

## Diversity Matters

Summer 2014

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### Note from the Editor

by [Nancy A. Vincent](#)



On July 2 of this year, the Civil Rights Act of 1964 enjoyed its 50th anniversary – an appropriate time for reflection.

Prior to the passage of this Act, for more than 180 years, from July 4, 1776, until July 2, 1964, it was legal in the United States to discriminate in employment, voting, public accommodations and education against persons based upon their race, color, religion, sex or national origin. It was common and legal for blacks to be denied employment and access to hotels and restaurants, and to be segregated on buses and other public facilities because of their race.

Around 1960, civil rights protests and sit-ins began escalating in southern cities in response to the pervasive discrimination and segregation, and these were witnessed across America on the television sets which by then were in around 87 percent of American households.

In the 1960s, Birmingham was considered to be one of the most racially divided cities in the U.S. The city had no black police officers, firefighters, department store sales clerks, bus drivers, bank tellers or store cashiers.

A turning point for the country occurred in Birmingham in the spring of 1963, when blacks protested to pressure businesses to open up employment opportunities to them, as well as to end segregation in restaurants and stores. Demonstrators included elementary school, high school and college students. More than a thousand people were arrested, and the Birmingham Police Department used high-pressure water hoses and attack police dogs on the protesters, which included children. These brutal attacks by police on seemingly peaceful protestors were witnessed across the world on television, outraging Americans and tarnishing the country's image around the world.

That summer, in June 1963, President John F. Kennedy told the country that it needed to confront its own moral issue:

*The heart of the question is whether all Americans are afforded equal rights and equal opportunities, whether we are going to treat our fellow Americans as we want to be treated...[O]ne hundred years of delay have passed since President Lincoln freed the slaves, yet their heirs, their grandsons, are not fully free. They are not yet free from the bonds of injustice. And this nation, for all its hopes and all its boasts, will not be fully free until all of its citizens are free.*

That same month, President Kennedy sent comprehensive civil rights legislation to Congress. In August 1963, in front of 250,000 supporters who marched in Washington, D.C., Dr. Martin Luther King Jr. made his famous "I Have A Dream" speech. Just five days after President Kennedy's assassination in November 1963, his successor, President Lyndon B. Johnson, urged Congress to expeditiously pass the civil rights legislation: "No eulogy could more eloquently honor President Kennedy's memory than the earliest possible passage of the civil rights bill for which he fought so long." President Johnson signed the Civil Rights Act on July 2, 1964.

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## Note from the Editor, *continued*

In the 1960s, Abe Berkowitz, a founding member of our Firm, was outspoken in his opposition to unfair laws and customs, actively supporting the civil rights movement in Birmingham. Chervis Isom, senior counsel in the Firm’s Birmingham office, also lived through these very trying times in that city, and chronicles his personal struggle to overcome Birmingham’s racist culture in his recently published memoir, *The Newspaper Boy: Coming of Age in Birmingham, Alabama, During the Civil Rights Era*. See [www.thenewspaperboy.net](http://www.thenewspaperboy.net) for more details.

## Mark A. B. Carlson and Wife, Emily, Lead Effort to Open New Atlanta Charter School

by Molly Lipski



Mark A. B. Carlson  
Shareholder and Chair of the  
Firm’s Corporate/Mergers &  
Acquisitions Practice Group

Mark A. B. Carlson’s dedication to education was ignited early in life. The son of a single mother, Mark saw how her perseverance, tenacity and kindness through difficult circumstances ultimately culminated in opportunities for him to attend high-quality public schools.

“I grew up in very modest means. The first time I attended a quality public school, my mother had to take an apartment we could barely afford. For the first few months there, I did not have any furniture in my bedroom, but I had a good school to attend.”

Determined not to let his mother’s efforts go to waste, Mark made sure to do everything possible in order to further his education, and he credits her with helping him realize at a young age that an education would be critical to expanding opportunities throughout his life.

Mark was born in Washington, D.C., and grew up in Fort Collins, Colorado. He spent his undergraduate years at Dartmouth College in New Hampshire and attended Harvard University Law School, receiving his Juris Doctor in 1995. Afterward, he worked at the Boston Consulting Group as a management consultant for two years, during which time he met his wife, Emily. The couple later moved to Memphis, and in 2004, he joined Baker Donelson to practice corporate law out of the Memphis office. In 2008, Mark, Emily and their two sons relocated to Atlanta where they currently reside and “have no thoughts of leaving.”



