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How Wilmer Built a Winner With Help From the 'Entire Firm Community'

BY DYLAN JACKSON

ROBERT Novick believes what makes his firm great is not any one practice group, or attorney, or client or matter. Novick, who leads Wilmer Cutler Pickering Hale and Orr alongside Susan Hinkey, breaks with current orthodoxy. Whereas the prevailing strategy in Big Law is to be the best at one or two things, Novick takes pride in what he sees as a well-rounded, complete firm—one that was recently named The American Lawyer's 2020 Law Firm of the Year.

Over the past two years, Wilmer has seen the addition—and return—of some big names including Robert Mueller III, whose team returned to the firm after its high-profile stint as special counsel investigating Russian interference into the 2016 election. Other notable additions included former assistant U.S. attorney for Colorado Ana Rodriguez, former U.S. attorney for Colorado John Walsh, former Durle Tangri Intellectual property litigator Sonal Mehta and top environmental attorney Peggy Oltun.

The firm's case list since January 2019 is similarly star-studded. Wilmer was counsel to Harvard in the landmark racial discrimination case, which the school beat back in what a Boston Globe columnist called "a defiant defense of affirmative action in higher education." The firm was also counsel to the city of Chicago in the litigation against the Trump administration over its "sanctuary city" status. In April 2020, the U.S. Circuit Court of Appeals for the Seventh Circuit ruled that President Donald Trump's threat to deny grant money over the city's sanctuary city policy violated the separation of powers doctrine.



Wilmer Cutler Pickering Hale and Orr has brought big names into the fold and experienced clients on high-profile matters, but its success shows that the whole is even greater than the sum of the parts.

But again, Novick said his firm's success lies not just in the attorneys it hires or its matters. He notes that Wilmer has made The American Lawyer's A-List—which takes into consideration not just revenues, but pro bono work and attorney satisfaction—for two consecutive years. In the early months of the pandemic, Wilmer, like many firms, opted to shift the burden of

of things very well," Novick said. In the summer, as the streets filled with protesters outraged at George Floyd's killing at the hands of the industry struck by an average of 1.6%.

policing practices. In the seven months between the initial outreach and the report's publication, about 45 Wilmer attorneys and staff have worked on the effort and pulled nearly \$1.6 million worth of hours—no pro bono.

Greenberg Traurig Sees Record Revenue as Nonequity Partner Tier Grows

BY DAN ROE

GREENBERG Traurig experienced healthy revenue and profit gains last year and steady demand, while the firm's nonequity partner ranks continued to expand and the firm adjusted its expenses.

Greenberg, with an increase in billing rates, saw gross revenue rise 5.4% to \$1.73 billion, the firm's seventh consecutive year of record revenue. With a nearly 5% increase in all other head count, revenue per lawyer stayed nearly constant, at \$297,000. Meanwhile, profits per equity partner (PEP) rose 6.1% to \$1.91 million.

of active practice areas. "We were busy. Private equity was busy, bankruptcy and restructuring were busy, certain parts of litigation, especially pharmaceutical and medical device, were busy. Healthcare was busy," Duffy said. "It was broad. Folks were busy, rates held up."



The 2,171-attorney firm raised rates by approximately 4%, Duffy said, and saw no material change in its realization rates.

as it considers an ultimate hybrid work model. "Long term, we look forward to having lawyers back in our offices whatever the new normal looks like," Duffy said, adding he thinks that may be "somebody or hybrid, with more remote work happening post-vaccination."

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'Attempt To Intimidate': City's Countersuit vs. BLM Protesters Could Chill Free Speech Nationally, Observers Say

BY JASON GRANT GETTIFT

IN HER almost two decades of bringing civil rights lawsuits targeting police abuse and misconduct, Detroit-based lawyer Julie Hurwitz said she had never seen the "level of gratuitous violence and acts of aggression toward peaceful protesters" by police that she witnessed in Detroit last summer.



Black Lives Matter protest at Foley Square in Manhattan last year. The court case in this (BLM) case is a strategy to silence racial justice advocates that you might expect from segregationists in the South in the 1950s, law professor Michael Steinberg said.

and toward last summer as waves of post-Floyd protests crossed America. But what came next, in a legal filing by the city of Detroit, shocked Hurwitz and has caused concern among civil rights advocates and lawyers nationally: the city launched a civil conspiracy-based countersuit against the protesters who'd lodged the original action, seeking money damages and a declaratory judgment striking them as riot inciters and property destroyers.

who exercised their First Amendment right to march and speak out, and she, along with other attorneys and law professors, said they believe Detroit's countersuit is both novel and dangerous. They call it a classic Strategic Lawsuit Against Public Participation, or SLAPP suit, and worry that if it's successful, or even survives a motion to dismiss, its impact may be to intimidate and scare off in many thousands of would-be protesters across the country who suddenly would need to consider their civil legal exposure, under the theory

of civil conspiracy, before taking to the streets. "This is an attempt simply to intimidate and terrify people who are doing nothing more than exercising their First Amendment rights," said Hurwitz in a recent phone interview.

Michael Steinberg, a University of Michigan Law School professor and a former head of the American Civil Liberties Union of Michigan, said, "It will make thousands of people think twice before they go out and demonstrate in support of racial justice if they can be held civilly liable for things that other protesters decide to do on independent, 'white part of, or on the fringes of, a demonstration."

"If the [U.S. Constitution's] First Amendment means anything, it means that the government cannot punish a person for meeting or organizing for social justice simply because other people decided to convene a vigil or otherwise decided to break the law 'wide' associated with the event," Steinberg said.

Technology Today

INTERNET ISSUES/SOCIAL MEDIA

'Unauthorized Access' Can Be Key in Computer Fraud Cases

By Shari Claire Lewis



As businesses in New York and elsewhere begin to enter a second year of partially or fully closed offices and dealing with a workforce operating remotely, an issue that was top-of-mind for much of 2020—computer security—should remain a key concern in 2021 and should not be overlooked or ignored.

In the past year, notorious data breaches by hackers and other malevolent external forces have been regular features in the news. More commonly, however, business data breaches are caused by internal actors, including employees and contractors who inappropriately access a company's technology for their own or someone else's purpose.

The Computer Fraud and Abuse Act (CFAA) was passed to provide civil and criminal remedies for certain types of damages caused by a breach of a company's computer system. The CFAA clearly applies to breaches by outside actors, so it cannot be disputed that those individuals are not authorized to access a company's computer system. Whether and to what extent the CFAA may be applied in other cases of arguably "unauthorized access," particularly against business insiders such as employees who exceed their authority, is a question that has divided courts across the country and is currently before the U.S. Supreme Court. *Van Buren v. United States*, 940 F.3d 1192 (11th Cir. 2019), cert. granted (April 20, 2020) (No. 19-783).

The CFAA

The ambiguity arises from the language of the CFAA and how that

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language evolved in the years since its passage. Nearly four decades ago, Congress passed the Computer Fraud and Abuse Act of 1984, which included a new computer-crime prohibition codified in 18 U.S.C. §1030. Section 1030 made it a crime to obtain national security information or financial records, or to use, modify, destroy, or disclose information on federal government computers, by "knowingly access[ing] a computer without authorization, or having accessed a computer with authorization, us[ing] the opportunity such access provides for purposes to which such authorization does not extend." Notably, the law only prohibited access to computers operated by the federal government and certain financial institutions.

In 1986, Congress enacted the CFAA, which made several modifications to §1030. Among other things, it replaced the phrase "or having accessed a computer with authorization, uses the opportunity such access provides for purposes

to which such authorization does not extend" with the shorter clause, "exceeds authorized access."

Almost a decade later, in 1994, Congress broadened the CFAA. It expanded the coverage of the provision covering unauthorized access to include access used to break the law. The 1994 amendment also cre-

time in 2008. Most significantly, the 1996 amendments extended the CFAA's scope to any "protected computer" which included not only federal or financial institution computers but also those used in interstate or international commerce or communication.

Currently, §1030(a)(2) is violated when a person intentionally accesses without authorization or "exceeds authorized access" to a computer. The CFAA defines "exceeds authorized access" to mean "to access a computer with authorization and to use such access to obtain or alter information in the computer that the accessor is not entitled so to obtain or alter." Plainly, by its terms, the CFAA applies to a stranger who, lacking any access rights at all, violates the law by hacking into a computer. Such a bad actor may not be identifiable or may be outside the jurisdiction. However, the CFAA is also frequently used to redress the conduct of insiders, for example, when an individual with authority to access an entity's computers or systems as a result of the individual's employment does so for his or her own benefit or some improper purpose. In such cases, the issue becomes

Whether and to what extent the CFAA may be applied in other cases of arguably "unauthorized access," particularly against business insiders such as employees who exceed their authority, is a question that has divided courts across the country and is currently before the U.S. Supreme Court.

ated a new private right of action for entities that suffered damage or loss from a §1030 violation.

Section 1030 was again amended in 1996, when Congress passed the Economic Espionage Act of 1996 and created the first federal criminal laws punishing the theft and misappropriation of trade secrets, and then another

a bill more opaque as to who is authorized to access a computer and when that access "exceeds" authorization.

Court Rulings

The meaning of the "exceeds" requirement has been heavily debated and has divided the courts. » Page 8

Will Future Legal Departments Spend More on Tech, Less on Lawyers?

