

# The Metropolitan Corporate Counsel®

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## Texas – Law Firms

# Depth Of Experience. Trusted. A Unique Advantage.

### SPENCER CRAIN CUBBAGE HEALY & McNAMARA pllc

The senior management of the largest corporations, like the owners of the newest entrepreneurial businesses, increasingly mirror gender diversity, and expect it of their law firms. Yet at the firms themselves the famous legal phrase, “with all deliberate speed,” sums up women’s progress. According to the ABA Commission on Women in the Profession, women are 47 percent of total law school enrollment and 30 percent of the country’s 1.1 million lawyers – yet they comprise only 17 percent of the partners at law firms.

Texas based, Spencer Crain Cabbage Healy & McNamara pllc was founded to embrace the combination of gender diversity, firm leadership and professional excellence that is often still a work in progress at too many top-tier firms. The Women’s Business Enterprise (WBE) firm, which began practice in Dallas on May 1, 2008, has four women name partners and a national client list that includes Eli Lilly and Company, Greyhound Lines, Inc., J.C. Penney Company, Inc., and Temple-Inland, Inc., among others. Spencer Crain’s founding shareholders are seasoned practitioners and highly regarded in their fields of litigation, labor and employment law, mediation and business immigration. Equally important, they have been long-time partners at leading law firms, and are colleagues who approach their practices as a true team dedicated to client success.

“We practice law together because we share philosophies: a hands-on approach to casework and an unwavering commitment to client service,” says shareholder Jennifer Spencer. “Our results-focused, aggressive style is guided by a strategic, big-picture perspective to drive practical



Spencer Crain Shareholders

solutions. We have the legal experience and industry savvy to handle complex matters for any type of business client – from *Fortune* 100 corporations to mid-size and emerging public and privately held companies.”

“We’ve custom-built a firm around precisely what our clients want,” adds shareholder Gayla Crain. “By bringing together the best practices of top tier firms, we can deliver what every client demands: efficient results, direct access to senior level attorneys, and billing arrangements that are aligned with their business goals.” With the resources to staff large or complex cases nationwide, Spencer Crain can provide clients with flexible billing options such as blended rates, volume discounts, fixed fees for each stage of litigation and project fees.

#### Aligned With Corporate Counsel Goals

Spencer Crain’s founding shareholders have perspectives that align well with the goals of corporate counsel. Several served as in-house lawyers before entering private

practice, and their law firm background encompasses such major and well-regarded firms as Baker & McKenzie, Fulbright & Jaworski, Greenberg Traurig, Epstein Becker & Green, and Locke Lord Bissell & Liddell. Together they offer clients more than 130 years of experience handling high-profile matters.

- Jennifer Spencer’s aggressive, organized, “no holds barred” litigation approach regularly produces a strategic resolution that makes business sense. As both an experienced trial lawyer and a CPA, her understanding of complex financial issues is the foundation of a commercial and products liability practice that includes representation of national banks, mortgage companies, technology and pharmaceutical companies and industrial manufacturers.

- Gayla Crain has practiced in labor and employment law and litigation for nearly 35 years. She advises public employers and companies in a diverse range of industries from health care to manufacturing. Characterized by many clients as a “warrior” on their behalf, she is equally effective at multi-plaintiff and class actions and injunction proceedings, and at counseling clients on employment practices and policies that avoid potential problems.

- Brenda Cabbage’s litigation practice gets results in the most efficient way possible for a wide range of clients. She frequently represents title companies, real estate brokers/agents and construction industry firms, and also has broad experience advising financial institutions in bankruptcy, foreclosure, lender liability and collection disputes. She also has extensive experience handling partnership dissolutions, corporate disputes and accounting actions.

- Elise Healy has spent nearly two decades helping U.S. and foreign companies

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secure the global talent they need to be competitive. Widely recognized as a top attorney in the field of immigration law, she is board-certified in immigration and nationality law and counsels employers on everything from work authorization compliance to securing temporary executive visas.

• Larry McNamara has for more than 30 years counseled and defended employers regarding their employment practices in a way that *Chambers USA* calls “insightful and forward-thinking.” Board-certified in labor and employment law, he has a nationwide practice in labor relations and NLRB matters that is rare for a Texas-based lawyer.

Complementing these senior level attorneys is a diverse blend of professionals who offer clients efficient counsel aligned with their business goals. Two are board-certified in their respective areas of focus – non-equity shareholder Mark Downey in labor and employment law, and associate Megan Raesner in immigration and nationality law. They are joined by senior associate Fred Gaona, a litigator, and associates Merrill Walls, Ashley Altick and Cynthia Lambert, who practice employment law and general commercial litigation. Their combined capabilities give Spencer Crain the ability to handle complex cases nationwide, and to staff them efficiently as client needs require.

