

## From Sparta to Memphis: Bruce McMullen Shares His Path to Success

Bruce McMullen is a shareholder in Baker Donelson's Memphis office and focuses his practice in health care law and commercial litigation. Over the years, Bruce has built a solid and successful career, earning an AV® Preeminent™ Peer Review Rating by Martindale-Hubbell and listings in *The Best Lawyers in America*® since 2009 and in *Mid-South Super Lawyers*. Bruce has also held board positions in various organizations, including the National Bar Association, Memphis Area Legal Service and the Memphis Urban Debate League. He is a Fellow in the Memphis Bar Foundation. We recently talked with Bruce to find out how his past experiences, from growing up in a small town in Georgia to his work in the insurance industry, helped shape his successful career.

**Q:** You currently practice in Memphis, but have you always lived there?

**A:** I went to college at the University of Georgia in Athens and I lived and worked in Macon, Georgia for five years after college. I moved to Memphis after law school at the University of Tennessee and now consider it home.

**Q:** Who have been your biggest influences?

**A:** My parents who were teachers in the local school system. My mother was my first grade teacher, and from what I recall, I enjoyed her class. My father taught my high school social studies class. I had heard most of the class

lectures at home so I had a slight advantage over the other students. They were great parents.

**Q:** Did you have a career before law school?

**A:** After graduating from the University of Georgia, my first job out of college was in the insurance industry. I worked in the claims management for large insurance company for five years and earned an M.B.A. at Georgia College & University. My experiences in claims and risk management were extremely valuable, and reaffirmed my longstanding desire to attend law school. I attend the University of Tennessee College of Law. Initially, I wanted to be a transactional lawyer, but once in law school advocacy became more and more attractive. UT had a new advocacy program that was extremely attractive to me.

**Q:** What type of work did you first do as an attorney?

**A:** My earlier experiences in the insurance industry made that type of practice a perfect fit. At that time, many more cases went to trial, particularly medical malpractice cases, and that gave me an opportunity to get into the courtroom early in my career. From the beginning, I pursued as much trial work as possible. Because of the high exposure involved in many of the cases I handle today, few of them make it to trial. However, I do get back in trial about once a year and I love it.



**Q:** What do you think has helped you to have such a successful career?

**A:** When I worked in the insurance industry, I dealt with lawyers on a regular basis and realized firsthand the frustration that clients often feel when a client's and lawyer's goals are misaligned. Often the client wants early resolution and exposure control despite the lawyer's assurance that the case can be won. After having been on the receiving-end of legal services, I try to consider the wishes of my clients by providing the types of services and information that the client wants which is not always what we as lawyers consider important or relevant to our legal strategy. Lawyers generally think in terms of trial strategy, not risk management.

## From Sparta to Memphis: Bruce McMullen Shares His Path to Success, *continued*

Additionally, I grew up in a very opinionated family. My parents, four siblings and I had very diverse views on various issues and loved to discuss them. I learned early on to look at situations objectively and to consider all sides. It is amazing how useful this skill is in preparing a case for trial or anticipating challenges when trying to achieve a positive result for a client.

**Q:** What do you do in your free time?

**A:** I love to follow my kids' activities. My daughter, Zoe Marie, and son,

Reese, are involved in everything! They play basketball, football, soccer, piano and theater, to name a few. They always manage to keep me and my wife busy.

**Q:** What advice do you have for lawyers who are just beginning their career?

**A:** Always remember that the practice of law is an apprenticeship occupation. Learn as much as you can from as many different lawyers as possible. Also, seek

out opportunities that allow you to grow and develop professionally - especially those that push you out of your comfort zone. It is those experiences that will help distinguish your skill set from others.

Finally, waste no experience. No matter how routine or mundane a task may seem, find something you can take away from it. File it away in your head for a later time. You will be surprised how useful it will become in the future.

## Birmingham Office Born From Civil Rights Movement

by [H. Chervis Isom](#)

In 2003, the Birmingham firm of Berkowitz, Lefkovits, Isom & Kushner merged with Baker Donelson and, though Mr. Berkowitz had died in December 1985, the addition of his name to the surviving firm was a matter of grave importance to the shareholders of the Birmingham office.

