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Working Together With A Common Purpose

The Editor interviews Laura E. Ellsworth, Managing Partner of Jones Day's Pittsburgh office.

Editor: You have had a star-studded career, both as a lawyer and as a business leader. As a business leader in Pittsburgh, what projects have given you the greatest satisfaction?

Ellsworth: One of the greatest things about the Pittsburgh region is the way in which the people of the region team with the business community to pursue community and economic development in creative and meaningful ways. My friend Jim Rohr, executive chairman of PNC, calls it "the Pittsburgh Way," meaning that everybody, no matter who they are, rolls up their sleeves and works hard together to improve life for the citizens of this region.

To give you a few examples of the diversity of opportunity to contribute in that regard, I serve as the vice-chair of the Allegheny Conference, a large group of CEOs who focus on regional issues from job creation to transportation, to pension reform, to tax policy to legal reform. One of our projects is called Strengthening Communities, which focuses on struggling communities. We unite local community development groups with companies that participate in Pennsylvania's Neighborhood Partnership Program (NPP), which provides tax breaks for companies that invest in economically challenged neighborhoods. By coordinating those investments in an intentional way, we intensify the impact they have on individual communities and, by working with the local community groups, the investments are developed in partnership with the citizens who live and work in those communities. It's the first program of its kind in the country, and it's been tremendously rewarding to be involved in its development.

I also serve as the chair of the Youth Policy Council of the Three Rivers Workforce Investment Board, which distributes state

and federal funding for youth workforce development programs. We are in the process of reinventing the system, changing it from a system focused on program funding to one that focuses on the individual child, ensuring that each child has a logical sequence of progressive training, including corporate internships. In addition, we are linking the business community with the community college system to develop curricula specific to the available jobs, particularly in the growing oil and gas and manufacturing sectors. Our ultimate goal is to allow high school students to avail themselves of those programs while still in high school, so that they will be able to graduate high school with a college certificate degree and the ability to obtain good jobs at family-sustaining wages. Again, these workforce development approaches are the first of their kind in the country, and the uniquely collaborative environment of Pittsburgh makes those ambitious projects possible.

I am also privileged to co-chair the Women's Leadership Council of the United Way, which is one of the fastest-growing WLCs in the nation, growing membership 35 percent in two years and raising over \$7.5 million from women last year alone. One of our current projects involves developing programs to assist returning female veterans as they reintegrate into the community after service in Iraq and Afghanistan.

In between all of that, I serve on the boards of the Magee-Womens Research Institute and Foundation (the largest recipient of NIH funding focused on women's health in the country, conducting pioneering research in issues such as personalized medicine and fetal and maternal health), Imani Christian Academy (developing improved educational models for inner city



Laura E. Ellsworth

African-American children), PASSHE (the Pennsylvania State System of Higher Education, which oversees all of the public universities throughout Pennsylvania), and the Pennsylvania Arts Council (which dispenses state and federal funding to arts organizations throughout the Commonwealth).

Editor: As managing partner of Jones Day's Pittsburgh office, your office has seen some landmark cases. Would you mention some of the cases that have national dimensions and briefly describe them?

Ellsworth: We have long represented The Sherwin-Williams Company in its national lead pigment litigation, recently concluding the landmark Rhode Island litigation in which the Rhode Island Supreme Court unanimously held in favor of Sherwin-Williams. This office also has a lead role in the firm's national representation of various Catholic organizations in their Constitutional challenge to the Obamacare health-care mandates. Pittsburgh lawyers also played a leading role in the multi-billion-dollar London arbitration of rights to one of the largest oil reserves in the world, located in Iraq. Locally, we are representing UPMC in its ongoing disputes with Highmark, as Highmark takes the nationally unprecedented step of converting from a dominant insurer to a competing provider/IDFS, fundamentally changing the dynamics of the healthcare marketplace for patients, insurers and hospitals alike. We also represent Education Management Corporation in a set of cases involving the proprietary education sector, including two qui tam actions that present a number of significant issues of first impression in the nation. Finally, we will have the privilege of representing U.S. Steel in a case before the U.S. Supreme Court in the next term.

It sometimes comes as a surprise to people that national cases of this type are handled out of the Pittsburgh office. But it

Please email the interviewee at lellsworth@jonesday.com with questions about this interview.

shouldn't be a surprise that really smart and talented people have figured out that they want to practice law from a place that provides an incomparable quality of life and ability to contribute meaningfully to their community. In fact, I think that the ability to live in "the Pittsburgh Way" has a natural tendency to attract the very kind of creative, energetic, committed and dynamic people that you want working on the biggest and most complicated legal matters.

Editor: How is the region coping with potential environmental issues that seem to accompany any natural resource extraction?