Mark, his wife Emily, and their two sons.

Mark’s drive for success and tendency to set high personal goals led him to the study of law, but things weren’t always what he expected.

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### Mark A. B. Carlson and Wife, Emily, Lead Effort to Open New Atlanta Charter School, *continued*



Mark takes some time off to try his hand at painting.

“I spent the first two weeks of my 1-L summer doing litigation work for a large Denver law firm. That was the beginning and end of my litigation career,” he jokes.

He has since devoted his career to transactional work. Mark became successful in his practice when he found an industry and practice area that excited him, and advises all lawyers beginning their career to do the same, adding, “Take a narrow focus, but be flexible about where it leads you.”

Mark’s commitment to education has grown throughout his life, and is now helping to bring to fruition a new charter school in the north Atlanta area. Along with his wife Emily, Mark’s current goal is the creation and sustainment of the Atlanta Classical Academy (ACA). The K-8 school will focus on classical education and expects a population of approximately 450 students in the first year, expanding up to grade 12 as the students progress. Due to high demand for public school choice in Atlanta, the school has had well over 1,500 children apply. In alignment with Mark’s belief in equal opportunities for education, ACA boasts a “blind enrollment” policy that admits students based on a lottery system that Emily created as the enrollment coordinator. Mark is on the board of directors for ACA as well as the Georgia Charter School Association, for which he heads the legal services committee. Both of Mark’s sons will be attending ACA (in grades 4 and 6), when it opens in the fall.

## Baker Donelson 2015 Vault Rankings

by Molly Lipski

The Vault Law 100 for 2015 has officially been released, with Baker Donelson holding strong on the yearly ranking of “Best Law Firms.” Each year, Vault surveys 17,000 law associates nation-wide to compile its list of the best firms in the U.S.

Topping the charts at #1 for Transparency, Baker Donelson also comes in at #8 for Formal Training and #9 for Firm Culture. Vault then changes the game by ranking Diversity at each Firm on a separate list, where Baker truly shines. We have been featured on Vault’s various lists for the Diversity Top 25 since 2012, and this year we are highlighted on every ranking offered. Baker Donelson is ranked at #10 in Overall Diversity, #7 in Diversity for Women, #9 in Diversity for Minorities, #11 in Diversity for Individuals with Disabilities, #11 in Diversity for Military Veterans, and #25 in LGBT Diversity.

Baker Donelson’s drive to promote diversity and inclusion in the workplace is an internal achievement that benefits our firm’s culture as a whole, and the recognition from Vault each year is just icing on the cake.

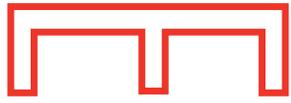


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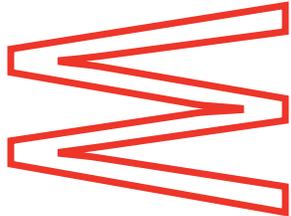
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## President Obama Signs Executive Order on LGBT Workplace Equality

by Molly Lipski



On Monday, July 21, 2014, President Obama approved and signed an Executive Order prohibiting federal contractors from discriminating on the basis of sexual orientation or gender identity.

Executive Order 11478, Equal Employment Opportunity in the Federal Government (1969), and Executive Order 11246, Equal Employment Opportunity (1965), already protected federal employees on the basis of sexual orientation. The amendments put into action July 21 will formally protect workers from discrimination based on gender identity as well. The Order went into effect immediately after signing.

While signing the new Order, President Obama further vowed his commitment to LGBT equality, asserting “we have an obligation to make sure the country we love remains a place where, no matter who you love, you can make it.”

Barry Curtiss-Lusher and Abraham Foxman, national chair and national director of the Anti-Defamation League, voiced their support of Obama’s actions in a public statement on July 21, saying, “For nearly 50 years it has been illegal for federal contractors to discriminate in employment decisions on the basis of race, color, religion, sex, or national origin. This action by President Obama continues his historic leadership in promoting LGBT rights and equality and moves our nation closer to full equality in the workplace.”



