



Ep. 16: Mental Health & Well-Being in the Legal Industry with Kim Koopersmith, Patrick Krill

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Jose Garriga:

Hello, and welcome to *OnAir with Akin Gump*. I'm your host, Jose Garriga.

This episode features the first in a series of conversations that Akin Gump's chairperson, Kim Koopersmith, will be having with leading business, legal and academic figures on important issues affecting the legal industry and broader business community.

In this episode, Kim will be speaking with Patrick Krill, founder of Krill Strategies and an authority on addiction, mental health and well-being in the legal profession.

The issue of substance abuse and mental health among lawyers is top of mind for many firms. Kim and Patrick will be exploring this issue and the ways that organizations are approaching these important, but sensitive, topics.

Here's Kim Koopersmith.

Kim Koopersmith: Hi Patrick.

Patrick Krill: Hi Kim.

Kim Koopersmith: It's great to be here with you. I just wanted to start by asking how you became the noted authority that you are on the issues of mental health and substance abuse in the legal industry.

Patrick Krill:

Well, first of all, thank you for the invitation to be here today. It really is a pleasure to be chatting with you about this.

So, I'll give you a condensed version of my professional history. I am a former practicing lawyer. I worked as an associate in a large law firm, and I also worked in a corporate legal setting prior to coming to the realization that I was somebody who was looking for something different in my professional life and on my professional journey.

So, I made the decision to go back to school 10 years ago and earn a master's degree in addiction counseling. I left the active practice of law, and I moved from Los Angeles to Minnesota, and I got a master's degree in addiction counseling in a place called Hazelden, which is a well-known treatment center. It has since merged with the Betty Ford Clinic to become the Hazelden Betty Ford Foundation.

While I was there doing my clinical training, I started working immediately with the legal population. I was ultimately hired as the director of the treatment program at Hazelden Betty Ford for lawyers, judges and law students.

So my entire time over the last 10 years once I pivoted to the behavioral health realm, has been focused on the legal profession.

During my time at Hazelden Betty Ford, I also had the opportunity, in addition to counseling many legal professionals, to do a fair amount of research and advocacy. And that was really where I had the opportunity to spark a dialogue, I think, within the profession, relating to issues that I was seeing in my treatment program on a daily basis and that I recalled from my time as a lawyer, that were quite common in the profession, to really get people talking.

Having the platform of Hazelden Betty Ford, then partnering with the American Bar Association, allowed me to do that, allowed me to spark that conversation within the profession.

Kim Koopersmith: You certainly sparked a conversation at our firm. As soon as we began thinking about this topic, you were the person that kept coming up as top of mind whenever we spoke to anyone.

So, for us, our journey on this issue began very much with an opportunity we had to bring you in to talk to our associates, and it was game-changing at the firm in getting a wide range of people to think about the importance of this issue.

I should start by just saying “thank you” for creating the climate at our firm that we've been able to do so many of the things that we have now implemented.

Just going back to your journey, as you said, one of the things that we thought was really quite spectacular was when you and the ABA partnered on the white paper and got several firms, including Akin Gump, to sign on to a pledge.

Can you talk a little bit about how that came to be, and how the pledge is going?

Patrick Krill: Of course. I'd be happy to.

I led a large-scale study of the prevalence of behavioral health issues, and I should say for listeners, “behavioral health” is really an umbrella term related to mental health, substance use, emotional well-being.

I partnered with the American Bar Association, and we published a large study in 2016, which was a survey of 15,000 lawyers across 19 states, all practice settings, work environments, etc. That data, that research, revealed the levels of mental health distress and problematic substance use that we all now have our eyes open to.

And, again, going back to what I was saying earlier, that caught the attention of many people, and it did spark a dialogue that we hadn't previously been having in the profession. But then, on the heels of that, a national task force was formed, so when that study was published, and so much attention was garnered to the behavioral health climate, or so much attention was being paid to the behavioral health climate in the profession, a national task force was formed, which brought together stakeholders from across the profession.

So, we have members of the judiciary, large law firm representatives, malpractice carriers, lawyer assistance programs, law schools, etc., on this task force, and we issued a report which outlined recommendations for the entire profession to begin to make changes.

All stakeholders—and that's an important thing to note—all stakeholders in the legal profession have a role to play in challenging some of our norms and changing our culture, and that report did outline recommendations for everybody.

