

STAY CONNECTED alumni news SheppardMullin

SPRING 2020

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STATS AND FACTS

950

Lawyers Globally

15

Offices in
5 Countries

10

Practice Groups

25

Industry Teams

30

Blogs

1,552

Alumni in our network

NEWLY PROMOTED PARTNERS

We are pleased to announce that 21 attorneys were promoted in our 2020 partnership class, effective March 1, 2020.

“Our new partner class highlights Sheppard Mullin’s strengths across practices, industries and geographies,” said Chairman Guy Halgren. “These young attorneys have played a vital role in the growth of the firm, demonstrated unmatched dedication to client service, and will be the future leaders of our firm.”

The newly elevated partners include:

SheppardMullin

ELECTS TWENTY-ONE ATTORNEYS TO PARTNERSHIP

 Farha Chowdry - PA Corporate & Securities	 Michael Driscoll - NY Finance & Bankruptcy	 Shawn Fabian - CH Labor & Employment	 Frances Hernandez - OC Labor & Employment	 Michael Koltun - DC Corporate & Securities	 Jacqueline Luther - OC Business Trial
 Alexander Merritt - SF Real Estate	 Alejandro Moreno - SD Business Trial	 Keahn Morris - SF Labor & Employment	 Heather Plocky - LA Business Trial	 Dylan Price - CC Business Trial	 Brooke Purcell - SF Labor & Employment
 Mark Rackers - SD Business Trial	 Jay Ramsey - CC Business Trial	 William Rappolt - DC Real Estate	 Alexis Robinson - NY Entertainment	 Robert Sahyan - SF Finance & Bankruptcy	 Matthew Shatzkes - NY Corporate & Securities
 Matthew Tobias - LA Labor & Employment	 Golnaz Yazdchi - CC Business Trial	 Amanda Zablocki - NY Corporate & Securities			

CONGRATULATIONS TO ALL!

ALUMNI SPOTLIGHT INTERVIEW: MARLENE NICHOLAS



Marlene Nicolas

*Senior Director – Global Employment, Ethics and Compliance
Mattel, Inc.*

Formerly in the Labor & Employment Group, 2005-2018

We are delighted to profile former Sheppard Mullin labor and employment partner Marlene Nicolas of Mattel, Inc., located in El Segundo, California.

Career Path

Raised in Miami, Florida, Marlene obtained her B.A. in Psychology from Boston University in 2001, and her law degree from Southwestern University School of Law in 2006. Marlene moved to Los Angeles in 2002 so now has spent almost as much time here as Miami, feeling comfortable calling herself an “Angelino.”

Marlene worked as a labor and employment associate in Sheppard Mullin’s Los Angeles office from 2005 to 2015, and as a partner from 2015 to 2018. She joined Mattel in January 2018 as Senior Director - Global Employment. Eight months later, her scope was expanded to include Ethics and Compliance.

Current Roles and Responsibilities

Mattel is multinational toy and entertainment company, selling products in more than 150 countries worldwide. Mattel’s iconic brands include Barbie, Hot Wheels, Fisher-Price and American Girl, among many others.

In her role, Marlene leads and manages the global employment, ethics, and compliance legal team; provides counseling and support to human resources; and partners with business leaders to advance compliance initiatives. She is the primary point of contact for all guidance on employment, ethics, and compliance issues facing Mattel’s manufacturing, supply chain, and commercial business units in North America, Asia Pacific, Latin America, Europe, Middle East and Africa (25,000+ full and part-time global employees engaged in design, manufacturing, distribution, retail, media production, and support services).

Importance of Outside Counsel

The most valuable thing outside counsel can do is to truly know and understand the needs of her internal business clients and the issues they might face, and keep her apprised

of any changes or trends they should act upon. It’s not enough to send her a relevant case or a long article. She prefers a personal communication that underscores why an issue is important to Mattel and offer examples of how they might be able to help her take action.

