

MARY L. SMITH

Mary L. Smith is Senior Counsel in the Civil Division at the United States Department of Justice. Previously, she was a Partner in the Chicago office of Schoeman, Updike & Kaufman, a women-owned firm with offices in New York and Chicago.

Ms. Smith specializes in complex financial and accounting litigation. She has represented clients in government investigations, class actions, civil actions, and criminal proceedings. She has tried a number of cases to victory as lead counsel. Ms. Smith is AV Peer Review Rated, Martindale-Hubbell's highest peer recognition for ethical standards and legal ability.

Earlier in her career, Ms. Smith served as Senior Litigation Counsel at Tyco International (US) Inc. where she managed the securities class action multi-district litigation relating to the Dennis Kozlowski era – the largest case pending at the Company and one of the largest cases pending in the country. In 2007, the major portion of the litigation was settled for approximately \$3 billion. The settlement, reached after five years of litigation and the production of over 80 million pages of documents by the Company represents the single largest payment from any corporate defendant in the history of securities class action litigation. As part of her responsibilities, Ms. Smith managed a multi-million dollar budget, over 40 outside counsel, and over 60 contract attorneys. While at Tyco, Ms. Smith interacted with the tax department on a range of issues including employee benefits and more strategic issues involving litigation and the company's corporate reorganization.

Previously, she was an attorney at Skadden, Arps, Slate, Meagher & Flom LLP in Washington, D.C. While at Skadden, Ms. Smith specialized in governmental investigations and securities class actions. Ms. Smith has litigated in various state and federal courts, including the United States Supreme Court, where she filed an *amicus* brief on behalf of several members of Congress in support of the University of Michigan's affirmative action programs.

Prior to her time at Skadden, Ms. Smith served in the Clinton White House as Associate Counsel to the President and Associate Director of Policy Planning where she was responsible for a number of policy areas including domestic violence, equal pay, homelessness, transportation safety, food safety, Internet gambling, Native American issues, civil rights issues, and hate crimes. She was the highest-ranking Native American in the White House during the Clinton Administration. During her time in the White House, Ms. Smith was the architect for a historic Native American policy initiative which spanned areas such as health care, economic development, education, the digital divide, and criminal justice issues. This initiative resulted in an increase in funding of \$1.1 billion for Native American programs across all federal agencies. She was also Co-Chair of a Working Group to get the Violence Against Women Act reauthorized.

While in the White House, Ms. Smith worked closely with the National Economic Council regarding on legislation that would put tribal governments on par with state and

local governments under the Federal Unemployment Tax Act (FUTA). Ms. Smith spent many months working with the Treasury Department, Congressional leaders, and the National Economic Council on addressing this disparity in tax policy between tribal governments and state governments. The end result was that the FUTA language was included in the final FY 2001 omnibus appropriations bill.

Ms. Smith also served as a trial attorney for the United States Department of Justice Civil Division where she served as principal attorney for a number of trials and appeals.

Ms. Smith is also involved in national political affairs. In 1997, she served on the Clinton/Gore '96 campaign. In 2004, she served as a Senior Advisor to John Kerry's presidential campaign on Native American policy and as a delegate to the 2004 Democratic Convention. In 2008, Ms. Smith was actively involved in Barack Obama's presidential campaign, as a member of the Illinois finance committee, as an advisor on several policy areas including criminal justice, Native American and women's issues, and as a delegate to the Democratic National Convention. Ms. Smith was also a member of the Obama-Biden Transition Team for the Department of Justice.

Ms. Smith graduated from the University of Chicago School of Law, *cum laude*, where she was a member of the Law Review. Ms. Smith clerked for the Hon. R. Lanier Anderson III of the United States Court of Appeals for the Eleventh Circuit. She received a B.S., *magna cum laude*, in mathematics and computer science from Loyola University of Chicago. Ms. Smith is Native American and is an enrolled member of the Cherokee Nation.

In 2009, Ms. Smith was elected the first Native American woman to the American Bar Association's (ABA) Board of Governors in the Association's over 130-year history. The 38-member Board of Governors has the authority to act and speak for the ABA. Ms. Smith is a member of the Council of the ABA's Section of Individual Rights and Responsibilities and is a member of leadership for the ABA's Section of Litigation. She also has served as the National Native American Bar Association's delegate to the ABA's House of Delegates. From 2006-2009, she served as the first Native American member of the ABA's Commission of Women in the Profession. Previously, Ms. Smith served as Co-Chair of the District of Columbia Bar's Section of Litigation Steering Committee.

Ms. Smith has taught trial advocacy for the National Institute of Trial Advocacy. She has completed the Stanford Law School's Directors' College as well as Women's Director Development Program at Kellogg School of Management, Northwestern University.

She is also a member of the Board of the Chicago Bar Foundation, and a member of the Board of Managers for the Chicago Bar Association. Ms. Smith also serves as an arbitrator for the Cook County Mandatory Arbitration Program.