That was in 2017. Move forward one more year, and the ABA Well-Being Pledge was launched. This was an idea that I originally had five years ago. When I was still at Hazelden Betty Ford, I was speaking to a group of lawyers in Minneapolis, some sort of CLE event, and I proposed the idea for a pledge, where you would get law firms and other legal employers to say they're going to do X, Y and Z to change the culture and help people to struggle less.

And I was essentially laughed off the stage as being a well-intentioned idiot at the time. Really, I mean, people thought, "That sounds great, but no law firm's going to sign that pledge."

That was prior to the data coming out and the conversation really being amplified within the profession. I just tell you that to demonstrate how far we've come in a relatively short amount of time.

I'm a member of the ABA President's Working Group to Advance Well-Being in the Legal Profession, and through that working group, I had the opportunity to revive this idea of a pledge, and so I put it forward as an idea, an initiative for this group. The group thought it was a great idea, and the rest is history.

We launched that pledge campaign in September of 2018 with 12 signatories, and now, as of this week, we're up to more than 105.

Kim Koopersmith: That's fantastic.

Patrick Krill: So, we really have established a lot of support for this campaign in a relatively short amount of time.

Kim Koopersmith: What was the skepticism in signing? I know when I was asked, I saw this overwhelmingly as a positive, but I know at the time that it wasn't axiomatic that everybody was going to sign on. What do you think held some firms back?

Patrick Krill: I think firms didn't—and still don't—want to be seen as employing a lot of lawyers who are struggling. There's a tension between the image that we feel as lawyers and then, at a larger level, law firms, that we need to project. Obviously, that we are completely competent, and we're high-achievers and high-performers. And all of that is true, and all of that can be true, and you can still have members of your population who need some help.

So, law firms were reluctant to say, "We need to focus on the mental health of our people," because they were concerned about what that might be suggesting about the performance of their people. Really, sort of an outdated view, but you can understand how there was that reluctance.

You also have some people within the profession who didn't really, and, perhaps, don't really, understand the nature of the problems. They're not as in touch with the realities on the ground as they maybe should be.

Again, though, to the profession's credit, I think that the progress that we're making, in comparison to other issues that the profession struggles with, we're making a lot of progress in a relatively short amount of time.

Kim Koopersmith: So, one of the thoughts that I had in thinking through how you were able to get people moving forward as quickly as you have is that I feel like mental health and well-being is something that touches everybody.

Patrick Krill: It does.

Kim Koopersmith: So, whether it's in the legal profession, whether it's in your family, whether it's colleagues or friends, it's hard to think of anyone that has not experienced the difficulties that exist for the family as well as for the person suffering.

And I guess my belief was that at our firm, I could tap into everybody's sense of their own experiences and the empathy that they have felt for others as one of the bases on which we would be able to launch successfully an initiative and a commitment to this area.

I would like to think that that ability to be empathic and know how common these issues are and how prevalent it is in the legal field would get people to start to think differently about this issue. This isn't somebody else's problem. It's something all of us have experienced.

Patrick Krill: It is not. That is exactly right, and I think that was a very good instinct on your part to frame it that way, to really tap into that recognition that you would be hard-pressed to be a human being in 2019 and not know someone, maybe not in your immediate family, but certainly within your circle, who has struggled or is struggling.

And, so, whether you are the person who's dealing with the issue or not, certainly you know someone, and that should help us all think of it in terms of being a human struggle.

Because at the end of the day, we lawyers, we don't like to admit it, we're humans, right? And these are very human struggles that we're talking about, and they're common, and the more we pretend that they are someone else's problem, the harder they'll be to solve.

Kim Koopersmith: So, I started talking about this. I do town halls for everyone that works here—or Business Services, for associates and counsel, for our partners—and I decided about two years ago to start raising this as a topic in every one of those forums and to include a personal message about no one is immune from difficulties, no one is immune from having family members in crisis, no one is immune from mental health issues, and if you are willing to embrace the difficulties that that engenders and work to help those people, help your own family, help yourself, we will all be better off.

