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## **HIRING TO FIRING, S01 EP21 – MAKING SANDWICHES AND MANAGING EMPLOYEES: HULU’S *THE BEAR***

Tracey Diamond: Welcome to Hiring to Firing, the podcast. I'm Tracey Diamond, labor and employment attorney at Troutman Pepper, and I'm here with my co-host Evan Gibbs. Together we tackle all employment and HR issues from hiring to firing.

Today, our special guest is Laura Yehuda, partner at Ernst & Young, an award-winning workforce communication consultant, employee experience builder, and change leader. Laura is also a lecturer at the University of Pennsylvania Wharton School, where she teaches business communications. Hello, Laura.

Laura Yehuda: Hi, Tracey, and Evan.

Tracey Diamond: Before we get into our topic, Laura, why don't you tell us a little bit about your work?

Laura Yehuda: Sure. I consult with global organizations. Usually, they're undertaking significant changes that impact their workforces. So, when I and my team get engaged by these companies, we advise them about how they can bring a human-centered approach to any change they implement. What that means is my team and I, at our most basic, deal with human emotion at every single level in an organization.

We work with leaders when they want to communicate a vision and we help them lead with empathy, and we work with employees to help them become aware of the changes they'll experience, so they can learn how to shift their behavior to support whatever direction the company is heading. For employees to learn this way and to make them aware of things, effective communication is the biggest part of it. So, it's always the most important tool in my toolbox.

Tracey Diamond: We deal with a lot of emotions in our work as well. Sometimes we have clients that have to deliver bad news and we work with them on how to deliver that news and maintain legal compliance. But I think sometimes that idea of empathy gets lost in the shuffle, don't you think, Evan?

Evan Gibbs: Yeah, for sure. I think a lot of times, managers and executives, they're hesitant to say certain things and they come across as empathetic and apologizing for things because they don't want to be viewed as having done something wrong or improperly. And a lot of the conversations that our clients have to have with employees, they're really difficult conversations and they feel, in my opinion, they feel that they're under a microscope when they're talking to employees about things. And so, empathy, in my experience, is definitely not at the

forefront of the reasons for the conversations or the nature of the conversation. And so, that's certainly an issue that we deal with.

Tracey Diamond: And sometimes I see it the opposite, right? Where you have a supervisor that wants to be the employee's friend and doesn't know how to break out of friend mold and be the supervisor, and doesn't really know where to find that line. So, let's talk about here. Our topic today is business communication and it's a perfect topic given Laura's background.

Let's kick off our discussion like we always do, with clips from a popular TV show. And today we're going to talk about the show called The Bear.

Evan Gibbs: The Bear is actually the number one rated show on Rotten Tomatoes for 2022. So, it's a really, really popular show and has gotten really rave reviews. And in case you haven't seen it, it's a comedy drama about Carmy, who's a celebrated chef at a New York restaurant, but then he returns home to his blue collar neighborhood in Chicago to run his family's sandwich shop, which is called The Beef, in the wake of his brother's suicide.

So, the story follows Carmy's relationship with his kitchen staff, who are somewhat of a dysfunctional family, as he works to improve The Beef into something that's more upscale than just a neighborhood hoagie place.

Tracey Diamond: First of all, I have to say, coming from New York, we don't call it hoagies, we call it subways. I'm not sure about what they'd call it down south there, Evan, but it's subways up here, although not in South Jersey, in South Jersey, it's a hoagie. So, I had to get used to that when I moved to Jersey.

Evan Gibbs: We don't really have specialty sandwiches in the South, so it would just be considered like a sandwich shop or something like that. We don't really have a particular name for it.

Tracey Diamond: One issue that the show explores is the challenges for young managers, particularly young female managers, to manage older employees who have been in their jobs for a while. In our first clip, a recently promoted young sous chef named Sydney complains to a longtime male coworker, Richie, about his attitude and the general state of the sandwich shop. As you'll hear, Richie effectively cuts her off by calling her hysterical. Let's take a listen.

Sydney: It doesn't have to be a place where the food is or everybody acts and feels, it could be a good, legit spot.

Richie: Okay, you know what, Sydney? You're getting a little aggressive and I think maybe you should just pause and take a breath before you start driving. Man or

woman, I'm not discriminating, it's dangerous to get behind the wheel when you're hysterical.

