



# Sharing Success

The newsletter of the  
Women in the Law Committee

9/24/2019

Volume 9, Issue 2

Looking for  
**Targeted  
Contacts?**



Hit the Bullseye with **dri**<sup>TM</sup>

Contact Laurie Mokry at [lmokry@dri.org](mailto:lmokry@dri.org) or 312.698.6259

## Committee Leadership



**Chair**

**[Diane Fleming Averell](#)**

Porzio Bromberg & Newman PC  
Morristown, NJ



**Vice Chair**

**[Kelly A Williams](#)**

Houston Harbaugh PC  
Pittsburgh, PA

**Editors**



**Publications Chair**

**[Kathryn A Regier](#)**

Sandberg Phoenix & von Gontard PC  
Kansas City, MO



**Publications Vice Chair**

**[Sarah E. Thomas Pagels](#)**

Laffey Leitner & Goode LLC  
Milwaukee, WI

[Click here to view entire Leadership](#)

## In This Issue

### Leadership Notes

Letter from the Chair..... 2

From the Publications Chair..... 4

### WITL Champions

Karen Karabinos ..... 4

### Skills Development

Tactics for Negotiation: Are You Ready? ..... 6

### In-House Counsel Spotlight

Erica Fisher ..... 8

### Business Development

Lock in Your LinkedIn: 14 Tips Everyone Can Do ..... 10

### Feature Article

Battery Technology and Factors that Led to the Samsung  
Note 7 Failure ..... 12

### Financial Planning

#### Passions and Pursuits

How Knowing Your “Why” Can Help You Reach Your  
Financial Goals ..... 16



## Leadership Notes

## Letter from the Chair

By Diane Averell



Sandy Wunderlich—longtime WITL member and Chair of our 2020 seminar (January 22–24 at The Scottsdale Resort at McCormick Ranch!!!)—recently shared a news piece posted by the IADC:

“The sister defense organizations, Association of Defense Trial Attorneys (ADTA), Federation of Defense and Corporate Counsel (FDCC), DRI - The Voice of the Defense Bar, and IADC - reached a milestone two weeks ago. **Each President is a diverse attorney.** We congratulate and celebrate our diversity. As Malcom Forbes said, ‘Diversity: the art of thinking independently together,’ and together we are making the defense bar better.”

Sandy also reminded us that next year will welcome the achievement of another milestone: *DRI and its three sister organizations all will be led by WOMEN Presidents in 2020.*

Indeed, our own Emily Coughlin will be sworn in as DRI’s President in October 2020, while women attorneys already have commenced their Presidential terms which will continue into 2020 as follows: Lori Berke (ADTA), Elizabeth Lorell (FDCC), and Amy Sherry Fischer (IADC). On behalf of the WITL Committee, congratulations to each of these incredible leaders on this most outstanding achievement. And thank you for continuing to create a path for the rest of us—for reaching down and pulling up other women as you have ascended to the heights of great success in our beloved profession.

This historic moment is the perfect way to commemorate the Centennial of Women’s Right to Vote, with the 1920 ratification and certification of the Nineteenth Amendment to the United States Constitution:

*“The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex.”*

No doubt you’ll all agree—we owe a debt of gratitude and so much more to the army of organized Suffragists (women and men, alike!) who battled for women’s voting rights over a 72-year period, which began in 1848 with the first women’s rights convention in Seneca Falls, New

York. For the next 7 decades, courageous Suffragists lobbied, marched, picketed and protested for women’s voting rights. Finally, on May 21, 1919, the U.S. House of Representatives passed the “Susan B. Anthony Amendment,” and two weeks later, the U.S. Senate passed it as well. However, the outlook appeared bleak when the Nineteenth Amendment went to the states for ratification, which required approval by three-fourths (3/4) of the then-48 states. Seven states rejected the Amendment outright, including Alabama, Georgia, Louisiana, Maryland, Mississippi, South Carolina, and Virginia. The fate of the Nineteenth Amendment appeared grim for more than a year, with the required approval of 36 states seemingly impossible. Then, on August 18, 1920, by a vote of 50-47, Tennessee became the 36th state to ratify the Nineteenth Amendment. On August 26, 1920, Secretary of State Bainbridge Colby issued a proclamation declaring the Nineteenth Amendment ratified and part of the United States Constitution. And the rest, as they say, has been history—with women still fighting for equal treatment under the law, and for equal opportunities in boardrooms and courtrooms across America.

For good reason, in 2017, Congress formed the non-partisan Women’s Suffrage Centennial Commission (<https://www.womensvote100.org/>) to coordinate the nationwide celebration of the Nineteenth Amendment and to create educational materials about the history of the suffrage movement. The website is a treasure trove of rich history and resources that will delight women, young and old (my ten-year-old daughter, Maggie, has a healthy fascination with Susan B. Anthony thanks to this website). In fact, the website features an entire Toolkit that your firms, DRI Substantive Law Committees, and State and Local Defense

Organizations can utilize to create great networking and programming events focused on the Centennial. I hope you’ll check it out.

The WITL Committee will do our part to celebrate the Centennial, with our 2020 Seminar “Celebrating Our History and Looking Forward to Our Future.” Our pro-



gram-planned by DRI women, for DRI women—will feature extraordinary speakers and prepare you to:

- Communicate more effectively to get more of what you want;
- Recognize and prevent juror’s use of digital media during trial;
- Navigate the evolving legal landscape of new data privacy laws;
- More effectively communicate with in-house counsel;
- Understand the legal implications associated with the use of biometric data; and
- Align with in-house counsel, who are evaluating outside counsel who embrace diversity and inclusion

And as always, our Seminar will include incredible networking events and opportunities that will allow you to connect with great lawyers from across the globe and continue to build your book of business. I hope you will join us in Scottsdale in January!

In closing, my friends, I also owe a debt of gratitude to all of you—the magnificent women and men who have made this Committee so meaningful, so innovative, and so successful since its inception in 2010. It has been my honor to serve as your Chair for the last two years, and my great privilege to work with your next Chair, Kelly Williams, in creating the vision for WITL’s future.

Wishing you all personal and professional success in all that you do!

Di

---

*Diane Fleming Averell is a principal of Porzio Bromberg & Newman PC in Morristown, New Jersey. Her practice focuses on product liability, toxic tort, and mass tort litigation. Over the last decade, she has defended products ranging from over-the-counter and prescription pharmaceuticals to personal care products, cosmetics, industrial chemicals, petroleum products, handheld power equipment, and tobacco products. In 2018, Ms. Averell was recognized as one of NJBiz’s Best Fifty Women in Business. Ms. Averell serves as the Chair of DRI’s Women in the Law Committee.*

## From the Publications Chair

By Katy Regier



Hope you enjoyed the summer-it flew right by! Our fall 2019 WITL newsletter has something for everyone. We have articles on negotiation skills, product liability-related issues with respect to battery technology, business development and financial planning.

We also shine spotlights on our WITL Champion, Karen Karabinos, and our featured in-house counsel, Erica Fisher with Pacific Dental Services.

Thanks to everyone who shared their time, talent, inspiration and experience in contributing articles, ideas, leads to authors and other support to this newsletter, including but not limited to (a bit of attorney talk!) Marie Chafe. Marie stepped in and connected us with additional authors at a key juncture in preparing this newsletter!