And I'll tell you the number of people in every one of those audiences who just were instinctively nodding their head in appreciation, recognition, it really kept me feeling like this is a message I want to say over and over again. And I know I was a little nervous the first time I said it, because I'm not sure I knew how I would be received, and I knew it was very much a personal message on my part. But the more I said it and the more that I saw people nodding their heads and feeling almost a sense of freedom that they could acknowledge that these issues are real, the more I felt like I have tapped into something that is really important.

Patrick Krill: Yeah, and giving people permission to acknowledge something that is real, that is real about their own experience or the experience of somebody in their life is so powerful and so important.

So, I'm not surprised to hear that you were a little bit nervous how it might be received. You were speaking in a law firm, right? Among a bunch of lawyers, so, that's not surprising. It's also not surprising that people were saying, "Yes, thank you. Thank you. We do need to talk about this."

In terms of Akin Gump's signatory status to the ABA—because you are, you're a signatory to the pledge campaign, and thank you for that, I should say—what are you hoping to accomplish beyond that sort of recognition? What are the firm's goals around

being a signatory to this ABA, while being pledged, beyond the recognition of these are problems and giving people that initial permission to possibly start talking about it?

Kim Koopersmith: I think that giving people permission was the right start, but then I think we all felt it was really important to try and think about the tools that we can make available to help people deal with their own issues or to deal with issues that they see in others. We've really tried to, with your help and others' help, really develop as many different paths as we can to give people resources.

One of the things that I think has been extremely well received and something that I think is a model that others should think about is, having onsite behavioral counseling available in our large offices. I can tell you, if anybody has any doubt about whether this is something that is worthwhile, I can tell you in every office where we've implemented this and we've opened up the calendar for appointment slots, they have been filled within the first hour. It's hotter than a Bruce Springsteen ticket. You can go and sign up and receive counseling onsite here.

So, for me, just the recognition that that was a program that was going to be heavily utilized, we piloted it here in D.C. first. Seeing the success allowed me to think that it was very wise for us to expand that elsewhere, and we've now done that in a number of our offices and all with very strong usage.

One of the other things that I think, at our firm, we have been open, and I think people have seen instances where they are aware of that people have struggled. We had an interest expressed among our associates and amongst our Business Services colleagues about what they can do when they see someone who is in trouble. So, we recently launched another pilot for, essentially, CPR certification.

Patrick Krill: Right, mental health first aid.

Kim Koopersmith: Mental health first aid. So that you have the tools to know what you should try and do to engage with someone where you see that they have potential issues. We just finished the first pilot a couple of weeks ago, and the response was very positive. In fact, people have said, "It's helped me, even in just my everyday dealings with people," and I think we're going to expand the use of that service as well, so that more people can be empowered to sort out how to approach an issue.

One of the things that I think that first aid training taught people was, there isn't one answer to every circumstance. So, really, feeling that have been given the education to have a sense of what you can do, who you should contact, when you should have a direct conversation. I think people found not just informative, but it gave them some sense of confidence in an area that people don't otherwise feel confident in knowing when are they prying? when are they being intrusive? when are they being helpful? So, those are two things that I think have, off the bat, been really, really important to move from a pledge to action.

Patrick Krill: Right, and that's important to have that follow-through. Because, this pledge campaign, as encouraged as I am by how many organizations have signed on and as much potential as I see in this initiative to really change the culture, it's all about the follow-through. I'm encouraged so far that there is a lot of energy around creating that follow-through in different work environments. So, I think we're turning the corner.

Kim Koopersmith: We had had a Be Well program from way back, I think, before everybody had a Be Well program. That was pretty holistic. It covered sleep habits and normal checkups and the like, but it really looked at you in terms of, how are you balancing your life? The more that we focused on Be Well and what that means in its many, many different incarnations, I think that it led us to make sure that mental health, substance abuse,

wellness was a part of what we were focused on and what all the employees and people who worked here knew was important.

Patrick Krill: Well, that's great, and I have no doubt that that's going to pay long-term dividends for your people, moving forward. There are some structural challenges, however, between achieving really a state of positive well-being and helping lawyers and others working in law firms feel supported in their mental and emotional health, and the day-to-day realities of practicing law, especially in a large firm environment, which is obviously where we are, we're talking about specifically. I have some thoughts about those obstacles. I'd be curious what your thoughts are as well, and then maybe we could compare notes on that.