Marlene believes that Sheppard Mullin’s Labor & Employment Practice Group offers a wide variety of expertise and she works with many of our attorneys, including Paul Berkowitz, Nora Stilestein, Kelly Hensley, Matt Tobias, Michaela Goldstein, Jennifer Redmond, Greg Berk, Michael Chan, Kevin Cloutier and Shawn Fabian. The team assists Marlene on various employment matters across the U.S. including litigation defense, immigration and global mobility, wage and hour advice for retail and restaurant workers, and executive compensation issues. Recently, Los Angeles associate Nora Stilestein was seconded to Mattel for three months, getting first-hand experience on the day-to-day life of in-house counsel. Outside of L&E, Jill Pietrini also works with Mattel on intellectual property matters.

Innovative Approaches

Though Mattel has a large in-house department, there are only two employment lawyers who provide advice to generalists in Latin America, Asia and Europe. In the U.S., Mattel has employees in all 50 states, across areas from sales to manufacturing to retail. For example, American Girl Retail stores have bistros, so their employees range from line cooks to the executives who manage the business from the American Girl corporate headquarters in Wisconsin. Firms that can aggregate nationwide employment laws in an easily searchable format can be very helpful.

Another innovative tool that a large employment boutique offers relates to questions that come up regularly in wage and hour issues. This firm provides an online tool where you can add basic facts and answer a few questions, and it kicks out a risk analysis for independent contractor and exempt/non-exempt classifications. For a flat fee, this tool is very useful and gets you 80% of the way there.

Diversity Matters

Marlene underscored that diversity definitely does matter. She noted that “It is part of what we look for when we are vetting teams.” One of the things she brings to the table as a woman of color is ensuring that the lawyers who are on a pitch are actually working on her cases and getting credit. She’s not falling for the “dog and pony show.”

Career Advice for Young Lawyers

At all times in their career, newer attorneys should make sure they are serving all of their clients – from the external client,

to the partners and senior associates they work for, to the junior associates, administrative assistants and paralegals who support them. If you remember that and keep assessing that throughout your career – treating everyone as a client – you will be successful. Marlene noted, “Be sure to continuously assess and understand your role in supporting those clients.”

As a young associate, Marlene worked for multiple partners in Sheppard Mullin’s Labor & Employment Group, with cases ongoing with each of them at the same time. She learned how to make sure her partners always had the information needed to look good in front of their clients.

How the Firm Prepared Her for Role at Mattel

At any given time, Marlene had 7-10 bosses at Sheppard Mullin – partners of different genders, races, seniority, and working systems. They all had different styles and she learned to adjust from one to the next until she became senior enough that her own style became part of the process.

At Mattel, she has many different internal clients across departments, each with different styles. Because she learned to effortlessly “move from room to room” at Sheppard Mullin, it’s not as daunting because she’s done it before. It’s now quite easy for her to quickly adjust to the needs of whoever is demanding her attention.

Marlene is genuinely grateful for the time she spent at Sheppard Mullin and the support and opportunities provided to her during her time at the firm.

Sheppard Mullin Memories

As a litigator working on major class actions and other large cases, she spent a lot of time with colleagues “working in the trenches”, eating every meal together, and that led to great camaraderie and strong loyalty to each other. She met her best friend, former Sheppard Mullin associate Lauren Thibodeaux, during one of these cases and she still hangs out with many of the Sheppard Mullin lawyers she worked with, laughing that they are still “all up in each other’s business.”

At Mattel, it’s much more of a 9-5 job with people very focused on the company’s success during the day and their families after hours.

Life Outside of Work

Marlene loves to travel internationally with her husband and eight-year-old daughter, most recently travelling to Kuala Lumpur, Singapore, and Phuket during Mattel’s two-week annual end-of-year shutdown. She also enjoys playing and watching her daughter Aviana play basketball, joking that “She is getting really good and its forcing me to brush up on my skills!”