As we head into the fall, please plan on setting aside some of your time and business development budget for the WITL Seminar in Scottsdale, AZ, January 22-24, 2020. Bring clients and colleagues! It will be time and resources well spent at an inspirational and educational seminar by and for DRI women and men!

On another note, my time as the WITL Publications Chair is coming to an end. It's been an honor and privilege to be part of the WITL Committee, particularly the Publications Subcommittee. During my time on the Publications Committee an entire team of WITL members and other legal professionals helped create the first WITL e-book. We've also published newsletters twice a year, submitted articles to various DRI publications-by both experienced and new authors-and had a lot of fun along the way. It's been a

fantastic experience to work with DRI and WITL members on the various publications over the years. I'm certain sure the Publications Committee will be in very good hands as I move on and our current Vice Chair, the amazing Sarah Thomas Pagels, steps in as the Chair.

I'm still a quote fiend so this last letter from me will end with a couple more of my favorite quotes. All the best to you and yours!

Katy

***No one can whistle a symphony. It takes an orchestra to play it. -H.E. Luccock***

***Observe and reflect, and become a little wiser every day.***



*Kathryn A. (Katy) Regier is an attorney with the Sandberg Phoenix & von Gontard law firm in its Kansas City, MO office. She has over twenty-five years of civil litigation experience including product liability defense as well as defending companies in cases involving underlying fires, explosions and carbon monoxide exposure. Katy also authors legal issues articles, provides risk management presentations and consults with companies on warning, training and safety measures. In addition to serving as the DRI Women in the Law Committee Publications Chair, Katy is also Chair of the DRI Fire Science & Litigation group.*

### WITL Champions

## Karen Karabinos



*I am pleased to introduce a feature on Karen Karabinos in our WITL Champions column for the fall newsletter. Having Karen as my mentor for the last decade, I have not only seen the force and impact of her passion for championing women attorneys, but I have been the lucky direct recipient of her efforts. Karen is the ultimate champion when it comes to carving out time for others and identifying con-*

*crete opportunities for how she and others can "lift while they climb," a motto Karen not only believes in, but acts upon. Karen is active in leadership not only in WITL, but also in her role at Drew, Eckl & Farnham, LLP. She is constantly in motion, she's smart and she's organized. She is an innovator and a connector and I am honored to know her!*

Taylor Poncz



### **Describe your role at your law firm with respect to working with and being a champion for women attorneys:**

I currently am the chair of our firm's long range planning committee, co-chair of the marketing committee and c0-founder of our Association of Women Lawyers. These roles have made me very visible in the firm and provide me with the unique opportunity to champion women by mentoring, marketing, advancing and planning the future for the women attorneys in our firm. I am also vocal within our Women Lawyers group about being available to associates and try to create an open-door policy that makes people feel like I am approachable.

### **What programs or efforts have been put in place at your firm to help advance women attorneys?**

There are several programs at our firm that help advance women attorneys. The first is our Association of Women Lawyers. This group meets quarterly to discuss women's issues and receive various training. The women attorneys also hold an annual retreat and divide into small groups to socialize over lunch, drinks or dinner. These events help foster a collaborative effort to show that women helping women is an important part of our firm.

### **What about programs outside your firm that you have helped put in place to advance and connect women attorneys?**

In the fall of 2018, I proposed that Georgia's defense organization, the Georgia Defense Lawyers Association (GDLA), create a Women Litigators' Section. The section's kick-off event in January resulted in 86 inaugural members. Since that first event, the membership has continued to grow, and we have held two successful events. The first was a judges' panel in which five women judges in Georgia spoke to our members about their pathway to the bench as well as their observations of women litigators in their courtrooms. The second event was a panel discussion at GDLA's annual retreat regarding how to assist women in their pathway to partnership.

### **Why take time from your own legal career to be mentor, partner, and champion as far as other women attorneys' careers? Why does it matter to you personally?**

Taking time out of my legal career to be a champion for women attorneys is a way that I can "pay it forward" in recognition and appreciation of those women and men who mentored me and assisted me during my legal career. Setting an example as a mentor of women attorneys hopefully will foster more mentors who will help develop

talented women that will become leaders in their firms, in the law schools, and in the communities.

### **What was the path you followed to make this an integral part of your own career?**

There was no specific path that I took that made championing women attorneys an integral part of my career. Mentoring and championing women attorneys arose organically as a response to those attorneys and judges who mentored me and opened doors that allowed me to learn about leadership, marketing and the practice of law.

### **What is the most exciting aspect of your efforts to be a champion for other women attorneys?**

I enjoy seeing the look on women attorneys' faces when they get excited about their future as equity partners in their firms.

### **What are your goals and plans as far as continued collaborative efforts, both inside and outside your law firm, to retain and advance women?**

I will continue working with my firm's women attorneys, GDLA Women Litigators and DRI WITL to mentor, promote, educate and advance women lawyers. Sometimes even the smallest effort, a brief conversation or a simple email can make a huge difference in another attorney's path.

### **Please share some tips/advice for other attorneys who aspire to be champions as far as efforts to retain and advance women attorneys in firms or in-house positions.**

I encourage other attorneys to talk to women in their firms or companies. Ask them what they need to become a successful attorney in that company, and then act on it. Many educated women attorneys don't feel appreciated by their firms and in turn, they will leave for other opportunities. In order to retain these women as well as recruit other women, firms and companies must institute programs, whether it is a women's group, a mentorship program, or a pathway to partnership, to help these women reach their full potential as women attorneys.

### **What role has DRI played in your efforts to be a champion for women attorneys?**

I attended my first DRI WITL seminar in 2014 with my partner Taylor Poncz. We both agreed that the seminar was THE BEST seminar that we had attended, because the seminar focused on building confidence in women, both inside and outside the courtroom. The DRI WITL committee has a strong focus on networking and increasing leadership opportunities for its members. The Committee also assists its members with raising their profiles through speaking

opportunities such as DRI CLE programs. There is also a charitable focus to serve various organizations and communities through service projects. All of these things had a huge impact on me. When Taylor and I left the seminar in 2014, we knew we wanted to bring that energy and atmosphere back to our firm to champion the other women attorneys at our firm. We did that by creating the firm's Association of Women Litigators. My first-hand experience with the training and leadership opportunities for women attorneys through DRI WITL was also the catalyst for me proposing that GDLA create a Women Litigators' Section.