Kim Koopersmith: Sure. This is a hard job, working in a large law firm. I've now been doing it for a very long time. So, I have gone through the stages of young associate, to partner, to raising two kids who are now grown—one is a lawyer in her own right—to now leading a law firm. This is a stressful environment, and I think we have to start out by recognizing we're not the only stressful profession, but this is an intense profession.

The hours expectations are intense. The client, wanting to satisfy the client, creates all kinds of anxieties and desire to perform at the highest level. So, I think there are some fundamentals here that make this a challenge, right? This is not a profession that gives you a ton of free time. It's not a profession where people respond necessarily positively to "I need to take a mental health day." That's not something that you hear people say very often in a large law firm environment.

Patrick Krill: Hopefully, they'll start to.

Kim Koopersmith: Hopefully, they will start to, but I think about that as a phrase that I have heard my kids say when they were in ninth grade, "I'm going to take a mental health day." That was basically what I think we called playing hooky [*laughter*].

In this day and age, I think this is a challenging environment, to have people feel like they can continue to measure up to the pressures of delivering the very best client service while maintaining a sense of wellness. I don't think that, until quite recently, there had been a lot of focus on the whole person and the fact that you will do a better job for your clients, you will do a better job as a colleague, if part of your life includes taking care of yourself.

Patrick Krill: I think that's a very important recognition, and those are not dots that many lawyers often connect, right? It's through no fault of their own. It's the way we're trained, right? Certainly in the law school experience. And those are many of the messages that are sent along the way: just perform, achieve, perform, achieve, work, don't sleep, don't take care of yourself.

But I think, and I've seen with many lawyers that I've worked with, either in a clinical capacity or just sort of more casual conversations, a light bulb does sometimes go off. They recognize that the return on investment, focusing on their well-being, is really setting themselves up for long-term success. They understand that even a machine—many lawyers like to think of themselves as machines—even a machine needs to be taken offline for preventive maintenance every once in a while, whether it's a mental health day or something else.

Kim Koopersmith: Good way of putting it.

Patrick Krill: That's really, I think, what we're talking about. There is the lawyer, who we are as people, that piece of it. There are other structural challenges that, I think, are sometimes potentially problematic. The 24/7 availability, and I understand that there aren't easy fixes to that, and that is the reality of the practice. But I think long-term we're going to

have to reckon with—and I'm not even really just speaking about the legal profession here; I mean us as a society—what technology is doing to us and how it's invading all aspects of our lives. But with lawyers specifically, the expectation that we're always available for our clients, which they have come to expect, how do you resolve that tension? Because it's tough.

Kim Koopersmith: I don't know that there is one answer to this, and I certainly know, as I was leaving this morning and realized that I had taken my phone with me, from my night table into the kitchen to make a piece of avocado toast, and then back to pack my bags with it on the floor. I realized, it's become that I won't even take the time to just go and make a piece of toast without bringing my phone with me. I'm probably not a good advertisement for how we might do this differently, but we have to find some ways to create some space for people, the expectations are not that you are on every minute of every day.

I mean, in small ways, I have tried, in my own weekend or late-night activity, to be clear about: this does not need to be answered now. This is not a weekend issue. This is me taking the time that is useful to me to set out my thoughts, that I am not expecting answers, and trying in small ways talk to other people about being more mindful about what the expectations are.

At some point my husband said to me, "Kim, when you send out emails on Sundays, you're ruining 20 different people's day, because they're going to feel that they have to respond to you." It was a wake-up moment for me, because I didn't think of myself that way, and I didn't think that anybody would answer.

Patrick Krill: That wasn't your intent.

Kim Koopersmith: It wasn't my intent, but it has made me think twice about whether the email has to be sent. It certainly has made me, if I want to make sure that I get the message across, I do attempt to make very clear: this does not require a response today. And hopefully make clear: I am not looking to ruin your weekend. And trying to get that message across.

Patrick Krill: That might sound like a little thing, but I think it's actually a big thing. There are different small interventions, if you will, that can be deployed on a tactical basis: management techniques and things that you can be incorporating into the way that you practice and manage other people. That's certainly what I've been seeing and encouraging more people to do, because it's all about incremental change and reducing unnecessary stresses where possible.

I know. My clients are big law firms, and I get emails on Sunday nights, and I get emails on Saturday afternoons, and often it's not urgent. But I still feel that response, right?

