

STAY CONNECTED

# alumni news

## SheppardMullin

MAY 2017

### IN THIS ISSUE

Welcome Back	1
Alumni Web Site	2
Alumni Spotlight	2
Ahead of the Curve	4
News of Note	5
Helping Clients Succeed	5
Pro Bono Highlight	7
Upcoming Events	7
Contact Us	7

### STATS AND FACTS

# 780

Sheppard Mullin attorneys globally

# 15

Offices in  
5 countries

# 25

Industry teams

# 30

Blogs

# 1,115

Alumni in our network

## WELCOME BACK

As a tool to promote collaboration, we are excited to introduce the inaugural issue of Sheppard Mullin Alumni News, a regular newsletter for and about our alumni network. This newsletter will feature interviews with alumni, news about the firm and new practices that may help your company succeed, pro bono partnerships, upcoming events, and other items of interest.

We hope that you are enjoying your post-Sheppard Mullin career. With more than 1,100 alumni members worldwide, our alumni network is as diverse as it is talented. Sheppard Mullin alumni now have roles in house with companies across industries (including with many of our clients), and in the judiciary, government and municipalities, non-profits, and private sector.

A constant theme we've heard when lawyers leave Sheppard Mullin and reflect on their career here is that in addition to doing interesting work for excellent clients, they most enjoyed "the people." We don't want to lose our connection to you and hope to stay connected or reconnect through our expanded alumni efforts and encourage you to keep in touch. Please contact Senior Business Development Manager Michelle O'Driscoll, who is managing our alumni relations program, with any major news or updates. During our 90th anniversary year, we look forward to hearing from you!



**Guy Halgren**

Chair

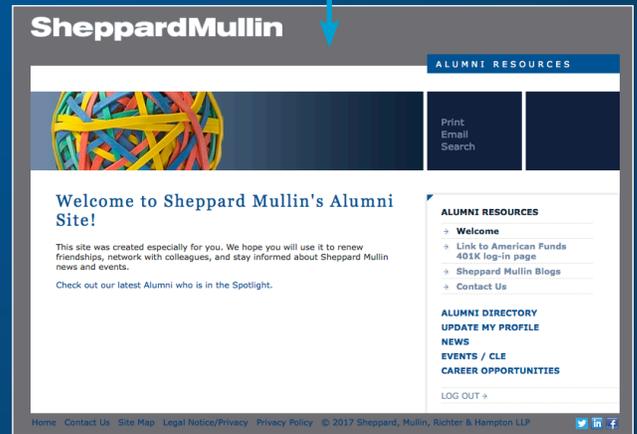
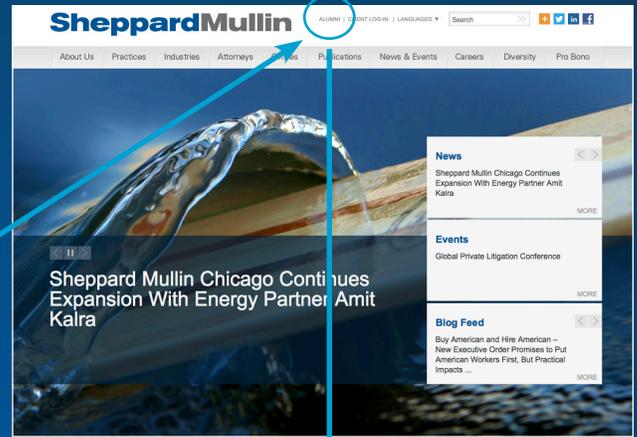
[ghalgren@sheppardmullin.com](mailto:ghalgren@sheppardmullin.com)

# ALUMNI WEB SITE

Sheppard Mullin maintains an alumni web site that was created several years ago for alumni to renew friendships, network with colleagues, and stay informed about Sheppard Mullin news and events. To find it, go to [www.sheppardmullin.com](http://www.sheppardmullin.com) and click on "Alumni" in the banner at the top, next to the firm logo. If your alumni directory information is incorrect or you need your login/password, please contact our alumni relations manager at [modriscoll@sheppardmullin.com](mailto:modriscoll@sheppardmullin.com) to ensure your information is correct.

On the site, you'll find information about other alumni, including a directory and spotlight interviews. There's also important information about your 401K, in house career opportunities (send us in house openings from your company!), upcoming seminars that you can register for, links to our more than 30 blogs to which you can subscribe to read industry news, and much more.