BY PHILLIP BANTZ

LEGAL departments are expected to begin shedding out serious money on technology, while shedding generalist in-house lawyers as a way to cope with bigger workloads, hiring freezes, and more demands for efficiency and cost cutting, according to a forward-looking report from Gartner Inc.

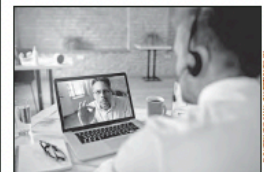
The legal and compliance practice arm of Gartner, a research and advisory company based in Stamford, Connecticut, predicts that 12% of in-house budgets will be devoted to legal tech by 2025, compared with 3.9% in 2020 and 2.6% in 2017.

"We're reaching a point where there's going to have to be a much more dramatic investment in legal technology," said Zack Hutto, director of advisory in Gartner's legal and compliance practice. "It's a very interesting dynamic."

In-house counsel are dealing with more work than ever before as a result of the coronavirus COVID-19 pandemic, new laws, regulations and risks. Meanwhile, Gartner staffing data suggests that legal department head counts will remain relatively flat in the near future, according to Hutto.

The Association of Corporate Counsel released a separate study in January that showed a slight uptick in the number of chief legal officers who planned to hire more lawyers this year. Still, more than 62% of the respondents said they weren't hiring.

Automation, artificial intelligence, contract and document management software and other types of legal tech can help understate legal department staffs at or even edge ahead. » Page 9



12% of in-house budgets may be devoted to legal tech by 2025.

Apprehensions Cloud Legal's Inclusion Metric Collection and Accuracy

BY VICTORIA HUGGINS

THE DIVERSITY and inclusion questionnaires of yesteryear look nothing like the paperwork law firms are facing now. "Fifteen years ago if I got a diversity survey it was very basic," says Seyfarth Shaw chief inclusion & diversity officer Kori Carew. "I would just provide the diversity percentage of the law firm. Then clients got wise and started to ask, 'Who's working on my matters?'"

Carew notes that these days, client questions range from detailing what type of work diverse attorneys are assigned to the firm's strategies for retention. "It's not about the numbers." » Page 9

COMMENTARY

What's To Come For Cybersecurity In the Biden Era

BY ALEXANDER H. SOUTHWELL AND DANIEL RAUCH

LAST month, in response to the SolarWinds hack, then-President-elect Joe Biden offered a simple message: "We will respond and probably respond in kind." For campaign observers, such tough talk might be unsurprising; Biden ran, after all, on a platform of "deter[ring] cyber threats" and "demand[ing]... countries cease and desist from conducting cyberespionage."

In its first weeks, the administration has matched strong words with strong actions: elevating veteran cybersecurity leaders, calling for vast digital defense investments and laying the groundwork for renewed cooperation with allies abroad and the private sector at home. Together, these developments offer early answers to what the Biden administration's cybersecurity policy will look like (while, at the same time, raising important questions).

Strong Leaders and a Deep Bench

With its first hires, the Biden administration has made clear that cybersecurity will be front and center. For national cyber director, a new role established by the 2021 National » Page 8

ALEXANDER H. SOUTHWELL co-chairs Gibson, Dunn & Crutcher's privacy, cybersecurity and consumer protection practice group and is a former federal cyber-crimes prosecutor. Former associate DANIEL RAUCH is a Denver lawyer.

HOW COMPETITIVE IS YOUR FOOTPRINT BY PRACTICES?

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ALM Intelligence

Stenography Dropouts Find Opportunity In Budding Digital Court Reporting Market

BY VICTORIA HUGGINS

SOME court reporters might be fighting against the digitization of their profession, but low court reporter graduation rates are also a major threat to their industry.

According to a 2019 article from *The Wall Street Journal*, the National Court Reporters Association estimated roughly 80-85% of students enrolled in a court reporter program drop out. But while that statistic is concerning, a legal transcription career is still feasible for non-stenographers. Indeed, evolving attitudes toward transcribing previously » Page 9



Digital reporting is the latest technology and career opportunity to meet growing court and deposition demands.

COMMENTARY

Analytics Can Be Risky In the Wrong Hands

BY BARRY SCHWARTZ

RECENT years have seen dramatic advancements in e-discovery software, with some powerful analytics capabilities now often integrated as standard features instead of expensive add-ons. Simultaneously, e-discovery platforms have become increasingly user-friendly, with visually appealing interfaces that make it easier for users to view, manage and produce their data—or so they think.

In reality, the accessibility of analytics platforms can sometimes lead users to believe they understand the platforms better than they actually do. If a user is too emboldened, they may » Page 9

BARRY SCHWARTZ is SVP of advisory services at BIA, a leading national e-discovery and digital forensics company.

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Letters to the Editor

Matrimonial Lawyers Comment on Loss of Judges Due to Age

On behalf of the over 150 matrimonial law practitioners in a field where our clients and their children are in desperate need of wisdom, experience, and sensitivity from those judges who handle family law issues...

Court of the United States, the entire federal bench, and the extraordinary services delivered by judges who were previously certified to serve beyond the age of 70.

themselves to be the very best models for judicial service. The Board of Managers, Officers, and Past Presidents of the American Academy of Matrimonial Lawyers, New York Chapter

COMMENTARY

Continued Emphasis on D&I on the Horizon, but Not Without Its Challenges

BY CRISTINA TELLADO AND DESEY CASTRO

ON JAN. 20, within the first few hours of his administration, President Joe Biden signed the "Executive Order on Advancing Racial Equity and Support for Underserved Communities Through the Federal Government."

larity due to the polarized national political divide. Recent state legislative action has been directed at promoting diversity, equity and inclusion (DEI) in government. Specifically, California Assembly Bill (AB) 979, signed into law Sept. 30 of last year, requires California public companies to have at least one director from an underrepresented community on the board by the end of 2021...

New York, have enacted or proposed legislation aimed at increasing board diversity, although unlike the strict requirements and penalties under California's law...

AB 979 was modeled after California Senate Bill (SB) 826, which was enacted in 2018 and requires similar diversity minimums for boards, but based on gender. Both AB 979 and SB 826 were the first of their kind in the United States and may serve as an indicator of how similar laws, from either state or federal government, may be received and the challenges that lay ahead.

Accordingly, private companies and employers will likely continue taking steps to increase and promote diversity. As the U.S. Supreme Court noted in 2003's Grutter v. Bollinger, "major American businesses have made clear that the increasingly global marketplace can only be developed through exposure to widely diverse people, cultures, ideas, and viewpoints."

COMMENTARY

Can We Prevent Another Trump Presidency Without a Conviction on Impeachment?

BY STEVEN SALKY

DESPITE the fact there has never been a former president of the White House more deserving than Donald J. Trump to be disqualified from holding any office requiring an oath to "preserve, protect and defend the Constitution of the United States," Senate Republicans may stifle the effort to disqualify him through impeachment. But there are alternative mechanisms worth exploring.

two-thirds of the Senate necessary for conviction in an impeachment trial.

Of course, 14th Amendment legislation would require establishing that Trump either "engaged in insurrection" or gave "aid or comfort" to enemies of the United States. The current Article of Impeachment merely charges Trump with "incitement of insurrection." If a majority of senators do not end up voting for conviction on the existing article of impeachment, there can be no assurance that a majority would vote in favor of disqualification under the 14th Amendment.

STEVEN SALKY is a District of Columbia criminal lawyer who recently retired after 35 years from Zuckerman Spector to pursue nursing, and is now engaged in various criminal justice-related pro bono activities.

So what about legislation that does not proceed from the 14th Amendment? Importantly, Trump engaged in the conduct leading to his impeachment as the losing candidate. Trump's actions to "Stop the Steal," up to and including those of Jan. 6, likely do not constitute official presidential conduct. Rather, they are the unofficial acts of a candidate who merely happened to be president.

There is also the prospect of using criminal law to disqualify Trump, at least temporarily. An often overlooked federal law, 5 U.S.C. 7313, provides that people convicted of inciting or encouraging riots or civil disorders shall, if the offense is a felony, "be ineligible to accept or hold any position in the government of the United States for two years following the date upon which his conviction becomes final."

Cutting Cookies: France's Fight Against Google and Amazon

BY GIANCLAUDIO MALGIERI

FRANCE's data protection regulator (CNIL) is proceeding firmly in its legal fight against cookie walls, by shooting two meaningful bullets at two giants of big tech—Google and Amazon. On 7 December 2020, the CNIL imposed €100 million sanctions against Google (Google LLC and Google Ireland Limited) and a €35 million one against Amazon, for violating the e-Privacy Directive, over concerns about the transparency of cookies, the possibility to refuse cookies, and the informational architecture of cookie collection (which is accused of being based on an opaque and deceptive opt-out mechanism).

In the last few months, France has represented a central battlefield for the crucial question: are cookie-walls allowed under EU data protection law or not? Under the e-Privacy Directive, cookie-related data processing should be based on consent, except for technical cookies that are necessary for the provision of internet services.

Consequently, in the last few months, France has represented a central battlefield for the crucial question: are cookie-walls allowed under EU data protection law or not? Under the e-Privacy Directive, cookie-related data processing should be based on consent, except for technical cookies that are necessary for the provision of internet services.