Kim Koopersmith: Drawn in.

Patrick Krill: I think by just all of us being a little bit more thoughtful and being more clear around expectations around that, we can maybe... If we can reduce unnecessary stress by 1 percent, I think that that's a meaningful goal.

Kim Koopersmith: Yeah, and I know early on, it was in my role as chair, I get to welcome all of our summers and all of our first years, and I think well before we were focused on mental health and well-being as its own subject, I did feel just broadly, that it was important that people recognize that their lives will be better if they are not one-dimensional. So just saying to first years, "Welcome to your life as a practicing lawyer. Welcome to Akin Gump. This is going to be a wonderful career for you." I became known as the person, the chair, that gave the "call your mother" speech because I always included, after my lofty "this is a noble profession" part of my introductory remarks, "Now I'm going to tell you the other things that are important. The other things that are important are call your mother. She wants to know that you're okay. Don't lose touch with your friends and your

siblings. If you love the theater, make sure you still find time to do that. If you volunteer, continue to volunteer. You will have more than enough time to prove your mettle and do all the things to satisfy our clients and all of the expectations that we have, but for you to be the best lawyer you could be, make sure you don't get detached from all the other things that ground you."

Patrick Krill:

Well, I don't know if you recognize or know this, but you're really touching upon all the different areas of well-being there. So, the definition of "well-being" that we use in the national task force report, which was, essentially, adapted from a World Health Organization definition of "well-being," reflects that we are multidimensional people with multidimensional needs.

The occupational piece of us is only one piece. We have social needs, we have physical needs, spiritual, emotional, there are educational, and for people to keep that in mind. Because if you're only focused on the occupational piece, which is how it's defined in that definition of well-being, many of the other areas will suffer. The flip side of that is when I'm talking to people about how they can increase their overall well-being, it's by focusing on some of those other areas. Doing things like volunteering.

The one thing that can improve people's well-being across all dimensions at the same time, all domains of well-being, is community engagement. That has been shown to be the most helpful to people, as everything rises when you have some level of community engagement in your life because you're getting that social aspect. Everything is supported. I think that's a really important message for you to have said and to continue saying.

Kim Koopersmith:

Without having known any of this, I came to this more from my own ability to look back, now that I've done this for a long time, at what were the things that made this all work for me. You're right, it wasn't like I was doing any of these things a huge amount, but it is really satisfying to have wonderful siblings who you remain connected with. I volunteered through my synagogue to deliver to the homebound elderly for Jewish holidays. It's, whatever, four times a year, but it felt really good. I took my kids with me when I could. It felt a good lesson for them.

You look back on what were the things that kept all these balls in the air for a lot of years where there's a lot of stress on you professionally, personally, trying to make it all work. When I look back, I think I arrived at probably exactly the list you're talking about of social well-being and professional fulfillment and a sense of community that were the ways in which I found a way to stick with this and feel good about what I was doing.

Patrick Krill:

And being willing to share that, to share that experience and offer that advice with younger attorneys I think is really invaluable. Because so frequently in law firm environments, people don't really view each other as humans always. So, to have some level of vulnerability and say, "This is what's worked for me" and to really introduce that human element, I think it's so powerful.

Kim Koopersmith:

So, Patrick, we've talked a lot about what in the industry we could do to try and create a better foundation and better support. If you were to provide one piece of guidance to attorneys in Big Law who may be either experiencing a mental health or substance abuse issue or who are seeing a colleague experience such an issue, what would it be?

Patrick Krill:

If I had to offer one piece of advice, it would be act soon, and the value of early intervention, whether that's self-intervention or potentially intervening on someone else that you might see a problem with. That's really because whether it be a mental health problem or if it is a substance use disorder, they're generally going to be easier to treat in the earlier stages. So, just from a purely clinical standpoint, it's important for people to

recognize that delaying any sort of action or delaying the utilization of resources is allowing the problem to progress and to really sink its claws into someone more.

