Enter the Blonde Lady

By ALEXANDRA STEIGRAD

“I’M SORT Of LIKE THE GENERAL,” said Heather McDonald, from her large, uncluttered corner office on the 11th floor overlooking Manhattan’s Rockefeller Plaza. “I’ve had so much experience that there’s almost nothing that happens that I can’t anticipate or haven’t been through before.”

McDonald, an intellectual property and anticounterfeiting attorney, isn’t talking about her work in the courtroom. She’s referring to the 600-plus raids she’s led and the countless hours she’s spent waiting in unmarked vans in Chinatown and the Garment District, all in an effort to rid the streets of New York of counterfeit goods.

Her patience translates to a police-secured path, a straight shot, into rooms filled with counterfeit handbags, apparel and other merchandise, where she makes her sweep, “bagging and tagging,” taking photos and methodically documenting everything.

Needless to say, with 25 years on the job, this 49-year old partner at Baker Hostetler has earned a certain notoriety around Canal Street as a kind of Eliot Ness of the counterfeiting underworld.

“I’m never the first out of the van because I can’t go to Chinatown without being recognized,” she said. “I’d be afraid to go down alone; it’s not a risk worth taking.”

On raids, McDonald has had her tires slashed and has had objects hurled at her by angry vendors. Early in her career, one shattered her knuckles with a metal pipe, putting her in a cast for weeks, and giving her what she called an “‘Edward Scissorhands’ look.”

“She’s well-known down there. They see her hair from afar,” said Stuart Weitzman general counsel Barbara Kolsun, referring to McDonald’s flaxen-colored coif.

It’s that shock of fair hair — a trademark of a defender of trademarks — that signals counterfeiters of McDonald’s arrival, and which has also earned her the nickname “Blonde Lady.” As McDonald’s celebrity grew, Most Wanted-style posters of the mysterious woman, who could double as a Midwestern tourist, began popping up on walls and behind the counters of the shops that line Canal Street.

According to McDonald, one of the better-known posters shows her photo in the middle of a red circle and a line, and reads: “Watch out for her. She take your stuff!”

Beyond the bounds of Chinatown, the Scarsdale, N.Y., native is known for enacting some of the state’s first anticounterfeiting laws. Along with then attorney Sonia Sotomayor and Chanel lawyer Veronica Hrdy, who is now the brand’s vice president and general counsel, McDonald lobbied the state legislature to adopt a trademark counterfeiting law. The law, which defined three degrees of trademark counterfeiting, was passed in 1991, and effectively put into place some new guidelines. Justice Sotomayor was unable to comment on this story.

McDonald’s legal bona fides grew in the Nineties when she cracked down on third party liability cases under the Lanham Act. Between 2000 and 2005, McDonald represented Louis Vuitton Malletier against landlords who allegedly knew their tenants were selling counterfeit goods on the premises.

“She’s very firm, but very reasonable,” said Jura Christine Zibas, a Lewis Brisbois Bisgaard & Smith partner, who
represented landlord Michael Marvisi, in a case that was settled in 2005.

Zibas touted McDonald’s professionalism. “She sees the forest through the trees, and she doesn’t take it personally. You’re not going to pull the wool over her eyes,” said Tashjian & Padian partner Gerald Padian, of his former adversary. In 2003, Padian faced off against McDonald in an infringement suit, which alleged that his client, BJ’s Wholesale Club Inc. duplicated Burberry’s trademark.

“She didn’t take a scorched-earth policy,” said Padian, who noted that the case was settled out of court. “It was one of the best working relationships as an adversary, and it worked out that the case stands out as one of the more satisfactory ones in my career.”

“Heather is like sunshine personified,” said True Religion secretary and general counsel Deborah Greaves. “She’s the type of person you don’t forget.”

Greaves, along with in-house counsel from companies like Polo Ralph Lauren Corp. and Compagnie financière Richemont, has worked with McDonald through her counterfeiting program. Often described as a “benchmark” project, it brings together different brands, which collectively hire McDonald to seize any fakes she identifies while on raids.

McDonald’s ability to organize and control, two of her more prominent traits, as evinced by her program, her ordered office, clear-cut views on counterfeiting and deliberate, measured manner of speaking about the law, spill over into her life outside of work. McDonald rather curiously dedicates much of her spare time to chairing and managing Courageous Kidz, a Charleston, S.C.-based organization that serves the needs of children with cancer.

First introduced to the group’s summer camp as a young volunteer, McDonald returns throughout the year to work with campers, their families, and the organization’s founder Debby Stephenson.

“She was hooked from the beginning,” said Stephenson, a charming, yet eccentric redhead whose flamboyant wardrobe of sequined garments, light-up Christmas sweaters and fake hillbilly buckteeth have earned her the moniker “flash.” “You might call her Heather but we don’t call her that. We call her Sport.”

The nickname “Sport” comes from a rescue attempt that sent McDonald, then 21, jumping in a pool after a four-year-old amputee, who decided to leap off the camp’s high dive. Heather was a “good sport,” and the name stuck.

“I wanted to be like her,” said Kimberly Pissot, the child who jumped into the pool. “When I was little she used to wear a headband, so I wore one too.”

Although Pissot, now 32, hasn’t spoken with her former counselor in several years, she said that upon learning of her recent struggle to pay for fertility treatments, McDonald mailed her a generous check and a heartfelt note.

“I don’t think she ever expects anything in return,” mused Pissot.

“Sport doesn’t want gifts for her birthday, but donations,” said Stephenson, explaining that McDonald raises at least $30,000 a year for the organization.

“I can’t forget the things they did for me when I was a kid,” said Chris Richardson, an employment attorney at Alston & Bird in Atlanta, who was diagnosed with bone cancer when he was 16. “I was given five years to live.”

McDonald mentored Richardson, whom she dubbed “Wall Street” on account of his intelligence, and advised him to become a lawyer.

“She’d win every water fight. I have this memory of her…she’d come in with this big fire truck that she borrowed from the fire department, and we’d all be like, ‘Oh crap,’” he said. “I’m 30 years old now, and I’m always 15 when I talk about her.”

But behind those carefree moments belied a darker, weightier reality.

“When you get involved with an organization like this, you realize that the dynamics are different,” said Josh Brisbane, a former camper. “The reality is children pass away.”

“Sometimes it’s good to be reminded of reality,” said Richardson. “It also makes Heather a great lawyer being able to put things in perspective.”

It’s not the differences between those existential realities and her day job that seem to delight McDonald, but the similarities.

“It’s like running a weeklong raid,” she said, comparing her work at camp to “herding cats.” “I’m walking around with a clipboard and a radio and the difference is what’s written on my clipboard is: ‘Got to make sure this kid gets moved to a different bunk because she’s not getting enough sleep’ or…‘this kid’s suitcase got packed without any underwear,’ versus ‘265 Canal Street, door on the right.’”

She paused, searching for further clarity.

“Some of the guys I’ve worked on with raids have come and volunteered down at camp, and they were all like: ‘So, you do the same job here that you do back there — you just wear different clothes.’”