

CORPORATE COUNSEL NEWS

Winter 2021

Virginia State Bar Corporate Counsel Section

IN THIS ISSUE:

- What I Learned from the Pandemic** 1
Kevin M. McDonald, Esq.
- Message from the Chair** 2
Barbara A. Fisher, Esq.
- Corporate Counsel CLE & Mentoring Program** 3
- Corporate Counsel Award Applications Due December 15** 3
- Corporate Counsel Award Essay from July 2021 Recipient** 4
Madison A. Wonson, Esq.
- Board of Governors 2021-2022** 4



What I Learned from the Pandemic

By Kevin M. McDonald, Esq.*

It has become almost cliché to read or hear about the “unprecedented” times brought upon us by the coronavirus COVID-19. From initially having to self-isolate at home to wearing face masks in public to obtaining vaccination shots, by now we’re all aware of the “unprecedented” actions we’ve all taken. What I’ve learned most through these times, however, is how to improve communications.

They say “necessity is the mother of invention,” and the pandemic was the mother of better communication. Having a corporate shutdown required my legal and compliance teams to work remotely. That meant no access to our offices, conference rooms, coffee stations, and elsewhere. To succeed as a team meant having to adapt quickly to the “unprecedented” times.

One of the first things we did was ensure regular, standing team meetings. Until the pandemic struck, we’d meet regularly, but not necessarily on a standing basis. So, we quickly settled on a regular cadence of weekly meetings. As time went on, we met every other week. But we did so regularly.

It wasn’t just the cadence we agreed to. It was the also the method. Since we couldn’t meet in person, we used “Teams” by Microsoft. That way, we could see each other, even if remotely. Seeing each other went a long way to keeping us engaged. At time went on, we wouldn’t necessarily keep our cameras rolling. But we kept meeting through “Teams” regularly.

It wasn’t all business, either. As the pandemic wore on, we recognized the need to break out of the monotony of work. Literally. So, we organized a team event, breaking out of the virtual “Escape Room.” If you lead a team or work with outside counsel, I highly recommend playing this game together. We broke into two teams of two. I was amazed at how clever so many of my fellow colleagues were at detective work and humbled at how pathetic I was at getting out of a dark room.

Communication with outside counsel improved, too. As we did so internally, we met virtually also with outside counsel. Gone were the days of business dinners, in were the days of business “Teams” calls. The outside ...

Continued after Chair’s Message

MESSAGE FROM THE CHAIR



Barbara A. Fisher

Chair
VSB Corporate Counsel Section
2021-2022

It is with great pleasure that I write to you as the current Chair of the Board of Governors of the Corporate Counsel Section of the Virginia State Bar. During my time on the Board, I have served as both Secretary and Vice Chair, and as a Board we want you to know that we all willingly serve to the benefit of our Section members and the Bar as a whole and that you are the reason we continue to generate new ideas and content to that end. For me personally, this Section has been a way to give back for all that this profession has given to me. It is our goal as a Section to add value to your personal and professional lives, create networking opportunities, outstanding CLE content, and opportunities for you to engage in ways that best meet your needs. Most recently, we have developed a Mentoring program for members of the Section to enable conversations that address opportunities for growth, effective leadership skills, mutual learning to help navigate issues we all face, and bring a sense of unity to our lawyers.

In keeping with the theme of this newsletter, I will also share that the pandemic presented an opportunity for enlightenment in that I started to let circumstances direct my actions. It was surprisingly easy to work insane hours and effectively disengage from the day to day. When I took a moment to reflect (instead of just grinding), I saw what that was doing to me, my family, my peers, and my direct reports. I also realized that my perspective wasn't the same over time, going from content to lonely to satisfied (and repeat...) to a larger awareness of the issues we are all facing. The next step was making the conscious effort to positively engage and be creative in the ways I showed up. There doesn't seem to be a one size fits all, but when everyone makes the effort to be aware and transparently appreciate how differently this pandemic impacts each of us, then you can move forward in your new normal and grow from there.

On a lighter note, you will also see that there are a number of upcoming section events that, we trust, will be valuable to you. So, enjoy this edition of the Newsletter, and please consider contributing to future editions. Indeed, such would be a great opportunity for you to add value to the section.

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counsel that embraced the new form ongoing, regular communication kept the business. It took greater effort to commit to a consistent check-in, and it was needed to ensure everyone knew what was happening in the business.