#### **Built To Be A Practical Alternative**

Its clients are as varied as the firm’s practice capabilities. They include companies from the energy, oil and gas sectors, transportation, retail, construction, technology and basic manufacturing. Spencer Crain has substantial knowledge of client concerns involving health care, pharmaceuticals and medical devices, and also works regularly with companies that have a transactional focus in financial services, insurance and real estate. With added capabilities in such specialized areas as entertainment law and publishing, Spencer Crain offers an unusual combination of in-depth industry knowledge and broad service capabilities. The result is a practical alternative to both large, one-size-fits-all law firms that can be cumbersome and bureaucratic, and specialized legal boutiques that can lack the resources to deal with any but narrow problems.

For clients in these and other industries, Spencer Crain’s practice is built around the skills of true trial lawyers – tough, experienced and skilled attorneys who are ready to take a case to jury trial and verdict. A combination of front-line courtroom experience and industry knowledge enables each of the firm’s members to partner with in-house counsel and staff and provide practical, efficient nationwide representation that is aligned with clients’ needs – whether

through negotiation and settlement, or trial. Particularly effective is the firm’s proactive and engaged approach to mediation and alternative dispute resolution, which has helped to resolve hundreds of disputes without the time and expense of trial proceedings.

The firm’s general commercial litigation work encompasses lease and contract litigation, trademark and trade secret disputes, real estate and construction controversies and insurance coverage. However, two particular litigation strengths include product liability and labor and employment matters. Spencer Crain attorneys have successfully defended product claims for clients nationwide, including in multi-district and class action matters involving pharmaceuticals, medical devices, industrial and household products. Capabilities in employment law include employment discrimination claims, overtime and other wage claims, noncompetition and trade secret litigation, collective bargaining, arbitration of grievances, NLRB charges, strike-related actions, and ERISA litigation.

Not all of the firm’s work is trial-focused. Because business clients recruit specific talent critical to their success, Spencer Crain lawyers work with them to ensure that these employees are treated respectfully, as individuals. That includes advising inside counsel and HR management, particularly in major multinational companies, on employment law compliance in such areas as disability law and wage and hour matters. As shareholder Larry McNamara observes, “We believe the most practical approach to employment law is to help clients implement a sound personnel strategy that identifies potential concerns before they escalate to become complaints or lawsuits.”

Spencer Crain’s work with human resources issues also encompasses helping employers secure the talent of highly skilled foreign nationals, including multinational executives and managers. Such counsel has the dual focus of advising on complex and constantly changing immigration laws, and educating individual employees on how immigration laws affect them. Shareholder Elise Healy notes that stricter immigration law enforcement makes compliance more vital than ever, and adds: “Employers may be unfamiliar with how complex and constantly changing immigration laws affect their business strategies, while employees face a process that can be complicated and intimidating. By being accessible and responsive, we strive to ease clients’ concerns.”

#### **Reflecting Today’s Business Landscape**

Spencer Crain’s extraordinary lawyers and exceptional practice depth are inseparable from its status as a majority woman-owned firm with a commitment to equal opportunity that seeks to realize the full professional potential of every attorney and staff member. The firm has been certified as a Women’s Business Enterprise (WBE) and as a Historically Underutilized Business (HUB); it is currently in the process of seeking admission to the National Association of Women and Minority Owned Law Firms (NAMWOLF). These designations are particularly significant for corporate counsel whose companies pursue public sector bids and contracts.

Jennifer Spencer initially developed the concept of opening a smaller, majority female-owned firm led by partners from large law firms. A key concept was a common vision of a client-centered, practical approach to support the marketplace need for a highly qualified, majority woman-owned firm. “It was a strategic decision grounded in a shared philosophy towards our work,” she explains. “We all have a passion for the law and are aggressive advocates for our clients.” Shareholder Brenda Cabbage says, “We all were professionally linked in some way – for example, Jennifer Spencer and I both served on the board of the Girl Scouts of Northeast Texas. One reason we believe we’re going to be successful is that our founding partners all share a similar commitment to professional excellence.”

Prospects for Spencer Crain’s future growth are bright, centering on the firm’s ability to attract lawyers from elite firms who have a proven track record of success handling large scale and high profile matters. That strength supports long-term relationships with leading corporate clients, a number of which have been represented by the firm’s shareholders for 20 years or more and which moved with the lawyers to their new firm. “The loyalty of our clients is the greatest testament to the results we achieve and the way we practice law,” notes Spencer.

She envisions the firm having approximately 30 lawyers by 2010, but growth will not change its philosophy. “We’ve built a law firm that is aligned with today’s business landscape,” says Gayla Crain. “Beyond handling the immediate engagement at hand, we keep a watchful eye toward our clients’ long-term business goals. We seize strategic opportunities, helping our clients to maintain, protect and accelerate their competitive advantage.”