The Advisory Committee on Judicial Ethics responds to written inquiries from New York state's approximately 3,600 judges and justices, as well as hundreds of judicial hearing officers, support magistrates, court attorney-referees, and judicial candidates (both judges and non-judges seeking election to the office). The committee interprets the Rules Governing Judicial Conduct (22 NYCRR Part 100) and, to the extent applicable, the Code of Judicial Conduct. The committee consists of 27 current and retired judges, and is co-chaired by the Honorable Margaret Walsh, a Justice of the supreme court, and the Honorable Lillian Wan, a court of claims judge and acting supreme court justice.

Judicial Ethics

Opinions From the Advisory Committee on Judicial Ethics

the judge may not so serve. Rules: NYS Const. art 19 § 17, 20; Part-time Justices Law § 2; Second Class Cities Law § 19; Village Law § 3-303(C); 22 NYCRR 100.2, 100.2(A); 100.6(B) (4); 101.1; Opinions 18-57/17-166; 09-140; 06-161; 91-133.

Incompatible for time conflict reasons (see Opinion 91-133). Our jurisdiction is limited to issuing "advisory opinions to judges and justices of the United Court System concerning issues related to ethical conduct, proper execution of judicial duties, and possible conflicts between the duties of judges and official duties" (22 NYCRR 101.1).

A judge must avoid impropriety and the appearance of impropriety in all the judge's activities (see 22 NYCRR 100.2[A]), must respect and comply with the law, and must act at all times in a manner that promotes public confidence in the judiciary's integrity and impartiality (see 22 NYCRR 100.2[A]). A part-time judge may accept public employment in a federal, state or municipal department or agency, "provided that such employment is not incompatible with judicial office and does not conflict or interfere with the duties of the judge" (22 NYCRR 100.6[B][4]).

We conclude the present inquiry is a legal question, governed by applicable statutes and/or case law rather than the Rules governing Judicial Conduct (see e.g. Opinion 09-140 [noting that Village Law § 3-303(3) prohibits a part-time village justice from serving in both an elective and an appointive village office]; Second Class Cities Law § 19 ["No person shall, at the same time, hold more than one city office. Upon the acceptance by the city officer of a second office the first office held by him shall thereupon be vacant."]). Legal questions could potentially include the current class status of the city in which the judge serves as well as the applicability (if any) of various provisions of the Second Class Cities Law, the NYS Constitution, the Public Officers Law, and/or the charter of the city in which the judge serves.

Opinion: 20-164

Digest: Whether or not a judge may hold two part-time judicial positions in the same municipal court is a legal question beyond this Committee's jurisdiction. If it is determined that the dual service described is legally permissible, such serving would not otherwise violate any ethics rules or principles under Part 100. If there is a legal impediment to such service,

Technology Today

Spending

Continued from page 5
 But more than a few in-house leaders have realized that introducing new tech into a legal department can be time consuming and costly. In fact, Gartner data from late 2019 showed that it took about two to three years for legal departments to break even on their initial investment in legal tech, according to Hutto.
 He added: "It's far longer than vendors are promoting. There's just so much hype out there."
 While the payback for investing in legal tech won't be immediate, the alternative of hiring more lawyers and legal department staff, "bringing in more Dutch boys, if you will, to plug the little holes

in the dam, that strategy will not work—certainly won't work for long," Hutto said.
 The Gartner report also predicts that nonlawyer staffers will replace 20% of general in-house lawyers by 2024 as legal departments realize that "much of the other work you might throw a generalist lawyer against could be disaggregated and handled by nonlawyers," Hutto said.
 "I'm not saying we're expecting the death of the generalist," he added. "There is a role for in-house generalist lawyers... but there may be a growing number of lawyers that in-house legal teams have hired as part of that Dutch boy strategy for solving work demand problems."
 More specialists will also find seats in legal departments as generalists move toward the exit,

according to Gartner. The report suggests that companies will rely more on specialists, who aren't easily supplanted with technology, to "replace law firm expertise and control costs."
 "Specialist legal work is typically lower in volume but higher in complexity. It is therefore not the best starting point for standardization and automation," Hutto states in the report.
 "The higher-volume, lower-complexity work that is typically carried out by generalist lawyers is where nonlawyer staff will drive efficiency gains for the department, by digitizing key workflows and expanding the use of automation," he added.
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Stenography

Continued from page 5
 reduced proceedings are creating more legal transcription opportunities in court reporter agencies, legal tech companies and the court system.
 The emergence of digital court reporting has created a viable path for those who decided not to become a stenographer, noted Cuyahoga Community College's captioning and court reporting program director Kelly Moranz.
 "Court reporter companies will have the digital court reporter capture the record and produce the record," Moranz explained. "[But] they don't have the business model where the same person that captured the record [produces] the transcription." Transcription opportunities for non-stenographers are also available in the U.S. court system, Moranz added.
 "In the courts where they're using digital equipment, they would send that [recording] to a transcriptionist as well. A lot of times those transcriptionists are former stenographers that retired or are those that have the skills

from school and went into another direction," she said.
 While Moranz noted that many stenographer hopefuls go in "another direction" before graduating, she said that even limited stenography training can lead to other career opportunities. For instance, some stenography programs teach court procedures, transcription production and other skills transferable to captioning and transcription and voice writing training, Moranz said.
 But stenography school dropouts aren't limited to taking their training to the judiciary or court reporter agencies. In recent years, the emergence of machine learning-powered remote transcription software companies has also increased demand for transcribers.
 Transcription software platform Verbit, for example, hires legal transcriptionists to verify its AI-generated transcripts. "Our network of transcriptionists are diverse," said Verbit senior customer success manager Tony Srma. "Some come as an electronic transcriber certified from the AARET [American Association of Electronic Reporters and Transcribers], while others are retired stenographers, or legal transcriptionists that seek freelance work, Srma explained.

While remote transcription software providers may tout their technology's ability to quickly produce AI-powered transcriptions, accuracy demands and software limitations still require a human to review those transcriptions.
 Transcribers play a key role in confirming speakers' names and the matter's nuances, Srma said. "It's an open industry for people that want to get into the industry," he added.
 To be sure, some stenographers have labeled capturing the record from previously recorded proceedings as a "pricy" practice that could place the accuracy of the legal record in danger and threaten stenographers' livelihoods. But Cuyahoga's Moranz noted digital reporting is the latest technology and career opportunity to meet growing court and deposition demands.
 "Steno is not for everyone," she said. "Not everyone wants to talk all day [voice writing] or make annotations. It's a technology-driven profession more and more, and this gives them an opportunity to fill the need."
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Analytics

Continued from page 5
 end up making a mistake that negatively impacts their case, such as not producing responsive documents or accidentally producing privileged information.
 Having the most expensive or advanced tool in the toolbox doesn't matter if you don't know how to use it, and if you're not using those tools properly, there are risks everywhere. Here are a few examples of areas where inexperienced users tend to go wrong in their use of analytics and search tools:
 1. **Incorrect tagging of documents.** Analytics tools are only as good as the data that's fed into them, and a big mistake made by inexperienced users is to not tag documents correctly. A common example would be a responsive document that's attached to a nonresponsive email. It might seem correct to tag the email itself because of its attachment, as often was the normal practice before the use of analytics. However, because there's nothing responsive in the body of the email, tagging it will only make the analytics model less effective at best, or result in incorrect decisions by those tools at worst.
 2. **Over-reliance on basic search functions.** Search tools are powerful, but they're not foolproof. When running searches, inexperienced users sometimes overlook flaws in the underlying data that can affect the quality of their search results. Variations or misspellings of a name, or text that is contained in a screenshot or other image, can be easily missed.
 3. **Incorrect handling of privilege review.** Sometimes attorneys clearly mark documents in a data set as privileged, but when they don't, a close read of a document may be necessary to ascertain that it's privileged—for instance, a brief mention in an email chain about the topic under discussion. Users shouldn't assume that an analytics model is going to automatically catch that.
 Some parties still do rely on clawback agreements that allow them to assert privilege over documents after they've been produced to the other party. But, as the old saying

goes, you can't un-ring a bell. In some cases, if you try to claw back a document, the other party might claim that you've waived privilege by producing it, at which point you'd have a fight on your hands—a fight that is becoming harder by the day.
 Recently, we worked with a client that was trying to produce documents on a tight deadline. They wanted to produce and send over everything that came up in their search to get the job done as quickly and as cheaply as possible. We advised the client that they were risking a waiver of privilege and successfully convinced the counsel to change course, thereby protecting the client's privileged documents. In general, if you have something you don't want the other side to see, don't rely on technology or clawback agreements alone to save you after you've already sent data out the door.
 4. **Incomplete production of documents.** Two standard analytics tools, email threading and deduplication, are often used to reduce redundancy in a data set before review. For instance, in an email thread that contains 20 messages, only the final email in the conversation would need to be included for review, since it fully includes all previous communications. However, depending on your production protocol agreement with the opposing party, you might need to produce all 20 messages in the conversation as separate documents, to make it easier to understand the flavor of a conversation. Not doing so could violate your production protocol order, and you would run the risk of sanctions from the court and/or increased costs from having to run the production over again to correct the deficiency. Producing only the most inclusive email is not a bad strategy, but you must make sure that all parties have agreed to do so, and that they understand how to identify, handle and produce emails that branch out into separate discussion threads, too.
 5. **The Math Behind the Tools.** As straightforward as analytics platforms might appear on the surface, using them effectively comes down to understanding the