Tracey Diamond: This certainly hits on the cliché of the hysterical woman driver. Laura, how should Sydney respond in this type of situation?

Laura Yehuda: Yeah, there's so many things happening in this exchange. I think there are two things to think about that could have gone differently. The way Sydney delivers the message and also the way Richie responds. First of all, Sydney is telling Richie that the restaurant should be better, almost about to imply that together they can improve things, but she doesn't really imply that. Instead, she's criticizing everything about the restaurant, the food, the way people act, the way people feel.

The first nuance I want to point out is that Sydney is talking to someone who thinks of himself as part of the leadership of the business. It's one thing if a coworker's letting off steam to another coworker, complaining about the way things work around here. In this case, we have to consider the relationship between these two people. And then we also have to look at the way Sydney has chosen to deliver her message.

So, she uses negativity, she uses criticism with someone who likely sees himself as her boss. She has a choice here. She could be delivering the message in an accusatory and blaming way, which she does. Or, she could be delivering it in a positive and affirming way. Here's an example of how she might have flipped it around to be positive and focus on solutions and use a collaborative tone. Those are things, those three things, being positive, focus on solutions, using a collaborative tone, that I'd say are ways to respond.

She might have said, "Richie, we really have an opportunity here to do something great together for the staff and our customers. I'm here to work with you to make that happen." In that kind of rewording, I also have Sydney use an inclusive pronoun. That's a fourth thing that I'd suggest when you're trying to flip something around and make it positive, "We have an opportunity." Which suggests they're a team working together.

Tracey Diamond: Is there a time when it's better to not use the word opportunity? Because I sometimes hear my clients say, "There's opportunities to do X, Y, Z." Well, what they're really saying is, "Someone is not performing in X, Y, Z." And is that message clear enough, if you always phrase it in terms of opportunities? I get the idea that you want to be positive and inclusive and motivate employees, but I'm wondering if there is a time when you want to be a little bit more straightforward and call it things that employees are doing wrong rather than opportunities to improve. Maybe not. What do you think about that?

- Laura Yehuda: Right. It's a good question, especially in our world of everybody gets a trophy.
- Tracey Diamond: Right.
- Laura Yehuda: Right? So, I do think it's okay to start out a conversation that way. It's the first thing that you might want to say, instead of a criticism to flip it, you could say, "We have an opportunity." To sound positive in the beginning, and then add in some details that really fill in what you're trying to say and the specifics of what you need to improve. So, I think it's okay to start out that way, as long as you fill in with the details.
- Tracey Diamond: For Sydney, she could have said, "We have an opportunity here to improve the way we make sandwiches. For example, I see that the salami is going bad all the time, or we're leaving things out of the refrigerator too long." So, that fills in the details of what's wrong, but she's phrasing it in the opportunity to make it better.
- Laura Yehuda: That's right. Yes.
- Tracey Diamond: That makes sense. What about Richie?
- Laura Yehuda: I think Richie has some really serious work to do. He says, "You're getting a little aggressive. Man or woman, I'm not discriminating, it's dangerous to get behind the wheel when you're hysterical." She isn't really getting aggressive and she isn't hysterical. So, he's taken the conversation to a different level and introduced a little sexism along with it.
- He has an opportunity. He's a leader in the business. He sees himself that way. He has been made to be one of the leaders. So, he has an opportunity to listen to her, to ask her questions and gather more information, so he can learn from this new perspective she's bringing in and even take action to improve the business. But he's frustrated and he's lashing out, which turns into the sexism.
- I always tell my students in my class that when someone challenges them in a business context and they're not sure how to respond, they should pause for a moment to collect their thoughts. It shows maturity. It gives them time to think of an appropriate response. And often, in the heat of the moment when people don't take time to do that, they say things that can get them in trouble, and that's what Richie has done.
- Tracey Diamond: Yeah, that's something that Evan and I say a lot to our witnesses when we're prepping them for a deposition. "When you hear the question, wait a beat before you respond, and gather your thoughts. Don't just plunge into an answer." I'm sure, Evan, you probably feel this way too. I like to use silences,

because people don't like silence. They feel the need to fill in the silence. And sometimes you can get really good information that way.