As our alumni program develops, we will add more useful information to the site. We are also looking into possibly forming an alumni group on LinkedIn or Facebook.



# ALUMNI SPOTLIGHT



**Otis McGee**  
 Chief Assistant City Attorney / Litigation Division,  
 City of Oakland  
 Former Sheppard Mullin Partner, Business Trials  
 Group, San Francisco office (1997-2014)

We are delighted to profile former Sheppard Mullin partner, **Otis McGee**, Chief Assistant City Attorney for the Litigation Division of the City of Oakland, in our first alumni newsletter spotlight.

## Career Path

Otis attended UC Berkeley Law School after serving as a police officer in Pacifica and as an investigator for the Alameda County Public Defender's Office.

After law school, Otis joined Pettit, Evers & Martin, where he worked on insurance bad faith, construction and employment litigation matters. He then joined the law offices of Willie Brown, Jr., where he worked until he, Dianne Millner and Ray Ocampo founded Ocampo Millner and McGee in 1980. Through various mergers, the firm evolved to become Alexander, Millner and McGee, and ultimately became the largest minority-owned firm in the country, with 35 lawyers in offices in San Francisco, Los Angeles, New York City and Philadelphia. Otis served as Managing Partner.

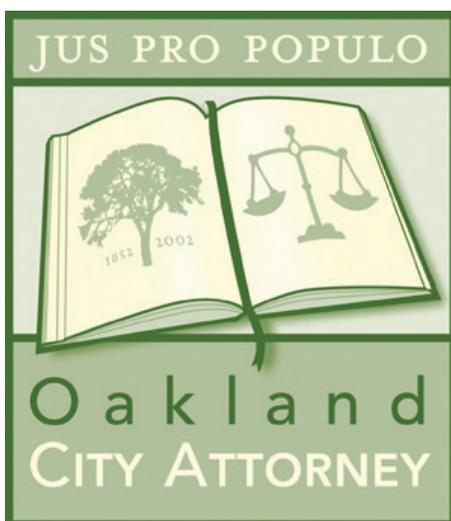
Otis most recently served as a partner and senior trial attorney in Sheppard Mullin's San Francisco office. He joined the firm as a partner in 1997 and left for the City of Oakland in 2014. His practice at the firm included labor and employment, products liability, environmental and toxics matters and general commercial litigation. Otis has substantial jury trial experience, including work

for the City of Oakland, and has conducted numerous investigations for both public and private entities. In the products liability and consumer warranty arenas, Otis represented manufacturers of automobiles and light trucks, consumer products, industrial equipment, pharmaceuticals and medical devices.

### His Role and a Typical Day

There is no such thing as a “typical day,” as one day may be fairly light and another day will have non-stop activities that take a variety of shapes and forms. Otis’ current position entails managing all litigation brought against the City of Oakland; all lawsuits cross his desk first. These range from the mundane, e.g., sidewalk slip and fall and pothole matters, and automobile collisions involving City vehicles, to the very complex. While some matters involve minor property damage or injuries, they occasionally result in catastrophic injuries and death. At the other end of the spectrum are the myriad of complex matters involving commercial and construction disputes, and matters involving issues that are unique to public entities, e.g., police officer use of force cases and lawsuits arising from tragedies such as the Oakland Hills fire several years ago and, more recently, the December 2016 Ghost Ship fire in which 36 people lost their lives.

Otis’ role is to make a preliminary determination at the outset about potential exposure, whether the defense can be handled in house (and if so, which of the ten in-house attorneys it should be assigned to), or if the matter should be handled by outside counsel. Sheppard Mullin’s Ray Marshall is currently leading the defense of several City of Oakland matters, including those related to the Ghost Ship fire.



### In House v. Law Firm Differences

A Sheppard Mullin lawyer recently asked Otis what he missed most about the firm, and his tongue-in-cheek response was: “the commute”, as now he lives only 10 minutes from his job at the City of Oakland.

Joking aside, one thing he doesn’t miss is business development, as he never has to worry where the next case is coming from since the flow of cases is non-stop in his role. They still track time at the City, but not for the typical reason law firms do. Otis served on Sheppard Mullin’s Compensation Committee for many years and observed that the City has a different motivation when tracking hours on matters. The City has no interest in COT (collections), but with affirmative litigation (where the City is plaintiff), it’s critical to carefully track not only the attorneys and support staffs’ time, but also the recovery of time which can be an important factor in getting a case resolved. Outside counsel often hear about being “efficient” and “adding value”. Underscoring this, the City is developing an efficiency tool to understand how much time their attorneys are spending on matters, which will be helpful in determining whether or not to keep a matter in house.

