

How I Made Partner: 'I Demonstrated My Contributions Through Networking, Client Development and Associate Development,' Says Ernessa Brawley McKie of BakerHostetler

"It is not the billable hour that counts most, but the unbillable time you spend early on learning what your client needs and expects from you."

By Tasha Norman

Ernessa Brawley McKie, 43, BakerHostetler, Atlanta.

Practice Area: Health care regulatory and compliance.

Law school and year of graduation: I received my law degree at Georgia State University College of Law in 2008.

How long have you been at the firm? I joined BakerHostetler in November 2015. My partnership at the firm became effective Jan. 1.

How long were you an associate at the firm? Six years, from November 2015 through December 2021.

Were you an associate at another firm before joining your present firm? Prior to joining BakerHostetler, I worked at a midsize Atlanta law firm as a litigation associate for approximately two years (2008-2010), primarily working on insurance defense matters. My work was fascinating and engaging, though it did not involve any health care matters—my reason for going to law school. In October 2010, I left the practice of law to work within the federal government at the Centers for Medicare & Medicaid Services, the agency tasked with implementing many of the provisions of the then-newly passed Patient Protection and Affordable Care Act. My government experience became the springboard to becoming a health care legal practitioner.

What criteria did you use when deciding to join your current firm? My primary criteria for assessing whether to join BakerHostetler involved confirming whether the firm's core values would enable me to continue fulfilling my "whys," both personally and professionally. Professionally, I chose a firm with other lawyers

who looked like me serving in leadership positions, a firm with a sustained emphasis on understanding client needs within the health care industry. Our Atlanta office partnership includes both Black attorneys and women attorneys, who play significant roles within the office and within the legal industry.

Most importantly, I sought a firm with a proven record of allowing each lawyer to work within their personal priorities. I reentered the firm environment with a 1-year-old, and I needed clear boundaries to ensure a healthy work-life balance.

What do you think was the deciding point for the firm in making you partner? I believe my commitment to my personal values, the firm's mission, and developing my practice made me a viable candidate for partnership. Though my career path is nontraditional, I have demonstrated that my contributions to the firm, through networking, client development and internal commitment to associate development, all align with BakerHostetler's values.

What's the key to successful business development in your opinion, and how do you grow professionally while everyone is navigating a hybrid work system? Understanding my clients' business goals and seeking ways to make their operations run smoother are the most important things that I've found for effective business development—becoming a trusted partner and sometimes a sounding board for clients, even though their issues may not be in your immediate practice area. It's not often the immediate problem that keeps clients up at night, but the unknown. As health care lawyers, we have the ability to forecast



(Courtesy photo)

Ernessa McKie

regulatory changes and share best practices to advise our clients. During the pandemic, health care systems pivoted overnight, and the federal government rapidly responded with regulations to ease restrictions and to provide relief to providers. Assisting with gap analyses and proactive operational tools shows the client that you are a trusted partner.

As we have adjusted to the hybrid work environment, I've experienced some great opportunities to get to know my colleagues and my clients beyond what type of art is on the walls in their offices. On a recent client call, I recognized a Spanish figurine in the background of an individual with whom I'd had limited discussions. While we needed to discuss a resolution to a really complex reimbursement matter, that snapshot of each other's interests became 10 minutes about the figurine. These types of moments allow me to create connections that might not have otherwise been possible. I've also found that I am able to participate in

more association meetings and CLE courses, because everyone is remote. Continuing to grow in the environment really requires a commitment to engage with colleagues and clients as much as possible. I've also found that creating regular check-in meetings works to maintain the pass-in-the-hallway opportunities that have been lost in the hybrid arena.

Who had the greatest influence on your career or helped propel you to partner? The greatest influence in my career advancement has been from a group of women lawyers (Janine Anthony Bowen, Emily Crosby, Charlotte Combre, Amy Fouts and Charlene McGinty), who took a vested interest in my development. From providing me with opportunities to present to firm leadership to providing me with first-chair responsibilities, these individuals gave me a platform to showcase myself and my capabilities.

My office managing partner, Joann Jones, contacted me numerous times during my look-back period to continually communicate expectations for advancement, including areas of improvement.

