



The Future of DEI

Thursday, October 12

5 – 7 p.m.

Arnold & Porter

601 Massachusetts Ave., NW, Washington, D.C.

AGENDA

WELCOME REMARKS BY:

Senator Christopher Dodd
Senior Counsel, Arnold & Porter

MODERATED DISCUSSION WITH Q&A FEATURING:

Josh Alloy
Counsel, Arnold & Porter

Naomi Mercer
Senior Vice President, Diversity, Equity, & Inclusion, American Bankers Association

Nikita Pearson
Deputy to the Chairman for External Affairs,
Director of the Office of Minority and Women Inclusion (OMWI), FDIC

Elisabeth Theodore
Partner, Arnold & Porter

Michael Briggs (Moderator)
General Counsel, Mortgage Bankers Association

CLOSING REMARKS BY:

Sally Miller
ALLRISE, Co-founder

RECEPTION



JOSH ALLOY

Counsel, Arnold & Porter

Josh Alloy handles all aspects of labor and employment matters involving day-to-day counseling, transactions, and litigation. Josh has experience conducting internal investigations and audits, and advising and defending clients in connection with internal complaints and administrative proceedings before federal and state agencies. Josh regularly advises clients on complicated leave and disability issues, non-compete and trade secrets, independent contractor and employee classifications, government contractor compliance, and employment aspects of corporate transactions. Josh drafts and negotiates employment and consulting contracts, separation agreements, commission and compensation plans, and workplace policies and handbooks, and counsels clients on terminations, reductions-in-force, and alternatives to layoffs. Josh also frequently conducts in-house harassment and diversity trainings.

In addition, Josh defends clients against individual and class claims of employment discrimination and harassment, retaliation, wage-hour violations, constitutional violations, and breach of contract in federal and state courts, arbitrations, and administrative proceedings. Josh's work and clients cut across almost every industry, including financial services, insurance, media, sports and entertainment, healthcare, hospitality, science and technology, national security, government contracting, and telecommunications, as well as tax-exempt organizations and foundations.

Josh writes frequently on cutting-edge labor and employment law matters, including wage-hour issues and both DC- and NY-area developments.

Josh earned his JD in 2001 from the University of Pennsylvania, cum laude, where he was elected to the Order of the Coif, received the M.H. Goldstein Memorial Prize for Labor Law, and served as Senior Editor of the *University of Pennsylvania Law Review*.



MICHAEL BRIGGS

General Counsel, Mortgage Bankers Association

Michael Briggs is General Counsel and Senior Vice President for Human Resources at the Mortgage Bankers Association (MBA), where he oversees the association's legal affairs, compliance, and human resources operations. He also oversees the MBA Opens Doors Foundation, a 501(c)(3) foundation that has provided mortgage and rental payment assistance to more than 15,000 families with critically ill or injured children since its inception.

Before joining the MBA, Briggs was an Assistant General Counsel at the Federal Deposit Insurance Corporation, where he led a team of consumer protection lawyers. Previously, he was in private practice with Gordon Feinblatt LLC, a Baltimore firm where he represented community banks, credit unions, nonbank mortgage lenders and the Maryland Bankers Association. Briggs also served as Chief Legal Officer of America's Community Bankers, a Washington-based trade association. Earlier in his career, he served as Assistant General Counsel for Regulatory Affairs at Bank of America Corporation and as Regulatory Counsel for Barnett Banks.

Briggs currently serves as a vice chair of the Diversity, Equity & Inclusion Task Force of the American Bar Association's (ABA) Consumer Financial Services Committee. He also is a former vice chair of the ABA's Banking Law Committee, and is a member of Women in Housing and Finance, the Exchequer Club of Washington, and ALLRISE DC, an organization focused gender equity in financial services.



SENATOR CHRISTOPHER DODD

Senior Counsel, Arnold & Porter

Senator Christopher J. Dodd is a member of the firm's Legislative & Public Policy group. His practice focuses on helping clients navigate the complex issues around numerous industries, including financial services, media and entertainment, intellectual property and data privacy, telecommunications, healthcare, national security, trade, and sovereigns. With more than three decades of experience on Capitol Hill, Senator Dodd brings strategic counsel to those seeking to address governmental, political, and business challenges.