---

*Karen Karabinos is a partner at Drew, Eckl & Farnham, LLP in Atlanta, Georgia. Karen represents clients in first party property insurance claims, with experience in defending coverage, bad faith, arson, fraud, cyber and property damage claims. Karen's practice also includes representation of clients with family law issues, including divorce and child custody issues. She represents clients in Georgia, South Carolina, Tennessee and Alabama. Karen is also often a featured speaker at meetings of The Metro Fire Investigators Association, Southern Loss Association, and the International Association of Special Investigation Units, Georgia and Alabama Chapters. She recently became a member of the International Association of Defense counsel and the Federation of Defense and Corporate Counsel in addition to her leadership roles within DRI.*

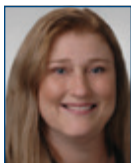


*Taylor Poncz is a partner at Drew, Eckl & Farnham, LLP in Atlanta, Georgia and has been litigating cases for over a decade. She focuses her practice exclusively in the defense of Workers' Compensation claims for employers, insurers and self-insurers throughout the state of Georgia. She serves clients of all sizes across many industries, with particular experience in construction, food & beverage, City and County government, manufacturing plants, universities and healthcare. Taylor counsels clients not only about litigation, but about loss prevention and financial savings when a loss occurs. She is also a trained Mediator and has developed a workers' compensation mediation practice in addition to her litigation practice at the firm. She has served in various leadership positions for the Women in the Law Committee, and is currently the Chair on the Networking Subcommittee. In 2016, Taylor was selected as a Georgia Rising Star, voted as one of Atlanta's best lawyers.*

## Skills Development

# Tactics for Negotiation: Are You Ready?

By John C. Trimble and Rebecca A. Nickelson



*“Negotiation: A back-and-forth communication designed to reach an agreement when you and the other side have some interests that are shared and others that are opposed.”*

*Getting to Yes, Second Edition, Fisher & Ury, Penguin Books*

Hundreds of books and papers have been written about negotiation, so the purpose of this article is to refresh what you may already know and to offer you some new tips to make you an even better negotiator.

## Preparation

As a starting point, all negotiations come down to one word, namely, “RISK.” You are not ready to negotiate a settlement until you and your client know enough about your risk of losing on liability and your risk of exposure to damages. Conversely, your opponent cannot be ready to negotiate until she knows enough about her case and yours to understand her risk. So, proper preparation for negotiation always requires you to prepare well enough to know your risk, and it likely may require you to take steps to help your opponent see the risk from your perspective.

The most ideal starting point for a negotiation is knowing the maximum authority that your client will eventually be

willing to pay to settle the case. In the real world, that is easier said than done. Indeed, many clients want to control the strategy themselves, and they may be afraid to even tell you where they hope for the negotiation to end, let alone what their maximum settlement amount is. If that is the client's approach, then you should know it before starting negotiations. It may be frustrating, but find any role you can play, and play it.

When crafting a strategy, you want to have two things in mind. First, you should make a first offer that is high enough to engage the interest of the plaintiff from the beginning. Second, you should set a number well below your authority that becomes your goal, and you should negotiate patiently toward that lower number. As you interact with the opposing attorney or the mediator, you want to gently telegraph that lower number as your end point. If, at the end of the negotiation, you have to move slightly past the lower goal, then you do so, and you allow the plaintiff to believe that they got you up higher than you had planned.

## Understanding Pessimism

Parties on both sides frequently enter into negotiation with a pessimistic view of the potential for success. Even optimistic or neutral parties can become pessimistic after the first demand and offer or as the negotiation proceeds toward apparent impasse. Thus, an understanding of the causes of and solutions for pessimism can give an advocate an advantage.

The following are a few suggested techniques for addressing pessimism and getting past it. We will also address the strategic use of pessimism.

## Identifying and Exploiting the Parties' Hidden Agendas

While parties come to negotiations with expectations, their expectations are usually a matter of what they *want* or *desire* or *hope* to obtain from a settlement. Their "hidden agenda," on the other hand, is what they *need* from a settlement or what they *fear* from not settling.

To identify a party's hidden agenda, you must step back and study the age, education, experience, occupation, sex, race, ethnicity, nationality, socio-economic, or other characteristic that may motivate them to settle or not settle a case. The same analysis is also necessary for corporations, governmental entities, and other institutional parties. With a little bit of study (and a modest amount of reasonable stereotyping) you can predict the wants, needs, fears, and

risk factors for most litigants. Once you understand the parties' hidden agendas, most cases can be settled.

There are many examples of hidden agendas that mediators learn *after* a case has settled:

- The Plaintiff who needed enough money net of attorney fees and liens to buy a new bass boat;
- The married couple who longed to have enough money to pay off the credit card balance they had been carrying for 10 years;
- The aging couple needing income for retirement;
- The business that needed to settle litigation so that it could obtain financing to break ground on a new headquarters;
- The business or elected official who needed to settle in order to avoid publicity;
- The employee who wanted an apology;
- The lawyer who needed to make payroll.

Many times, settlement that appears hopeless can still occur if you simply take the time to discover a party's hidden agenda. When a negotiation is occurring in mediation, ask the mediator to think with you about the other party's hidden agenda and encourage them to explore it. More than once, the assistance of the mediator has enabled a settlement to occur when the mediator has been able to determine a hidden agenda (including your own client's hidden agenda).

## Visualization

One of the reasons for pessimism is that neither party can "visualize" where the negotiation may end. The lack of a vision of the end-point prevents both parties from making the kind of move that may be needed to inject optimism. Neither party wants to appear weak by making the breakthrough move.

Bracketed conditional moves, whether they are suggested by a party or by a mediator, are probably the most effective tool for dissolving pessimism. The second most effective technique is to engage in "what if" conversations. Consider asking the other lawyer, "*What if* I can persuade my client to come to X? Could I get you to move to Y?" If you are in mediation, consider having the mediator request each party put their "bottom" or "top" dollar on a piece of paper that only the mediator can see. Then, you can suggest to the mediator that the numbers be revealed if, and only if, the numbers are within a certain dollar range.

## Strategic Use of Pessimism (Anchoring)

When we are faced with a pessimistic situation, we cannot ignore the possibility that one or both parties may be using pessimism as a strategic tool. Good negotiators will sometimes use a technique called “anchoring” to hold their ground in a particular range in the hope of bringing the other party closer to that range. They will patiently test the waters until some pessimism arises, and once they are convinced that the range is not going to work, they may move forward. Really good negotiators are aware of the need to dissolve their opponent’s expectations, and exceptional negotiators craft their negotiating strategies to play to their opponent’s hidden agendas. They understand that injecting pessimism may ignite their opponent’s fears, and at a minimum, they may lower their opponent’s expectations.

As a negotiator, you can use pessimism strategically to test an opponent’s resolve. Often, the appearance of quitting the process will spur an opponent into concessions to keep the process alive. If the party appears to be quitting, you need to be prepared for the possibility that it is merely a tactic designed to draw your client to his or her hidden agenda.

In summary, although we tend to view pessimism as a challenge in negotiation, it can also be a potent strategic tool for a good negotiator.

## In-House Counsel Spotlight

### Erica Fisher

By **Stacy D. Fulco**



Erica Fisher is Senior Corporate Counsel for Pacific Dental Services (PDS). She was generous enough to speak with us about PDS, her career path and her role as in-house counsel.

#### **Tell us a little about Pacific Dental Services and its legal department.**

PDS is a dental support organization which provides business and administrative support for 740 dental offices in 21 states. Our mission is to enable supported clinicians to focus on providing dentistry for their patients, while we handle all of their business and administrative needs, including human resources, payroll, tax, insurance, compliance, clinician credentialing, marketing and legal services.

## Conclusion

Negotiation skill is something that develops over time. Read about it. Take classes and seminars. Do role playing. Get mediator training even if you have no desire to be a mediator. Then, with excellent preparation, patience, and practice, you have the ability to do some really great work for your clients.