## Remembering Senator Howard H. Baker Jr.



*“As a nation, we must never tire of reaching sound policies through bipartisanship, vigorous but honest debate and a healthy respect for the other fellow’s point of view. It may seem old fashioned in today’s acrid political atmosphere, but it is exactly what the American people expect of their leaders.” – Howard H. Baker Jr.*

Baker Donelson was deeply saddened at the passing of former Tennessee senator, presidential advisor and ambassador Howard H. Baker Jr., senior counsel to the Firm. Senator Baker, who was 88 years old, died June 26 from complications following a stroke he suffered on Saturday, June 20.

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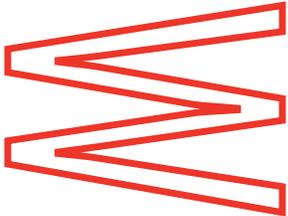
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## Remembering Senator Howard H. Baker Jr., *continued*

In 2005, following a distinguished public service career spanning 40 years, Senator Baker rejoined the Firm that his grandfather founded and where he formerly practiced with his father, the late U.S. Rep. Howard H. Baker. Senator Baker focused his practice on public policy and international matters.



“As a firm, we are devastated by the news of Senator Baker’s passing and offer our support to his family during this time,” said Ben Adams, chairman and chief executive officer of the Firm. “He was truly a visionary leader with a servant’s heart and made everyone around him feel comfortable. While this is certainly a sad time for all who knew Senator Baker, I am confident that his example of providing wise counsel and his commitment to clients, colleagues and the betterment of the world around him will continue to thrive in the culture here at Baker Donelson.”



“The Senator helped shape our nation’s laws with his sense of justice and his desire to have all people’s views heard. I am privileged to have been his friend and to have built a firm along his side that embodies his principles,” said Lewis R. Donelson III, co-founder and senior counsel of the Firm. Mr. Donelson, who has been active in politics through his involvement at the local, state and national levels, chaired many political campaigns, including for Senator Baker.

“Senator Baker was renowned and honored for his extraordinary ability to cross party lines for the greater good of our country. He was a remarkable conciliator who was respected in Washington like no other and he helped navigate our country through some of our greatest challenges,” said Scott Campbell, senior public policy advisor and managing director of the Firm’s Washington, D.C., office. Mr. Campbell also serves as the president of the Howard Baker Forum, a public and international affairs affiliate of the Firm that is committed to a variety of programs and research projects that examine and illuminate public policy challenges.

Senator Baker also authored four books: *No Margin for Error* (1980); *Howard Baker’s Washington* (1982); *Big South Fork Country* (1993) and *Scott’s Gulf* (2000).

He is survived by his wife, former U.S. Senator Nancy Landon Kassebaum, his son Darek, his daughter Cynthia and four grandsons.

## Introducing our Diversity Intern



Molly Lipski is the newest addition to the Diversity Department and is serving as an intern under Mark Baugh and Cheryl Hunt. A Nashville native, Molly graduated from Franklin High School in 2012 and is now in her third year at the University of Alabama, majoring in International Business/Political Science and Spanish. Molly’s interests include traveling, playing soccer and swing dancing. Molly spends her free time happily drowning in a combination of coffee and really old books.



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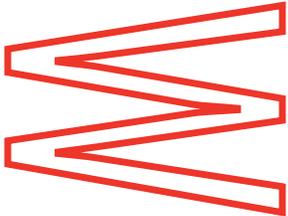
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## Nashville Urban League: Project Ready

On Thursday, June 12, 2014, Baker Donelson hosted part of this year’s Nashville Urban League Summer Leadership Academy: Project Ready. This signature program of the National Urban League is designed to provide enhanced academic and social support to 9th through 12th grade high school students as they prepare for post-secondary success. The Project Ready College Access Curriculum integrates academic preparation for college along with life skills development, incorporating emphasis on personal, social, global and cultural awareness.

In line with college preparedness, [Mark Baugh](#), shareholder and chair of the Firm’s Diversity Committee, presented a documentary of the life of Muhammad Ali and followed with a talk regarding how to overcome obstacles to reach one’s life goals. Following Mark’s presentation, a panel consisting of Baker Donelson representatives TaCara Harris, William Belton and Molly Lipski answered the students’ questions, spanning topics from methods for achieving academic success to social integration on college campuses.



