Few Minutes with Sheila Burke, *continued*

We are working to bring nurses and doctors together in class as students before they begin practicing, so that they can begin to build rapport with each other. The future of health care must be based on a team approach. We want to ensure that nurses have a voice on management teams, in boardrooms and during policy debates, and we think that should start early!

DKT: Do you think that any of the challenges facing the nursing profession are related to the fact that this is a female dominated profession?

SB: I think that it is undeniable that the low salaries in nursing are in part attributable to the female workforce. But there are also some cultural or sociological issues that are gender affiliated. For example, the restricted authority of nursing (such as to prescribe drugs or order tests) may reflect some old fashioned ideas about the role of women.

DKT: Right now, each state has its own laws on scope of practice. Is that patchwork of state practice acts a problem?

SB: Yes and no. But fundamentally, it is not the patchwork that is the problem. The problem is that some laws prohibit nurses from practicing to the full extent of their education and training. Most state laws require direct physician supervision of nurses. Nurses are not permitted to prescribe. Even the recent Accountable Care Organization (ACO) regulations do not permit Medicare to assign patients to nurse-managed clinics. These laws are partially reflective of outmoded understandings of health care delivery, and partially the impact of organized medicine seeking to protect its turf.

DKT: Is there any interest in moving towards a uniform practice act or federal licensure?

SB: There is some discussion, but there are challenges to making licensure a federal issue. First and foremost, professional licensure is traditionally in the purview of the states, except perhaps for the Veterans' Administration or Indian Health Services, which have developed program-specific credentialing processes.

Telemedicine is making distances smaller if not irrelevant in health care,

so we can expect to see some efforts to have practice acts revised to adjust to the reality of health care delivery today.

DKT: Some of the issues you mentioned in nursing have parallels in the law practice. Senior women are often lured out of firm practice to in-house positions or to non-legal management positions. Women attorneys often struggle to obtain leadership roles or to be challenged to exercise the full range of legal skills as their male colleagues. Are there lessons learned in the Challenge that you think might be applicable in the legal context?

SB: The remedy for both situations begins by not treating the status quo as unchangeable. Old attitudes and assumption fall away with education and experience. Changes in the demand for good lawyers, as for good nurses, creates opportunities if we are prepared to seize them.



Donna Thiel is a shareholder and member of the Health Law Group in the Washington, D.C., office of Baker Donelson. She is co-chair of the Firm's Drug, Device & Life Sciences Industry Group.

Nashville Hosts Screening and Discussion of PBS Documentary – *American Experience: Freedom Riders*

On May 11, the Nashville office hosted a pre-screening and panel discussion of the powerful documentary “American Experience: Freedom Riders,” which tells the story of more than 400 black and white Americans who risked their lives—many endured savage beatings and imprisonment—to travel together on buses as they journeyed through the deep South 50 years ago this year. Determined to test and challenge segregated travel facilities, the Freedom Riders were greeted with mob violence and bitter racism.



(L-R) John Seigenthaler, Charles Grant, Matthew Walker and Dr. Reavis Mitchell

Charles K. Grant is a shareholder in the Nashville office of Baker Donelson. He is a member of the Labor & Employment group.

The Baker Donelson panel discussion was moderated by Shareholder Charles Grant and included Freedom Rider Matthew Walker, Fisk University Professor Dr. Reavis Mitchell and John Seigenthaler, who was the assistant to U.S. Attorney General Robert F. Kennedy in the early 1960s. Mr. Seigenthaler was sent by Kennedy to negotiate security for the Freedom Riders in Alabama, but when they arrived in Montgomery, Alabama, their police escort was missing and they found themselves at the mercy of the angry white mob that awaited them. While rushing to help one of the riders who was being chased by the mob, Mr. Seigenthaler was hit in the head with a pipe and knocked unconscious, left for dead.

Baker Donelson’s Most Recent Accolades



Vault Rankings

This was the first year our Firm’s associates participated in Vault, Inc.’s national survey of 15,000 law firm associates. Based on their responses, Baker Donelson ranked in the top 20 law firms nationally in these categories: 7th in Firm Culture; 7th in Hours; 9th in Formal Training; 11th in Satisfaction; 18th in Informal Training.



MultiCultural Law

For the seventh consecutive year, Baker, Donelson, Bearman, Caldwell & Berkowitz, PC has been named among the “Top 100 Law Firms for Diversity” by MultiCultural Law, a magazine focused on diversity in the legal profession. The Firm also received its fourth consecutive ranking on MultiCultural Law’s list of “Top 100 Law Firms for Women” and was ranked among the “Top 25 Law Firms for African Americans.”

Baker Donelson Attorneys In the News, Involved

The 2011 list of *Alabama Super Lawyers* and *Alabama Rising Stars* has been released. Congratulations to:

Pat Clotfelter, business litigation

Floyd Gaines, general litigation

Frank James, employment and labor

Denise Killebrew, real estate

Anne Mitchell, estate planning and probate

Susan Wagner, appellate law

Pat Clotfelter, **Denise Killebrew**, **Anne Mitchell** and **Susan Wagner** were also named among the top 25 female attorneys in Alabama by *Alabama Super Lawyers*.

The following were named *Alabama Rising Stars* by *Alabama Super Lawyers*:

Stacey Davis, entertainment and sports

Harriet Thomas Ivy, intellectual property litigation

Sara Turner, personal injury defense: products

Sheila Burke (Washington, D.C.) was honored by the National Academy of Social Insurance (NASI) at the NASI's 25th Anniversary event. Sheila was recognized as one of five "individual leaders for their significant and ongoing contributions towards strengthening America's social insurance program."

Layna Cook (Baton Rouge) was elected to the Capital Area Division of the Louisiana Chapter March of Dimes Board of Directors.

Mimi Koch (New Orleans) was named to the 2011 *New Orleans CityBusiness* Leadership in Law and was featured in a special section in the March 25 edition of the publication.

Mark Baugh (Nashville) and **Susan Rich** (Chattanooga) have been inducted as Tennessee Bar Fellows.

Donna Fraiche (New Orleans) has joined The Center for Planning Excellence in Baton Rouge as a Board Member.

Sherry Dolan (New Orleans) and the Firm have been recognized by the Louisiana State Bar Association (LSBA) for outstanding pro bono accomplishments and have received the 2011 LSBA Pro Bono Public & Children's Law Awards.

Monica Frois (New Orleans) has joined the prestigious Council on Litigation Management (CLM), a nonpartisan alliance comprised of thousands of insurance companies, corporations, corporate counsel, litigation and risk managers, claims professionals and attorneys. Selected attorneys and law firms are extended membership by invitation only based on nominations from CLM Fellows.

Frank James (Birmingham) was the recipient of the 2011 Sam W. Pipes Distinguished Alumnus Award by the University of Alabama School of Law Farrah Law Alumni Society.

Diversity Matters Editors



Ursula Holmes is of counsel in the Memphis office of Baker Donelson. She is a member of the Business Litigation practice group and is an experienced trial attorney who focuses her practice on general business litigation, health care litigation including medical malpractice defense, and labor and employment.



Nancy A. Vincent, of counsel in the Nashville office of Baker Donelson, is a member of the Firm's Corporate group and concentrates her practice in the areas of government contracts, including state and federal procurement transactions and administrative law. Ms. Vincent also represents owners and professionals in construction law disputes and governmental entities in administrative matters and complex litigation.

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