math behind the tools. Risk and probability factor greatly into the work done by e-discovery professionals.
 Many leading analytics tools are built on a similar algorithm that actively learns from a representative sample of documents marked by the user either as responsive or non-responsive. The model built by those decisions is then applied to the remaining documents in the set, giving each one a score, typically from 0.1 to 0.9. (For instance, everything 0.5 and above might be considered responsive, and everything 0.49 and below would be non-responsive.) It's important to look below the non-responsive line and take a sample to see what percentage of those documents turn out to be responsive, and if necessary, harder train the model. The goal is to achieve an acceptably low mathematical probability that there are responsive documents below the threshold.
 This technical know-how works best when combined with an attorney review team that has a deep understanding of the case or the issues, and even institutional knowledge. Since analytical algorithms essentially magnify the decisions on a small subset of documents across the entire population, it's ever more critical that those base decisions are as accurate as possible. The more deeply the review team understands a case and the parties involved, the better their decisions on the base set will be, and the lower the probability of something important slipping through.
 Every Case Is Different
 There's no one-size-fits-all in e-discovery, every case is unique and requires a customized approach. I've had decades of experience and so have my colleagues; yet, each of us has encountered situations that the others haven't. If one of us is presented with a legal matter that falls outside of our individual experiences, we'll talk it through as a team and decide the merits of different approaches as necessary to achieve the best overall result.
 Using analytics tools without the proper know-how is like an amateur picking up a guitar and trying to play it. You might be able to strum a chord or two without a lesson, but getting the most out of your instrument requires knowledge and countless hours of practice. To get the best results out of your data, there's really no substitute for experience.

Inclusion

Continued from page 5
 overall, it's about, is there a revolving door? Continuing surveys With evolving diversity and inclusion expectations, law firms and corporate legal departments say they can't evaluate D&I initiatives solely on hiring, promotion, exit and other quantitative data routinely compiled by their HR departments. Instead, such evaluations also require surveys and one-on-one conversations to collect qualitative data regarding an attorney's experience within an organization.
 However, the quantitative and qualitative data collected for D&I assessments aren't always detailed or accurate. Metrics regarding billable hours and billing partners, for instance, can be muddled by complicated or vague internal processes, consultants and inclusion officers. Continuing surveys regarding feelings of belonging can also be plagued by inaccuracies if attorneys fear repercussions or being ostracized for their opinions.
 Still, firms and legal departments dedicate resources and budgets that are growing in number to overcome. But while clarifying billable hour data is straightforward, ensuring qualitative data concerning an employee sense of belonging is accurate requires their analysis may be hampered by inaccuracies and limited data.
 Tracking billable hours, for example, can seem fairly straightforward with the time and billing software found in nearly every law firm. However, gauging the work quality of those billable hours can be stilted by broad descriptions that provide little insight, Diversity Lab's Stacy says. "If people are using UTM's [Uniform Task-based Management System] codes, you can't measure the type of work they're doing when they are billing hours," she says, explaining that there are "big-picture UTM codes" that don't provide detailed explanations of the work accomplished.
 To address these shortcomings, Stacy says some law firms supplement UTM codes by comparing associates' work to practice group-specific benchmarks. A firm, for instance, can set core benchmarks or competencies all litigation associates should reach during their first, second, third and fourth year. But such benchmarks aren't found in all law firms, she notes. "Everyone has billable hours but not many have career or practice benchmarks."
 But the problems don't end there. Fish & Richardson principal and diversity initiative chair Ahmed Davis notes not all firms review how or if they compensate or promote attorneys for leading a client matter. "There are a number of large corporations that have really put their money where their mouth is in requiring firms to show their diversity and inclusion efforts are actually working as the relationship or billing partner—the firm representative that has the official relationship with the client," Davis says. "And so that may be different trends. It's a question of how you track what is happening within a firm? You may have a woman or diverse attorney that is by name the relationship or billing partner at a firm for a client but within the firm's internal processes, for advancement and for raises, is that being calculated and applied? And is it being measured, [and] are they keeping metrics of that?"
 The accuracy of qualitative data can also run into problems as well. Davis and other inclusion officers also note that when attorneys fear backlash, responses provided during D&I surveys or one-on-one discussions regarding inclusion can become tainted by suspicion or fear of reprisal. "The biggest barrier I think from the standpoint of diverse attorneys [is a] reluctance to being truthful and honest because they're concerned about consequences," Davis says. "And for non-diverse attorneys there's fear of being truthful and honest because they fear the consequences of the same discussion on both sides."
 While diverse attorneys don't want to be perceived as complainers, nondiverse lawyers fear that they will be labeled as detached at best or bigoted at worst. "I am not a straight white male," Davis, who is African American, notes. "[But] I know that there are some and perhaps more than

a few straight white men that in the abstract understand diversity is important, but they have misgivings or concerns about what is going on with all the diversity and inclusion, but they're not going to stand up and say that because they may be perceived as not concerned in the best light or perceived as racist in the worst light."
 Putting Quality in Qualitative Data
 While not all employees are in a rush to discuss workplace experiences and diversity, law firms and legal departments say there are ways to resolve that hesitancy. Anonymized surveys, for instance, can allow attorneys to be more open about their experiences within legal organizations. Seyfarth Shaw's Carew notes. Additionally, an inclusion officer who sits on the firm's management committee can add weight to D&I evaluation requests and decrease the chances they're ignored by busy lawyers. Buchanan Ingersoll's Freeman adds. But ultimately, it's up to the organization to create a culture where everyone feels empowered to share their experiences.
 In order to avoid attorneys self-censoring themselves during diversity discussions, the inclusion officer has to build trust, Davis says. "The real challenge at the end of the day may be to figure out how to have an honest conversation with non-diverse people that have questions, issues, concerns or doubts. And have an open dialogue that advances the process without people feeling like they're being ostracized or labeled. That's a very challenging delicate dance to do and that's why this whole thing is a challenge."
 To be sure, any trust and openness built up by those D&I conversations will crumble if lawyers don't see their concerns addressed. "If they feel once they make their feelings heard and management will do something about it, they will remain candid around their responses. Once responses fall onto deaf ears, that's when you'll get no response at all," Freeman says.
 Still, while these surveys and discussions regarding sense of belonging are uncomfortable for some, these conversations aren't unique to all law firms or legal departments. Indeed, some consultants say the qualitative data needed to measure inclusion isn't found in all legal organizations.
 "It's a wide variety. There are some companies that are very metric-driven and very focused on specific targets and reaching those targets and they have a whole program in place," Son says. "And there's companies that are generally aware they need to do better but it's not as metric-driven or specific. It's like anything else: Organizations are at different places in their priority and journey."
 But it's never too late to start. Bechtel risk management assistant general counsel Rankin says his organization is currently figuring out what metrics it needs to understand its in-house attorney culture trends. "It's a question of how you develop and retain [in-house attorneys] and that's more than just a diversity issue. It's more on the inclusion side and involves everyone."
 While some are beginning to use qualitative data to evaluate their diversity and inclusion efforts, there are signs this practice may become more widespread in the future. Grick-Hiering of a Seattle client attorney Slohan Handley notes that more corporate clients may stress the need for an inclusive in-house and outside counsel culture. "I think the industry is looking at it more carefully. [Companies] are asking that of their law firms to allow for an environment that provides consistency and ongoing success [to] diverse attorneys, and our attorneys are looking internally and putting pressure on themselves."

As legal organizations track diversity and inclusion metrics, their analysis may be hampered by inaccuracies and limited data.
 Tracking billable hours, for example, can seem fairly straightforward with the time and billing software found in nearly every law firm. However, gauging the work quality of those billable hours can be stilted by broad descriptions that provide little insight, Diversity Lab's Stacy says. "If people are using UTM's [Uniform Task-based Management System] codes, you can't measure the type of work they're doing when they are billing hours," she says, explaining that there are "big-picture UTM codes" that don't provide detailed explanations of the work accomplished.
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The Need For Qualitative Data
 Most law firms and corporate legal departments evaluate the diversity of their ranks by analyzing HR data. "With every new hire, our HR department is able to collect how they self-identify, track promotions and how long the individual is at the firm," explains Buchanan Ingersoll & Rooney chief diversity & inclusion officer Lloyd Freeman.
 But Freeman and other inclusion officers note that hiring and promotion data only tells part of the story. "I think it's important to have data that goes beyond number of attorneys hired and promoted. That has to be measured, I believe, by speaking to your people within your organization."
 The qualitative data needed to understand the amount of diversity in legal organizations can be far-reaching. Diversity Lab founder and chief experimentation officer Karen Ulrich Stacy explains that it can include assessing if diverse attorneys have access to mentorship, career and project feedback, influential sponsors, promotions and business generation credit.
 Locke Lord senior partner and chief diversity & inclusion officer Paulette Brown adds that reviewing an attorney's work to ensure they are placed on career-building tasks is also critical for the retention of diverse lawyers. "[We] are looking at how many every month for diverse lawyers. [and] are also looking at the quality of work they're getting," Brown says. She adds, "If a person isn't receiving quality work and is not able to move along with their associate class, they may decide to leave or they may be asked to leave."
 Qualitative data also looks at whether lawyers feel at home in their organization. Seyfarth Shaw, for instance, leverages ongoing surveys and scheduled one-on-one discussions to gauge lawyers' sense of belonging within the firm and how attorneys are progressing, Carey says.
 Of course, it's not just law firms performing these qualitative assessments. Legal departments are also surveyed by the same organizations. Seyfarth Shaw, for instance, notes that diversity and inclusion efforts are unfolding companywide, notes Sonya Olds Som, a partner at Heidrick & Struggles, which is hired by companies to conduct D&I sur-

veys and focus groups. When legal departments are polled, diversity and inclusion is reviewed "not just in terms of the number, but how they feel in terms of representation, support and environment," she notes.
 To be sure, the frequency of these surveys and interviews vary by organization. But Bechtel Corp. risk management assistant general counsel Cliff Rankin notes such evaluations should be conducted consistently and shared companywide.
 "These efforts have been going on in the industry as long as I've been working—so 30 years," Rankin says. However, he notes the launch of new programs such as The Diversity Lab's Mansfield Rule, which asks legal departments to consider at least 50% of underrepresented candidates when hiring internal roles and outside counsel, signals that a more deliberate approach is needed.
 "We see you have to be intentional," he says. "If you're not tracking your performance it's difficult to see where you are at any point... You have to track your progress and you have to be transparent about that progress."

