

Rising Star: WilmerHale's Michelle Diamond

By **Katryna Perera**

Law360 (July 7, 2023, 11:30 AM EDT) -- Michelle Diamond of WilmerHale has been one of the firm's leaders in conducting civil rights audits and workplace culture reviews for major companies such as Google, Pinterest and the New York Mets, along with leading trial teams to victory in state fights for reproductive rights, earning her a spot among the compliance law practitioners under age 40 honored by Law360 Rising Stars.

THE MOST INTERESTING CASE SHE'S WORKED ON LATELY:

This year, Diamond co-led a civil rights audit of Google LLC. Diamond told Law360 the audit addressed two areas that are challenging and dynamic from a compliance perspective: content moderation and artificial intelligence, the latter of which has evolved so rapidly over the last year that it is far ahead of existing regulations.

Speaking generally, Diamond said: "There's a lot of risk areas without clear expectations established with regards to how companies should guard against [the risks], what steps companies should take to ensure that they train algorithms so that they don't perpetuate bias, what control framework should be in place to identify bias in [so-called artificial intelligence] algorithms, and what reporting mechanisms or training you should have in place to make sure employees can escalate novel or particularly sensitive questions."

Content moderation is a challenging area in general, Diamond said, because it requires the creation of content policies and guidelines that are broad enough to capture hate and harassment speech online but also generally applicable and clear enough to be applied by massive teams of content reviewers.

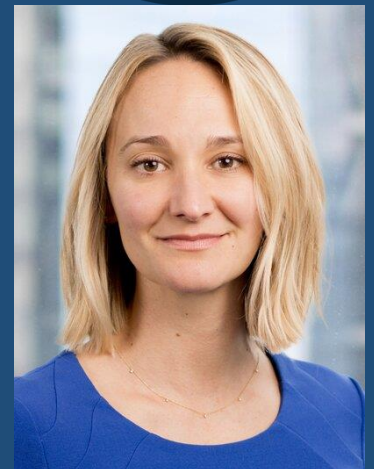
HER PROUDEST MOMENT:

Diamond said she is proud to be a compliance attorney and be able to help organizations implement systems and make changes that fundamentally alter their workplace cultures.

"Someone once stopped me on the street to say that I had interviewed him two to three years prior as part of a workplace culture review and that the company, which at the time had been described as having a toxic

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Michelle Diamond
WilmerHale

Age: 37

Home base: New York

Position: Partner

Law school: Columbia Law School

First job after law school: Associate at Sidley Austin LLP

environment, now felt like a completely different place to work," Diamond said. "It's really rewarding to help companies put systems in place to identify and address misconduct before it's destructive to the workplace environment and before it creates what can be really significant financial and reputational [risk] for the company."

She also mentioned her pro bono practice surrounding reproductive rights. She said the work she has been able to do in Ohio and Montana to restore and maintain abortion access has been rewarding.

"Abortion restrictions disproportionately harm women, people of color, low-income and rural communities, and when I'm in Montana and Ohio, which is where I do most of this work, I hear firsthand about how having access to care or being denied access to care changes the course of people's lives," Diamond said. "It's incredibly meaningful to be able to do this type of work, and I'm really proud of it."

WHAT MOTIVATES HER:

Diamond said that being a compliance attorney in and of itself is motivating because it requires her to be creative and practical.

When the U.S. Department of Justice is evaluating a compliance program, Diamond said two of the most important questions are: Is the program well defined, and does it work?

"Creating policies that are clear and understandable, training employees to do the right thing when no one's looking, putting in place reporting channels and investigation processes so that you can identify and address issues early, and then setting the right tone at the top so that employees speak up when you need them to, it's hard," she said. "And it requires lawyers to really think about the employee experience and be practical."

An effective compliance program has to be able to improve and evolve, Diamond added, so being a successful compliance attorney requires her to constantly be well versed in cutting-edge policy, technology and other real-world changes.

"Compliance isn't just about preventing misconduct and ensuring everybody follows laws and regulations. That's obviously important, but it's also about the positive impact a robust compliance program can have on companies, on the people that work there, and then on society more broadly," she said.

OTHER NOTABLE CASES:

In addition to her work in reproductive rights, Diamond advises companies and financial institutions involved in the cannabis and psychedelic industries.

Diamond said she advises companies on how to structure mergers that are compliant with the Controlled Substances Act and U.S. money laundering laws, and she has helped financial institutions set up systems to interact more safely and comfortably with cannabis businesses.

HOW SHE THINKS HER PRACTICE WILL CHANGE IN THE NEXT 10 YEARS:

Diamond said she believes advancements in computing power and digital networks will transform the speed of innovation and communication and, thus, change the compliance game.

"AI is an example on the innovation side ... [it] has the potential to spread disinformation and misinformation at unprecedented speeds," she said. "So what that means is that regulations and

companies are often playing catch-up, and we see now that gap is widening. Bridging that divide in a way that promotes safety for individuals, consistency with laws and regulations, and maximizing social good will be increasingly important."

— *As told to Katryna Perera.*

Law360's Rising Stars are attorneys under 40 whose legal accomplishments belie their age. A team of Law360 editors selected the 2023 Rising Stars winners after reviewing more than 1,350 submissions. Attorneys had to be under 40 as of May 1, 2023, to be eligible for this year's award. This interview has been edited and condensed.

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