## Attorneys in the News

[Mary Aronov](#), a shareholder in the Firm’s Memphis office, along with Tre Hargett, Tennessee Secretary of State, and Kevin Rayburn, in-house attorney with the Tennessee Secretary of State, conducted, “On-Line UCC & Entity Filings with the Tennessee Secretary of State: Are You Perfected? Issues and Updates Under the Uniform Commercial Code Not Just for Lawyers,” a seminar sponsored by the Real Estate and Environmental Law Section of the Memphis Bar Association.

[Andrea Barach](#), shareholder in the Firm’s Nashville office, co-authored the article, “HUD Weighs in on Questions in Long Term Care Finance,” in the May issue of *National Mortgage News*. Ms. Barach also authored the article, “HUD Helps Clear Confusion in Loans to Long Term Care Industry” which was published in the July issue of *National Mortgage News*.

[Sheryl Bey](#), a shareholder in the Jackson office, was recently profiled in *The Brief*, a publication of the ABA Section of TIPS (Tort Trial and Insurance Practice Section).

[Sheila Burke](#), strategic advisor and chair of the Firm’s Government Relations & Public Policy Group in the Washington, D.C., office, participated in a recent forum on health care delivery and payment reform, focusing on the transition from volume-based to value-based health care delivery. The Bipartisan Policy Center’s (BPC) Health Project hosted the forum. Ms. Burke is also a member of the board of the BPC.

[Mark A. B. Carlson](#), a shareholder in the Atlanta office and the chair of the Firm’s Corporate/Mergers & Acquisitions group, has joined the board of the Georgia Charter Schools Association. He will chair the Legal Advocacy Fund.



## Where We’ll Be

Look for Baker Donelson attorneys at these upcoming conferences!

### July 26 – August 1:

Associate Jennifer Ervin will attend the National Bar Association’s 89th Annual Convention in Atlanta, Georgia.

### August 14 – 15:

Shareholder Robert Tom will attend the National Asian Pacific American Bar Association’s (NAPABA) Southeastern Regional Conference in Nashville, Tennessee. Baker Donelson’s Nashville office will also host the Welcome Reception on August 14.

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## Attorneys in the News, *continued*

[Jennifer Cooper](#), shareholder in the Firm’s Atlanta office, has been named to the Association of Corporate Counsel (ACC) Georgia Women’s Initiative Steering Committee. Jennifer will serve a one-year term on the committee, which will work closely with ACC Georgia chapter leadership to develop innovative programs that serve to advance women in the in-house legal profession.

Ms. Cooper also moderated a panel discussion of general counsel for the ACC Georgia Women’s Initiative in May. The general counsel on the panel included Rachel Gervin, Sage; Meredith Lackey, Colonial Pipeline; Catherine Hilton, UPS Capital; and Allen Nelson, Crawford & Company. Baker Donelson is proud to serve as one of the founding members of the ACC Georgia Women’s Initiative.

[Angie Davis](#), shareholder in the Firm’s Memphis office, co-authored the article “Top 10 Best Practices for Social Media in LTC” in *McKnight’s Long-Term Care News*.

[Eddy De Los Santos](#), shareholder in the Firm’s Houston office, was featured in *The Houston Lawyer* for his volunteer work with Child Advocates, Inc.

[Wendy Ellard](#), associate in the Firm’s Jackson office, has been appointed to serve as the vice director of the Disaster Legal Services Team for the Young Lawyers Division of the American Bar Association.

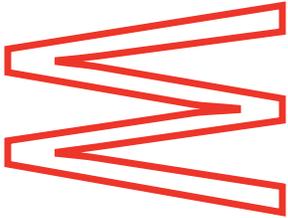
[Jennifer Ervin](#), associate in the Firm’s Atlanta office, hosted 16 high school students for a lunch at the Atlanta office. Several attorneys in the Atlanta office spoke with the students about why they chose law for a career, including [Katy Furr](#), [Ana Dowell](#), [Montoya Ho-Sang](#) and [Amy Hanna](#). Prior to arriving at Baker Donelson, the students participated in a program at the John Marshall Law School as part of the 2014 Pipeline Program in partnership with the State Bar of Georgia Diversity Program and the Leadership Institute for Women of Color Attorneys.

[Donna Fraiche](#), shareholder in the Firm’s New Orleans office, has joined the Greater New Orleans, Inc.’s Coalition for Coastal Resilience and Economy (CCRE). The CCRE will focus on a “three-legged” framework of coastal restoration; appropriate structural flood mitigation; and non-structural flood mitigation for the Greater New Orleans area.

