

## The Chicago Office: A Bright Star In Jones Day's Firmament

The Editor interviews **Tina M. Tabacchi**, Partner-in-Charge of Jones Day's Chicago office. Tina has been named one of "the most powerful and influential women in Illinois" by the National Diversity Council (2013). She also serves as a member of the firm's Diversity Task Force.

**Editor:** Please tell our readers about your background with Jones Day.

**Tabacchi:** I am a Jones Day "lifer." I started my career with Jones Day in Chicago in 1992. I began as a member of our New Lawyers Group and joined what is now called our Business & Tort Litigation practice. I am an up-from-the-ranks partner, and have held a number of administrative positions in the Chicago office and firmwide, most recently serving as the firmwide hiring partner.

**Editor:** And you were most recently named partner-in-charge of the Chicago office. Could you tell us about the office's size and practice focus?

**Tabacchi:** Our Chicago office is a full-service office with approximately 160 lawyers serving both local businesses and global companies around the world. We have lawyers in a variety of litigation, corporate and regulatory practice areas including: antitrust, banking and finance, business and tort litigation, capital markets, corporate and criminal investigations, employee benefits, executive compensation, energy, government regulation, healthcare and life sciences, intellectual property, issues and appeals, labor and employment, mergers and acquisitions, private equity, real estate, securities litigation and SEC enforcement and tax.

**Editor:** And you have that wonderful interface with other Jones Day offices!



Tina M. Tabacchi

there is no incentive to try to keep or direct work in any way other than what is in the best interest of the client. We have 2,400 lawyers in over forty offices spanning nineteen countries on five continents. Jones Day is among the largest and most geographically diverse law firms in the world.

**Editor:** Take us through a brief summary of your office's history and your plans for growing the office.

**Tabacchi:** We opened our office in Chicago with a core group of 14 lawyers in 1987 including Bill Ritchie, who was the first partner-in-charge, and Dan Reidy, who came to us from the U.S. Attorney's office. Dan Reidy succeeded Bill Ritchie as Chicago partner-in-charge, and served in that role for six years, until he became the leader of our national Business & Torts Litigation practice earlier this year. The Chicago office has grown organically. As

***Every client is a client of the firm. No client "belongs" to a particular partner or office. There is no such thing as "client origination" or "billing credit" at Jones Day. In our culture, we work together as a team and our clients come first.***

**Tabacchi:** Yes, we do. "One Firm Worldwide!" One of the greatest aspects of this firm is how well we work with one another, and that includes our collaboration across offices and across borders. Every client is a client of the firm. No client "belongs" to a particular partner or office. There is no such thing as "client origination" or "billing credit" at Jones Day. In our culture, we work together as a team and our clients come first. Our system allows us to easily identify the best lawyers for a particular project, regardless of practice or office, and

a firm, our roots are in the Midwest. Over time, we have expanded our representations and relationships beyond traditional manufacturing clients to technology, healthcare, life sciences, financial services, hospitality, retail and consumer products, education, energy, infrastructure and others. As far as growth or expansion, we are always on the lookout for top talent and will continue to add to our ranks to meet client demands and where we believe we can add new capabilities to serve our clients. Will we grow? Yes, we will.

**Editor: Your office recently hired a former U.S. Supreme Court clerk, as did the Columbus office. As Jones Day's former firmwide recruiting head, can you talk about the effort to attract top talent to the Midwest?**

**Tabacchi:** We are fortunate that we don't have to work particularly hard to attract top talent to the Midwest in general or to our Chicago office in particular. Chicago is a fantastic city and a wonderful place to live and practice. We have excellent law schools in Chicago. The firm as a whole sees students from over 100 law schools across the country. Here in Chicago we see students from Chicago area law schools who wish to settle here, as well as students from surrounding areas such as St. Louis, Indianapolis, Minnesota, Michigan, Wisconsin and Iowa who are looking at major markets in the Midwest. We also recruit for the Chicago office laterally from within the city and beyond. As far as our recent Supreme Court clerk hire, we are thrilled to add him to our growing Issues & Appeals practice in the Chicago office. You may have seen that Jones Day has hired six Supreme Court clerks each year for the last two years. We have over 30 Supreme Court former clerks working in a variety of offices.