Is the Data Accurate?
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Off the Front / Off Page 2

Syracuse

(Continued from page 1)

the panel's decision what job DiCoby had occupied at Syracuse, and the decision did not say why he was terminated. It also did not explain why he was ordered to get anti-harassment training. Attempts to obtain underlying court records in the case were not successful.

Earlier in the varied opinion, the First Department panel examined several arguments made by DiCoby in his breach-of-contract claim, while rejecting each one.

DiCoby's complaint "alleges neither a written employment agreement nor any employment for a fixed term," the panel, comprised of Justices Salie Manzano-Danielis, Anil Singh, Tanya Kennedy and Manuel Mendez, wrote.

"Instead, the complaint alleges only that defendant [Syracuse] breached the implied duty of good faith in issuing the letter of warning and directing plaintiff to

take anti-harassment training," the panel further wrote. It then said that "absent exceptions not applicable here, however, there is no implied duty of good faith in an at-will employment," citing *Horn v. New York Times*.

DiCoby "also asserts that defendant's written employment policies proscribe retaliation, discrimination, and harassment of employees," the justices wrote, before stating that "although written employment policies can form part of an implied contract here, however, with one exception, these policies appear nowhere in the record."

In addition, the justices that "even assuming that a breach of contract claim has been stated, it fails because it is barred by collateral estoppel." They explained that "the issues of whether [Syracuse] had a legitimate business reason to terminate [DiCoby] and take the employment actions of which [DiCoby] complains were fully resolved by the New York State Division of Human Rights (DHR), with both parties having

a full and fair opportunity to litigate the issue in that administrative proceeding."

In addition, the justices stated in the Feb. 4 opinion that DiCoby "has failed to plead any claim for promissory estoppel, because he has failed to allege any 'unambiguous promise' or reasonable and foreseeable reliance and detriment," quoting *New York City Health & Hosps. v. St. Barnabas Hosp.*

Michael Confusione of Hegge & Confusione in Manhattan represented DiCoby in the appeal, according to the opinion. He could not be reached for comment.

Mark Whitford, a Rochester-based Barclay Damon partner focusing on appellate and commercial litigation, represented Syracuse in the appeal.

"We're pleased with the decision. Otherwise, we have no comment with respect to what the court ruled," Whitford said by phone.

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Collections

(Continued from page 1)

noted. That could give them a better shot at revenue growth relative to the first quarter of 2020, especially if they have a high volume of fees and unbilled time they still need to collect from last year.

"We have heard that some firms, having reached their revenue targets, may not have pushed for collections, preferring to leave inventory to collect in the new year. Indeed, at year-end, inventory had grown 0.5%—placing the industry in a solid position for early 2021 collections," the report stated.

Meanwhile, many firms prepaid expenses in the fourth quarter of last year, CIT said, possibly allowing them to manage expense pressure this year as life returns to some version of normal.

Because the industry performed well prior to the pandemic last year, it will be difficult for firms to achieve revenue growth early this year. But, the report stated, "high inventory levels certainly will help, assuming that firms remain focused on collection efforts."

The CIT analysts' authors said they expect to see continued dispersion in the industry, likely leading to further consolidation. Indeed, the legal industry in 2020, just as in previous years, had a wide range of performances. An Law 50 firms, in particular, were

the only segment to see demand growth (at 0.9%) and they outperformed in revenue growth (up 8%). This segment reported 16.2% net income growth and 14.8% growth in profit per equity partner. CIT said.

"For the rest of the industry, we saw declining demand and modest revenue growth," the CIT analysts said, with expense management being the key factor in strong profit growth.

Every market segment reduced operating expenses, CIT said, and this was most pronounced for firms outside of the Am Law 50. Some notable cuts were described, such as delaying infrastructure projects and managing head count or salary costs, while some happened naturally with remote work and less travel. Still, compensation expense pressure increased, with special fall associate bonuses being a key factor.

Greeta Rusanow, head of advisory services for Citi Private Bank's Law Firm Group and the author of the report, noted in an interview Wednesday that every segment of the industry had sold levels of inventory coming into this year. "It wasn't just the Am Law 50. You did see a healthy year in inventory growth setting up collections across the industry for the start of the year," she said.

The analysis, co-authored with senior client adviser Michael McKinney, was based on a sample of 202 firms—80 Am Law 100 firms,

54 in the Second Hundred and 68 boutiques.

It's unlikely firms can save as much on expenses as life steadily approaches normal this year, Rusanow noted, but they can continue to become more efficient in certain ways—one of which is by continuing those timely billing and collection practices. Another is by lowering stall time to lawyer ratos, a long-term trend that may have been accelerated by the pandemic, she said.

"I think it's important to note I'm hearing firms talk about, yes, they might stop being so efficient at billing rates. On the other hand, they may simply be shifting those stalling numbers to other areas, whether it's technology, or more billings and collections and pricing staff, or business staff," she said. "They may not see net savings, but net efficiencies in shifting to other areas."

The report concludes this focus on "operational efficiency" is likely to continue in 2021, though expense growth is also likely "as vaccines are rolled out, and life returns to some version of normal."

"With all this said, the law firm industry demonstrated in 2020 how resilient and adaptable it is. While we are living in uncertain times, we are cautiously optimistic about 2021," the report said.

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Scarpino

(Continued from page 1)

with colleagues can either break or we can come together. And that really is the main duty of a lawyer: understanding the character of Judge Scarpino. We just stuck it out," she said.

The accolades, which also included messages from Westchester County Executive George Latimer and state Sen. Pete Harkham, D-Westchester, came as Scarpino and Noto begin their tenure with Dorf & Nelson, a boutique firm with an entrepreneurial streak and plans for expansion.

The firm announced in January that it had landed Scarpino after the incumbent district attorney lost his re-election bid to former Manhattan federal prosecutor Matt Rocah last July. Scarpino, now a partner focused on strategic planning and civil litigation, plans to focus his work in part on business development and counseling clients, while Noto will serve as a partner in Dorf & Nelson's litigation and commercial real estate departments.

During his time as Westchester County DA, Scarpino was known for making a slate of criminal justice reforms, including an end to cash bail in cases that did not seek jail time and declining to prosecute defendants for possession of small amounts of marijuana. He also implemented a new case management system, which allowed prosecutors to proactively share information from police departments with criminal defense attorneys before the state's new discovery laws took effect last year.

Speakers on Thursday praised Scarpino's vision and as a public servant, as well as Noto's drive and dedication to the work of the various offices he served.

"The remarkable thing about everywhere that you've been in your public service career is marked by two things," Harkham, who found time during a budget hearing to join the event, said of Scarpino.

"It's marked by leadership. You have always been a leader in whatever organization you are in, where your peers looked to you. And just impeccable integrity, which is so essential to keeping trust in government," Harkham said.

In his own remarks, Latimer recalled personal experiences working with both men, whom he regarded as "senior and extremely capable lawyers in the community that we love."

"Even though life brings us on opposite sides, puts us together, we realize as we age we have much more in common," he said. "These are two outstanding gentlemen. They're good men and even on a given day where we disagree, the respect in their direction is tremendous. All we respect them."

The call, which was organized by Dorf & Nelson founders Jon Dorf and Jon Nelson, was attended by more than 70 guests.

Addressing the audience, Scarpino said that public life had taught him that there is a "price to pay" for service.

"There's no holidays. There are no weekends," he said.

But, he added: "I've loved all my jobs and because of that, I've never felt I've worked a day in my life."

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Countersuit

(Continued from page 2)

destroy public property, resist or obstruct officers in charge of duty, or otherwise commit acts of violence against counter-plaintiffs and DPD [Detroit Police Department] officers."

The action further claims that "as a result of the conspiracy and counter-defendants' illegal, wrongful, or tortious acts" some police officers suffered "physical injuries" such as "pain, suffering, and emotional distress," and that the city itself suffered "property damage" and a "loss of business opportunities."