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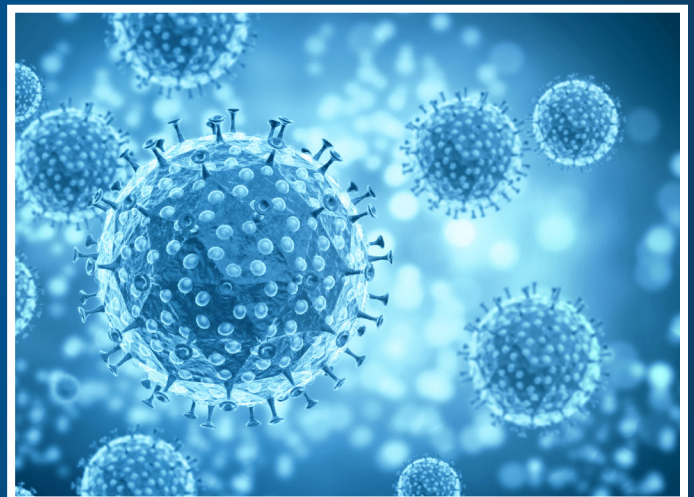
We thank Marlene for taking the time to share her insights with us about her post-Sheppard Mullin career and wish her continued success.

CORONAVIRUS (COVID-19) TASK FORCE

Sheppard Mullin has developed a Coronavirus Client Resources Task Force led by Managing Partner Robert Beall and Los Angeles partner David Sunkin.

Our Coronavirus (COVID-19) Insights web page discusses the legal, business and practical implications of the virus, updating content daily with both blog posts and podcast episodes. We’ve covered disruption in the workforce, immigration issues, supply chain ramifications, retail and hospitality industry issues, healthcare system issues, public company disclosure obligations, the FDA’s role in epidemics, and what’s happening in South Korea.

We will continue to serve as a resource to our clients and visitors, so visit this site on an ongoing basis: <https://www.sheppardmullin.com/coronavirus-insights>



ALUMNI UPDATE: HONORABLE ANDREW GUILFORD MOVES TO JUDICATE WEST



**Hon. Andrew
("Andy") Guilford**

*Retired U.S. District Judge
Neutral, Judicate West*

*Formerly in the Business Trial Group,
1975-2006*

Here is an update on former Sheppard Mullin partner Hon. Andy Guilford, who joined Judicate West in Santa Ana, CA in early February after retiring from the U.S. District Court for the Central District after nearly 14 years.

[Note: Portions of this update were reprinted with permission of the California Receivers Forum, with content from a past edition of Receivership News.]

Career Path

Judge Guilford's story started in Santa Monica, CA, where he was born and raised. The first of many significant milestones occurred in 1972 and 1975, when he graduated from the University of California at Los Angeles as a double Bruin with an A.B. undergraduate degree in Economics and his J.D. three years later. As an undergrad, he was a Regents Scholar and Phi Beta Kappa in 1972. While earning his law degree, he served as Associate Editor of the *UCLA Law Review* and worked as an extern to Justice Lester Roth and as a research assistant for Professor Jesse Dukeminier.

With this academic foundation, Judge Guilford began a 31-year career in Sheppard Mullin's Business Trials Group, working in the Orange County office from 1975 to 2006. What stood out as his most interesting case as a trial lawyer? It occurred almost at the end of his lawyer career – the name change case where the Anaheim Angels desired to become the Los Angeles Angels of Anaheim.

Active in the professional community, Judge Guilford serves on the board of directors for the Federal Bar Association, and from 2011 to 2017, he served on the Committee on Codes of Conduct of the U.S. Judicial Council. He served as President of the State Bar of California in 2000, following in the footsteps of firm founder James Sheppard who was previously President. Judge Guilford was also President of the Association of Business Trial Lawyers of Orange County from 2000-2001 and the Orange County Bar Association in 1991. In a testament to his early trial activity, in 1992, at the age of 41, he was one of

the youngest attorneys to be elected to the American College of Trial Lawyers.

Moving to the Bench

Another milestone in his distinguished career occurred in 2006, when President George W. Bush nominated then attorney Andy Guilford to the Federal Bench. What caused him to leave private practice and become a federal judge: the opportunity to serve.

