

DuPont – The Good It Does

The DuPont Network: Stories That Reflect Its Values

The Editor interviews Niall A. Paul, Member, Spilman Thomas & Battle, PLLC.

Editor: Tell us about your career with the Spilman firm.

Paul: I have practiced law for 20 years at Spilman Thomas & Battle. I started as a labor and employment lawyer and in previous years did a lot of that work for DuPont. My first case as a law clerk here at Spilman was on a DuPont matter.

I've been working for DuPont my entire career. DuPont has been an important client of the firm. When DuPont implemented its convergence program, it reduced the number of its law firms from around 400 to what was then 37 Primary Law Firms. Spilman was one of the firms chosen.

Over the years, I saw how DuPont's partnering model was reflected in the relationship between our firm and DuPont and among the other firms working with DuPont. That has had a significant influence both on Spilman and on my career and the way I practice law. Now I do high-end and high-risk trial work, much of it for DuPont as Chair of our litigation strike-force practice group, known as The Battle Group.

Editor: What was the most memorable moment in your legal career?

Paul: DuPont has a strong commitment to social values and to maintaining a non-threatening workplace for all its employees. DuPont was sued in Richmond by a group of employees who were fighting DuPont's restriction on display of the Confederate flag and other symbols in the workplace. They were represented by lawyers for an organization that had a history of representing white supremacists. The plaintiffs sued for racial discrimination, national origin discrimination and religious discrimination. DuPont went to the mat on this case even though there was picketing at their plant.

When DuPont selected a team of lawyers to handle the case, a partner of mine from Charleston and I were lucky enough to be chosen to work with DuPont's law firm in Richmond where the case was brought. DuPont's in-house counsel and my partner and I became aware that our names were being bandied about by white supremacist Web sites. DuPont and their lawyers stayed the course with the result that the judge dismissed the case and awarded attorneys' fees and other sanctions against the organization responsible for bringing the case. That organization wrote a check to DuPont to cover the court's awards.

This led to the greatest moment of my legal career which took place at a dinner DuPont was sponsoring to honor Dr. Benjamin Hooks and the Children's Health Forum, which he chairs. Stacey Mobley, who at the time was DuPont's general counsel and an African American, took the organization's check, blew it up to a massive size, and handed that check to Dr. Hooks to spend on urban youth health issues. That moment captured for me what DuPont is all about. In

deciding what to do with the money, they did the right thing with it. That to me is classic DuPont!

Editor: What led to so much litigation activity in West Virginia?

Paul: West Virginia has been identified by the U.S. Chamber of Commerce as a "judicial hell-hole," a hot spot for litigation, and a prominent company such as DuPont is seen as prime target. Because of DuPont's safety culture and its caring concern for the well-being of its employees, Spilman is proud to represent DuPont's interests. Often, employees line up to testify on behalf of DuPont.

When we are trying a case for DuPont, the first thing we do is to help the jury understand the safety culture that exists at DuPont. I always use the same joke. I ask, "How can you always easily recognize a DuPont employee?" And, I answer, "You look for the man or woman in your neighborhood who is mowing the grass in long pants, with steel-toe boots, earplugs and safety goggles." People who work for DuPont bring that concern for safety home. They live it in their community with their friends and neighbors and they live it at work.

Because there are two DuPont plants in West Virginia and people are familiar with its safety culture, it's easy to communicate its safety message to courts, juries and witnesses as you're working with them.

There's a lot of toxic tort and environmental litigation here. The socially responsible thinking that characterizes DuPont is captured by Chad Holliday in his speech on the cover of this issue, which helps our community understand DuPont's commitment not to leave an adverse environmental footprint. However, because DuPont steps in and seeks to do the right thing, it sometimes becomes a target for litigation.

Editor: Tell us about DuPont's support for diversity and how your firm has responded.

Paul: DuPont's leadership in diversity is a mandate, not something that just filters down to its law firms. DuPont demands that its Primary Law Firms rise to its level of expectations and uses its relationship as a mechanism to assure that this happens.

Responding to DuPont's leadership, Spilman established and funded a professional minority network in West Virginia so that minority professionals have a place to network. We set up a Web site for it that fosters a sense of community by connecting minority professionals.

