

BUSINESS LAW TODAY

Member Spotlight: An Interview with Brigida Benitez



With parents who immigrated from Cuba to the United States, Brigida Benitez grew up immersed in two cultures. That upbringing influenced her career path, giving it an international flavor. A

partner at Steptoe & Johnson, Benitez focuses on complex litigation, global anti-corruption matters and internal investigations. She's also served as Chief of the Office of Institutional Integrity of the Inter-American Development Bank, which provides development financing for Latin America and the Caribbean. She served as president of the D.C. Bar, the second largest unified bar in the country. The highlight of her career—so far—was representing the University of Michigan for six years in the case that led to a victory for diversity in higher education before the U.S. Supreme Court.

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Tell us about your upbringing. I read your parents immigrated from Cuba.

My parents immigrated from Cuba and came to the United States pursuing the American dream. I grew up in a working-class community just north of Miami and many of my friends and peers had similar backgrounds. My parents did not have much formal education. My father started working at age 12 to support his family. But they instilled in my brother and me a strong

work ethic and a belief that hard work and education were the keys to success.

Did you grow up speaking Spanish and English? And my follow-up question, did your immersion in two cultures influence your decision to have a global practice?

I grew up speaking only Spanish at home, and I learned English when I started kindergarten in public school. I've been immersed in two cultures my entire life. I'm sure that at some level that influenced some of my choices along the way. My Spanish fluency and my background led to opportunities early on, such as my work in Latin America. That certainly had an effect on my career path.

One of your specialties is internal investigation, including investigations in front of enforcement agencies. What skills are required for this, and how are they the same or different from being a lawyer?

I started my career as a litigator, which I still am. About 20 years ago, I also started doing internal corporate investigations when that emerged as a practice. Conducting an investigation as a lawyer requires that you look at a problem strategically and figure out the best approach and solution for the client. It's critical to have good judgment and strong communication skills and to be able to connect with people and to build trust.

Ultimately, as with anything that one does as a lawyer, it's about finding the optimal solution for the client. So the skills that make one a successful litigator and investigator are those that make you a good lawyer.

You also focus on complex litigation and global anticorruption matters. What is involved in a global anticorruption practice?

I counsel multinational companies on anti-corruption issues, such as the Foreign Corrupt Practices Act, anti-money laundering, ethics and violations of codes of conduct, and sanctions laws, including OFAC and the sanctions procedures of the World Bank and other leading international financial institutions. I help these companies with the development and implementation of policies, procedures, and training on all of these issues. Then I advise them if anything serious comes up in these areas. Sometimes it means there's a question or issue that has arisen about a certain law or policy. Other times there's a significant problem that requires an internal investigation, for example, and maybe potentially disclosing to and negotiating with a regulator such as the Department of Justice or the Securities and Exchange Commission.

Is your practice exclusively U.S. based?

I know some about the anti-corruption laws, for example, that have been passed recently in a number of countries around

the world. But ultimately, my specialty is U.S. law and advising companies that have exposure under U.S. law, and that may be U.S. companies who are doing business in other parts of the world. But it could just as easily be what we think of as non-U.S. companies that, because they're listed on the exchanges here or they do a lot of business in the U.S., have exposure under U.S. laws.

You were part of a team in the landmark case, *Grutter vs. Bollinger*, in which the affirmative action admissions policy of University of Michigan was upheld by the U.S. Supreme Court. Can you describe the experience for us and how you were involved and just having that win?

The University of Michigan case has really been one of the highlights of my career, and an experience that I will cherish my entire life. I represented the university for six years from the filing of the complaint to a very successful resolution before the U.S. Supreme Court. As a litigator, it is such a rare experience to work on a case through all of the possible stages of a litigation from the beginning all the way through a Supreme Court resolution, which is rare in and of itself.

This was a case in which we had to be very creative from the outset and think long-term and strategically about building a defense that no one had crafted before. It was truly an incredible professional experience, a great team effort. I worked closely with the late John Payton, who was a terrific civil rights lawyer and became a great friend and mentor. On a personal level, given my own background, it was also very meaningful to achieve a victory for diversity in higher education.

And no one thought the Supreme Court would decide the way it did?

That's correct. The issue had not come before the Supreme Court for 25 years and given the climate at the time, in the wake of the *Hopwood* case out of the Fifth Circuit, few were optimistic that the court would rule in our favor.

You've also had an interesting experience as Chief of the Office of Institutional Integrity of the Inter-American Development Bank. What does this entity do and what did you set out to achieve?

The Inter-American Development Bank is a multilateral development bank. It's a leading source of financing for development throughout Latin America and the Caribbean. It functions in a manner similar to the World Bank, except its focus is on Latin America. I headed the office that was responsible for investigating potential fraud and corruption in any project financed by the bank, as well as implementing compliance policies and procedures relating to anti-corruption, anti-money laundering, sanctions laws, and the like.