Following his U.S. Senate confirmation, Judge Guilford was appointed to the U.S. District Court for the Central District of California in 2006, also serving by designation with the Federal Circuit Court of Appeals and Ninth Circuit Court of Appeals. He also served as a Patent Pilot Program Judge and on the Multidistrict Litigation Panel. Additionally, Judge Guilford served on the Ninth Circuit Jury Instructions Committee. Before his appointment, he served as an arbitrator and Judge Pro Tempore for the Orange County Superior Court.

During his nearly 14 years on the bench, Judge Guilford oversaw many jury and bench trials involving intellectual property, securities, unfair competition, finance and professional liability, among other areas. He was also involved with numerous class actions and multidistrict litigation matters.

As a judge, he earned a reputation for being compassionate, intellectual, fair and hardworking. One attorney commented on his Judicate West profile that, "Judge Guilford always has been prepared, committed and well-respected. Following many years of private practice on complex matters and on the bench, he treated lawyers with respect and gave them the opportunity to represent their clients, while achieving justice."

Judge Guilford has always had a strong commitment to community service. As a zealous advocate for volunteer legal services for indigents, he served as President of the Public Law Center from 2004 to 2006 and on the State Bar Commission on Access to Justice from 2008 to 2013. He was also on the Judicial Council's Task Force on Self-Represented Litigants and was awarded Sheppard Mullin's Pro Bono Attorney of the Year Award. He also received the State Bar President's Pro Bono Service Award and the Poverty Law Center Outstanding Service Award. According to Judge Guilford, "every practicing lawyer has a duty to give back to the legal community."

Sheppard Mullin Memories

Judge Guilford misses the camaraderie with his great friends at Sheppard Mullin. He also misses the chance to try significant

cases – just as he would rather play basketball games than referee them. On another court, he would rather try cases than referee trial attorneys. The firm and its lawyers were central in shaping him as a lawyer.

Life Outside of Work

Judge Guilford married Loreen Gogain in 1973 (while in law school), noting that “Loreen keeps everything running!” He is the proud father of two grown daughters: Dr. Amanda Murray is a psychologist in San Francisco and Harvard Law graduate Colleen Zamm is a teacher in Mississippi. Time with his family is most valued, and he is proud of his grandson and two granddaughters.

Judge Guilford’s interests are varied and include traveling, writing, poetry, photography, theater, and sports, being a fan of UCLA, the Dodgers, Lakers and Rams, and playing basketball and tennis. His hero is Winston Churchill, and he hopes someday to see Maury Wills elected to baseball’s Hall of Fame.

He’s also a movie buff who rates each one he sees and keeps a running list of his yearly and all-time favorites. He loves music, especially the Rolling Stones, R&B, the Blues and Baroque. He’s also a widely-read student of history and leadership.

What a fascinating life he’s led, and we wish him continued success.

ALUMNI MOVES AND NOTABLE ACHIEVEMENTS

Below are a few recent in-house alumni moves and other notable achievements. Let us know if you’ve changed jobs so we can feature your move in a future edition.



Ruben Escalante is now an Assistant U.S. Attorney for the Central District of California in the Riverside Branch Office. He was a labor and employment partner in our Los Angeles office from 2006 to 2019.



Adrienne Lee is now General Counsel at Tawa Supermarket, Inc. in Buena Park, CA. She was a litigation special counsel in our Orange County office from 2010 to 2020.



Ed Lozowicki was recently elected a Fellow of the invitation-only College of Commercial Arbitrators. Prior to retiring from the firm, Ed was a litigation partner in the San Francisco office and of counsel in the Palo Alto office from 2005 to 2016.



Tom Monahan is now Associate Litigation Counsel at Warner Music Group in New York. He was a litigation associate in our New York office from 2013 to 2020.



Pete Murray ran as a candidate to fill a retiring judge’s seat in the San Diego Superior Court. The *San Diego Union Tribune* featured an article about him on Jan. 3rd [here](#). He will face AUSA Paul Starita in a run-off in the November general election since neither earned a majority vote in the primary on March 3rd. He was a litigation associate in our San Diego office from 1990 to 1992.