Evan Gibbs: Yeah, for sure. That pregnant pause is always really helpful. People start to fill in the gap, at least in depositions. I mean, we're talking about something really specific here, about it in the context of taking somebody's deposition and you just let a question or let an answer hang for a while and then yeah, like I said, Tracey, people almost always without fail, will start to fill the silence and start to give you more information.

Tracey Diamond: I could see how that could even be useful in performance management, where you're trying to get buy-in from the employee to maybe give the information as to what the employee's not doing correctly and maybe use that silence afterwards to let it sink in and hopefully get the employee to come around to seeing it your way and maybe even agreeing that you're right, versus rushing it because it's an awkward conversation. Laura, do you have suggestions on how to handle awkward conversations generally in the workplace?

Laura Yehuda: So many conversations are awkward in the workplace. I think the way we have started to work ... I think there are a lot of ways to answer that question. Working in a hybrid way or working remotely almost makes things easier, because you don't have to have your face get hot when you're sitting in front of somebody and have them see it. Or, you don't have to use awkward body language when you're sitting at home and on a computer.

So, I think the hybrid way of working and the remote way of working, helps people who might feel awkward to feel less awkward. There are also other tips for awkward conversations, depending on what they are, but I think there is something very effective about pausing to think first.

The people who are seen as very successful in a workplace seem like the extroverts, seem like those people who fill in the silence. And the introverts, the ones who take that pregnant pause and think about things, sometimes aren't always seen as the most successful. So, I keep going back to the pausing and thinking before ever saying anything that might get you in trouble.

Evan Gibbs: I'm curious about one other thing, it just came to me, but do you see or have you seen in your experience, Laura, a difference in the communication style between the generations? Because for me, I'll tell you, and this is just a broad generalization, generations that have come before me, my mentors, who may be one or two generations removed from me, they're more direct generally and more brusque, I guess is a word to use for feedback. Whereas, I've seen people softening in the approach with, either Gen X-ers or millennials. I'm just curious if you'd seen that in your work as well, I mean, generational differences?

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- Laura Yehuda: Gosh, that is a really good one. I think it is hard to generalize because everyone does have their own style, but if we were to generalize, I do think there is something about directness in an extreme way, that comes from the older generations. But I also think, based on what you said, I prefer more direct communication from some of the younger generations.
- I think sometimes, younger folks or people who are new to business or even people who don't always know what they're talking about, will use big words or will talk in circles so that people don't understand them or think that they're smart. I don't know really what the reason is for doing that, but I do see people doing it a lot and I'd prefer that those folks are more direct, and I see it happening from younger generations more frequently.
- Tracey Diamond: You could be direct and empathetic, but at least get your point across more clearly and concisely versus talking in circles because you're afraid of offending somebody?
- Laura Yehuda: Yeah, that's also true too, and there's not enough training on how to communicate in a business context. People have to learn what they learn most of the time just on the job. So, I think that's also a tough thing, especially in this new world of hybrid and remote work, where empathy has always felt like a soft skill and communication skills have always felt like a soft skill, but they're becoming adaptive skills that are completely necessary in our new world of work.
- Evan Gibbs: I'm really curious in terms of industries, have you seen any industry trends, and again, this is a generalization, but any industries where the communication style is different or there's more of a focus on being really intentional about communications?
- This is generalizing, but in my experience, like in the legal industry, those sort of soft skills for internal firm stuff, lawyers, lawyer conversations, a lot of that seems to be lacking just in general across the legal profession. So, I was wondering if there are any other industries that maybe are more prone to being thoughtful and intentional about the business communications?
- Laura Yehuda: I think if there were organizations or sectors or industries that were intentional about the way they communicate, we wouldn't even be having this conversation and I'd be out of a job.
- Evan Gibbs: Good point.
- Laura Yehuda: So, my organization did publish a white paper on communication in the advanced manufacturing industry, not even just communication, but softer skills, adaptive skills. And it's probably because in that industry, those aren't

things that people think about. They think about working in shifts and they think about hiring as many people as they can to get a job done.

But those organizations and many are facing huge, huge hiring and retention issues right now. So, when I see the manufacturing sector talk about soft skills like communication and not call them soft skills, because they need to start thinking very differently about how they hire, engage, and retain, I know that this is a conversation that'll keep happening throughout all industries and sectors. I have not, Evan, seen really great business communication in any sector that I can point to as a whole.