Here, too, we combined work with fun. One memorable event was an online "virtual" wine tasting we shared with outside counsel. A winemaker showed us his vineyard and then walked us through a sample of his wines as we tasted safely from each of our homes. While we may have missed the full ambiance provided by a vineyard experience, we still had great fun on our laptops with the tastings. Creativity is a key to continuing successfully communicating while fully remote.

For me, the biggest communication challenge was (and remains) the onboarding of new employees. Team lunches were out, but "Teams" meetings were in, so getting to know one another had to happen not at the restaurant or café, but through the laptop or computer monitor. For some employees (myself included), this was the most difficult transition. It's one thing to "go virtual" with fellow team members or outside counsel you have worked with over the years, but it's another to start virtual with someone who has just hired on. We're still learning as we go here, but the principles we learned already among the team and with outside counsel during the pandemic apply here all the same: communicate, communicate, communicate.

When in doubt, if the pandemic has taught me anything, it's to always err on the side of communicating.

**Kevin M. McDonald is the General Counsel, Chief Compliance Officer, and Corporate Secretary for VW Credit, Inc. (Herndon, Virginia). VW Credit is the captive finance arm of Volkswagen Group of America, Inc. The views and opinions expressed in this article are his own.*



To get involved with the section, consider volunteering by serving on one of [these committees](#).

Want to contribute to the next newsletter? Send submissions to mralston@vsb.org

Need Ethics?

Get those ethics credits completed early this year! The Corporate Counsel Section is sponsoring an ethics CLE in early 2022, featuring **Dennis Duffy** of Kane Russell Coleman Logan. Stay tuned for more information!

Did You Know?

Your Corporate Counsel Section has an active Mentoring Program that facilitates mentor/mentee/peer relationships for those either currently in or have the desire to enter a corporate legal role?

Want to learn more? Email the section's VSB liaison at mralston@vsb.org.



The CORPORATE COUNSEL AWARD

Planning to take the Virginia Bar Exam and aiming for a career as in-house counsel?

The Virginia State Bar's Corporate Counsel Section wants to support law students and future lawyers in Virginia with an award to relieve some financial pressure at the beginning of their career. To that end, for each Virginia Bar Exam (February and July), one successful applicant will receive **an award of \$3,000.00**, intended to defray such early career expenses as the application fees for the Virginia Bar Exam, bar preparation courses or materials, and the first year's bar dues.

The selection of a winner is determined by a reviewing committee of the Section solely on the basis of a 300 word (or less) essay that answers the following question:

“Presuming you have landed your ideal in-house corporate legal job, how do you now improve the practice of law in Virginia?”

Essays should be submitted, along with the applicant's name and contact information, via email to vsbsections@vsb.org, by the application deadline set by Virginia Board of Bar Examiners for the exam for which the applicant is sitting (**December 15 for the February 2022 Virginia Bar Exam**). Please include “Corporate Counsel Award” in the subject line. A winner will be announced in the same month as the exam.



July 2021 Corporate Counsel Award Recipient
Madison A. Wonson, Esq.
Graduate of Liberty University School of Law

Question: Presuming you have landed your ideal in-house corporate legal job, how do you improve the practice of law in Virginia?

I would improve the practice of law by becoming an expert in Sustainability Reporting. The SEC has not significantly regulated sustainability disclosures yet, but I foresee substantial sustainability regulation coming. See *A Climate for Change: Meeting Investor Demand for Climate and ESG Information at the SEC*, <https://www.sec.gov/news/speech/lee-climate-change> (accessed March 28, 2021). My internship with a corporation headquartered in Virginia allowed me to get in on the front-end of sustainability reporting as it was the first year that my corporation did sustainability reporting. Not only did the corporation’s ratings improve, but investors were able to see a side to the corporation that they could not see prior to the disclosures. Sustainability reporting not only adds value for environmentally conscious investors, but it also gives the corporation useful insight on how to improve its global environmental and social impacts.

By becoming an expert in sustainability reporting, I can add value to the practice of law by educating other in-house lawyers on sustainability reporting, presenting to other attorneys on the topic, and encouraging them to start doing sustainability reporting sooner rather than later. Sustainability reporting can add so much value. Corporations may be able to beat out their peer companies by being the first to do sustainability reporting. Corporations can also gain experience and education prior to any future SEC regulation, work out any problems, and improve their environmental and social impacts before disclosure becomes mainstream. By educating in-house counsel to do this reporting, corporations may not need to hire outside counsel, thus, saving the corporation money.

In sum, sustainability reporting is an emerging area of the law, and I want to become an expert in it. By becoming an expert, I can educate other in-house attorneys, specifically, Virginia in-house attorneys, in this area improving the practice of law in Virginia.

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