For its work with minorities, DuPont has conferred financial awards on the firm. We have taken those financial awards and turned them into scholarships at a local, traditionally minority-affiliated university here in West Virginia. In an effort to rise to DuPont's example, we



Niall A. Paul

have reached out to minority high school students to encourage them to consider the law as a future profession and have helped those high school students as they proceeded through college and ultimately through law school.

Editor: Has DuPont's reputation for fair dealing been shown in its treatment of your firm?

Paul: DuPont partners better with its law firms than any client that I've seen. DuPont takes an interest in its law firms' bottom lines, and, it's willing to share risks with its law firms.

DuPont encourages Spilman and its law firms to enter into fixed fee or alternative fee arrangements. However, if the economics of the case adversely impacts the law firm even though the firm handled the case competently, DuPont will frequently revisit the fees and make sure the firm is fairly compensated for the effort it put in.

If, at the beginning of a case, DuPont feels that an alternative fee will not produce a fair result for the law firm, it will look for other fee arrangements. I have one personal example. I offered an alternative fee that was turned down because of DuPont's concern that ultimately it wouldn't be a fair deal for the firm. That turned out to be true. DuPont ended up paying us more than they would have paid had they accepted the alternative fee.

DuPont wants and expects its Primary Law Firms to be willing to share the risks with it. If you do that, they will reward you. The firm may not make money on every case, but if you share the risk with them in a particular matter and it doesn't bear fruit, they'll make sure that you get other matters or they will help you find other clients.

Editor: Does DuPont's efforts to find clients for its Primary Law Firms produce results?

Paul: I've never seen anyone work as hard as Tom Sager in trying to secure other clients for the Primary Law Firms. He has been awfully good and generous with his time and efforts, and I have had the same experience with his colleague, Silvio DeCarli, Chief Litigation Counsel.

DuPont referred a client to Spilman – a significant *Fortune* 100 company – and was assisted in that effort by a Primary Law Firm from a different region. That new client has now become a top ten client for our firm in terms of fee received on a regular basis. That was a direct result of that client going to DuPont Legal and hearing about the quality of its Primary Law Firms and the successes that those firms have achieved using their relationships with DuPont's Preferred Service Providers and the practice tools that DuPont provides, many of which they are free to use with other clients.

Editor: In the stories that Chad tells in his front cover speech, he emphasizes the importance to DuPont of relation-

ships between people. Have you seen that?

Paul: Absolutely, DuPont has worked hard to foster closer personal relationships with Spilman lawyers and among its Primary Law Firms and Preferred Service Providers. It is more than just having an annual meeting attended by its law firms and service providers. In addition to those meetings, throughout the year there are subgroup meetings, minority counsel meetings, women's network meetings, seminars and great practice group get-togethers. In addition, there are get-togethers of Primary Law Firms handling multistate cases or involving different cases with similar facts.

I am a co-chair of DuPont's in-house tort practice group with Roseanne Duffy, corporate counsel, and work with Roseanne developing an agenda for that group. We discuss how the Primary Law Firms can best train DuPont's in-house lawyers about tort litigation issues that may affect the advice they give their DuPont clients. We consider how we can best learn from each other and when we can meet to share best practices. There are counterparts of our practice group in such areas as labor and employment, intellectual property and asbestos.

These activities foster long-lasting relationships where you see people both socially and professionally. You help to train each other at seminars or at practice group meetings where you can bond on a personal level and get to know each other's families and learn about their interests. It's not just that you see folks in other Primary Law Firms once a year – you get to see them time and time again which inspires a feeling of family and trust.

Most importantly, DuPont acts as a glue to hold everything together.

Editor: Do you have an example of the way in which those who are part of the DuPont partnership you described reach out to help when tragedy strikes?

Paul: An in-house lawyer at DuPont passed away. All the in-house folks at DuPont rallied as did the lawyers from the Primary Law Firms to support the family at that difficult time. We felt like we knew his wife and kids because he had told us so much about them. The entire Primary Law Firm Network not only raised scholarship money for his children and funds to help his wife meet other needs, but also were there crowding into his memorial service.

DuPont seems to pick firms that share its values and Spilman too has a long history of taking care of its own. Our practice is that if someone in the Spilman family is in need, Spilman rallies around that person and his or her family.

Spilman's supporting and nurturing nature is the heart and soul of the firm. I believe that was a reason why our firm was chosen to be part of the DuPont Network. We share its values and live them. It's more than a group of people working together, it's an extended family.

Please email the interviewee at npaul@spilmanlaw.com with questions about this interview.