**Editor: Your appointment to fill the position of partner-in-charge increased the already high number of women leaders at Jones Day. Can you talk about that aspect of the firm?**

**Tabacchi:** We are very fortunate to have many, many incredibly talented and accomplished women at the firm. Jones Day is a wonderful place to practice for any lawyer and certainly for women. It is a complete meritocracy. Fifty percent of our U.S. offices have women acting as partner-in-charge. A woman, Mary Ellen Powers, serves as regional partner-in-charge of Europe and the Middle East. We have 194 women partners at the firm, and I look forward to our reaching the 200 mark, which is right around the corner.

**Editor: Please tell our readers about your practice and discuss the nature of the cases that you handle.**

**Tabacchi:** I am a commercial litigator, and I work primarily in the healthcare and life

sciences industries. I have a national practice and handle false claims act matters, class actions and consumer fraud suits. I have also advised on and litigated contract and licensing matters, pharmaceutical and intellectual property disputes, and product liability suits.

**Editor: There seems to have been a proliferation of False Claims Act cases in recent years. How do you account for this phenomenon?**

**Tabacchi:** Over the last five years, Congress has revised the statute to make it easier to plead and survive motions to dismiss False Claims Act cases. At the same time, publicity regarding several large False Claims Act settlements, particularly in the healthcare industry, has encouraged relators and the private relators' bar to file even more cases. More than 700 new cases were filed in 2013, which is the most in any single year since the statute was revised in 1986. Our experience demonstrates that many of these new cases are asserting more and more aggressive theories of liability and damages. The False Claims Act affects anyone in an industry that receives government funding, so that includes healthcare, education, government contracting (both civilian and defense agencies) and financial services. Congress – through additional financial incentives – has encouraged states to pass their own states' false claims act statutes or the equivalent, and this has resulted in an increase in state cases as well. Over thirty states now have their own false claims acts.

**Editor: How will the Affordable Care Act affect your clients?**

**Tabacchi:** Regardless of your view of the Affordable Care Act, it certainly has propelled a sweeping change in the healthcare delivery and healthcare coverage industries. All of our clients operating in the U.S. that are employers are affected by the new laws and employer mandates. Employee benefit plans have become more complicated, and we are seeing increasing compliance activity coming out of the Department of Labor. The Act also has significant impact on healthcare and life sciences clients in terms of the changes it brings in the delivery of healthcare in the United States. We are seeing a fair amount of merger and

clinical integration activity, which often raises antitrust considerations. Providers are also starting health plans of their own and negotiating new arrangements with insurers. Our tax-exempt healthcare provider clients, especially a significant number of hospital clients, are facing new requirements for maintaining exemptions that affect their billing and collection activities and financial assistance policies, and they run the risk of a "foot-fault" if they do not pay attention to those details. Many of our clients are now facing new tax and tax reporting obligations. Our Health Care & Life Sciences practice has continued to grow, in part in response to the needs of our clients arising from this and other recent legislation. Our health care and life science lawyers focus on everything from industry-specific aspects of antitrust, tax, intellectual property, licensing and technology transactions, M&A, False Claims Act and qui tam defense, product liability, and other litigation to fraud and abuse counseling, telehealth and telemedicine, and FDA and other regulatory counseling.

**Editor: Cybersecurity has become an important area of concern for corporate counsel. Is that something you address?**

**Tabacchi:** Jones Day lawyers have been at the forefront of data protection and cybersecurity law developments, not just here in the U.S. but in Europe, Latin America and Asia as well. When the Internet started to gain prominence in the mid-1990s, we formed a team of lawyers to assist clients with their data protection and cybersecurity issues. That team has grown steadily so that these days we're able to deal with the novel cybersecurity issues that seem to pop up on an almost weekly basis, as do proposed legislative and regulatory fixes, both at the national and state levels. Our clients need us to deal with these issues in real time. And we do.

**Editor: What additional thoughts would you share with our readers?**

**Tabacchi:** I could not be more fortunate than to be a part of this firm. I look forward to working with my colleagues here in the Chicago office over the coming years as well as my colleagues throughout the firm to continue in our efforts to provide the best service possible to our clients.