Tracey Diamond: My daughter's at University of Wisconsin and she has two required communication classes she has to take to graduate, and I think that's a really great trend, that the colleges are taking note that communication skills are as important as the substantive skills.

Laura Yehuda: Yeah, I think what's happened too, is that a lot of students have been graduating with undergraduate and graduate degrees, especially from business schools I've seen, and employers are surveyed about how those graduates are doing in the first couple years of work at organizations. And they're saying that the one thing that's missing is communication skills. So, those really forward thinking schools are making those classes compulsory in many cases.

Tracey Diamond: Interesting. Let's pull it back to The Bear again. In many episodes of the show you see Richie trying to keep things the way they were, maintain the status quo. And I do think that's sort of what he was doing when he shut Sydney down by labeling her as hysterical.

The rest of the staff under Carmy's direction, seems to be eventually coming around to the idea of working to improve the restaurant. It's a good example of employees who resist change. How should a manager handle those employees, Laura, who push back whenever management tries to do things differently or make improvements?

Laura Yehuda: That is the million dollar question. How should a manager deal with employees who resist change? I think the answer, whether you're working in a restaurant with 10 employees or a global business with a workforce of 10,000, I would say that the first thing you have to do is not handle it in the moment. Have a proactive approach to lead through change so that you can proactively avoid that employee resistance.

The real problem is that many business leaders think of change as something rational that needs to be managed. So, they invest in whatever the thing is that they're doing, building a new restaurant, designing a new process, managing a project, but they fail to remember what we talked about at the beginning of the

conversation. Emotions, taking those into account. They fail to think about how neuroscience, behavioral economics, and psychology think, which is that successful change is driven by human emotions and we treat change as either a threat or a reward.

In this case, Richie sees change as a threat. You know you're dealing with emotions when you're dealing with people, so being proactive before you go through change, requires a few really important things from managers. And I'd say those things include being authentic so that they can inspire confidence and respect. Being empathetic, like we have talked about here, to let employees know they understand that change can be uncomfortable and stressful, and the leader is there to listen and support. Staying visible and accessible during difficult periods. So, having a plan in advance, to be there, to check in with your employees, and not step back and not be there.

And then three other things, encouraging dialogue, making sure that as a leader you're not just going to tell people what's happening, but encouraging dialogue and responding to feedback when they get it. Communicating specifics, acknowledging what's not yet known. In a lot of organizations, leaders will wait until everything is buttoned up and tied up and give the communication, but it's too late, because employees will gossip and talk about what's happening before they know anything. So, communicating specifics well in advance without everything being buttoned up. And then the last one is making sure that there's a plan to involve employees in decision-making, because it helps to build community and it helps to have employees feel like things aren't being done to them, but that they are involved in decision-making.

Tracey Diamond: It certainly would empower them to feel like they're part of the process and not just the consequence of the process.

Laura Yehuda: Right.

Tracey Diamond: That was a really interesting list, and what struck me the most was the idea of honesty and effective communicating of what's going to happen, so that employees feel like they're not being left in the dark. I think that often will engender just so much anxiety.

Laura Yehuda: Yeah, it's true. A lot of organizations tend to forget about these things. And one of the big important rules of human-centered change management is involvement in some way. And I think, I said it has to be proactive because it can't always happen in the moment. It has to be a well thought out plan. And maybe sometimes there are change ambassadors or change agents who are set up to be on the ground and help leaders involve people in different groups, especially if we're talking about a large organization.



Tracey Diamond: In The Bear, there's a lot of focus on employees that have been there a long time or used to doing things a certain way and are really resistant to change. We see it in Richie's pushback, it seems like, because he's afraid he's going to become obsolete, and we see it in Sydney's communications with a long-time worker, Tina, who clearly resents Sydney's intrusion. Let's take a listen to another clip.

Sydney: Hey, did you remember the mashed potatoes? Just want to check in.

Tina: Do you remember when I said?

Sydney: Oh, okay, isn't yes.

Tina: means, I know how to do it.

Sydney: All right, well, it's a new recipe.

Tina: What did I just say?