Ms. Fraiche recently spoke about the Affordable Care Act at the Louisiana State Bar Association’s Annual Meeting in Sandestin, Florida. She also served as emcee for the 2014 Annual Health Care Conference hosted by the Louisiana Department of Insurance/Louisiana Health Care Commission in Baton Rouge, Louisiana. Additionally, she served as moderator for a panel discussion entitled “Louisiana’s Private Health Insurance Market: Effects of the Transitional Relief on Rates in the Marketplace.”

[Monica Frois](#), shareholder in the Firm’s New Orleans office, has been re-appointed Co-Vice Chair of Diverse Member Development for the Diversity Committee of the International Association of Defense Counsel (IADC) and has been named to the board of managers of the Hermann-Grima and Gallier Historic Houses.

[Floyd Gaines](#), a shareholder in the Birmingham office, was recently profiled in *The Brief*, a publication of the ABA Section of TIPS (Tort Trial and Insurance Practice Section).



## Where We’ll Be, *continued*

**August 21 – 23:**  
Shareholders Sam Felker and Monica Frois, Director of Recruiting Rebecca Simon and Associate Taylor Wirth are attending this year’s Lavender Law Conference & Career Fair in New York City.

**September 23:**  
Shareholder and Diversity Chair Mark Baugh and Shareholder David Gevertz will attend the YWCA’s “It’s Time to Talk: Forums on Race” program in Atlanta, Georgia.

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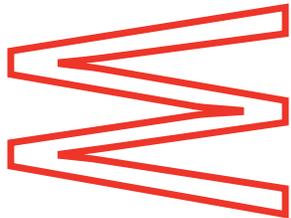
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## Attorneys in the News, *continued*

[Nancy Johnson](#), senior advisor in the Firm’s Washington, D.C., office, participated in the July 15 Brookings Institution event, “Inside Congress: Understanding Congressional Operations.” Her speech was entitled “How Congress Really Works: The Perspective of a Former Congresswoman.” Ms. Johnson was also the keynote speaker at the Fourth Annual New York Presbyterian Healthcare System – Rogosin Institute Symposium on May 6. The title of the speech was “Healthcare in America: Now and in the Future.”



[Kelly Overstreet Johnson](#), office managing shareholder in the Firm’s Tallahassee office, was one of three Baker Donelson attorneys named to the 2014 edition of *Florida Super Lawyers*. She was also named to the list of the top 50 female attorneys in Florida.



[Linda Klein](#), office managing shareholder in the Firm’s Atlanta office, authored “In Emergencies the Little Things Aren’t So Little” in the American Bar Association’s *Law Practice* magazine’s July/August issue. Ms. Klein was also featured in the cover story, “A Conversation With Our Women Leaders,” in the recent edition of *Attorney at Law Magazine*, Metro Atlanta edition.

[Mackenzie Ledet](#), associate in the Firm’s Baton Rouge office, was formally presented with the 2014 Hon. Michaelle Pitard Wynne Professionalism Award by the Young Lawyers Division of the Louisiana State Bar Association during the monthly meeting of the Baton Rouge Bar Association on June 23. This award is given to a young lawyer for commitment and dedication to upholding the quality and integrity of the legal profession and consideration towards peers and the general public. Ms. Ledet was nominated by the Young Lawyers Sections of the Baton Rouge Bar Association.

[Megan McGrew](#), PMP, a legal project manager in the Firm’s Jackson office, was the guest speaker at the July 15 meeting of the PMI Central Mississippi Chapter. Ms. McGrew presented “Adjusting and Implementing Project Management in the Legal Arena.”

[LeAnn Mynatt](#), shareholder in the Firm’s Knoxville office, authored the article “Brownfield Buyers Shielded from Liability,” which was published in *Knoxville News Sentinel*.

[Amanda Perry](#), associate in the Firm’s Orlando office, has been named to Orlando’s Mad Cow Theatre board of directors.

[Robert Tom](#), shareholder in the Firm’s Memphis office, has joined the Outreach Committee and Regional Committee of the Leadership Council on Legal Diversity. Mr. Tom was also featured in *Profiles in Diversity Journal*’s May issue.