Another influential person in the trajectory of my career is the first partner I worked for as a young lawyer, Stephen Cotter (now retired). During my early weeks as a lawyer, he told me that it is not the billable hour that counts most, but the unbillable time you spend early on learning what your client needs and expects from you as their lawyer.

What advice would you give an associate who wants to make partner? Celebrate your wins, and know that your role is crucial in every matter you touch. Keep a running list of every case, every transaction, every issue that you assist in resolving, so that you can reflect on those matters. Make sure to get feedback from partners and senior associates you interacted with, so that you can reflect on your progress over the years. When the time to make partner comes, those matters will serve as the baseline for your application to present yourself to the firm leadership.

When it comes to career planning and navigating inside a law firm, in your opinion, what's the most common mistake you see other attorneys making?

As a young lawyer, you are often told, "Just put your head down and work." That's such a true statement, but there should be an addition to the phrase: "after you and a colleague enjoy a coffee break" or "unless you can see a trial in action."

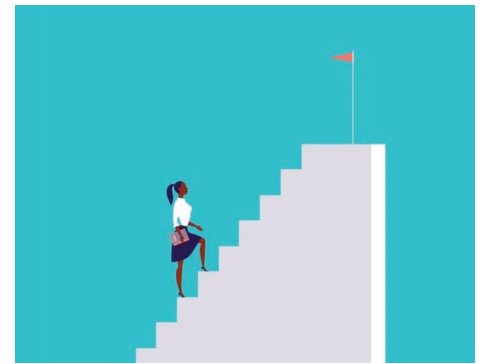
Relationship-building and hands-on learning experiences create the best opportunities for lawyers. Understanding someone else's career path, watching someone argue a brief, strategizing about a complex issue, listening to a client explain their business goals—these are the aspects of lawyering that are better observed than spoken about.

I would recommend that others walk the halls or join that conference call rather than just being behind a desk working alone. Clients receive better results when we lawyers collaborate on our advice.

What challenges did you have to overcome in your career path, and what lessons did you learn? My biggest challenge was accepting that my career would not follow a linear, well-lit, directionally signed path to bring me where I am today. And early on, I spent too much time focusing on why I had not achieved my goals rather than recognizing that each component of the zigzag would eventually weave itself into my current career.

In fact, it was through my work as a pharmaceutical representative that I realized that I would pursue my legal career. I found myself wanting to defend the company I worked for when a high-profile drug was pulled from the market, because I believed in the studies and the science. Seeing all of the press and the legal arguments in the media, I told myself that I would go to law school and come back to the company to defend it in the litigation that would ensue. Of course, it took only a few weeks of law school to show me that's not how it actually works.

Knowing what you know now about your career path, what advice would you give to your younger self? I would say, "You beat yourself up way too long about not trying to pursue medical school! You will have an impact on the health care industry, but you were not meant to be the one holding the scalpel." As a young professional, I struggled with how I could meaningfully be immersed in the health



Sara Jane Shanahan

care system without becoming an actual health care provider. I am so grateful to have found a supporting role that allows practitioners to see patients while I advise them on the legal impact of health care policies and trends within the industry.

What impact would you like to have on the legal industry as a whole? I believe my impact is strongest when I make sure that health care providers have the tools and resources to focus on providing high-quality patient care. I want to be considered a resource who makes health care delivery and access easier.

What lessons, if any, did you learn in 2020 and 2021 (the COVID-19 years)? The most valuable lesson I learned during the COVID years is that we ultimately get to decide how we spend our time here, and we have to decide what impact we want to make. There is so much to be said for slowing down and being silent! Prior to COVID, being busy professionally and personally was a marker of success. Now we've reimaged connectivity with our loved ones and friends, and it has made me truly appreciate the simple moments. I also learned that my faith outlasts any obstacle and that playing LEGO and superheroes with a 7-year-old never gets old. These years have brought forth a peace, enabling me to truly embrace the moments and stay the course that God has ordained.

Workwise, these past two years demonstrated how much my clients depend on our team to evaluate the ever-changing health care landscape as they execute in real time. In the past, clients would often take considerable time to evaluate options. The pandemic involved fast-paced decisions and constant reevaluations in a collaborative approach.