### Tips on Obtaining and Retaining Clients

The City of Oakland has a number of factors they take into account when selecting outside counsel, including expertise, city location, budget, and diversity. Of paramount importance to the City, as it is with most institutional clients, is that their guidelines and procedures be carefully followed. In addition, the City is always looking for diverse outside counsel candidates as they need to reflect their diverse constituency. As a past diversity leader for the California Minority Counsel Program, Otis places a premium on diversity and appreciates law firms that propose a diverse team.

All clients award new matters to outside counsel differently, but public entities have unique policies and procedures to abide by. That said, the methods for obtaining additional work haven’t changed much since the days when Otis worked for the City of Oakland at Sheppard Mullin. There’s no secret recipe for how to obtain more work. Important factors they consider include: complying with outside counsel guidelines, regular communication about matter status, and no surprises on bills – it’s best to let him know sooner rather than later if there is an issue.

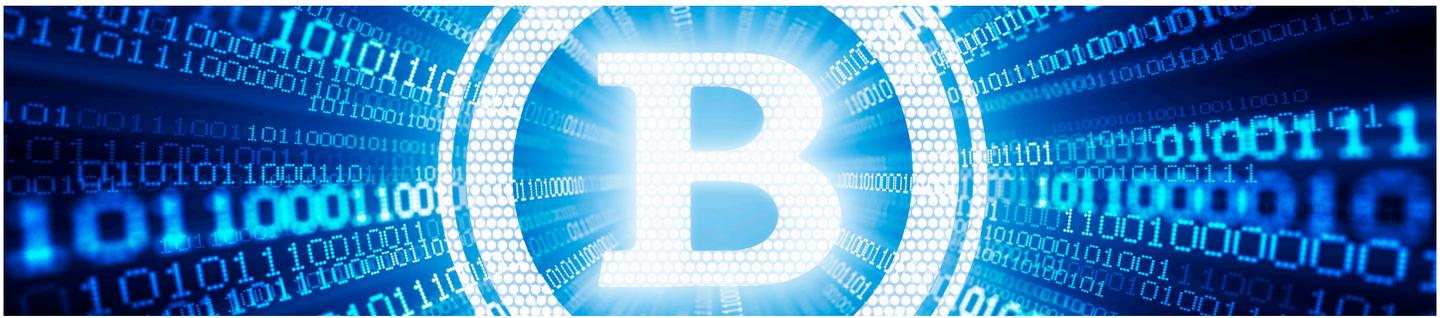
Regarding budget, the City primarily requires outside counsel to use alternative fee arrangements and be forward thinking about what makes the most sense for the City for each individual litigation matter. They look to law firms to propose creative billing arrangements for matters that will provide the best mutual result, from flat fees to fixed fees to capped fees and more.

## Hobbies Outside of Work

Since leaving Sheppard Mullin, Otis has been able to travel extensively. He and his wife have gone to wonderful locations, including New Zealand and Australia, and they are currently making plans to travel to Southeast Asia, Japan and Vietnam. Otis also enjoys model railroading, which he does out of his home with others who share this interest.



We thank Otis McGee for taking the time to share his insights with us about his post Sheppard Mullin career and wish him continued success. We hope that you will also keep in touch with us – and with each other. We'd love to hear from you.



## AHEAD OF THE CURVE

As the world changes due to innovation and new technologies, so does the law. This column will feature new trends and practices that may intersect with your job responsibilities. As innovation is a major Sheppard Mullin focus, all our lawyers are also learning about these trends through a new internal education program to stay ahead of the curve.

### Blockchain Technology & Digital Currency

To assist companies with what many believe has become the most disruptive technology since the internet, Sheppard Mullin has formed a new Blockchain Technology & Digital Currency team, led by partners Adam Ettinger (CC) Jim Gatto (DC) and Laura Jehl (DC). Although blockchain is most commonly known as the underlying technology for the digital currency, Bitcoin, it has many different applications across industries from financial services to healthcare to real estate and more, and is seen as having the potential to revolutionize the way we do business.

