

LAW MATTERS

August 2025

Volume XXXVIII No. 2

2025 WOMEN'S SYMPOSIUM

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Networking*

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PRESIDENT'S MESSAGE: LEIGHANN NESS



Hello all. We are 4+ months into the current fiscal year for LAW, and we've accomplished so much! In our last newsletter, I reported the results of our member survey, noting that primarily, our members want opportunities to network and connect. Since then, we've made great strides in aiming for and executing on the activities that our members want. Our Meet the Board Happy Hour at Nobles Central, Back-to-School Breakfast at Snooze in East Nashville, and CLE programs on successful mediation strategies and mitigating artificial intelligence risks, and book club meeting, were all great successes with meaningful connections formed at each. I heard people discussing their board service with other nonprofits, getting ideas to advance various initiatives; discussions about dating life as a busy professional

in Nashville (I have lots to say on the topic in a different article, soon!); ideas exchanged on issues with raising children; and so much more. In all of these conversations people were sharing ideas and resources and connecting! If you missed any of those, don't worry! We are planning many more opportunities for the same.

For those future events, we want to provide access to more of our community members. That means, we need to encourage more people to join or renew their LAW membership. Please spread the word to prospective members. We have lots of room to grow our organization and connect with and benefit each other. And, we are working on ways to incentivize folks to join us throughout the fiscal year. For example, in August, we ran a membership drive, giving away two \$150 gift cards to Woodhouse Spa. We gained over 25 new members as a result, and we will continue looking for ways to engage new members throughout the year. Don't forget to bring guests to events, even if it is on your way to an LAW event. We try to be as flexible as possible in accommodating last-minute additions. Being invited to a networking happy hour was how I first became involved with LAW over 13 years ago. Thank you to Sherie Edwards for that initial invitation and for being a mentor to me since! This organization has meant so much to me and helped me in so many ways over the years.

Also, don't miss out on showing off your leadership skills to our diverse group of amazing attorney members by, for example, helping plan events (like the New Admittees' Breakfast coming up) or help with the newsletter by summarizing events or writing other articles. Our members are interested in the things you're interested in, if you have something you'd like to share. (cont. on p. 3)

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LAW Matters is a bi-monthly publication of the Lawyers' Association for Women—Marion Griffin Chapter, P. O. Box 150532, Nashville, Tennessee, 37215; 615.428.6657; www.law-nashville.org.

It is easy to stand out and be noticed in our organization, and you never know when your efforts might lead to future opportunities for growth or transition in your career or in aspects of our personal life! Email me if you want to help at Leighann.ness@gmail.com.

What's coming up?

We have our LAW - Marion Griffin Women's Symposium coming up on September 18th. We are well on our way to selling out, so, don't wait to get your ticket! It is going to be a great event. The planning committee met with Helen Wan recently, and she seems lovely. I think our members will enjoy chatting with her. And, there is so much more. The additional programming is phenomenal, as is the space at the Nashville City Club.

We also have the New Admittees' Breakfast on November 4th. Mark your calendars to come welcome the newest lawyers in Nashville on their swearing in day. The event will be held at The Grand Hyatt. Look for registration opening soon.

Check out our events page and come connect with us whenever you can. I promise you will not regret it.

July CLE Recap: Strategies for a Successful Mediation

By Leighann Ness, President

On July 22, LAW's Member Meeting and CLE program was hosted by Bradley at their office on Broadway downtown. The CLE topic was "Strategies for a Successful Mediation", and Tony Orlandi moderated the expert panel consisting of: the Hon. Patsy Cottrell (Ret.), Helen Rogers, and Rebecca Blair. Patsy Cottrell is a former Tennessee Court of Appeals judge and, after retirement, decided to enter the world of mediation. She explained that she is not a Rule 31 mediator, but is enrolled with JAMS, which is a mediation, arbitration, and ADR services organization. Not being a Rule 31 mediator simply means that she cannot directly receive mediation referrals from judges. She handles primarily business disputes and conducts mediations and arbitrations. She explained that she uses an evaluative approach when mediating, which means that she assesses strengths and weaknesses of each side. She encourages each side to be honest with her about the facts and their positions and then tries to help each side understand their own pros and cons should they not successfully reach an agreement and proceed towards trial.