Sydney: Okay, well, just make sure when you do it, the heat isn't too high.

Tina: I answer to Jeff, the system.

Sydney: Listen, I'm not trying to be tight. I don't want you to think I'm up in your space. I'm just doing what I was asked to do, and I get what it's like to be a woman in the kitchen and have-

Tina: You know what it's like to be a woman in the kitchen, wow, that's amazing. Listen, I have been in this kitchen since before you were born.

Tracey Diamond: Laura, what recommendations do you have for young managers when they're dealing with this type of situation? What could Sydney have done differently to get Tina to take her seriously?

Laura Yehuda: This is a really tough one. I tell my students a lot, when they get into the workforce, they are going to struggle with credibility and they are going to feel like they have to prove themselves in any situation, but add management responsibility to a young person's struggle and it becomes even harder.

In this clip, Sydney uses words that I always tell students not to use like, uh or um, or things like that. She uses timid intonation and language when she says, "I just want to check in." She sounds a little unsure of herself. And she does something else, she shifts accountability to her boss and takes it off herself when she says, "Just doing what I was asked to do."

So really, the things she could have done differently are being more confident in her language, using stronger vocal inflection. And it's not just the weak way in which she communicates the message that results in Tina's response. Going back to being proactive, Sydney really could have prepared and distributed some sort of communication, some sort of written communication, like a checklist, before visiting Tina's station, so Tina had awareness that Sydney would be performing these check-ins of her work. Giving some kind of preview of a performance check-in is always a good idea, so the person you're communicating with and talking to and rating, isn't surprised or criticized. That moment can be eliminated when you're proactive before the conversation.

Evan Gibbs: I think, Tracey, you probably agree, we generally recommend for our clients, we think the expectations for the employees should be really clearly laid out, so there's not that type of confusion or misunderstanding about what an employee should or shouldn't be doing in their role with the company. Even from a purely legal perspective, that's something that we, I think, pretty much always recommend that clients do to make sure that that is communicated clearly.

Tracey Diamond: It all starts with a job description whenever possible, so that it's in writing too. So, what about Richie? Richie, leaving aside the hysterical women comment, in general you see lots of times where Richie seems to be really a cog in the wheel and it seems to be masking his own insecurities about becoming obsolete. How could Sydney or Carmy, or any of the managers there make Richie feel like he's providing value to the organization?

Laura Yehuda: I think, again, it's not in the moment. It's something that could happen in advance, and to tailor this to a restaurant would be really interesting to do, but what I've seen great employers implement in their organizations, especially these past few years, is called reverse mentoring. And reverse mentoring pairs younger employees with older executives. So, the younger folks are the mentors and the older folks are learning about strategic issues, leadership, different mindset to approach their work.

They're usually really intentional programs. They include training. There are a lot of articles about reverse mentoring, I think Harvard Business Review wrote about it and everyone's talking about it, not everyone's implementing it. I think 70% of organizations have regular mentoring programs, but this one's coming around. It really is great because it helps older executives learn things like digital skills, like how to influence and use influencers. But for both sides, it promotes diversity and it leads to increased retention of millennials and it helps drive culture change. So, I think this is a great thing. Again, in a restaurant, it might have to be modified a little bit to work, but it's a three-way win for me. Win, win, win. Older employees, younger employees, and employers who get to keep people motivated, engaged, and retained.