Ellsworth: There is a clear commitment on the part of both industry and the regulators to act in an intelligent and rational manner to further this development. In addition, public education is an important goal, because there always is a lot of knee-jerk adverse reaction to any type of resource extraction. Simply educating people about the facts can have a very positive effect, and I think that public education is being done in an increasingly effective way, by both government and industry itself. Governor Corbett has been very clear about the significance and importance of the development of the Marcellus for the Commonwealth as a whole and has been equally clear about the fact that it has to be done in an environmentally sound manner. With that strong leadership and with public education and the type of transparency that we've increasingly seen from the operations standpoint, I think that we are perfectly positioned for strong and safe development of this critical resource, which without question will be the single most significant economic event of our generation here in Pennsylvania.

Editor: Has there been much litigation as a result of the rise in importance of the Marcellus?

Ellsworth: So far, we've primarily seen litigation over land and mineral rights. In future, we expect to see cases involving public and private nuisance theory, which of course we know well from our decades of representing Sherwin-Williams across the country. Given the level of infrastructure development that inevitably will occur – from pipelines, to factories, to office buildings to residential facilities – we also anticipate a large volume of construction litigation to arise. The co-chair of our firm's global construction practice is resident in the Pittsburgh office, and he already is beginning to see this uptick in Marcellus-

related construction litigation, based both here and elsewhere in the U.S.

Editor: Have there been any international ramifications from the Marcellus boom so far?

Ellsworth: Our Sao Paulo office recently hosted Governor Corbett's trade mission to Brazil, where he met with a significant number of energy companies interested in both inbound and outbound energy investment. Braskem, as you may know, has a significant presence in Pennsylvania, and we expect to see increased Brazilian investment here and increased opportunities in Brazil for companies located here in the region. It will be interesting to see if the recent acquisition of Heinz by a Brazilian investment group will accelerate that process of building economic ties between Pennsylvania and Brazil.

Editor: What effect has the progress of the natural gas industry had on the economy in Pennsylvania, generally, and how does this translate to energy independence for much of the Northeast?

Ellsworth: In the region, it has created a significant number of new jobs and has given rise to entirely new categories of workforce development programs. For the first time in the 30 years I have lived in Pittsburgh, our population figure is going up rather than down. Today, we have more people working in the Pittsburgh region than at any time in our history – including during the boom years of the steel industry. In addition, the Marcellus has presented great opportunities for the world-class material science companies located here, like Bayer and Lanxess, because the drillers are using high-tech, even aerospace-quality, materials to address certain of the environmental issues. In addition, we have seen tremendous growth in the real estate, hospitality and construction industries, because new executive offices are moving in, new facilities are being constructed, and hotels (even in rural areas) are at maximum capacity. In the eastern part of the state, refining and export facilities have grown up, and there are plans in place to transform the port of Philadelphia into a truly global player.

There are estimates that the natural gas in the Marcellus and Utica could provide energy independence for the United States for decades to come and, in an increasingly unsettled and dangerous world, the global implications of that potential are undeniably compelling.

Editor: What benefits do you expect to flow to the arts, science and education in

Western Pennsylvania, an area which is already richly endowed in these pursuits?

Ellsworth: Many international companies say that they were attracted to site their U.S. headquarters in this region because of the outstanding arts and cultural environment, with people often having had their first exposure to Pittsburgh by seeing our world-class symphony on tour in Europe or Asia. In addition to the symphony, we have the Pittsburgh Ballet, multiple theater companies, the Pittsburgh Opera, a vibrant working art community, and some of the most outstanding art museums in the country (including the Carnegie Museum and the Andy Warhol Museum).

In the sciences, Pittsburgh is equally strong, with research-based companies like Bayer, PPG, Chevron and Calgon-Carbon and great science-based educational institutions like Carnegie-Mellon University and the University of Pittsburgh. I mentioned before our world-class health facilities, like UPMC and Magee which, together with Children's Hospital of UPMC, are pioneers in personalized and specialized medicine.

To flip your question a little, however, I think it's worth noting that the arts deliver a lot of value to business and industry, not just the other way around. The arts are a powerful way to teach students the skills that employers consistently say they need: creativity, teamwork, personal responsibility, collaboration, problem-solving, on-time performance, abstract thinking and communication skills. When I was in school, I learned those skills, more than anywhere, from theater and dance, just as others learned the same kinds of skills through team sports. Regardless of the venue, they are skills that are most effectively learned outside the conventional classroom. There is a real and growing awareness that as a community we need a commitment to the arts in education, not just for the way in which they enhance the human spirit, but for the way in which the arts serve to advance economic development for the region.

Editor: What is there about the lifestyle of Pittsburgh and Western Pennsylvania that makes this area so desirable for business and for residential living?

Ellsworth: Warm, caring, and committed people, a strong and educated workforce, a diverse and growing economy, low cost of living, great healthcare, glorious physical surroundings, and a pervasive and persistent conviction that, working together, we have unlimited potential.