"Counter-defendants have been captured on video hurling dangerous projectiles at police officers. Blocking busy streets and school buses, endangering violent behavior, screaming loudly in the faces of DPD officers," the 26-page countersuit alleges. It further alleges that counter-defendants have used social media to publish false statements about Detroit's police and city officials, as well as for posting "videos and other content" endorsing violence against police officers, promoting the destruction and detaching of property, and disrupting the lives of Detroit residents.

Many of the allegations do not name the specific counter-defendants involved in the alleged wrongful acts, though elsewhere in the countersuit individuals are named.

Reignald Turner Jr., a member of the 579-lawyer, International Law Firm of Clark Hill, which is representing Detroit and its half-dozen individual defendants/counter-plaintiffs, did not return multiple messages seeking comment.

His client, Lawrence Garcia, Detroit's Corporation Counsel and the city's lead lawyer, declined to immediately comment when reached but said he may comment at a later time.

In the main lawsuit lodged against Detroit, Duggan, Craig and several police officers, Detroit and its co-defendants have yet to file a motion to dismiss the 75-page suit "because we had to put a stop to this," referring to the allegedly aggressive and violent tactics being used by police against protesters. Among the many injuries allegedly resulting from incidents described in detail, and sometimes graphically, in the complaint are: protesters and volunteer medics suffering hearing loss, a fractured pelvis, concussions, a collapsed right lung and injured ribs.

"The core of the suit," said Hurwitz, "is that the police department engages in systemic violence and racism, resulting in not only the violation of the First Amendment right to protest, but Fourth Amendment and 14th Amendment substantive process rights."

"And there are claims," she said, "of the department's use of excessive force, false arrest and unconstitutional conditions of confinement."

On Sept. 4, Michelson granted the Detroit Will Breathe and related protesters' motion for a temporary restraining barring the police from actions such as using striking weapons, chemical agents and chokeholds against protesters. In her order, she wrote in part that video footage from Aug. 22, 2020, "appears to show a line of Detroit police officers, dressed in riot gear and armed with batons ... appear to throw tear gas canisters into the crowd of protesters. The police officers then advance on the crowd and grab, shove, and beat protesters, to beat people standing at the front of the group. There is also footage of officers pursuing individuals who are running or walking away from the chaos, apparently not posing any threat, and violently shoving them into the ground or a building."

"These videos, buttressed by the testimonial evidence," she said, "establishes that at least some plaintiffs have a likelihood of success on their claims that the DPD used excessive force against them. True, plaintiffs' chances of prevailing could be lessened by a defense of qualified immunity, but that issue has not been briefed and it is premature to address it now."

On Sept. 18, Michelson set down agreement among the parties for the restraining orders to be made more permanent in the wake of an injunction, as she issued a "Joint Order to Preserve the Status Quo." The same order, which came after motions and arguments by the Detroit co-defendants saying the temporary restraining orders may keep police officers from properly defend themselves during protests, also decreed that "nothing in this order (1) suspends any laws that prohibit violent or destructive actions by protesters or (2) prevents Detroit police from (3) reasonably and lawfully protecting themselves and the public against violence perpetuated by protesters that could harm officers or the public (including protesters throwing objects at police, such as frozen water bottles, bricks, bottle rocks, or cherry bombs); or (4) taking reasonable and lawful action against protesters who violate any laws or resist arrest (e.g. ordering protesters to cease unlawful activity, or using reasonable force to arrest a protester if there is probable cause to believe that the protester violated the law)."

When Michelson will rule on the Detroit Will Breathe plaintiffs' dismissal motion against Detroit's countersuit is unclear. Each side has submitted briefing in the countersuit. In addition, the ACLU and a group called Protest the Protest Task Force, which focuses on stopping SLAPP lawsuits nationwide, have filed amicus briefs supporting a countersuit dismissal. Meanwhile, a Blue Lives Matter-oriented group calling itself the National Police Association has lodged an amicus brief backing the Detroit police's civil conspiracy action against the protesters and other counter-defendants.

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Brothers

(Continued from page 3)

Scott Douglas & McConnico, where he worked under several mentors including firm name partner Stephen McConnico. He made partner in 2008.

Justin thrived at Quinn Emanuel, a place he found refreshing after Stanford and Princeton. When he joined the firm in 2004, it had roughly 90 lawyers and was known for its informal culture.

"You couldn't tell who anybody was—could be the John Gunn in shorts or the messenger," Justin said. In that environment, "I'm not going to stand out because I'm not wearing the right suit or shoes. I'll stand out for the work."

In 2014, the year after Justin made partner at Quinn Emanuel, the firm opened an office in Houston. Justin remembers telling Asher at the time, "We opened our Houston office. We might have a chance." But it wasn't until six years later that Quinn would mail over opening an office in Austin, where Asher is based.

Last year, two Quinn Emanuel partners moved to Austin in the midst of the pandemic. The success of remote work meant that, in the firm's mind, a brick-and-mortar office may not be necessary to launch a new location. So Justin reached out to Asher in another attempt to recruit brotherhood. "I'm not going to stand out because I'm not wearing the right suit or shoes. I'll stand out for the work."

When he said yes, I emailed John and setup the meeting. Asher

took it from there," Justin said. In January, Quinn Emanuel announced that it was opening an Austin office. Among the founding members of the outpost was Asher. After more than a decade apart, the twins were once again reunited.

A month in, Justin and Asher have yet to work directly together. Perhaps unsurprisingly, the Griffins have similar practices as litigation "generalists."

Justin said its only a matter of time before their work paths cross as, perhaps, the only Big Law twin tandem.

"We can't wait to be in a hearing together."

Dylan Jackson can be reached at djackson@alm.com. Twitter: @DylanJackson

Bloomberg

(Continued from page 1)

employment but that liability does not extend to individual owners, officers, employees, or agents of a business entity," read the ruling from the majority.

An attorney for the plaintiff, Niall MacCaibidin, had argued in court documents that Bloomberg is subject to liability because he is accused of fostering a culture

of sexual harassment and discrimination.

But the court's majority found the plaintiff "failed to allege that Bloomberg is the employer for purposes of liability under the City HRL."

"Plaintiff's allegations that Bloomberg fostered a culture of discrimination and sexual harassment at Bloomberg L.P., based primarily on news articles and reports of a deposition in an unrelated case, do not transform him

into an employer for purposes of vicarious liability for Ferris's discriminatory conduct," read the ruling from the majority. "Any claim that Bloomberg engaged in offending conduct against plaintiff by discriminating, aiding and abetting discrimination, or retaliating are not advanced in this appeal."

Ryan Tarnhill can be reached at rtarnhill@alm.com. Follow him on Twitter: @rtarnhill

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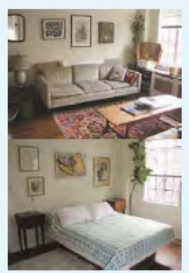
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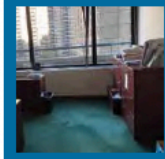
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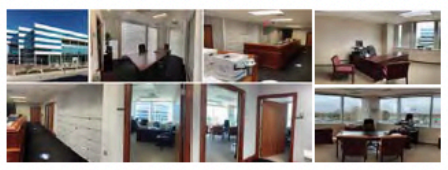
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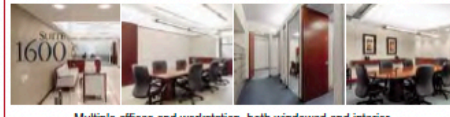


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AVENUE U BDF 4 LLC, Arts. of Org. filed with the SSNY on 01/14/2021. Office loc: Nassau County. SSNY has been designated as agent upon whom process against the LLC may be served. SSNY shall mail process to: IT Corp Forman Group of Companies, 130 Stone Rd, Ste 124, Port Washington, NY 11060. Purpose: Any Lawful Purpose. 0000011210 02-Tu to m2

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FRESH POND TACO A BELL LLC, Arts. of Org. filed with the SSNY on 12/20/2020. Office loc: Nassau County. SSNY has been designated as agent upon whom process against the LLC may be served. SSNY shall mail process to: IT Corp Forman Group of Companies, 130 Stone Rd, Ste 124, Port Washington, NY 11060. Purpose: Any Lawful Purpose. 0000007288 11-2 Tu to m2

LIMITED LIABILITY ENTITIES

NOTICE OF QUALIFICATION OF QUIBET BERSERKA NETWORK LLC, Arts. of Org. filed with the Sec. of State of NY (SSNY) on 11/20/2020. Office loc: Albany, NY. SSNY designated as agent upon whom process against it may be served. SSNY shall mail process to: Corperation Services Co. (CSC), 80 State St, Albany, NY 12242. Name and address of each general partner are available from SSNY. DE addr: LP CSC, 261 Little Falls Dr, Westfield, MA 01098. Cert of LP filed with Sec. of State, 401 Federal St, Ste 4, Dover, DE 19901. Purpose: Any lawful activity. 0000090929 03- Tu to m2

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NOTICE OF QUALIFICATION OF "LIME" LLC, Appl. for Auth. filed with Sec. of State of NY (SSNY) on 01/21/2021. Office location: NY County. LLC formed in California (CA) on 07/29/2017. NYs fictitious name: LIME STUDIOS LLC. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to: 7000 West Palmetto Park Rd, Ste. 302, Boca Raton, FL 33433, also the principal office address. Arts of Org. filed with the Pt. Secy of State, 400, Los Angeles, CA 90007. Cert. of Form. filed with Secy of State, 1900 11th St., Sacramento, CA 95814. Purpose: Any lawful activity. 0000090913 08- Tu to m2