Helen Rogers is a Rule 31 mediator, and she works strictly on domestic matters. She focuses on developing creative solutions which are often necessary in her practice area. Helen explained that the key to success is that the mediator must connect with each party and develop trust. She also described that it is helpful to understand what the "trophy" is that the parties are fighting over. She said there is usually one main item or piece of property or bank account that is usually the key to resolving all other issues.

Rebecca Blair is also a Rule 31 mediator, and she mediates domestic and business disputes. She agreed that people generally want their day in court, so to speak, and need to feel a connection with the mediator in order to trust the process. She focuses on keeping people separate and safe throughout the process. She also explained that limiting parties' visitors is sometimes a challenge as family and friends often show up to help sway parties' decisions.

The panel generally agreed on some tips for successful mediation outcomes. First, lawyers should be prepared by providing the mediator with a thorough and accurate mediation statement. They should also have a pre-mediation meeting with their client to explain the process and talk up the mediator to help start building trust with the client. Second, they explained that sometimes the lawyers are not super interested in settling. In those cases, they typically focus on speaking directly to the client and on building the trust and connection previously mentioned.

Third, all agreed that, whether in domestic, probate, or business disputes, generally focusing on creative options for settlement works, especially along with explaining to the clients that creative options might not be available later if the case goes to court.

Fourth, the panel agreed that the timing of the mediation is important. It should not be too early or too late in the life of the case. They suggested that the "sweet spot" is usually somewhere after the parties have finished significant discovery and/or motion practice. If they are tired of arguing and have blown through their retainer and maybe realizing the high costs of litigation, they are usually more ready to engage in meaningful settlement discussions. However, if they have gone too far down the road and have finished all discovery and motion practice and are simply awaiting trial, they may feel like they have gone long enough that they are interested in seeing how it shakes out in court.

Finally, the panelists also agreed that when parties reach a settlement agreement at mediation, they tend to have better compliance with the terms of the agreement than if settled in court. With a mediated settlement, they were a part of the process in developing terms that are manageable and are more invested, whereas terms from a court order might not be as easy to implement. Thus, in the long run, the parties might have less complications or less chances of further disputes.

Overall, the panel was excellent and full of knowledge. The audience was engaged, minus the slight distraction of a celebrity sighting in the lobby area just outside our conference room!!! But, it is Nashville after all . . .



MEET THE BOARD HAPPY HOUR

AUGUST 6TH

NOBLE\$ CENTRAL- METRO CENTER

LAW HOSTED A HAPPY HOUR AT NOBLE\$ IN METRO CENTER FOR LAW MEMBERS TO MEET THE NEW BOARD OF DIRECTORS OF LAW. THANKS TO ALL OF THE MEMBERS WHO CAME OUT TO NETWORK AND MEET OUR BOARD!



BACK TO SCHOOL BREAKFAST

AUGUST 8TH

LAW members met at Snooze on Main Street to celebrate back to school time in Nashville!



Program Recap - Mitigating AI Risk: A Cross-Industry Guide for Legal Professionals

By Chambre Malone

Last month, LAW hosted panelists Emily Burrows (Leader, AI Team, Bass, Berry & Sims), Meaghan Riley (Chief Operating Officer, Google Cloud), and Aryn Subhawong (Senior Technology Counsel, HCA Healthcare) at Holland & Knight to discuss risk mitigation relating to adoption of artificial intelligence (AI) technologies. Cara Crotty served as the program moderator. Immediate past LAW President Courtney Orr delivered a brief welcome and introduction.*

The discussion covered various insights from the panelists, including the following highlights:

- The recent progress in AI development reflects a paradigm shift. The sophistication and variability of use cases have increased at a rapid rate. Some companies have moved faster in adopting AI (for example, consider the use of AI in photo shoots for retail advertisements). Financial services companies have utilized AI for certain back-office functions. Technological innovations incorporating AI have also been used in the healthcare industry in clinical documentation.
- A proactive approach to use of AI technology is a good best practice. It is important to develop and implement AI governance programs focusing on compliance and risk mitigation. Establishing clear policies regarding AI use and creating employee trainings focused on the company's AI policies can aid in risk management. It is also important to take care in drafting proper terms in vendor contracts and M&A agreements.
- Navigating the regulatory framework applicable to AI technologies is complex. While there is no federal AI law in the United States, some states have passed AI laws (e.g. California and Colorado). Similar to the approach many companies use for privacy law compliance, companies may lean toward adopting a conservative strategy of complying with the most stringent state's law.
- Important overlapping considerations are at play when adopting AI technologies. Customer safety, data security, privacy law compliance, data ownership and industry-specific regulatory requirements are important considerations when evaluating the use of AI technology. Proper risk allocation between the technology developer and technology user is key, as they have a shared responsibility. Having data scientists review the data used in AI tools can help companies in assessing the tools before implementing them. Having a "human in the loop" when implementing AI technology helps ensure that that new technology is used in the manner anticipated.
- Recent relevant litigation has been in the areas of copyright infringement, antitrust, discrimination and privacy/consumer protection. For example, The New York Times sued Microsoft and Open AI for copyright infringement regarding unauthorized use of their online articles to educate large language models. Workday has been sued in a lawsuit alleging age discrimination claims relating to the company's use of an AI-based applicant system. The attorney general's office in Texas has been particularly active in focusing on consumer protection issues involving use of AI.
- It can take time to develop an effective AI plan and implement appropriate processes. Some examples of core AI compliance program components include:
 - o Adopting the NIST AI Risk Management Framework.