*John Trimble is a senior partner in the Indianapolis firm of Lewis Wagner where he defends complex and catastrophic cases. John’s practice includes settlement consulting, and for more than 30 years, John has also served as a mediator in complex and class action cases.*

*Rebecca Nickelson is a partner in the St. Louis office of Sinars Slowikowski Tomaska LLC, with twenty years of experience representing companies in bet-the-company litigation. She focuses her practice on toxic tort claims including products and premises liability, asbestos, silica, flooring materials, and other toxic torts. Rebecca has successfully defended her clients to dismissal without payment, settlement and jury verdict. She routinely obtains successful outcomes for her clients through negotiations, hearings in court and other motion practice.*

The company headquarters, or National Support Center, is in Irvine, California and that is also where our legal department is located. We also have support centers throughout the country, including in Nevada and Texas. Our legal department consists of 8 attorneys, half of whom are women, and 15 support staff. Attorneys at PDS provide primary legal support for several geographic regions, as well as various internal business departments.

#### **What was the career path that led you to your current in-house position?**

I received an undergraduate degree in marketing from Arizona State University and my law degree from the University of Southern California.



I spent my first 8 years after graduating law school developing a complex national civil litigation practice where I concentrated in defending consumer product manufacturers, pharmaceutical and medical device companies, amusement park venues, automobile designer and manufacturers, chemical companies, restaurant chains and software companies in product liability, premises liability, employment, environmental and business matters at Snell & Wilmer, Hewitt Wolensky McNulty & Hickson, and Shook Hardy & Bacon.

I left private practice for my first in-house position in June, 2015 and served as Deputy General Counsel at Mitsubishi Heavy Industries (MHI), where I supported MHI subsidiary Diamond WTG Engineering and Services. Moving in-house allowed me to fulfill a career goal of holistically supporting one client and becoming an integral partner in the day to day operations of that client. At MHI I served as a true generalist as I advised the C-suite, executive management and other internal stakeholders in the areas of claims and litigation, risk management, retention and management of outside counsel, contract review and negotiations, employment and human resource matters, real estate transactions and many other areas. I left MHI in November 2017 to join PDS.

#### **What is your role in the legal department?**

In my role as Senior Corporate Counsel, I provide comprehensive legal support to the IT and Information Security Departments, Revenue Operations Center, which includes insurance billing, partnerships, clinician credentialing, consumer financing, and I also manage our IP portfolio. I also provide strategic support to Wellfit, an affiliated spinoff healthcare FinTech platform.

I am frequently able to call on my litigation background when negotiating complex commercial agreements, which often allows me to bring a different and practical perspective to identifying and prioritizing risk. I also manage our IP portfolio, which occasionally involves managing litigation in various jurisdictions. We partner with a trusted stable of outside counsel for litigation, strategic transactions and regulatory/compliance issues.

#### **What was the most important thing you learned as you transitioned into your role as in-house counsel?**

It's imperative to dig in early and spend the extra time to get to know your company and product, which involves meeting with and listening to as many of your business partners as possible about their roles and any challenges they may face.

#### **What challenges, if any, have you faced as a woman in your in-house position?**

It's important to find a mentor and sponsor who can help guide you toward a seat at the table where important decisions are being made. I have been lucky to work with some incredible women and men at both Mitsubishi Heavy Industries and PDS who have been great mentors, some of which have not been lawyers. My biggest advice to women in the profession, including in-house, is to be proactive and own your own professional development.

#### **What do you enjoy most about your role as in-house counsel?**

One of the things I love most about my job is the depth and breadth of sophisticated legal and business issues I get to work on. At PDS I am lucky to work with an amazing team of lawyers and legal professionals who I genuinely enjoy spending time with. It's also very rewarding to work side-by-side with so many talented colleagues on the business side whom I am constantly learning from.

#### **How can law firms best partner with you to achieve your legal department's objectives?**

Again, communication is key. Get to know us and what is important to us as we are always willing to work with outside counsel to ensure they develop the knowledge about our company that is necessary to best represent our interests. Open communication with outside counsel is also key and we seek out attorneys who have a desire to be true partners by learning our business, what keeps us up at night and providing practical advice that we can easily communicate to our internal business clients. Finally, be transparent and open about time and budget estimates to avoid having to have uncomfortable conversations about unexpectedly large invoices.

#### **What is your advice for women attorneys considering an in-house counsel position?**

Network, network, network. Find a style and manner of networking that feels authentic for you and speak with as many in-house attorneys as possible to learn more about their role and develop and maintain those relationships. Also, remember that in-house attorneys manage a wide range of issues and these types of positions are not necessarily 9-5.

#### **What are your interests and hobbies outside of your legal career?**

I have two children, a 7½-year-old daughter and a 5-year-old son, so on weekends I am busy coaching my daughter's soccer team or hiking or going to the beach with my family.

I'm also very involved with a local non-profit, WHW (Women Helping Women / Men2Work) and have served on their Board of Directors or Advisory Board in various capacities since 2010. WHW is a non-profit organization

whose mission is to empower individuals to attain economic self-sufficiency through employment success.



*Stacy Fulco is a partner at the Chicago firm of Cremer Spina LLC. Stacy specializes in premises and product liability cases and represents many national and international retail and hospitality companies. Stacy is an active member in the Women in the Law and Retail & Hospitality DRI Committees.*

## Business Development

# Lock in Your LinkedIn: 14 Tips Everyone Can Do

By Marianne Trost



While users on LinkedIn have risen from 33 million in 2009 to over a half billion today, many of us are not fully utilizing this professional online networking platform. If you have shied away from LinkedIn or need a quick refresher, the following are some quick and easy tips that can help you harness the value of this powerful tool to strengthen your network and build your client base.

**Get current on ethics.** The ethics of social media continually change as more users tap into the resource for different reasons. Be certain to stay abreast of developments particularly on issues related to attorney advertising, truthfulness, jury research (or not), endorsements, etc. Attend a social media presentation, tap into your marketing department's expertise, or do a quick Google search to get current on the latest developments. One guideline remains steadfastly firm, *i.e.*, never give out legal advice on LinkedIn.

**Update your page.** Chances are that in-house counsel, opposing counsel, a potential client, the moderator of your next panelist invitation, or a referral source will be pulling up your LinkedIn page to read details about your practice, your presentations, your community involvement, and maybe even your work history. Making sure your LinkedIn content including a brief description of your practice is current and consistent with your website bio is critical to creating a professional impression.

**Upload your photo.** If you don't like your photo, get a new one. The absence of a photo can inadvertently imply that you are disinterested in participating in social media, or

worse yet, not up to speed on the reality that social media is not going away any time soon.

**Choose your preferences.** Update your page preferences to reflect whether you want to be notified of updates, contacted by recruiters, see who has viewed your profile, choose who can see your connections, view other people's content in private or visible mode, and more. Periodically revisit your preferences, as new features become available and you become more comfortable in your use of the options.

**Download the app.** Once you have your LinkedIn profile and preferences in place, consider downloading the LinkedIn app on your phone for free. Scrolling through LinkedIn when you are stuck in a doctor's office waiting room, in line at the bank, waiting to board a plane, or tired of watching commercials during your favorite TV show, can add value to otherwise idle time. A little goes a long way.