Senator Dodd joined the firm after a long and distinguished career in the United States Senate, representing the State of Connecticut. He also served three terms in the U.S. House of Representatives, representing Connecticut's 2nd District. During his tenure as Senator, he was Chairman of the Senate Committee on Banking, Housing, and Urban Affairs and served on the Committees on Foreign Relations and Health, Education, Labor, and Pensions, among others. He was a principal author of numerous bills that became law, including the Dodd-Frank Wall Street Reform and Consumer Protection Act, the Terrorism Risk Insurance Act, the Private Securities Litigation Reform Act, the Class Action Fairness Act of 2005, the Family and Medical Leave Act, the Child Care Act, and the Help America Vote Act, among others, and he was deeply involved in the passage of the Affordable Care Act.

After leaving government service in 2011, Senator Dodd joined the Motion Picture Association of America (MPAA), serving as Chairman and Chief Executive Officer. During his seven-year tenure, he helped move MPAA into the digital age, including spearheading content protection and anti-piracy initiatives, and expanding the access of U.S. films and television programs to China and other international markets. He also established a coalition of film and television content creators, ACE (Alliance for Creativity and Entertainment), which includes the MPAA studios, Netflix, Amazon and others, to cooperate on the common issue of protecting intellectual property. He stepped down from the MPAA on January 1, 2018.



NAOMI MERCER

Senior Vice President, Diversity, Equity, & Inclusion, American Bankers Association

Naomi Mercer is Senior Vice President, Diversity, Equity, & Inclusion for the American Bankers Association within the Office of Member Engagement. She is responsible for providing guidance and thought leadership, developing resources and tools, and helping our member banks with their diversity, equity, and inclusion programs.

Naomi came to the ABA after she transitioned from a military career where she served as an Assistant Professor in the Department of English and Philosophy at the United States Military Academy and in the Pentagon running the Army's gender integration and religious accommodation programs. Her educational background includes a doctorate in Literary Studies with a minor in Gender and Women's Studies from the University of Wisconsin-Madison and an Executive Certificate in Strategic Diversity, Equity, and Inclusion Management from Georgetown University's Institute for Transformational Leadership. She is the author of the academic monograph *Toward Utopia* (2015), a literary memoir, and *DEI Foundations: Practices to Accelerate Your Bank's DEI Journey* (2022).



NIKITA PEARSON

**Deputy to the Chairman for External Affairs,
Director of the Office of Minority and Women
Inclusion (OMWI), FDIC**

Nikita Pearson is Deputy to the Chairman for External Affairs and Director of the Office of Minority and Women Inclusion (OMWI) at the FDIC. In this dual role, she advises the Board and shapes external outreach. Pearson adjudicates discrimination cases and functions as the agency's Chief Diversity Officer. She's transformed diversity efforts among the agency's 6,000 employees across 80 locations, earning the 2022 Association of Government Accountants inaugural diversity award. Pearson directs the FDIC's Financial Institution Diversity Program for 3,000+ institutions and champions supplier diversity with over \$680 million in contracts awarded to minority- and women-owned businesses in two years. Pearson serves on several executive committees, including a committee of the FDIC Board and Chairs the FDIC's Diversity and Inclusion Executive Advisory Council. She has testified before Congress and serves on three White House Initiatives. Prior to joining the executive team, Pearson served as a commissioned bank examiner responsible for assessing banks' safety, soundness, and compliance with applicable laws and regulations. With over 25 years of financial services experience, Pearson has a proven track record of driving change, achieving results, and innovating in a rapidly evolving digital landscape.



ELISABETH THEODORE

Partner, Arnold & Porter

Elisabeth Theodore focuses on appellate and complex civil litigation in state and federal courts. She has argued in the U.S. Supreme Court and many federal and state courts of appeals, and she has briefed cases in the Supreme Court and federal appellate courts on a host of issues ranging from voting rights to antitrust liability to preemption to novel matters of state and federal constitutional interpretation. She has obtained appellate reversals of multiple multi-million-dollar adverse trial verdicts. Elisabeth has also played a leading role in many of the most significant voting rights cases of the last several years, including successfully challenging the addition of a citizenship question to the Decennial Census and successfully challenging North Carolina and Pennsylvania’s congressional districting as unconstitutional partisan gerrymanders under state law. Elisabeth has been named a “Rising Star” by *Law360* and the *National Law Journal*.