Blockchain aka Distributed Ledger Technology, already has had a great impact on industries, according to the World Economic Forum:

- \$1.4B in VC money in last three years
- 10% of global GDP to be traded via blockchain technology by 2025-2027
- 24 countries investing in blockchain technology for government services
- 90+ central banks engaged in related discussions

Sheppard Mullin's Blockchain and Digital Currency team can assist clients with related applications including: smart contracts, tokenization of physical commodities, the use of blockchain technology in energy markets, digital autonomous organizations, digital title systems, digital escrows, and other innovative uses of blockchain technology. Our team includes pioneers in the field who negotiated the first investments in the industry, and counseled the first Bitcoin companies when they launched new payment and security products despite regulatory uncertainty. We are here to offer strategic advice to grow your business.

## NEWS OF NOTE

### EU Competition & Regulatory Group Launched in Brussels

In a decisive move, we recently bolstered our presence at the heart of the European Union by launching an EU Competition and Regulatory practice in Belgium, including a new office at the IT Tower in Brussels. The team includes the former head of Hogan Lovells' Brussels competition practice Jacques Derenne, former Mayer Brown partner Robert Klotz, former Dechert partners Isabelle Rahman and Wim Vandenberghe, and former Simmons & Simmons partner Oliver Heinisch, who splits his time between Brussels and London. They join existing Sheppard Mullin international trade partners Curt Dombek and Reid Whitten, as well as five counsel and associates, bringing a total of 12 lawyers in the expanded Brussels office.



The new EU team focuses on merger control, cartels, EU and national litigation, market conduct and dominance, state aid, regulatory, compliance, and policy advocacy issues. Together with our existing Antitrust & Competition team in the U.S. and Asia, we now have nearly 50 global competition lawyers available to serve clients worldwide.

## HELPING CLIENTS SUCCEED

Sheppard Mullin lawyers are honored to work on a broad range of litigation and transactions to help our clients succeed. Here are a few examples of our work over the past few months:

 **Amazon Studios Development of Iran-Contra TV Series** – Amazon is developing a drama series about Oliver North and the Iran-Contra affair. Colin Farrell is targeted to star as the former U.S. marine in the untitled limited series, which will primarily focus on the Iran-Contra scandal. Partner Bob Darwell (CC) is leading the deal for Amazon.



**Chipotle Mexican Grill Non-GMO Dismissal** – We won summary judgment for Chipotle in a proposed \$25 million class action where plaintiff, on behalf of all Florida consumers, claimed that Chipotle's representation that all of its food is made with only "non-GMO ingredients" was deceptive because Chipotle serves meat and dairy ingredients that are sourced from animals that may have consumed GMO feed. Partner Sascha Henry (LA), who leads our Food and Beverage team, argued the winning motion and led the litigation.



**Rite Aid TCPA Class Action Dismissed** – A New York federal judge tossed out a proposed class action that alleged client Rite Aid violated the Telephone Consumer Protection Act by sending pre-recorded flu shot reminder notices to consumers' cellphones, delaying release of the opinion until the parties propose redactions due to confidential information. Partners Shannon Petersen (SD) and Rena Andoh (NY) led the matter.



**New Orleans Police Department Monitoring** – Partners Jonathan Aronie (DC) and David Douglass (DC) lead the judicially-appointed Monitoring Team over the New Orleans Police Department (NOPD) Consent Decree. The NOPD Consent Decree touches on many aspects of police reform, from an overhaul of officer training to new policies on use of force, investigatory stops and searches, and “bias-free” policing. The Consent Decree has been in place for three years and has resulted in significant relief to groups negatively impacted by years of police misconduct. Under the watchful eyes of the Sheppard Mullin team, the NOPD has changed the way officers investigate crimes against women, reformed the way they deal with the LGBTQ community, added new procedures for conducting witness interviews and suspect lineups, and mandated data collection and public reports designed to promote transparency and alleviate biased policing. Recent news articles have described a remarkable turnaround in NOPD’s Sexual Assault / Domestic Violence investigation units, and the federal judge overseeing the matter commented that these changes have led to countless women no longer living in anguish. Jonathan and David also have supported, pro bono, an NOPD peer intervention program that teaches officers how to intervene safely and effectively when they see fellow officers on the verge of unethical behavior. The National Museum of Civil Rights recently reached out to the Monitoring Team to learn how it could support a similar program in Memphis. Despite the U.S. Attorney General’s call in early April for a wholesale review of Consent Decrees governing law enforcement agencies across the country, the New Orleans Consent Decree shows no sign of losing steam and the NOPD shows no sign of slowing its pace of reform. In February, the U.S. federal judge overseeing the monitoring team called the NOPD Consent Decree a “model” for other departments.