**Connect.** One of the biggest benefits of LinkedIn is that it enables you to connect with people with whom you may have lost touch, and it is not socially awkward. A simple, "I saw your profile on LinkedIn and realized it has been a long time since we last connected, I'd like to invite you to my LinkedIn network." can break years of silence with the click of a button.

**Connect with purpose.** When you connect with people you meet at a conference or networking event, consider personalizing the invitation to "connect" with one sentence that reminds the recipient of where you met. This increases the chance that the person will recall who you are and accept your invitation to connect. It will also enable you to

scroll back through your messages at a later date to refresh your memory on where and when you met the person. Consider connecting with prospects, clients, industry leaders, referral sources, and colleagues.

**Utilize connections to build rapport.** When you accept someone else's LinkedIn invitation, rather than just pressing "accept," click on their profile, scroll down to "shared connections," see who they know that you also know, and use that as a way to personalize your response. Click "accept" and then perhaps send a message that says, "I see we both know Mary. What a small world!" Having a shared connection can help develop rapport and may lead to uncovering other commonalities you share.

**Take and post photos.** Studies show that posts that are accompanied by photos receive a 650 percent higher engagement than text-only posts. (Source: 16 Eye-Popping Statistics You Need to Know About Visual Content Marketing; [www.inc.com](http://www.inc.com)) The next time you are at an event or are the recipient of an award, take a photo or ask someone to take a photo of you that you can post with a short comment.

**Add in a tag.** Another way to connect with people is to utilize the interactive LinkedIn feature that allows you to put an "@" sign before the person's name in your posts. When you do that a suggestion bar will pop up and you can select the person to which you are referencing. LinkedIn will automatically create a hyperlink and your contact will be notified that you have mentioned them in your post. Hyperlinks are a great way to do a "shout out" of someone or highlight the accomplishments of another. Thanking people, being gracious and being thoughtful goes a long way.

**Research commonalities.** When preparing to attend a networking event, developing a client pitch, or doing research before a client event, consider using LinkedIn to identify commonalities that can cut through the small talk. Knowing that you both went to the same law school, or you both volunteer for the same national organization, or you both worked in-house for a company in the same industry can be helpful in building rapport quickly.

**Research activity.** If you want to get in contact with someone on LinkedIn without sending them a message directly, and you are not sure where to start, click on their profile and scroll down to their "activity." There, you will find a quick summary of their most recent posts, shares and comments. Click on those to read about the topic and activities in which they have an interest. Then in a genuine and authentic way, like, share or comment.

**Learn from other people's activity.** A quick scroll through LinkedIn can alert you to conferences, events and activities in which you might want to get involved. Reading about an award that someone received may spark an idea of a colleague you might want to nominate next year. An article on a particular topic of interest may be just what you need to share with your network. A few minutes on LinkedIn can be comparable to hours of research when trying to uncover opportunities for participation or visibility.

**Distribute meaningful content.** LinkedIn is a great place to post your articles, e-Alerts, thought leadership pieces, and meaningful content (as long as you are not providing legal advice.) It can also be a simple way to spread the word about the achievements of one another, advances in diversity, initiatives that support women in the profession, and other topics of interest to you. All it takes is skimming through LinkedIn, or attaching your content and pressing "share."

**Concluding thoughts.** The above are only a few of the many ways in which you can use LinkedIn as a quick and easy means of getting connected, staying in touch, keeping informed, promoting one another, and raising visibility on professional activities (including the announcement of the January 2020 DRI WITL conference in Scottsdale, Arizona). The next time you have a few minutes of down time, consider logging on and joining in the conversation. Someone once said that LinkedIn is like tapping into a 24/7 ongoing networking event except that you already know people who are there and you get to engage for as little or as much as you want from the privacy of wherever you choose to be. For those of us with extremely busy schedules and multiple demands on our time, that is an amazing opportunity worth tapping into.

---

*Marianne Trost, of the Women Lawyers Coach LLC, is an internationally recognized business development and career management coach, trainer, speaker, and author. An expert in the industry, Marianne's mission is to provide lawyers with practical tips, guidance, inspiration and support to grow their own books of business, create self-determination in their careers, and manage their advancement strategically. [www.thewomenlawyerscoach.com](http://www.thewomenlawyerscoach.com). Click [here](#) to connect with Marianne on LinkedIn.*

## Feature Article

# Battery Technology and Factors that Led to the Samsung Note 7 Failure

By Johanna Goodman, Ph.D. and Lindsey Gilman, Ph.D., P.E., CFEI



Lithium-ion batteries are found in every aspect of modern life, spanning cell phones, laptops, electric vehicles, and medical devices.

Recently, several high-profile battery fires have highlighted the gap between meeting the current battery standards and producing a safe, high-performing, and long-lasting battery. Understanding how these batteries are constructed and tested can help understand why a battery might fail despite passing all relevant standards, and how battery construction methods may be improved to help prevent future failures.

## How Do Batteries Work?

Batteries are fundamentally constructed with a positive and negative electrode (cathode and anode respectively),

divided by an electrolyte soaked separator (Figure 1). The connections that allow the internal cell components to interact with a device are the positive and negative terminals, also called tabs, connected to the internal positive and negative electrodes. The two electrode materials are chosen to exhibit different potentials and the voltage apparent at the terminals is the difference in voltage between these two materials. As a device draws electrical current, electrons flow through the device circuit and ions pass through the electrolyte soaked separator from electrode to the other. In an alkaline cell these active ions are hydroxide ions, whereas in a lithium cell they are lithium ions. The identity of the active ion dictates the cell chemistry and voltage. Electrons do not pass through the separator, and in fact, direct electrical contact of the positive and negative electrode inside the cell results in a short circuit and renders the cell useless.

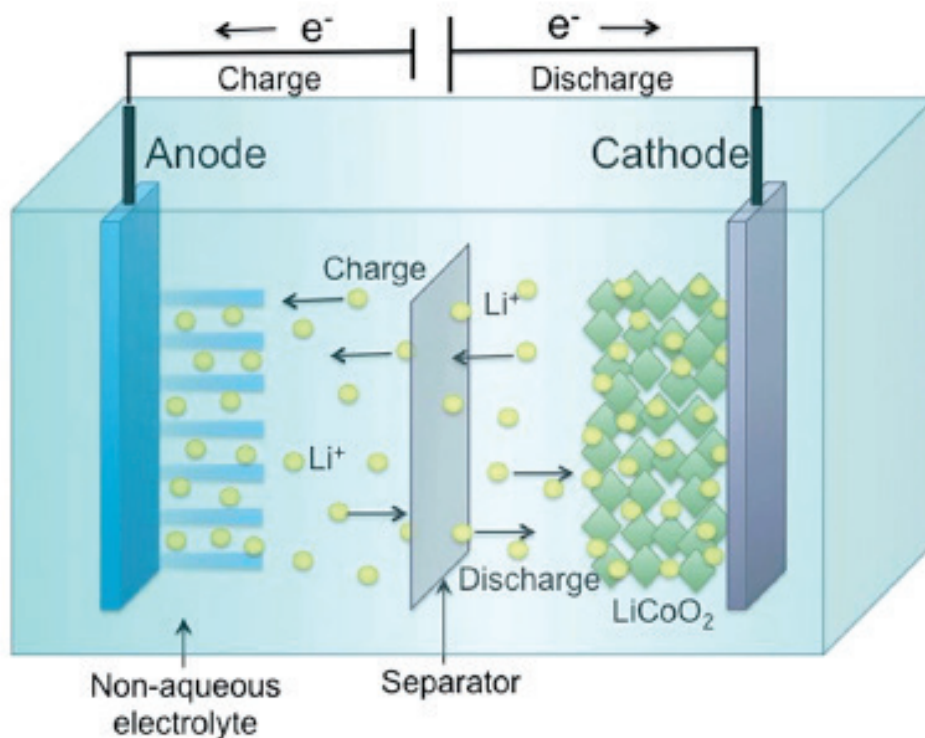


Figure 1. Internal schematic of a Li-ion battery. (*J. Mater., Chem A.* 2015, 3, 2454-2484)