So the question presents itself: why did the name of a man dead for almost twenty years at the time of the merger continue to carry such importance? The answer to that question takes us back into the events in Birmingham of 1962 and 1963, a time referred to as the Civil Rights Movement, events in which Mr. Berkowitz was deeply committed and involved.

Mr. Berkowitz had practiced law in Birmingham since 1928 at the age of twenty. His first legal action was a petition to have his disability of non-age removed. He practiced alone during the years of the Great Depression. Arnold

Lefkovits joined him in 1950, and they practiced together for many years. But in late 1963, their small firm of two lawyers admitted three additional partners and became known as Berkowitz, Lefkovits, Vann, Patrick & Smith. The reason they came together as partners is intertwined with the history of Birmingham.

The City of Birmingham was governed by a three-person commission, one of whom was Public Safety Commissioner Eugene "Bull" Connor, who had become a virtual dictator. Under his leadership, Birmingham's reputation had suffered nationally and internationally as he and his all-white police force attempted to enforce the Jim Crow laws of Birmingham and the state of Alabama. In May 1961, Birmingham became an international pariah as the consequence of the attack, without any police intervention, by a mob on a busload of Freedom Riders.

Soon after, the Birmingham Bar Association appointed Abe Berkowitz to head a committee of lawyers to study the three forms of city government authorized by the state constitution and to recommend which would best serve Birmingham. Mr. Berkowitz understood that the real but not verbalized reason was to displace Commissioner Connor. The Bar committee recommended in February 1962 a change from the commission form of government to a mayor-city council form. But the question was, how to effect the change? Members of the committee understood that the Commissioners, particularly Bull Connor, would oppose any attempt to change the form of government.

An election had been called in August 1962 for ten new legislators representing Jefferson County pursuant to the "one man - one vote" case, *Baker vs. Carr*, which had been decided by the United States Supreme Court. David Vann, an attorney with one of Birmingham's

## Birmingham Office Born From Civil Rights Movement, *continued*

largest law firms at the time, had been one of the attorneys who filed the action. He discussed with Mr. Berkowitz his idea of how to obtain the requisite number of signatures to call a referendum on the mayor-council form. He suggested that it could be accomplished simply by setting up booths at each polling station on the day of the election and getting the signatures in one day, before Connor could mobilize resistance. But it was then only ten days before the election. They arranged a committee to implement the plan. Serving on that committee were Abe Berkowitz, David J. Vann, J. Vernon Patrick Jr., Erskine Smith and others. It's a long story, but the plan worked, the required signatures were obtained and an election was set in November 1962 for the adoption of the mayor-council form of government, which won by a slim margin. Then in April 1963, Albert Boutwell was narrowly elected over Connor for mayor of the city. Litigation ensued, and eventually Connor was forced from office, but not before Martin Luther King Jr. brought his Project C (Confrontation) to Birmingham.

In response, Connor, who continued in office under an appeal bond, led the police and fire departments in resistance to the civil rights marches in Birmingham during the spring of 1963, in which police dogs were used to intimidate the protestors and fire hoses were used to rout the children's protest, including the

jailing of over one thousand children. Abe Berkowitz and David Vann were deeply involved in mediations among Department of Justice officials, department store owners and leaders of the African American community to



resolve the racial injustices that brought about the marches. Many of those meetings occurred in Mr. Berkowitz's office.

The violence culminated on September 15 with the bombing of the 16th Street Baptist Church that killed four young girls. 1963 was a pivotal year in the history of Birmingham and in the history of civil rights in the United States. And as that pivotal year came to a close, David J. Vann, J. Vernon Patrick Jr. and Erskine Smith all lost their jobs at law firms, paying for their support of civil rights in Birmingham. It was Abe Berkowitz, their elder guru, who gathered them in like a mother hen and gave them a home.

David J. Vann, J. Vernon Patrick Jr., Erskine Smith: these were the partners in the firm. Joining them of counsel was Charles F. Zukoski Jr., the sixty-five year old head of the Trust Department of the First National Bank of Birmingham, who had been pushed into retirement because of his civil rights activities. The name of the new firm was Berkowitz, Lefkovits, Vann, Patrick, & Smith, a firm actually born out of the Civil Rights Movement.