Elisabeth was a law clerk to Justice Ruth Bader Ginsburg of the United States Supreme Court and Judge Merrick B. Garland of the United States Court of Appeals for the District of Columbia Circuit. Before joining the firm, she served as special counsel to the Director of the Federal Bureau of Investigation, where she focused on national security and cyber matters. She is a *magna cum laude* graduate of Harvard Law School, where she served as the articles, book reviews, and commentaries chair of the *Harvard Law Review*.



AMY FRIEND

Sr. Advisor, FS Vector and Co-Founder, ALLRISE DC

Amy has over 25 years of experience shaping banking and consumer financial protection law and regulation. Amy was Senior Deputy Comptroller and Chief Counsel at the Office of the Comptroller of the Currency (OCC) from February 2013 to November 2017 where she served on the agency's executive committee and oversaw all of the agency's legal activities and licensing functions. Amy led the team that developed the OCC's strategic initiative on responsible innovation resulting in the establishment of the Office of Innovation and the Special Purpose National Bank charter for fintech companies.

Before taking on this role at the OCC, Amy was a Managing Director at the Promontory Financial Group where she advised financial services companies about regulatory compliance and governance. Amy also held a number of positions in the US Congress, including Chief Counsel to the Senate Committee on Banking, Housing, and Urban Affairs where she led the Committee's work in crafting responses to the financial crisis, including the Dodd-Frank Act, and Minority General Counsel to the House Committee on Banking, Finance and Urban Affairs (now the House Committee on Financial Services).

Amy is the current Board Chair at FinRegLab and also serves on the Board of Directors of Varo Bank, NA, the first fintech to receive a full-service national bank charter. She also serves on the advisory council at the Alliance for Innovative Regulation (AIR), a nonprofit dedicated to modernizing the financial regulatory system and served as an adjunct professor at the Wharton School of the University of Pennsylvania.



SALLY MILLER

Co-Founder, ALLRISE DC

Until April 2018, Sally was the CEO of the Institute of International Bankers (IIB), a trade association representing international banks conducting business in the United States. As CEO, Sally led the IIB's advocacy efforts regarding the banking, broker-dealer, tax and BSA/AML issues faced by the IIB's constituency. In her seven plus year tenure, Sally managed the unprecedented surge in the volume and complexity of regulation during the post-crisis era, including enhanced prudential standards regulation, bank capital and liquidity requirements and Volcker Rule implementation.

Before joining the IIB, Sally served as Senior Vice President at the American Bankers Association (ABA) and Executive Director and General Counsel of ABASA, the ABA's securities affiliate. A significant portion of her work during this time focused on corporate governance and executive compensation issues impacting publicly-traded banks of all sizes.

Since 2021, Sally has served as a Board member at AsylumWorks, a 501(c)(3) organization dedicated to empowering asylum seekers and other immigrants fleeing violence to rebuild their lives in the DMV area. Sally serves as Chair of the Governance Committee and member of the Finance and Development Committees.

From 2003-2010, Sally was a member of the Board of Directors of the International Securities Exchange (ISE), Chair of its Corporate Governance Committee and a member of its compensation committee. More recently, Sally served as a member of the Board of Directors of Rox Financial Inc. (RFI), a real estate fintech company and chaired its Compensation Committee.



ALLRISE DC is a Washington, D.C.-based organization working to lift women's careers in financial services through mentoring, networking, and education.

ALLRISE DC was founded by Amy Friend, Senior Advisor to FS Vector and former Chief Counsel of the Office of the Comptroller of the Currency, and Sally Miller, former CEO of the Institute for International Bankers.

Both Sally and Amy remain actively involved in financial services, including serving on boards of directors.



Arnold & Porter combines sophisticated regulatory, litigation, and transactional capabilities to resolve clients' most complex issues. With over 1,000 lawyers practicing in 15 offices worldwide, we offer deep industry experience and an integrated approach that spans more than 40 practice areas. Through multidisciplinary collaboration and focused industry experience, we provide innovative and effective solutions to mitigate risks, address challenges, and achieve successful outcomes.