The first lithium-ion battery was commercialized by Sony in 1991. Since then, the underlying chemistry for lithium-ion batteries has remained similar, but the construction methods and form factors have evolved to meet the growing need for affordable high energy-density batteries. The form factor of choice for consumer electronics products is the pouch cell. This type of cell can be constructed in a wound or stacked configuration (Figure 2). In the wound configuration the cell is constructed by aligning rolls of positive electrode, negative electrode, and separator, and winding this assembly around a mandrel to form the cell winding. In the stacked configuration, plates of electrodes

and separators are cut out and aligned individually to form a cell stack. The multilayer cell assembly is placed into a soft, pre-formed polymer pouch. This pouch is then partially closed with a heat seal process, filled with electrolyte, and finally it is evacuated and sealed, much like one might vacuum pack food. The pouch form factor is preferred by many manufacturers because the cell can be made to match the dimensions and aspect ratio of the device, the pouch packaging itself does not waste precious space, and the relatively modest material cost keeps the price of cells lower than other form factors.

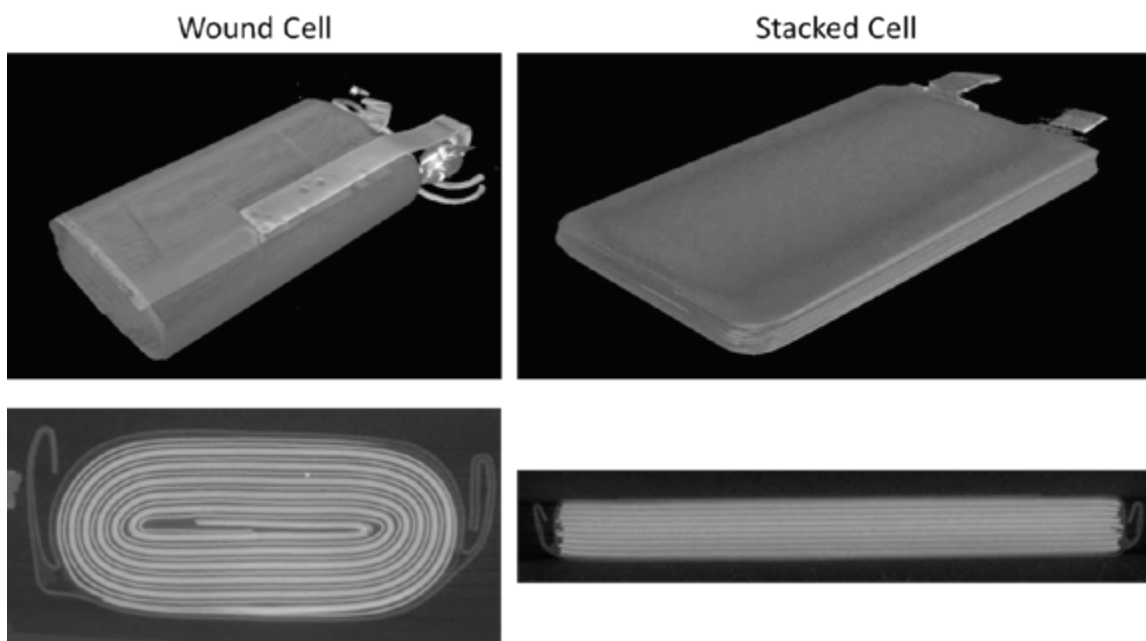


Figure 2. CT scan images of two common Lithium-ion battery construction types: wound and stacked cells.

Compared to the electronics, a battery cell takes up a large amount of space within a device. The push for smaller and lighter devices has naturally made the battery a target for space savings. This space savings is achieved by precision engineering and quality control processes that facilitate the decrease in manufacturing tolerance. This might mean decreasing the size of inactive components, such as the separator thickness or cell packaging material. The difference can mean extra runtime on your favorite device: a fitness watch that lets you go another day without charging or a tablet that lasts the entire plane flight.

### How Can Batteries Fail?

Lithium-ion batteries go into thermal runaway when the internal components reach a certain temperature that sets off an exothermic reaction fueled by the cell components, typically around 150°C. This reaction is self-sustaining, and thus difficult to extinguish. The initial source of heat can be external, such as exposure to a flame, but the cell itself, as an energy storage device, also has the capability to produce its own heat through a short circuit. An internal short circuit, electrical contact between positive and negative structures inside the cell, can be established by external mechanical means (puncture or impact with an object), manufacturing defect (burrs or impurities), or electrochemical hot spots due to the cell use-case and design. An example of an impurity is shown in Figure 3.

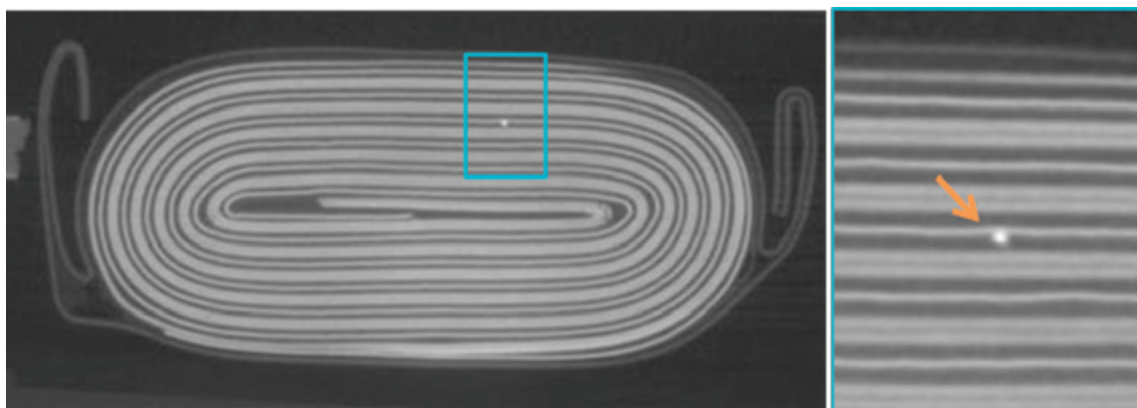


Figure 3. CT scan of a Li-ion battery that has a high-density (potentially metallic and conductive) impurity as shown by the orange arrow. This object could bring the positive and negative electrodes into contact, resulting in an internal short circuit.