- o Establishing an AI risk assessment as part of the company's risk management processes.
 - o Updating policies regarding entry of personal information in AI tools (such as ChatGPT).
 - o Maintaining knowledge of industry standards.
- There are ethical considerations for lawyers using AI. Judicial orders regarding lawyer use of AI have highlighted issues of fake citations and inaccurate information contained in filed complaints where the lawyer utilized AI technology as a drafting tool. The duty is upon the lawyer to review their pleadings for accuracy (rather than simply filing an AI-generated pleading). Other tips suggested for lawyers included:
- o Understand how to prompt well in an AI tool to help generate better results.
 - o Remember that while using AI can be a time-saver, verification is still necessary.
 - o Continue prioritizing the training of attorneys new to practice to help them hone their critical thinking and judgment skills.
 - o The potential exposure for liability increases to the extent there are no proper checks and balances in place relating to the use of AI.
- *All speakers' comments were their own and not made on behalf of their respective employers.



By Janna Eaton Smith, Executive Director

LAW hosted a book club to discuss Helen Wan's best-selling novel, *The Partner Track*, in advance of her keynote speech at the Women's Symposium on September 18th.

The group discussed our thoughts on the themes of the book, namely how women have been treated over the past couple of decades in big firm culture.

We had attendees from different generations so it was a very enlightening discussion and we were glad to hear how the culture has changed for the better in many ways for women in the legal field.

We are anxiously anticipating Helen's insight into these themes at the Symposium next week!



Where are you from? Tell me about your path to practicing law.

I am originally from Nashville (okay, really Hendersonville). I decided to practice law through the process of elimination. I loved reading and writing, had no interest in practicing medicine, except my freshman year of college during Season 1 of Grey's Anatomy freshman year of college, and I didn't want to teach. A professor I didn't know at all said to me in a very nothing conversation, "It sounds like you should be a lawyer." I agreed, and it just went from there. I got my undergraduate degree in History at Lee University, then worked at a tanning salon (cleaning sweat off tanning beds) for a year after graduation after trying to take "a year to set myself apart", and fled to get my law degree at Florida State and hoped for the best. And I'm lucky- Best happened!

What do you do professionally, and what is your favorite part of your job?

I serve as Senior Operations Counsel for HCA Healthcare, where I support four of our behavioral health facilities as their primary legal support and multiple service lines and strategic initiatives at our corporate office such as Sarah Cannon, Behavioral Health, Imaging, Value Based Care, Corporate Strategy, and Telemedicine. My area of focus is the application of Fraud and Abuse laws and regulations in a healthcare setting. My favorite part of the job is the opportunity I have to support and partner with hospital administrators, who I believe have incredibly difficult jobs and are truly trying to help people. To be successful, I need my clients to trust that I am on their side and that I will do my best to work with them through the problem they are facing until it's resolved. It is truly a privilege to get to serve people who are in the trenches trying to provide healthcare.

When and why did you first get involved in LAW?

Leighann Ness is my next-door work neighbor. I've been lucky enough to get to know her better through getting settled into HCA, strategizing on office thermostats, and, of course, eavesdropping on her calls to learn how to be a better lawyer. When she mentioned the opportunity to join an organization she was leading, I didn't hesitate!

Describe yourself.

