

Women in IP Leadership

Celebrating achievements and continuing
the empowerment of women



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the empowerment of women in IP by facilitating this opportunity.

Mercedes K. Meyer, Ph.D.: Shareholder, Banner Witcoff Washington, D.C.

An interview: inspirations, experiences, and ideas for equality.

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Mercedes' practice focuses on biotechnology. She has a bachelor's degree in chemistry from Bryn Mawr College, a doctorate in virology from the University of Texas Graduate School of Biomedical Sciences at Houston, and The University of Texas M.D. Anderson Cancer Center, and her J.D. from the University of Houston Law Center (1996). She co-authored *Patent Ethics: Prosecution and* frequently lectures on the intersectionality of ethics, diversity, and mental health. She served on the AIPLA Board of Directors and serves on the Board of the Intellectual Property Owners Education Foundation (IPOEF). She has chaired AIPLA's Women in IP Committee and helped start IPO's Women in IP committee when she spearheaded the IPO Gender Diversity in Innovation Toolkit.

What inspired your career?

My godfather got me a summer job doing document review and data entry at Kenyon & Kenyon on a cookie case. Learning that I could meld history, law, and science together into a career inspired my path. Constitutional law and the rule of law fueled my passions. I wanted to be a bridge between law and science and even wanted to do "international law", which I get to do today by prosecuting applications around the world.



How have you found the pathway to your current position? And can you offer advice from your experience?

Many of the pathways I have taken arose through my involvement in the American Intellectual Property Law Association (AIPLA) and the Intellectual Property Owners Organization (IPO) as well as teaching. The best way to learn and stay updated on changes in the law is through teaching. Through these organizations, I have taught, met someone with whom I co-authored a book on patent prosecution ethics, led women's committees, and helped lead a biotechnology committee.

Being involved in legal organizations and on two boards has taught me the difficult but important "soft" skills of strategic planning, speaking, presenting, leading, leadership transitioning, mentoring, and developing goals to produce committee deliverables (not merely aspirational goal setting). I also formed a supportive network of IP friends, as well as teachers, mentors, champions, and developed clients.

I had the assistance of an executive coach who helped me to develop a business plan / strategic plan and learned to develop clients. I also read and learned a lot about management, leadership, and psychology and continue to do so. Our profession is one where we fear showing any weakness including not having a clue how to develop clients and run a business. Having a coach allows you to be completely authentic, explain your fears and dreams, and write a business plan. You are getting tutored one-on-one to learn the business aspects of being a lawyer. The process is intuitive to very few people, if any.

What challenges have you faced? And how have you overcome them?

Challenges often arrive in a manner that you cannot control. When I made partner, I was informed "Congratulations, we are going bankrupt in a few months." You learn a tremendous amount about human nature by going through a law firm dissolution. It also caused me to research why law firms fail and what the warning signs are.

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never having billed or marketed, is daunting. In hindsight, law school fails to teach you the fundamentals of how to run a business, how to grow a team, how to lead, how to teach, how to manage time, how to run a firm, and how to stay emotionally centered.

We are not taught how to bill (or collect), how to terminate people, how to market and make rain (without feeling icky), and how to communicate across generations, genders, ethnicities, religions, geographic regions, etc. Building a team that complements your strengths and weaknesses may have been my biggest challenge because of the continuous tension between having either too much work or not enough work. Hiring before you have too much work and trying to find more work or when having too little work is a constant burden for you when you have a team that you are responsible for.

I addressed a great deal of these issues by reading books on leadership, psychology, building teams, Harvard Business Review articles, speaking with friends and mentors, researching why law firms fail, and listening to my amazing father-in-law (a former SEC lawyer) who would say "Go make rain! Stop with the billable hours - you are a rainmaker."

I have been coached for marketing, organization, and social media. I have made concessions on the types of work I do in order to have a stable marriage, better health, and to raise children. I follow the advice from Brené Brown to be humble, vulnerable, and embrace my imperfections. I remain insatiably curious to learn more about how I can do better by my firm, clients, team, myself, friends, and family.

What would you consider to be your greatest achievement in your career so far?

Starting and helping to create the Gender Diversity in Innovation Toolkit for IPO, which I would like to think is one of the reasons I received IPO's Carl B. Horton award. As women and patent practitioners, we stand closest to the problem and in the best position to assist and educate. We can uncover the root causes. We can address them. Empowering others to find solutions to the problem and teaching others to implement the tools is tremendously rewarding.

What are your future career aspirations? And how will you work to achieve them?

I want to help improve the mental health and diversity of the legal profession. Mental health, diversity, neurodiversity, and creativity intersect. If your culture has low psychological safety, there will be negative impacts on creativity, diversity, neurodiversity, and mental health which can lead to personnel turnover, harassment, and substance abuse. By making the legal profession

aware of the relevance of psychological safety to encourage creativity and retention, we can develop solutions to change a toxic culture.

I regularly speak on the intersectionality of ethics, diversity (e.g., generational, geographic, sexual identity, race, ethnicity, religion), mental health, substance abuse, depression and anxiety, creativity, innovation, and their relationship to psychological safety. For global companies, communication across diverse groups globally is very important and requires effort. There is no magic fix, but rather identification of root causes in your corporation, assessment of processes, 360-degree reviews of what does and does not work, instituting fixes, and repeating the process continuously.

What changes would you like to see in the IP industry regarding equality and diversity in the next five years?

I would like the legal profession to realize that equality is not compatible with diversity or neurodiversity. As individuals, we each bring a unique set of talents and data to the table. In my opinion, this unique set of talents and data an individual possesses forms who they are in a neurodiverse world. This definition of neurodiversity is far broader than the traditional one. It is that diversity of talents (e.g., how we solve problems) and data that will allow us professionally to uphold the rule of law in an equitable manner that serves all.

In the IP industry, we work with inventors and artists who may be neurodiverse and neurotypical, and we work with attorneys who are both. Being neurodiverse should not be viewed as a defect, for to do so would view such great minds as Albert Einstein, Robert Oppenheimer, Temple Grandin, Sir Richard Branson, and many others as being less. Our differences are our strengths and not our conformity.

A problem in the legal profession that I see is that we strive for an unrealistic ideal of what a "perfect lawyer" looks like. While we have made strides in the last 30 years in having more diverse individuals in law, other conditions seem to have created a more fearful culture in which we armor up and hide behind aesthetics and safe answers. We feel we have to be perfect and know it all, but cannot take any risks. If you do not feel safe to experiment with how to fix a problem, you may not be offering your client the full plurality of business answers, which in turn can economically impact a company's bottom line.

To unleash the full capabilities of a person, s/he must feel psychologically safe to think openly and freely. To lead or grow, you must take risks and make yourself vulnerable. I believe that the tension created by this dichotomy and an individual's inherent differences are the root causes

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of depression, anxiety, substance abuse, and even suicide in extreme cases that are currently plaguing the legal profession. It also leads to tremendous talent turnover, as the root causes also undermine a sense of community.

How do you think the empowerment of women can be continued and expanded in the IP sector?

By creating opportunities for all underrepresented individuals and creating a psychologically safe environment, we will necessarily empower women. By creating psychologically safe places to work, we will be more creative in finding solutions for our clients and innovators and to better serve them and the worldwide marketplace.

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