But, at the same time, not only will it be more difficult to treat, there will be unnecessary collateral damage accruing along the way. Something that I like to help lawyers understand is that there is a distinction between illness and impairment. Frequently, lawyers and law firms wait until the point of impairment before they either intervene on themselves, or they intervene on a colleague. That's a separate discussion about why that is. A lot of it has to do with our ethical obligations and our historical focus on impairment as one thing that must be avoided at all costs. But people don't recognize that there are a lot of bad things that fall short of that impairment threshold where people are struggling. They're experiencing loss in their lives and they're experiencing a diminished quality of life, and many of the aspects of their own well-being are suffering, but they're not impaired, so they don't do anything.

So, I would say get ahead of the problem and whatever you need to do, whether it's carving out time to just talk to somebody and figure out, "Okay, what do I do next?," just finding the time and availing yourself of the resources, don't wait. Because, repeating myself now, but waiting allows the problem to progress.

Think about it this way: Addiction is recognized as a disease, and it is diagnosed on a spectrum. The current diagnostic framework for diagnosing substance use disorders, which is what we call them is, mild, moderate, to severe. It would make no sense to wait until something was in a moderate or severe stage to address it if you knew about it or had an inkling about it in the mild stage. On its face, that doesn't make sense, but you could certainly draw an analogy to other medical conditions or diseases.

If you knew about a cancer in stage 1, nobody would wait until stage 3 or 4 to begin to treat it. It doesn't make any sense. But we frequently do that when it comes to behavioral health issues. Often that's due to the fear and the shame and the stigma and perhaps some level of denial. But there can be a lot of things that are bound up in our reluctance to act early. But that is the one thing I would say: Act soon and get ahead of the problem. You'll be saving yourself a lot of headaches, you'll be improving the odds of a favorable outcome, and you'll also be sparing those around you having to go on that journey with you.

Kim Koopersmith: And would that extend to people who see someone that they think is in trouble, the sooner that they recognize issues, they should come forth and attempt to either address the individual or use the firm as a resource to get help?

Patrick Krill: Yes. The same thing I would say applies at the organizational level, with one important caveat: You don't want people jumping to conclusions about someone else. But you can be thoughtful about it. Lawyers, we're good problem solvers. We're good at what we set out to do. So, there's no reason why lawyers can't be better in that space than they have historically been in terms of recognizing when a colleague is struggling and having a conversation with them.

But the same underlying logic or rationale applies. The earlier the problem is dealt with, the easier it will be to deal with, and from an organizational level, there will certainly be less risk to the firm and to the organization.

The final thing that I'll say about that, many lawyers are uncomfortable having these conversations. It doesn't have to be some elaborate or true intervention. It doesn't have to be anything as complicated or stressful as that.

If you're concerned about somebody, and I've used this word a few times today, just be a human. Talk to them. Check in with them. Ask them how they're doing. Sometimes that is a good starting point and that's all you need to do, at least in the early stages. Just

because you don't have a precise script, or you don't know how to stage an intervention yourself, or you start thinking about all the things that could go wrong, that's not where you want to be focusing. You just want to check in with the person, human to human, ask them how they're doing because you could be saving them a lot of headache and heartache.

Kim Koopersmith: You're reminding me of one last story. When I first became involved in firm management, I was put on the comp committee, and we interview—each member of the comp committee—some couple of dozen people of the partners in the firm. In my first year on the committee, when the committee met, and we were talking about different partners, and I would mention if I knew that someone was in some kind of distress or had a family issue going on, and I remember one of the other committee members said to me, "How do you know all of this about people?" And I said, "Well, because I ask them." There was just this moment of silence in the room, and I remember thinking about, why do I know this? It really wasn't anything more than that when I met with people I said, how's your life going, how are things? And you hear about sickness and difficulties with people's children or parents, and you get a much better sense of what's going on in someone's life as they are trying to also navigate the pressures of Big Law.

I guess I seemed like I was acting in a way different than other people on the comp committee. I think, ultimately, it was a message overall about, we would all be better served if we did both to find out how people are doing, and just asking those questions sometimes is a good start.

Patrick Krill: It's a good start. Exactly. That's exactly right. And we would all be better served, and it would probably be a more enjoyable experience for everybody.

Kim Koopersmith: Thank you so much. This was great. I really, really appreciate all you've done with our firm and coming in and talking with me today.

Patrick Krill: Thank you. It was a pleasure speaking with you, Kim.

Jose Garriga: Listeners, you've been listening to Akin Gump chairperson Kim Koopersmith and Patrick Krill of Krill Strategies.

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