I am not a complex 37-year-old lawyer lady. I'm a morning person. I like to work out and at the gym I enjoy taking myself and my workout playlist too seriously. I love yoga and go once a month, whether I need it or not. I am a consumer of conversation starter/deep dive games and never use them. I have a very funny lawyer husband (Cole West!), whose celebrity doppelganger is Blake Shelton if your contact has something on it (he's much cuter than Blake!). If I hit the lottery, there's an equal chance I might still work at HCA or try to get a gig as a spin instructor (I was one from 2020-2022 at Rukus Cycling Studios, which has since closed, unrelated to my departure). I played tennis at my teeny tiny college but have essentially quit because it makes me a crazy person. (cont. on p. 11)

I've got no kids, and it will probably stay that way, but also maybe not and who knows? (not me). I am a Christian and attend Church of the City Downtown and help keep the early childhood kids some Sundays. I am very stereotypical in that I melt over things like desserts with chocolate and any red wine or champagne.

What do you enjoy doing outside of work?

Outside of work, I'm usually reading, working out, or being with my family. I am never hiking unless I've been tricked.

It's a Saturday night in Nashville, what are you up to?

Saturday night- I am hopefully having a yummy dinner (Urban Grub, extra hopefully) and drinks with friends or my husband. Once a quarter, I would love for that to include a visit to Old Glory. Once a year/every eighteen months, I'd like a transportainment evening with a great, not work safe playlist. Oh! And a concert at the Ryman, preferably the Lone Bellow (can someone convince Brandi Carlisle to come back?)

What woman inspires you and why?

Sarah McBride. This is a woman who has stepped up to serve her district, knowing she would face hate and slander that no one should have to endure, and she has done it with the dignity, grace, and intelligence of which anyone under much less difficult circumstances would be proud.



LAWYERS' ASSOCIATION FOR WOMEN
PRESENTS THE 2025 MARION GRIFFIN
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Raising Our Voices for Change

September 18, 2025
Nashville City Club

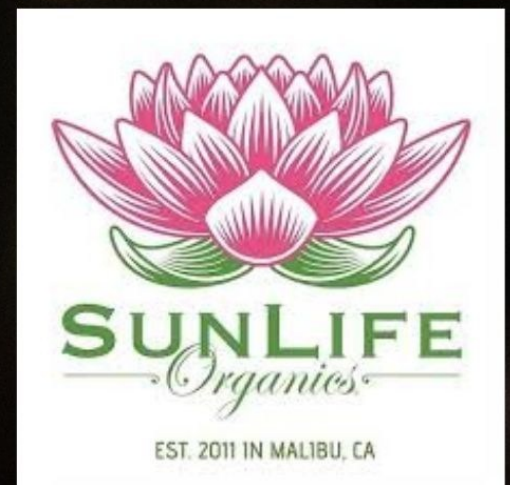
Featuring Helen Wan,
bestselling author of
The Partner Track —
now a hit Netflix
original series — and
trailblazing attorney
& storyteller



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together.*

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general
counsel,
law firms,
public sector
and more!

WITH GIVEAWAYS FROM:



Lawyers' Association for Women
Presents The 2025 Marion Griffin
Women's Symposium

Raising Our Voices for Change

SCHEDULE



10:00 – 10:45: Registration and Book Signing with Helen Wan

10:45 – 11:30: Lunch buffet is open

11:30–12:30: Keynote: Fireside Chat with Helen Wan, trailblazing attorney and storyteller, & Victoria Gentry (Main Ballroom)

12:30–12:45: Networking Break

12:45–1:45: Breakout Session I

**The Art of Legislative Change
(Salon Room)**

Grace Stranch, Tyler Yarbrow, Stacie
Odeneal, Spring Miller

**Generation XYZ: Collaborating and
Mentoring Across Generations
(Main Ballroom)**

Maleaka Guice, Anne Hunter,
Amy Willoughby Bryant, Kendall
Warden

1:45–2:00: Networking Break

2:00–3:00: Breakout Session II

**Mindset Mastery for Lawyers
(Salon Room)**

Jackie Oña Cascarano
**Ethics CLE

**Breaking Point: The Future of
Affinity Bars (Main Ballroom)**

Julie Bhattacharya Peak,
Leighann Ness, Ginette Garza Brown,
Cynthia Lee

3:00–3:15: Networking Break

**3:15–4:15: Plenary: Glass Ceilings and Crystal Balls:
Predicting the Future of Women in Legal Leadership (Main Ballroom)**
Joycelyn Stevenson, Sam Jackson, Abby Sparks, Lauren Jacques

4:15–5:30: Cocktail Hour & Mixer at the First Floor Study Bar

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