**Orange Coast Memorial Medical Center Wage/Hour Victory** – After nine years of litigation (including drafting and advocating related legislation) that included a journey through the California Superior Court, Court of Appeal and Supreme Court, we were victorious for Orange Coast Memorial Medical Center and defeated class certification. We also achieved a great outcome for the healthcare industry by ensuring that a special meal period waiver regulation for health care employees will remain in effect. As a result of the Court of Appeal’s final decision, hospital employees who work 12 hour shifts will be able to enjoy the scheduling flexibility they desire and, by waiving one of their two meal periods, confine their work schedules to a span of 12½ rather than 13 hours. Partners Richard Simmons (LA), Daniel McQueen (LA) and Derek Havel (LA) led this matter.



**Synergy Pharmaceuticals Public Offering** – We recently helped Synergy Pharmaceuticals Inc., close a \$125 million public offering of common stock. Synergy Pharmaceuticals is a biopharmaceutical company focused on the development and commercialization of novel gastrointestinal therapies. Lead partners were Jeff Fessler (NY) and Stephen Cohen (NY).



## UPCOMING EVENTS

Below are a few upcoming events that are open to in-house counsel or HR professionals. We will also offer alumni events and reunions in the near future. To RSVP or for more information, go to our Events web page at [www.sheppardmullin.com/newsroom-events.html](http://www.sheppardmullin.com/newsroom-events.html).

### Tuesday, May 16, 2017

Breakfast With Your Labor Lawyer – Silicon Valley  
Palo Alto office  
7:30 – 10:00 a.m. PST

### Wednesday, May 17, 2017

Breakfast With Your Labor Lawyer - Los Angeles  
The LINE Hotel, 3515 Wilshire Boulevard  
7:30 – 10:00 a.m. PST

### Thursday, May 18, 2017

Competition “Breakfast with Europe” Webinar  
Held the Third Thursday of every month  
8:00 – 8:30 a.m. PST

### Thursday, May 18, 2017

CLE Credits and Cocktails  
Chicago Office  
3:00 – 4:00 p.m. CST: A Look at the Current  
Employment Law Landscape  
4:15 – 5:30 p.m. CST: Current Ethical Issues Facing  
In-House Counsel

## CONTACT US

For more information about our alumni program, or to notify us of a job change, subscribe to a blog, or register for events, contact Senior Business Development and Alumni Program Manager Michelle O’Driscoll. We look forward to hearing from you and staying in touch.



**Michelle O’Driscoll**  
Alumni Program Manager  
[modriscoll@sheppardmullin.com](mailto:modriscoll@sheppardmullin.com)

## PRO BONO HIGHLIGHT

Sheppard Mullin increased its pro bono commitment with a series of new initiatives and appointed New York partner Dan Brown (winner of the prestigious 2015 ABA Pro Bono Publico Award) as our firm-wide Pro Bono Partner. We’ll highlight a notable pro bono matter of interest in each issue. We often partner with our clients and in house counsel on pro bono initiatives; please contact Dan with any partnership ideas or questions.

### Asylum Victory for Gay Ghana Man

In the firm’s active national pro bono asylum practice, our client was recently granted asylum through the work of a team led by associate Adam Shipley (SD). Our client is a gay man from Ghana who was seeking asylum in the United States. In Ghana, where homosexuality is a crime, he was routinely persecuted because of his sexual orientation. One night he was lured to an isolated location by a group of men and severely beaten, sustaining broken bones and had to be hospitalized for several weeks. He could not report the beating to the authorities as the police are often complicit in, or approve of, such attacks.

Upon his release from the hospital, he fled the country. Our team worked with our client while he was in detention through his asylum application, researching his file and Ghana’s record on human rights. They helped him draft his application and supporting brief and spent countless hours at the detention facility conducting interviews and prepping him for trial. On the eve of trial, the judge released our client from detention because she found he was not a danger to the community. Upon his release, the team helped him move to the East Coast and his case was transferred to Philadelphia, where we worked to find him new counsel. At trial, the Court found our client credible and granted asylum, and DHS waived the appeal.



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# alumni news

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