This is the firm I joined following law school in May 1967. Though Mr. Berkowitz died in December 1985, the firm continued to be identified by his name. Forty years after the founding of

the firm, it merged in 2003 with Baker, Donelson, Bearman and Caldwell, P.C., a large firm with Tennessee roots. Because the continuation of the use of his name was imperative to us in Birmingham, the surviving firm added Mr. Berkowitz' name to its title and the firm continues to this day to be known as Baker, Donelson, Bearman, Caldwell & Berkowitz, P.C., a Firm with over 630 lawyers and public policy advisors conducting a national and international law practice.

This is a summary of a longer article written by Chervis Isom (<http://www.bakerdonelson.com/h-cher-vis-isom/>), which is available for review upon request.

## Introducing our Supplier Diversity Program

At Baker Donelson, our goal is to foster an inclusive environment, both within our offices and in our communities. Not only do we strive to recruit, develop and retain employees from diverse backgrounds and beliefs, but we also look to extend opportunities to individuals and organizations outside of Baker Donelson that promote diversity, especially our suppliers.

To complement our values of diversity and inclusion, we are proud to support diverse suppliers from all backgrounds.

To date, we utilize approximately 400 certified diverse suppliers. Some of the current types of products and services that we use are:

- Construction
- Event/Meeting Planning
- Facilities/Fixtures and Equipment
- Professional Services
- Information Technology
- Marketing Services

If you are part of a minority business that is interested in doing business with

Baker Donelson, we invite you to register with us and take an important step towards establishing a relationship with the Firm. We require interested businesses to have independent third-party certification by organizations such as the Women’s Business Enterprise National Council or the National Minority Supplier Development Council. For more information, please contact Cheryl Hunt at

[cherylhunt@bakerdonelson.com](mailto:cherylhunt@bakerdonelson.com).

## Baker Donelson Welcomes Incoming Consul General of Japan

Baker Donelson hosted a welcome reception for the new Consul General of Japan in Nashville, Motohiko Kato, on November 7. In partnership with the Nashville Chamber of Commerce, the Japan-America Society of Tennessee and the Tennessee Department of Economic and Community Development, we hosted more than 70 guests to welcome the new Consul General to his post in Nashville.



Spencer Thornton – Biosyntrx; Consul General Motohiko Kato; Bruce Doeg – Baker Donelson; Janet Miller – Nashville Chamber of Commerce; Samar Ali and Kingsley Brock – Tennessee Department of Economic and Community Development; Christine Karbowiak – Bridgestone; and Blewitt Melton – Nashville Chamber of Commerce

## Attorneys In the News, Involved

The Firm welcomed 24 new associates to the Firm this fall, including [Emily Rutledge Early](#) in Atlanta; [Brittany Stancombe](#) in Birmingham; [Jamie Leigh Morton](#) in Chattanooga; [Kali Jackson](#) in Houston; [Adria Hertwig](#) in Jackson; [Kristin Clay Dunavant](#), [Sarah Pazar](#) and [Mary Wu](#) in Memphis; [Raquel N. Parker](#) and [Brittany Bartley Simpson](#) in Nashville; and [Amanda Perry](#) in Orlando.

[Imad Abdullah](#) (Memphis) was elected as president of the Ben F. Jones chapter of the National Bar Association.

[Layna Cook](#) (Baton Rouge) was elected to the board of directors for the Louisiana Business Group on Health. LBGH is a nonprofit group whose membership consists entirely of stakeholders whose focus is to develop and sustain a purchaser, payor and provider partnership that will improve the quality and value of health care in Louisiana. The LBGH is a unified voice representing employers on health care issues in Louisiana through market-based solutions.

[Joann Coston-Holloway](#) (Memphis) was elected to the Board of Directors of the Ben F. Jones chapter of the National Bar Association.

[Amy Kebert Elder](#) (New Orleans) was elected to the Board of Trustees of the International Association of Gaming Advisors. The IAGA is an association of attorneys, financial experts, casino executives and regulators in the gaming industries. IAGA's purpose is to provide leadership in addressing issues affecting the industry. Formed in 1980, it has grown to more than 500 members worldwide.