Jane Langdell Robinson won her primary on March 3rd for Justice in the Texas 14th Court of Appeals. She was a litigation associate in our Los Angeles office from 1998-1999 and returned as an antitrust associate from 2003-2005.



Laura Taylor was reappointed to the Ninth Circuit Bankruptcy Appellate Panel which resolves appeals arising out of bankruptcy court decisions in the Circuit’s nine Western states, for an additional three-year term beginning on Dec. 31, 2019. From 1983 to 1995 and from 1998 to 2007, Judge Taylor was a finance and bankruptcy associate then partner in the San Diego office, and served as that office’s Administrative Partner from 2005 to 2007.



Roburt Waldow is now a Principal at Deloitte in its Washington national tax practice. He was a tax partner in our Orange County office from 2015 to 2020.

We regularly post in-house job opportunities from clients and friends of the firm on the Sheppard Mullin alumni site under “Career Opportunities.” We welcome in-house job postings from you; please send to alumni@sheppardmullin.com.

NEW ORGANIZATIONAL INTEGRITY GROUP

Sheppard Mullin recently announced the launch of our Organizational Integrity Group (OIG) to offer clients an innovative, values-driven, holistic approach to identify, resolve, and defend against the range of threats to an organization's integrity and mission. "The OIG was formed from our collective experiences guiding clients through unprecedented and high-profile legal, organizational, and reputational crises," said Washington, D.C. partner Jonathan Aronie, a founding member of the OIG and leader of the firm's Government Contracts, Investigations and International Trade practice group. "Our decades of experience have shown us that most problems complex organizations encounter require an intentional, multi-faceted, and holistic approach to identify their root causes and implement solutions that are practical, effective and, ultimately, sustainable." David Douglass, also a founding member of the OIG, added, "our clients find our focus on understanding and aligning the values of the organization and its stakeholders to be an effective and refreshing way to achieve lasting solutions to complex legal challenges."

Members of the OIG have years of experience helping domestic and multinational organizations, (including public and private companies, boards of directors, government agencies, and academic institutions) respond to threats to their organizational integrity, such as public crises, compliance failures, investigations, prosecutions, debarment proceedings, and civil litigation. For example, members of the group have been tapped to serve as judicially-appointed monitors responsible for overseeing the New Orleans Police Department's compliance with a Federal Consent Decree; lead the independent investigation and report on academic irregularities at the University of North Carolina; lead the Big 12 Conference's investigation of Baylor University and its implementation of the 105 recommendations made by the law firm that investigated its response to Title IX allegations; and lead two Treasury Department investigations of its law enforcement agencies.

The OIG works with clients to protect against reputational threats before they occur by crafting tailored internal compliance programs, conducting risk-based compliance audits, and facilitating "legal pre-mortems" (one of many unique methods for identifying risk areas before problems occur). When engaged after a problem has arisen, the OIG performs thorough internal investigations to best position the organization for a strategic resolution, develops practical resolution strategies, negotiates with outside entities such as government enforcement authorities or non-government stakeholders and, where necessary, defends the organization in litigation. Each of these efforts is seamlessly connected to the organization's mission, business objectives and culture, ensuring a multi-disciplined approach to problem solving that is practical, thoughtful and values-driven.

The OIG founding members include partners Jonathan Aronie, David Douglass, David Fischer, Joe Jay, Scott Maberry, Bill Mateja, Fatema Merchant and Reid Whitten. We invite you to subscribe to their new blog [here](#).

UPCOMING EVENTS

Below are a few upcoming events the firm is hosting that are open to in-house counsel or human resources professionals. To RSVP or for more information about all events including our lawyers' outside speaking engagements, visit the [Events](#) page on our web site at: www.sheppardmullin.com/newsroom-events.html.