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- Tracey Diamond: How do you get older employees to buy into that though and not feel resentful that some young kid isn't bossing them around or telling them what to do?
- Laura Yehuda: It has to be an agreement on both sides. So, in a program like this, you'd set up a goal for a particular reason and you'd focus on, "All right, what do we really need to deal with here? We're dealing with digital skills. Let's identify the mentors who would be excited to do it." And like you said, Tracey, a lot of mentors probably would be excited, but it's the mentees who might not be. So, they'd have to be asked and agree to be part of the program.
- Evan Gibbs: I think it's a really cool idea. And I think as a partner at the firm, I'd love to hear feedback on my management style. I think it would be really helpful. My concern about a program like that, not from a personal perspective, but just generally speaking, my concern would be is if the mentor, in other words, the younger employee, newer employee, if it crossed the line into almost insubordination, they sort of felt like, "Well, I'm the mentor now, so I can give them free and open feedback about their job performance."
- And so then the mentee, the manager or older executive employee, then I can see it leading to an awkward situation where the mentee, somebody saying, "Listen here now, you can mentor me about certain things, but you're crossing a line and being insubordinate or telling me how to do my job." Or something like that. But I think it's a really cool idea though.
- Tracey Diamond: Managing up in a way, right? The mentor is learning how to manage up and the mentee is learning how to accept criticism.
- Evan Gibbs: Yeah.
- Laura Yehuda: Yeah. And those legal concerns really make sense, and that's probably why a lot of organizations haven't really implemented this yet. There has to be some really intentional training that goes along with it to make it successful.
- Tracey Diamond: Okay. So, in our last clip, Sydney complains to Carmy that he isn't listening to her. Let's take a listen to this one.
- Sydney: I think this place could be so different from all the other places we've been at, but in order for that to be true, we need to run things different. When I said I didn't think that the brigade was a good idea, you didn't listen. And it's not that you told me that I had to, that's fine, whatever, but you just didn't really listen. And if this is going to work the way that I think we both want it to work, I mean, I think we should probably try to listen to each other.
- Tracey Diamond: What is the takeaway here in terms of what makes for effective workplace communications?

- Laura Yehuda: I am so happy that you asked this question and played this clip, because we don't talk about this enough. When I teach business communication, when I create strategic communications for my clients, the takeaway here is about listening. It is one of the most underrated, but the most critical aspect of any kind of effective communication in the workplace or anywhere else.
- Every single day I'm talking to a client, a C-suite leader at a Fortune 500 company who wants to know what the benchmarks say, what the trends say about a particular issue. They want to know what other organizations' employees are saying about an issue that impacts their employees. But I always go back to the C-Suite leader and say, "Okay, but let's talk about your own employees. Let's listen to your own employees." How do we do that? It's a mixed bag. Some leaders are great at it, whether it's ensuring one-on-one discussions happen or whether it's about measuring broad employee sentiment through focus groups or surveys or stay interviews or exit interviews. And some leaders are really good at taking action based on what they hear after they listen, but far too often I see leaders and companies fall down when it comes to listening and when it comes to taking action on listening. It's a lot of work and the effects can be disastrous when it doesn't happen.
- Tracey Diamond: One of the things I really like about the show is that Carmy doesn't seem to get defensive. He is listening to Sydney give him this feedback, and I think he took it to heart. And you see him do that in a couple of different ways throughout the series. I mean, I think it's something that employers can take note of and model in their own behaviors.
- Laura Yehuda: Yeah. He really does a great job there. It's almost like there's an example of a great leader in the show and an example of a leader who's not so great and learning from Carmy.
- Tracey Diamond: Okay. So, last question. In their own way, we see throughout the series that everyone at The Beef is highly committed and wants the shop to succeed. They're all trying hard in their own way to be successful. What lessons can we take away from this when managing a workforce in the real world?
- Laura Yehuda: Yeah, that's a great point to make. And I'd say it goes back to why people join an organization. It might be to earn a living or get benefits for their family, or learn some things or gain experience, find purpose, all those things. The leaders of an organization and their employees, and I'll say this to legal folks, even though it's not quite a contract, they enter into what I'm calling a contract, but it's really more like a promise, whether they know it or not.
- And the promise includes everything employees receive from the organization in exchange for the work they deliver. In the business of people advisory services, we call this an employee value proposition. Managing a workforce in

the real world requires constant work on this employee value proposition from both sides. Leaders have to evolve what they're offering to meet their employees needs today and in the future. And employees have to live that daily with their colleagues, their managers, their clients, and their customers. That's where the real work of managing a workforce happens, in the day-to-day contributions and commitments that employees make to their organization.

Tracey Diamond: It's one thing to talk about all these themes, but it's a lot harder to put them into practice on a day-to-day basis, for sure.

Laura Yehuda: For sure.

Tracey Diamond: Well, Laura, thank you so much for joining us today. This has certainly been an interesting conversation about business communication. And thank you to our listeners for joining us too. Don't forget to subscribe to our podcast Hiring to Firing. You can find it on all the major platforms. And also check out our blog [hiringtofireing.law](http://hiringtofireing.law). Thanks so much.

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