On November 20, [Donna Fraiche](#) (New Orleans) was one of only four recipients of a Weiss Award, recognizing her as an outstanding community leader that has been influential in promoting the advancement of social understanding and care.

[Jan Hayden](#) (New Orleans) was elected to the board of the New Orleans Bar Association and was selected as a Fellow of the American Bar Foundation.

[Christie M. Hayes](#) (Johnson City) was named among the "Top 40 Under Forty" in the Tri-Cities Business Journal on November 29.

[Linda Klein](#) (Atlanta) was elected to the Board of Trustees of the College of Law Practice Management.

[McKenzie Ledet](#) (Baton Rouge) was elected as a Young Lawyers Section Council Member for 2013 for the Baton Rouge Bar Association.

[Erica Mason](#) (Atlanta) was selected as a recipient of the 2012 Community Service Award from Phenomenal Women's Health Inc. Ms. Mason was also selected to Georgia Trend's 2012 "40 Under Forty" list.

[Masae Okura](#) (Atlanta) presented at a seminar on immigration at the University of South Carolina School of Music in Columbia, South Carolina on October 13. In addition to the immigration seminar, participants enjoyed a concert conducted by Morihiko Nakahara, Music Director and Conductor of the South Carolina Philharmonic. Also in attendance was Deputy Consul General of Japan, Joji Miyamori and Shizuo Kuwahara, Music Director and Conductor of the Symphony Orchestra Augusta.

[Brandy Sheely](#) (New Orleans) was recently appointed as president of the Louisiana Society of Hospital Attorneys.

## Firm Accolades

Baker, Donelson, Bearman, Caldwell & Berkowitz, PC, has garnered 151 first-tier metropolitan rankings in the 2013 U.S. News – Best Lawyers “Best Law Firms” list, the third edition of an annual analysis that includes more than 10,000 U.S. law firms. These Tier 1 rankings across 13 metropolitan markets in Alabama, Florida, Georgia, Louisiana, Mississippi, Tennessee, Texas and Washington, D.C. earned Baker Donelson a spot among the top 20 firms nationally with the most first-tier metropolitan rankings.

In addition to its outstanding metropolitan rankings, Baker Donelson ranked nationally in 30 practice areas including earning a Tier 1 national ranking in five practice areas: Litigation – Construction; Medical Malpractice Law – Defendants; Product Liability Litigation – Defendants; Professional Malpractice Law – Defendants; and Railroad Law. The Firm also has the

outstanding honor of being named the 2013 U.S. News – Best Lawyers “Law Firm of the Year” in Education Law. Only one law firm in each of the nationally-ranked legal practice areas received recognition as a “Law Firm of the Year,” making this award a particularly significant achievement.

The 2013 “Best Law Firms” rankings, produced by U.S. News Media Group and Best Lawyers, are presented in tiers both nationally and by metropolitan area or by state. These rankings showcase more than 10,000 different law firms ranked nationally in one or more of 80 legal practice areas, and in metropolitan or state rankings in one or more of 118 major legal practice areas, providing a comprehensive view of the U.S. legal profession that is unprecedented both in the range of firms represented and in the range of qualitative and quantitative data used to develop the rankings.

To determine the “Best Law Firms” rankings, U.S. News Media Group and Best Lawyers conducted national surveys in which major clients and leading lawyers were asked to rate the law firms they consider best in their practice area. These reputational survey responses were combined with more than 4.3 million evaluations of individual lawyers in these firms in the most recent Best Lawyers survey of leading lawyers.

More information about the methodology and the full list of rankings are available online at <http://bestlawfirms.usnews.com/>. The national first-tier rankings will be featured in the November print issue of U.S. News & World Report, which went on sale November 20.

## Diversity Matters Editor



[Nancy A. Vincent](#), of counsel in the Nashville office of Baker Donelson, is a member of the Firm’s Corporate group and concentrates her practice in the areas of government contracts, including state and federal procurement transactions and administrative law. Ms. Vincent also represents governmental and private entities in administrative matters and complex litigation, including matters involving telecommunications.