2020 Wage and Hour Laws*

Castle's Winter Seminar Series

March 19, 2020 - Los Angeles

9:00 a.m. - 4:30 p.m. PT

Sheraton Gateway Hotel, Los Angeles, CA

Breakfast With Your Labor Lawyer - San Francisco*

Spring 2020 Seminar Series

Tuesday, April 21, 2020

8:00 - 10:00 a.m. PT

Sheppard Mullin, San Francisco Office, CA

Breakfast With Your Labor Lawyer - Orange County*

Spring 2020 Seminar Series

Tuesday, April 28, 2020

8:00 - 10:00 a.m. PT

Avenue of the Arts Hotel, Costa Mesa, CA

Breakfast With Your Labor Lawyer - San Diego*

Spring 2020 Seminar Series

Thursday, April 30, 2020

8:00 - 10:00 a.m. PT

Hyatt Regency La Jolla, San Diego, CA

**Subject to cancellation based on status of Coronavirus.*



HELPING CLIENTS SUCCEED

Sheppard Mullin lawyers work on a range of litigation and transactions to help our clients succeed. Here are a few examples of our work over the last quarter.



AnPac Bio-Medical Science – We advised the underwriters in a \$16 million initial public offering of American depositary shares (ADSs) of AnPac Bio-Medical Science Co., Ltd. AnPac's ADSs began trading on the Nasdaq Global Market on January 30, 2020 under the ticker symbol "ANPC." AnPac Bio is a leading biotechnology company with operations in China and the United States focused on early cancer screening and detection. The deal was led by New York partners **Richard Friedman** and **Stephen Cohen**.



Chicago Entrepreneurial Center – We represented Chicago Entrepreneurial Center (CEC dba 1871), Chicago's digital technology hub and the #1 ranked private business incubator in the world, in its acquisition of the Illinois Technology Association, a nonprofit organization that supports the growing Illinois technology community. The partnership will drive collective acceleration for early-stage, growth-stage, and enterprise companies. The deal team was led by Chicago office managing partner and Chairman of the Board of the CEC and 1871 **Larry Eppley**.



CIGNA – We represented Cigna, a leading global health insurance and services company, in designing and implementing a partnership with Oscar, a tech-driven health insurance company, that will offer commercial health benefits to small businesses with 1-50 employees. The companies will provide affordable, fully insured health benefits under the Cigna + Oscar brand to the small group market in 2020. The combination of Cigna's provider network and Oscar's digital app, artificial intelligence tools and patient engagement systems will make a first-of-its-kind product available to this market sector that traditionally has been underserved. Century City partner **Eric Klein** led this deal.



Invenergy – We represented Invenergy, the largest independent sustainable energy solutions provider in North America, with a \$415 million limited-recourse construction loan financing for its 300MW Thunderhead wind farm under construction in Nebraska. We also represented Invenergy in the negotiation of an agreement by WEC Energy Group, Inc., to purchase an 80% interest in the project upon achievement of commercial operation. The deal was led by Chicago partners **Amit Kalra** and **Ben Huffman**.



Majesco – We represented Majesco (NASDAQ: MJCO), a cloud insurance software solutions provider for insurance business transformation, in its recently announced plans to merge with InsPro Technologies (OTCBB: ITCC), a software company for the life and annuity insurance market. The deal was led by New York partner **Valérie Demont**.



Trust of Donald E. Simon – We were victorious in litigation over the trust of Donald E. Simon, sole surviving heir of billionaire industrialist and philanthropist Norton Simon's fortune. Norton was the founder of Val Vita Food Products, which was later acquired by Hunt's Foods (now part of ConAgra Foods). The trustees of Don's trust include Former Chief Justice Ronald George of the California Supreme Court. Two of Don's children sought to disinherit Sheppard Mullin's clients, Don's three stepsons (Brad, Matt and Randy Berenson), with an interpretation of the trust instrument that would have cut them out entirely. The court agreed with Sheppard Mullin that the trust could not reasonably be interpreted in the manner suggested by the natural children, and agreed to refuse their demand for discovery and a trial to prove Don's alleged intent that the stepsons should not take under the trust. Century City partner **Adam Streisand** led the defense of this matter.

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We encourage you to follow us on social media to hear the latest developments, from daily blog posts to upcoming events to pro bono news.



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Twitter: <https://twitter.com/SheppardMullin>



Facebook: <https://www.facebook.com/SheppardMullin>

PODCAST



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CONTACT US

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



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