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NOTICE OF QUALIFICATION OF QUIBET BERSERKA NETWORK LLC, Arts. of Org. filed with the Sec. of State of NY (SSNY) on 11/20/2020. Office loc: Albany, NY. SSNY designated as agent upon whom process against it may be served. SSNY shall mail process to: Corperation Services Co. (CSC), 80 State St, Albany, NY 12242. Name and address of each general partner are available from SSNY. DE addr: LP CSC, 261 Little Falls Dr, Westfield, MA 01098. Cert of LP filed with Sec. of State, 401 Federal St, Ste 4, Dover, DE 19901. Purpose: Any lawful act. 0000090929 03- Tu to m2

LIMITED LIABILITY ENTITIES

NOTICE OF QUALIFICATION OF SILVER LAKE PARTNERS II, L.P., Authority filed with the Sec. of State (SSNY) on 12/24/2020. Office location: New York County. LP formed in Delaware (DE) on 1/13/2020. SSNY is designated as agent of LP upon whom process against it may be served. SSNY shall mail process to: 28 Liberty St, NY, NY 10006. DE address of LP: 1209 Orange St, Wilmington, DE 19801. List of names and addresses of all general partners available from SSNY. Cert. of Limited Partnership filed with DE Secy of State, 401 Federal St, Ste 4, Dover, DE 19901. The name and address of the Reg. Agent is C T Corporation System, 28 Liberty St, NY, NY 10006. Purpose: any lawful activity. 0000012216 09-Tu to m6

NOTICE OF QUALIFICATION OF SILVER LAKE PARTNERS VI, L.P., Authority filed with the Sec. of State (SSNY) on 12/24/2020. Office location: New York County. LP formed in Delaware (DE) on 12/12/20 SSNY is designated as agent of LP upon whom process against it may be served. SSNY shall mail process to: 28 Liberty St, NY, NY 10006. DE address of LP: 1209 Orange St, Wilmington, DE 19801. List of names and addresses of all general partners available from SSNY. Cert. of Limited Partnership filed with DE Secy of State, 401 Federal St, Ste 4, Dover, DE 19901. The name and address of the Reg. Agent is C T Corporation System, 28 Liberty St, NY, NY 10006. Purpose: any lawful activity. 0000012216 09-Tu to m6

NOTICE OF QUALIFICATION OF SILVER LAKE TECHNOLOGY ASSOCIATES, L.P., Authority filed with the Sec. of State (SSNY) on 12/24/2020. Office location: New York County. LP formed in Delaware (DE) on 11/23/20 SSNY is designated as agent of LP upon whom process against it may be served. SSNY shall mail process to: 28 Liberty St, NY, NY 10006. DE address of LP: 1209 Orange St, Wilmington, DE 19801. List of names and addresses of all general partners available from SSNY. Cert. of Limited Partnership filed with DE Secy of State, 401 Federal St, Ste 4, Dover, DE 19901. The name and address of the Reg. Agent is C T Corporation System, 28 Liberty St, NY, NY 10006. Purpose: any lawful activity. 0000012216 09-Tu to m6

NOTICE OF QUALIFICATION OF TPF L.P., Authority filed with the Secy of State (SSNY) on 1/1/21. Office location: New York County. LP formed in Delaware (DE) on 10/25/20. SSNY is designated as agent of LP upon whom process against it may be served. SSNY shall mail process to: 28 Liberty St, NY, NY 10006. DE address of LP: 1209 Orange St, Wilmington, DE 19801. List of names and addresses of all general partners available from SSNY. Cert. of Limited Partnership filed with DE Secy of State, 401 Federal St, Ste 4, Dover, DE 19901. Purpose: any lawful activity. 0000011142 02-Tu to m2

NOTICE OF QUALIFICATION OF AREA ADVISOR HOLDINGS (E) LP, Authority filed with NY Secy of State (SSNY) on 10/05/2020. Office location: New York County. LP formed in Delaware (DE) on 1/14/21. SSNY is designated as agent of LP upon whom process against it may be served. SSNY shall mail process to: 28 Liberty St, NY, NY 10006. DE address of LP: 1209 Orange St, Wilmington, DE 19801. List of names and addresses of all general partners available from SSNY. Cert. of Limited Partnership filed with DE Secy of State, 401 Federal St, Ste 4, Dover, DE 19901. The name and address of the Reg. Agent is C T Corporation System, 28 Liberty St, NY, NY 10006. Purpose: any lawful activity. 0000011142 02-Tu to m2

NOTICE OF QUALIFICATION OF IVS III SPFX, L.P., Authority filed with the Secy of State of NY (SSNY) on 04/16/2020. Office location: NY County. LP formed in Delaware (DE) on 09/13/19. Duration of LP is Perpetual. SSNY designated as agent of LP upon whom process against it may be served. SSNY shall mail process to: Corporation Services Co. (CSC), 80 State St, Albany, NY 12242. Name and address of each general partner are available from SSNY. DE addr: LP CSC, 261 Little Falls Dr, Westfield, MA 01098. Cert of LP filed with Sec. of State, 401 Federal St, Ste 4, Dover, DE 19901. Purpose: Any lawful activity. 0000090929 03- Tu to m2

NOTICE OF QUALIFICATION OF INVESTMENT FUNDS L.P., Appl. for auth. filed with Secy of State of NY (SSNY) on 01/12/21. Office location: NY County. LP formed in Delaware (DE) on 10/29/20. Duration of LP is Perpetual. SSNY designated as agent of LP upon whom process against it may be served. SSNY shall mail process to: Corporation Services Co. (CSC), 80 State St, Albany, NY 12207. Name and address of each general partner are available from SSNY. DE address of LP: Wilmington, DE 19808. Cert of LP filed with Sec. of State, 401 Federal St, Ste 4, Dover, DE 19901. Purpose: Any lawful activity. 0000090929 03- Tu to m2

NOTICE OF QUALIFICATION OF QUIBET BERSERKA NETWORK LLC, Arts. of Org. filed with the Sec. of State of NY (SSNY) on 11/20/2020. Office loc: Albany, NY. SSNY designated as agent upon whom process against it may be served. SSNY shall mail process to: Corperation Services Co. (CSC), 80 State St, Albany, NY 12242. Name and address of each general partner are available from SSNY. DE addr: LP CSC, 261 Little Falls Dr, Westfield, MA 01098. Cert of LP filed with Sec. of State, 401 Federal St, Ste 4, Dover, DE 19901. Purpose: Any lawful activity. 0000090929 03- Tu to m2

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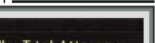
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LIMITED LIABILITY ENTITIES

NOTICE OF QUALIFICATION OF BOP NW RESTAURANT LLC. Appl. for Auth. filed with Secy of State of NY (SSNY) on 01/22/11. Office location: NY County, LLC formed in Delaware (DE) on 12/22/10. Prime office of LLC: 260 Vesey St, 12th Fl, NY, NY 10013. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to c/o Corporation Service Co., 30 State St., Albany, NY 12207-2543, DE 19802. Court of Form. filed with Secy of State of NY (SSNY) on 01/22/11. Purpose: Any lawful activity. 0000011123 1/16 Tu M

LIMITED LIABILITY ENTITIES

NOTICE OF QUALIFICATION OF CONNECT CO., INC. Authority filed with Secy of State of NY (SSNY) on 01/22/11. Office location: NY County, LLC formed in Delaware (DE) on 07/29/10. Prime office of LLC: 260 Vesey St, 12th Fl, NY, NY 10013. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to c/o Corporation Service Co., 30 State St., Albany, NY 12207-2543, DE 19802. Court of Form. filed with Secy of State of NY (SSNY) on 01/22/11. Purpose: Residential ISP Provider. 0000010649 2 Tu M

LIMITED LIABILITY ENTITIES

NOTICE OF QUALIFICATION OF AMERICAN... LLC. Authority filed with Secy of State of NY (SSNY) on 01/22/11. Office location: NY County, LLC formed in Maryland (MD) on 01/22/11. Prime office of LLC: 42nd St, 12th Fl, NY, NY 10018. Purpose: Any lawful activity. 0000011137 2 Tu M

LIMITED LIABILITY ENTITIES

116 West 71 LLC. Auth. filed with Secy of State of NY (SSNY) on 01/22/11. Office location: NY County, LLC formed in Delaware (DE) on 01/22/11. Prime office of LLC: 116 West 71 St, 11th Fl, NY, NY 10011. Purpose: Any lawful activity. 0000007230 2 Tu M

LIMITED LIABILITY ENTITIES

30 HY Office Unit Owner LLC. Authority filed with Secy of State of NY (SSNY) on 01/22/11. Office location: NY County, LLC formed in Delaware (DE) on 01/22/11. Prime office of LLC: 766 Amsterdam Ave, 11th Fl, NY, NY 10019. Purpose: Any lawful activity. 0000011126 2 Tu M

LIMITED LIABILITY ENTITIES

449 Audubon Heights Associates, LLC. Authority filed with Secy of State of NY (SSNY) on 01/22/11. Office location: NY County, LLC formed in Delaware (DE) on 01/22/11. Prime office of LLC: 449 Audubon Ave, 11th Fl, NY, NY 10018. Purpose: Any lawful activity. 0000007681 2 Tu M