Depending on the failure mode, a cell might fail early or late in life, or when exposed to different physical or environmental conditions. Both construction quality (ex: alignment and sizing of electrode layers) and operating condition (ex: temperature, current, and voltage profiles) can play a role in pushing a cell into thermal runaway. Exponent’s battery experts have substantial experience investigating damage patterns in failed cells and determining the root cause of a variety of failures.

### Example Case – Samsung Note 7

The Samsung Note 7, as other devices like it, was size and weight conscious but still needed energy to run a large screen and all the bells and whistles expected of

a high-end smartphone. The cells used in the device were lithium-ion pouch cells custom made by two cell manufacturers using the typical process of winding, inserting, and sealing, as described briefly above (Figure 2, wound cell). When initial failures of the Samsung Note 7 batteries were noticed in August 2016, they were limited to one cell manufacturer. After examining both new cells and incident devices, it was determined that the root cause of these failures was due to the cell pouch being too small at the corners of the cell, which is shown in Figure 4. This was causing deformation and a hot spot inside the cell, leading to the failures. Essentially, the failure was a result of pushing the cell size to a minimum to accommodate a sleeker and longer lasting device.

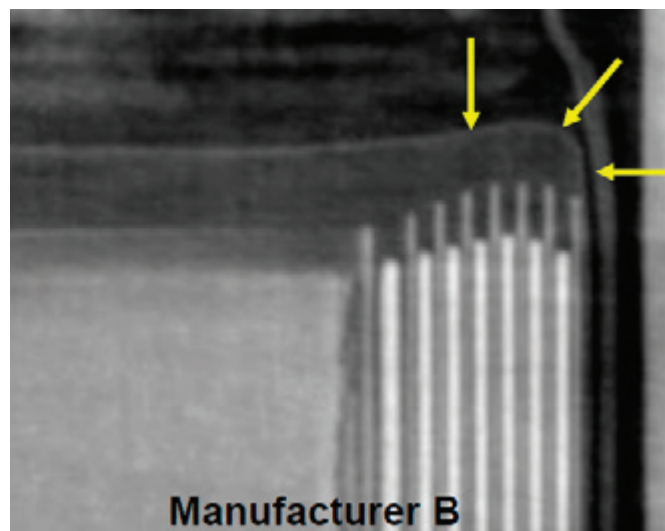
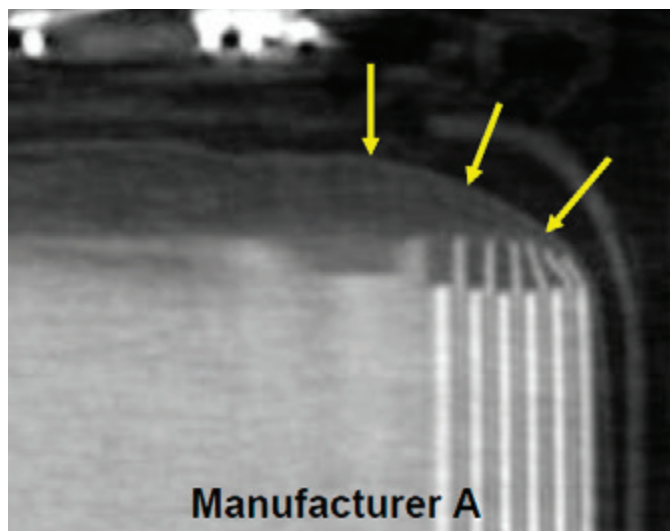


Figure 4. CT images showing the pinched corner cell of one of the manufacturers of the Samsung Note 7 (Manufacturer A). Available at: <https://news.samsung.com/global/samsung-electronics-announces-cause-of-galaxy-note7-incidents-in-press-conference>, last accessed August 27, 2019.

Samsung issued a recall for the devices already in the field, but as the problem was limited to a single manufacturer, continued to sell the device with batteries that used a slightly different pouch design with more corner volume from the second cell manufacturer. Soon after production of the second manufacturer was ramped up, their cells also started going into thermal runaway. This time the spot-welding process that attaches the tabs to the electrodes was not properly controlled, producing tall welds that were penetrating the separator and causing a short circuit by bringing the positive and negative electrode into direct contact. Available at: <https://news.samsung.com/global/infographic-galaxy-note7-what-we-discovered>, last access August 27, 2019. To provide a sense of scale, the height of these features, and the distance they had to bridge was in the range of tens of microns, approximately a tenth of the thickness of a fingernail. Samsung eventually recalled the entire Note 7 population due to battery defects.

## Batteries and the Law

The cells used in the Note 7 smartphone passed all safety standards, but even with this safety testing, there is still potential for battery failure in a variety of electronics and household items. Exponent supports companies in a variety of safety and due diligence investigations to successfully integrate batteries into their devices.

### Product Liability and Safety

The safety testing required for batteries consists of a transportation regulation, UN/DOT 38.3 (Transport of Dangerous Goods, Lithium Metal and Lithium Ion Batteries) and several UL and IEC standards (e.g., UL1624 Lithium Batteries, IEC 62133 Secondary Cells and Batteries). These standards contain a set of mechanical, electrical, and environment tests that simulate abuse conditions that the cell might be exposed to in the field. Typical passing criteria for these tests are that the sample not explode or catch fire. However, venting or leakage is not always explicitly forbidden, and failures can still occur even when testing is completed.

Additional due diligence testing that may avoid battery malfunctions in the field could include detailed X-ray and physical inspections to confirm construction quality and purity of materials. Cell and pack level testing (cell cycling) that simulates the conditions the cell might be exposed to in the field can also give additional confidence in the product as a whole and inform warranty and lifetime claims. Modeling is a powerful tool to simulate environmental

conditions inside a device, such as heat emitted by an electronic component or the cooling capacity of a ventilating system. These environmental conditions can in turn inform selection of a cell with appropriate specifications.

### Intellectual Property

The race is on for the next generation battery that will make our consumer devices even lighter, slimmer, and longer lasting. Governments, industry, and universities are dedicating resources to researching new electrode materials, safer electrolytes, and integration strategies that will give them an edge over their competition. As part of this fast-paced process, entities are quick to patent their ideas, sometimes even before these are fully viable. These patents could be extremely valuable should a given technology become successful as the market for batteries is large and still rapidly growing. Because of the amount of activity in the battery space, there is likely to be overlap in intellectual property that will make breakthrough technologies contentious. Due diligence investigations into potentially similar technologies can help companies avoid future conflicts over licensing and sidestep the hype that can be associated with startups in favor of making informed decisions about potential acquisitions and investments.

---

*Johanna Goodman's core discipline is chemical engineering with a focus on lithium-ion batteries. At Exponent, she specializes in the quality and failure analysis of mobile devices, consumer electronics, and medical devices. Her understanding of cell/pack design, specialized electrical testing, and degradation mechanisms associated with batteries allows her to help clients effectively and safely integrate batteries into their devices. Expertise at the materials level aids in analyzing field returns and thermal failures to drive product improvement.*

*Lindsey Gilman is a Managing Engineer at Exponent, where she applies her background in fluid dynamics and heat transfer to a variety of industries, including consumer products, batteries, medical devices, oil and gas, power plant equipment, and aerospace to assist clients in both the design stage and failure analysis of their products. Examples include thermal management of electronics and battery systems, thermal modeling of human skin to evaluate potential for burns, contaminant fate and transport in riverine and coastal systems, and evaluation of aerosol particle distribution.*

## Passions and Pursuits

# How Knowing Your “Why” Can Help You Reach Your Financial Goals

By Bridget Grimes



After working with women executives and especially women attorneys for years, I have noticed one recurring challenge that consistently got between women reaching their financial goals or not.