I was a member of the senior management team and reported to the president of the bank and the audit committee of the board of executive directors. My work encompassed 26 countries in Latin America and the Caribbean. It was a very challenging yet rewarding experience.

Former Attorney General Richard Thornburgh had made a number of recommendations, including that the head of the Office of Institutional Integrity be elevated to a senior management position. At that time, the bank was trying to figure out how to build that office. That's why I was recruited and ultimately hired. One of the things I did was implement policies relating to anti-corruption and anti-money laundering laws. For example, one policy concerned the use of offshore financial centers and how to tell where there are red flags in the use of off-shore financial centers. Another one was having a policy relating to the sanctions laws and regulations administered by the Office of Foreign Assets Control. There was a lot of opportunity to implement policy in the office.

You're an adjunct professor at Georgetown University Law Center where you teach a course on International Business Litigation and Federal Practice. What do you enjoy about teaching?

One of the things I enjoy most is interacting and getting to know the students. I find that

the students are eager to learn, always in need of mentoring, and it's just fun to get to know them.

Also, because of the class I teach, I end up having a number of JD students as well as LLM students from around the world, some of whom already have practiced law. So it leads to very interesting discussions about how law is practiced elsewhere.

Can you give an example?

We get a lot of non-U.S. plaintiffs who come to the U.S. because of the availability of certain types of damages, of potentially larger verdicts, and broad discovery that's simply not available in other countries. If you're litigating a matter in France, for example, you're not going to have the access to discovery that you do in the context of U.S. litigation. It's always interesting to have those discussions with students who come from these other countries where the practice is very different.

You served as past president of the D.C. Bar. What are you most proud of accomplishing in that position?

I'm very proud to have been able to have served in that position. For me, it was a great honor to be able to lead the D.C. Bar, which is a fantastic organization. It's the second largest mandatory bar in the country, with more than 100,000 members worldwide. I was very honored to have been elected and to have served in that position.

With team effort, we accomplished a great deal during my tenure. We bought a building, for example, that is being built and will be ready in January. It will be the new headquarters for the D.C. Bar and will be not only the first building that the Bar owns, but will ultimately save members millions of dollars over the course of the next 20 years. It's going to offer technological resources, meeting spaces, and all of the advantages that an organization like the D.C. Bar can provide to its members. We also accomplished a number of other things, including developing and implementing a five-year strategic plan that sought unprecedented input from the membership to determine the D.C. Bar's course moving forward. I also appointed a

global legal practice task force to study and make recommendations on some of these issues and how the D.C. Bar can continue to be on the cutting edge in that area.

You've won many awards. Is there one that stands out for you or most meaningful?

I've been very fortunate to have been recognized during the course of my career and very proud of that. I would say that one award that stands out goes back to my work on the University of Michigan case. The first award that I won in connection with that case came from MALDEF, the Mexican-American Legal Defense and Education Fund.

For me, the fact that a national civil rights organization such as MALDEF that's so well-known and well-respected presented me with its Excellence in the Legal Profession Award for the work that I had done in the University of Michigan case is something that I'm very proud of.

I'm wondering if you have any suggestions to law schools or law firms on how to promote diversity.

It's a difficult issue and unfortunately, while there have been many efforts made, I think

that there's still much work to be done in the area of diversity, both in law schools and certainly in the legal profession. I would say that initiative, grit, and resilience can be more important than top grades from a top law school. It is essential to look at these attributes and to consider the potential of individuals to become great lawyers.

What advice would you give to a new attorney who's just starting out?

The first thing I would say is welcome to the profession. It's a great profession. There's a lot of opportunity and a lot of potential to do many great things. It is first and foremost a service profession, and so I would encourage them to keep that in mind as they move forward; it's whether you're servicing your clients or giving back to the profession or doing pro bono work and serving those in need, I think that's an important principle of our profession and a commitment for all of us to observe.

I would also say, be proactive about your career. It's tempting when you get a job, whether it's at a law firm or in-house corporate department, to just put your head down and do good work and, of course, that's important. But it's also essential for

your professional development to look up, to connect with other lawyers, to network, to get involved in bar associations, to get involved with issues that you care about, because you learn of opportunities, you figure out what you want to do, you can contribute to the profession, and you have a more exciting and fulfilling career.

What has been the value of the ABA to you?

The ABA offers an amazing network of lawyers in diverse practice areas throughout the world. And for me, it's been valuable to be able to be part of that network and connect with other lawyers. That's really one of the key values of the ABA.

What do you like to do for fun?

I love to run. I discovered running about 10 years ago, and now I'm hooked. I regularly run races. I've run everything from 5Ks to marathons throughout the U.S. and even internationally. I find it to be a good stress relief and it keeps me balanced. I also enjoy travelling and spending time with my family and friends.

Thank you so much for your time!