LIMITED LIABILITY ENTITIES

7710 Gladstone LLC. Authority filed with Secy of State of NY (SSNY) on 01/22/11. Office location: NY County, LLC formed in Delaware (DE) on 01/22/11. Prime office of LLC: 7710 Gladstone St, 11th Fl, NY, NY 10019. Purpose: Any lawful activity. 0000007621 1/16 Tu M

LIMITED LIABILITY ENTITIES

NOTICE OF QUALIFICATION OF PRIVATE EQUITY Y GP LLC. Appl. for Auth. filed with Secy of State of NY (SSNY) on 01/22/11. Office location: NY County, LLC formed in Delaware (DE) on 01/22/11. Prime office of LLC: 9 W. 27th St, 12th Fl, NY, NY 10013. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to c/o Summit Rock Advisors, LP, at the prime office of the LLC, DE address: 300 Summit Rock Blvd, Dover, DE 19901. Purpose: Investment. 0000010627 2 Tu M

LIMITED LIABILITY ENTITIES

8901 Woodhams LLC. Authority filed with Secy of State of NY (SSNY) on 01/22/11. Office location: NY County, LLC formed in Delaware (DE) on 01/22/11. Prime office of LLC: 260 Vesey St, 12th Fl, NY, NY 10013. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to c/o Corporation Service Co., 30 State St., Albany, NY 12207-2543, DE 19802. Court of Form. filed with Secy of State of NY (SSNY) on 01/22/11. Purpose: Any lawful activity. 0000010816 2 Tu M

LIMITED LIABILITY ENTITIES

NOTICE OF QUALIFICATION OF HEGEMAN REALTY LLC. Authority filed with Secy of State of NY (SSNY) on 01/22/11. Office location: NY County, LLC formed in Maryland (MD) on 01/22/11. Prime office of LLC: 42nd St, 12th Fl, NY, NY 10018. Purpose: Any lawful activity. 0000009602 2 Tu M

LIMITED LIABILITY ENTITIES

196 PUTNAM RETAIL, RH LLC. Authority filed with Secy of State of NY (SSNY) on 01/22/11. Office location: NY County, LLC formed in Maryland (MD) on 01/22/11. Prime office of LLC: 196 Putnam St, 12th Fl, NY, NY 10014. Purpose: Any lawful activity. 0000009639 2 Tu M

LIMITED LIABILITY ENTITIES

30 JEROME CHICKEN INC. Authority filed with Secy of State of NY (SSNY) on 01/22/11. Office location: NY County, LLC formed in Delaware (DE) on 01/22/11. Prime office of LLC: 30 Jerome St, 11th Fl, NY, NY 10013. Purpose: Any lawful activity. 0000011274 2 Tu M

LIMITED LIABILITY ENTITIES

NOTICE OF FORMATION OF LENDER LLC. Authority filed with Secy of State of NY (SSNY) on 01/22/11. Office location: NY County, LLC formed in Delaware (DE) on 01/22/11. Prime office of LLC: 11th Fl, NY, NY 10013. Purpose: Any lawful activity. 0000011102 2 Tu M

LIMITED LIABILITY ENTITIES

NOTICE OF QUALIFICATION OF CLUMP NINE HOLDINGS LLC. Authority filed with Secy of State of NY (SSNY) on 01/22/11. Office location: NY County, LLC formed in Delaware (DE) on 01/22/11. Prime office of LLC: 11th Fl, NY, NY 10013. Purpose: Any lawful activity. 0000010823 2 Tu M

LIMITED LIABILITY ENTITIES

NOTICE OF QUALIFICATION OF GLOBUS USA, LLC. Appl. for Auth. filed with Secy of State of NY (SSNY) on 01/22/11. Office location: Nassau County, LLC formed in Pennsylvania (PA) on 08/16/10. Prime office of LLC: 7101 Executive Center Dr, Suite 222, Broadwater, PA 19007. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to c/o Corporation Service Co., 30 State St., Albany, NY 12207-2543, PA 19002. Purpose: Investment. 0000010977 2 Tu M

LIMITED LIABILITY ENTITIES

NOTICE OF QUALIFICATION OF HARVARD BUSINESS SERVICES, INC. Authority filed with Secy of State of NY (SSNY) on 01/22/11. Office location: NY County, LLC formed in Florida (FL) on 01/27/11. Prime office of LLC: 112 E. 42nd St, 11th Fl, NY, NY 10017. Purpose: Any lawful activity. 0000010816 2 Tu M

LIMITED LIABILITY ENTITIES

2074 GRAND LLC. Authority filed with Secy of State of NY (SSNY) on 01/22/11. Office location: Nassau County, LLC formed in Delaware (DE) on 01/22/11. Prime office of LLC: 2074 Grand Ave, 11th Fl, NY, NY 10013. Purpose: Any lawful activity. 0000007025 1/16 Tu M

LIMITED LIABILITY ENTITIES

4815 43RD AVE LLC. Authority filed with Secy of State of NY (SSNY) on 01/22/11. Office location: NY County, LLC formed in Delaware (DE) on 01/22/11. Prime office of LLC: 4815 43rd Ave, 11th Fl, NY, NY 10013. Purpose: Any lawful activity. 0000011120 2 Tu M

LIMITED LIABILITY ENTITIES

30-30 ST STREET LLC. Authority filed with Secy of State of NY (SSNY) on 01/22/11. Office location: NY County, LLC formed in Delaware (DE) on 01/22/11. Prime office of LLC: 30-30 St, 11th Fl, NY, NY 10013. Purpose: Any lawful activity. 0000009463 1/16 Tu M

LIMITED LIABILITY ENTITIES

77-29 LEFFPERS LLC. Authority filed with Secy of State of NY (SSNY) on 01/22/11. Office location: NY County, LLC formed in Delaware (DE) on 01/22/11. Prime office of LLC: 77-29 Leffers Ave, 11th Fl, NY, NY 10019. Purpose: Any lawful activity. 0000007193 1/16 Tu M

LIMITED LIABILITY ENTITIES

NOTICE OF FORMATION OF MACHARACH LLC. Authority filed with Secy of State of NY (SSNY) on 01/22/11. Office location: NY County, LLC formed in Delaware (DE) on 01/22/11. Prime office of LLC: 11th Fl, NY, NY 10013. Purpose: Any lawful activity. 0000006029 2 Tu M

LIMITED LIABILITY ENTITIES

NOTICE OF QUALIFICATION OF NABIGANT CAPITAL MANAGEMENT LLC. Authority filed with Secy of State of NY (SSNY) on 01/22/11. Office location: Nassau County, LLC formed in Delaware (DE) on 06/17/10. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to c/o Philip Taylor LLC, Woodbury, NY 11797. Address to be maintained to the NY (SSNY) on 01/22/11. Purpose: Any lawful activity. 0000010736 2 Tu M

LIMITED LIABILITY ENTITIES

NOTICE OF QUALIFICATION OF INDRGA POPULIA INC. Authority filed with Secy of State of NY (SSNY) on 01/22/11. Office location: NY County, LLC formed in Maryland (MD) on 01/22/11. Prime office of LLC: 112 E. 42nd St, 11th Fl, NY, NY 10017. Purpose: Any lawful activity. 0000011077 2 Tu M

LIMITED LIABILITY ENTITIES

4064 WFL LLC. Authority filed with Secy of State of NY (SSNY) on 01/22/11. Office location: NY County, LLC formed in Delaware (DE) on 01/22/11. Prime office of LLC: 4064 Wfl Ave, 11th Fl, NY, NY 10013. Purpose: Any lawful activity. 0000007880 1/16 Tu M

LIMITED LIABILITY ENTITIES

NOTICE OF QUALIFICATION OF NECRADIM PARTNERS LLC. Authority filed with Secy of State of NY (SSNY) on 01/22/11. Office location: NY County, LLC formed in Delaware (DE) on 01/22/11. Prime office of LLC: 11th Fl, NY, NY 10013. Purpose: Any lawful activity. 0000011020 2 Tu M

LIMITED LIABILITY ENTITIES

NOTICE OF QUALIFICATION OF AMO, PUB V LLC. Authority filed with Secy of State of NY (SSNY) on 01/22/11. Office location: NY County, LLC formed in Delaware (DE) on 01/22/11. Prime office of LLC: 11th Fl, NY, NY 10013. Purpose: Any lawful activity. 0000009511 2 Tu M

LIMITED LIABILITY ENTITIES

NOTICE OF QUALIFICATION OF SCALC, LLC. Authority filed with Secy of State of NY (SSNY) on 01/22/11. Office location: NY County, LLC formed in Delaware (DE) on 01/22/11. Prime office of LLC: 11th Fl, NY, NY 10013. Purpose: Any lawful activity. 0000009511 2 Tu M

LIMITED LIABILITY ENTITIES

NOTICE OF QUALIFICATION OF BLOOM MEDICAL ARTS OF ORG. Authority filed with Secy of State of NY (SSNY) on 01/22/11. Office location: NY County, LLC formed in Delaware (DE) on 01/22/11. Prime office of LLC: 11th Fl, NY, NY 10013. Purpose: Any lawful activity. 0000010890 2 Tu M

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