What is this challenge? It is not taking the time to think about your “why.” By this I mean your purpose in life, your passions, your priorities, what is truly important to you for your ideal life. And by knowing your “why,” your chances of living the life you want are substantially greater.

It makes complete sense: women attorneys tend to carve out little time for themselves. With an industry model that relies on billable hours, personal time goes by the wayside. For those women attorneys who are sandwiched between their children and aging parents, personal time becomes even more rare.

The very first step in financial planning, and what I believe helps women plan to live the life they want is identifying what is important to you. When I first meet with a client the very first thing I ask them is this question, “In a perfect world, how would you like your life right now to look—personally, professionally, and financially?” If you are a like a lot of women attorneys, you may have a hard time answering this.

When Anne came to me years ago we started by discussing her wish list. There were many competing goals on her list for herself and her family. As the breadwinner in her family, and a partner and owner of a medium sized law firm, Anne had not taken the time to think through how she would actually accomplish any of these goals, or if they were even possible. They were actually just wishes at this point. We spent time detailing out the goals she had, and what would be ideal. We quickly realized that one of her goals was also her priority, and that was to retire at age 60 with a similar lifestyle to her current one. While she loves the work she does, Anne also loves the time she spends with her family and her “why” was having the means and the time to spend with them. The timing and the cost of this goal meant that other goals had to be revised. Private elementary school for her children was no longer affordable, but also not as much a priority for her when we found

other alternatives that she and her husband were ok with. We put a plan in place based on the revised goals and she is only a few years away from being able to dial back work and spend her time more freely.

I have found that it may even take you years to realize what your true “why” is. But what is key here is to give yourself time to think about your future, and your present, and what you’d really like that to look like. Not what you think it “should” look like, but what you would ideally like that to be.

Margaret and I have worked together for about a decade. For most of this time Margaret had the goal of retiring at age 55 and we put a plan in place for that goal. The steps she took along the way were based on the lifestyle she thought she wanted once she walked away from her high-powered job as an attorney in IP, and a partner at a large law firm. She’s done a good job of saving money and positioning herself for a life post-work. But, in the past year she reevaluated what her ideal life looks like in retirement. Instead of retiring with a modest lifestyle, she wants to live a life of luxury. After years of hard work and careful saving, she would rather have a life in retirement of luxury vacations, a second home, and the ability to spend more money than she does now while hard at work.

This change in definition of her ideal life has changed our plan, and the steps we need to take so that Margaret can live her ideal life in retirement. For her, taking care of her extended family, working so hard for so many years, and always putting herself behind others has caused her to rethink what is most important to her, personally. Her “why” has changed, and so our steps to achieve her ideal life has changed, too. I am truly happy that Margaret has taken the time to think about what she really wants, but this means she will need to work a little longer, save a little more. We have readjusted our steps to make sure her goal is attainable.

Until you know your goals, you cannot take steps to reach them. Because women attorneys have so little personal time, taking the time to think about and prioritize what is most important to you tends not to happen. Whether it’s saving for a child’s college expenses, buying



a larger home, or retiring (which are among our most frequent planning goals), or any other goal, just hoping they will happen makes them a wish. But, by detailing out what you'd like and then putting actionable steps to paper, that wish gets much closer to becoming a reality.

To help with success in living the life you want, we created a Goals setting process and a worksheet to help women think through what is most important to them personally, professionally, and financially. We call this Passions & Pursuits. By spending time here on what your “why” is, what is fulfilling to you, we can take steps to change habits, create accountability, and ultimately reach the goals that are important to you. At this stage of the financial planning process, we don't even start to think about numbers.

Our process starts with thinking big. I encourage women to be idealistic here, and to think about what their perfect world would look like, personally, professionally, and financially, now, several years out, and further in the future. Then, we dive deep. I ask them to detail out each goal. In Anne's case, she wanted to retire with a similar lifestyle as her current one, and at a relatively early age. This meant identifying how much her current life costs, how much she had currently saved for that goal, and how much we needed to add to retirement savings to get where we wanted to be and when we wanted to be there. We knew this would mean saving more than she was at the time, while also managing other goals like college savings and paying down her mortgage faster.

Once all your most important goals are detailed out, they need to be prioritized. Most likely, all of the goals cannot happen right now, and we'll have to make choices of what happens and when. With working women in the thick of life we find there are often many competing goals. Maybe you'd like to send your children to private school, but would also like to buy a new home. Or maybe you are considering getting married, having children, and transitioning jobs. Timing of what happens when will depend on what has to happen now and how much money there is for each of these goals. Choices will have to be made, but that is ok.

Lastly, we look forward three years and spend time on what success would look like for those goals. If we were to

meet here again in three years, what would have to happen for you to feel like you are happy with your progress, on track? Your definition of success will be very personal, and we encourage you to try to get to the core of what success would feel like in each of the three goals categories (personal, professional, and financial).

Once you begin considering your passions and pursuits, don't be surprised if you have a hard time getting specific. I've found many women executives at the outset of their planning process tend to list vague, incomplete, and amorphous goals. It can be hard to shift perspective from the immediate to the ideal.

There's also a tendency to start timidly generating very small-scale goals that are only expressed in terms of numbers, e.g., needing this much for retirement or this much to pay off their mortgage

Through good planning and committed implementation, life on your terms is within your reach. As you consider your passions and pursuits, don't hold back—a good plan starts with an honest look at what is really important to you. You are in a unique place where you can create your ideal life. Don't be afraid to dream big.

You'll find the worksheet we use with clients below. We encourage you to take some time to think through what is truly important to you personally, professionally, and financially, starting big, and then drilling down into the details. By knowing your “why” you'll find living your ideal life is possible!

---

*Bridget Grimes, CFP, is the President of WealthChoice, a boutique financial life planning firm that specializes in helping executive women take control of their financial lives, and Co-Founder of Equita Financial Network, Inc., a network of independent, women-led financial planning firms that share best practices and common goals. She believes in empowering women through education, collaboration, and support so that they have the confidence to take action for a better life.*



## Passion and Pursuits Worksheet

### 1. Where am I now?

Personally: family, spouse, children, passions, organizations, trusted advisors

Professionally: my current position, organizations, passions

Financially: salary, assets (retirement assets, home, bank accounts), liabilities (mortgage, debt), net worth, monthly cash flow

**Please prioritize the top 3 most important passions and pursuits for you:**

- 1.
- 2.
- 3.

### 2. Where I would like to be in 1, 3, and 10 years, prioritized

1 yr

3 yrs

10 yrs

Personally:

Professionally:

Financially:

### 3. What does your ideal life look like? Now and in the future?

### 4. What challenges do you think you need to overcome in order to achieve those passions and pursuits?

### 5. What help do you think you need/resources to successfully reach your goals and have your ideal life?

Other considerations:

What is your definition of success?

Are there causes that are important to you?