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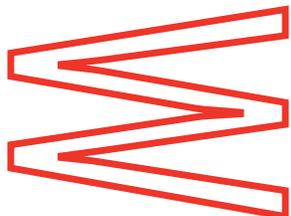
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## Firm News

The Baker Donelson Diversity Committee recently awarded its Barry W. Ford Award, an annual award to recognize employees who display an ongoing commitment to strengthening the atmosphere of inclusion at Baker Donelson through his or her efforts toward the advancement of women and other diverse employees at the Firm. This year, the committee recognized two attorneys and one staff member who have exhibited the above behaviors and exceeded the call of duty as it relates to the promotion of inclusion and diversity. This year’s recipients are [Maurice Wexler](#), senior counsel in the Memphis office; [Erica Mason](#), shareholder in the Atlanta office; and Carla Blake, a member of the billing department in the Washington, D.C., office.



The Baker Donelson Women’s Initiative also recently awarded its Susan E. Rich Award to [Carla Peacher-Ryan](#), a shareholder in the Firm’s Memphis office. In 2011, the Baker Donelson Women’s Initiative created the award, to be presented annually to the person in the Firm who has demonstrated an unflagging commitment to the advancement of women at Baker Donelson, as well as to women’s issues generally.

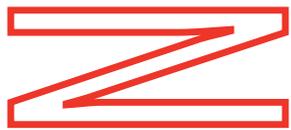


Eight of the Firm’s Nashville attorneys were featured in the *Nashville Business Journal*’s 2014 “Best of the Bar” special section in the large company category, including [Martha Boyd](#), [Brigid Carpenter](#), [Charles Grant](#) and [Tonya Grindon](#).

The Firm has been recognized as a winner of the *Mississippi Business Journal*, *Orlando Business Journal* and *Washington Business Journal* 2014 Best Places to Work competitions.

Baker Donelson has been named a 2014 Beacon of Justice award winner by the National Legal Aid and Defender Association. The Firm was nominated for this award by the Tennessee Alliance for Legal Services in recognition of the Firm’s development of the innovative OnlineTNJustice platform that is now providing free legal services via the internet to low income Tennessee residents. In addition, the Firm now licenses this software to other states free of charge, and it is being implemented across the country.

Baker Donelson has been selected as a 2014 recipient of the Mississippi Volunteer Lawyers Project’s Curtis E. Coker Access to Justice Award. For the past 16 years, this special honor, commonly referred to as the “Coker Award,” has been presented to an individual, law firm or other organization that has provided or helped to provide outstanding pro bono legal services during the previous year.



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## New Faces



Meaghan Kenefic has joined the Firm's Orlando office as an attorney. She focuses her practice on residential mortgage litigation and is a 2008 graduate of Stetson University College of Law. She has experience as lead counsel in contested foreclosure bench trials, along with extensive experience in corporate and real estate litigation. Before joining Baker Donelson, Ms. Kenefic managed, organized and directed a legal litigation staff as in-house corporate litigation counsel for a \$3 billion real estate technology company and all of its subsidiaries. Before entering private practice, Ms. Kenefic clerked at the United States Attorney's Office in Tampa, Florida, under the lead assistant United States attorney in the Asset Forfeiture Division and spent seven years as a federal bankruptcy case manager for the Middle District of Florida, Tampa Division.



Jesse Ford joined the Nashville office as an attorney in the Labor & Employment Department. Ms. Ford is a 2013 graduate of the University of Tennessee College of Law. Before joining Baker Donelson, she was a judicial law clerk for the Honorable Jeffrey M. Atherton and the Honorable W. Frank Brown III in the Hamilton County Chancery Court in Chattanooga, Tennessee. While in law school, she interned for the Honorable Ellen Hobbs Lyle in the Davidson County Chancery Court.



Karli Swift has joined Baker Donelson as an associate in the Firm's Atlanta office, where she focuses her practice on commercial transactions in the technology and health care industries and mergers and acquisitions. She also is a member of Baker Donelson's Privacy and Information Security Group and has experience negotiating transactions involving the sale of technology, including software licensing and services. A 2011 graduate of the University of Georgia School of Law, Ms. Swift also is experienced in developing risk management and compliance programs for HIPAA privacy and security breaches, and in reviewing and negotiating teaming agreements, subcontracts and requests for proposals for transactions involving the sale of health care IT and services to the federal government and commercial entities.

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