

Megan Daily's Corporate Expertise Gives Small Businesses a Boost

By John Murph

Growing up as a military brat, Megan Daily, an associate at ArentFox Schiff, learned the value of serving others.

Although both of her parents were officers in the U.S. Air Force, Daily did not follow in their footsteps, opting instead for a career in the legal profession.

"I would not say that I was a disappointment to my family for not going into the military," Daily says. "Still, it was always driven into me from an early age to be disciplined and to make sure that I was doing something for more than just myself."

Joining ArentFox in November 2019, Daily works in the firm's corporate and securities group focusing on mergers and acquisitions across various industries. "Even though I did not go directly into public service, I knew that I wanted to be able to do something for others along the way," she says.

"When you work at a law firm the size of ArentFox, you get very focused on a certain type of clientele, which is good in terms of driving business, but that is not necessarily where I want to focus, especially as I am looking to drive our community up," says Daily. "I think it is more important to give back to the people who do not necessarily have access to the same sort of legal counsel that you would get by paying the hundreds of dollars an hour that large law firms charge."

Two months after joining ArentFox, Daily found her opportunity to serve others by volunteering with the D.C. Bar Pro Bono Center's Non-profit and Small Business Legal Assistance Programs in January 2020 — just two months before the COVID pandemic put the world in a

tailspin. Here, Daily shares her inspiration for becoming a lawyer and her experiences with the Pro Bono Center during those early pandemic years.

What was it like to volunteer with the Non-profit and Small Business Legal Assistance Programs?

The first time I volunteered with the clinic, it was in person. I was able to meet Christine Lopez Kulumani and the rest of the team and to experience the program in the way it was designed to be conducted. Then everything changed in March 2020.

The pandemic took a lot from us, but there are some things that it gave us. One was allowing us to learn more about ourselves and how we can best provide access to valuable legal advice and support, especially to our clients who don't have the means to meet with us physically, during the pandemic and otherwise. Through the pandemic, we learned how valuable, efficient, and relatively easy it is to set up the Small Business Brief Advice Legal Clinic so we can meet our clients where they are. As we developed the remote aspect of the clinic, we developed stronger connections with our clients and a stronger camaraderie among volunteers.

A lot of small businesses and nonprofit organizations were under the gun during the pandemic. Revenue streams were drying up or abruptly stopped altogether. Tell



Courtesy of Megan Daily

us about some of the cases you handled as a volunteer.

[The pandemic] certainly had a depressing effect on the economy, even if just in terms of the number of small businesses that were able to keep the lights on. For [some] people who wanted to start small businesses, [the pandemic] might have quashed those dreams or quieted them for a while. The pandemic forced some people to redirect their efforts toward maintaining the jobs they had currently in order to keep their own lights on at home. For small businesses in the fledgling state, it was a tough time.

We had clients looking to see what grants they might be able to take advantage of, what they might be able to do if they were to be evicted, and what they would do if they were unable to fulfill contracts (like if they were the vendor and the counterparty no longer wanted those products, or if they were an event planner and no one wanted to host any events).

There were a lot of small businesses I worked with personally that grew and developed out of the pandemic because they saw an opportunity. I think they viewed the pandemic in a similar way to how the Small Business Brief Advice Legal Clinic saw it — as a way to help people where they were. A lot of people were able to adapt business models to a new way of life.

In that way, such small business owners were able to avoid putting off their plans for starting or growing their businesses. They were able to modify them or to come up with brand-new ideas. I cannot tell you how many people I worked with who wanted to start a therapy, counseling, child development, or tutoring business. All of these businesses could be conducted in some sort of virtual fashion that enabled social distancing.

Any cases that were more memorable than others?

A lot of the work that I do through the clinic is helping clients start their small businesses — forming and registering entities; applying for the right certifications with D.C., Virginia, or Maryland (depending on where they are looking to organize); putting bylaws or operating agreements in place; determining how to treat employees and independent contractors; and generally getting their ducks in a row.

Most of my clients fall into two buckets. I have one group of clients who have very clearly done their homework. They are very Type A people. They come in and say, “Yep. I have already done this, this, this, this, and this,” and they can show me all the documentation of their doing so. It’s incredible the amount of work that they have been able to do on their own. It is a testament to the small businesses in the DMV that they come in and are ready to go but maybe have a few specific questions.

Then on the other side, I have a group of clients who are in the very beginning stages of starting their small businesses. They may have an idea about starting a small business but have done next to nothing to actually get it up and

running. They come in saying, “Oh, people have always told me I am such a great caregiver,” or “People have always told me I make unique hot dogs or great empanadas. I want to start a food truck.” Compared with the first group, this group is completely at the other end of the spectrum.

It’s rare that I get somebody who is in the middle — someone who has taken the first steps toward starting their business, but then they say, “Oh, I don’t know if I actually want to register.” I get a few of those.

One of the more interesting cases I have had was with a client like this — a client who had all of their documentation in order but did not know if they actually wanted to start their business yet. They questioned whether it was actually worth it to make the filings and get the documents signed. This was a consulting business, [like] a lot of the small businesses I assist. This client had been doing work, but under their own individual name. I had spoken with them about how important it is to start an entity and have all of the documentation in the entity’s name, rather than the owner’s individual name, in order to preserve the liability of the business away from the owner.

They said, “Yep. I looked at that. I listened to the training course. I have all that stuff. I just don’t know whether this is what I want to start. I just do not see the benefit. Maybe it would help if I waited.” This person had done all the background work but was trigger-shy; the primary thing standing in their way was themselves.

That was definitely one of the standout cases for me. I told the client, “Well, feel free to come back to the clinic once you decide you want to proceed.”

What inspired you to pursue a career in law instead of going into the military like your parents?

I went to undergrad [at the College of William & Mary] and studied economics and finance. I had known from a young age that I wanted to be a lawyer. That came from watching Sam Waterston’s portrayal of assistant district attorney Jack McCoy on *Law & Order*. But I did not go into law to become a litigator.

I call myself “crippingly extroverted.” I love talking with people. I love making new friends, and I do not know any strangers. The problem I would have with being a litigator is that if I got up in court and the judge said, “Your opposing

counsel says XYZ about your client and it is damaging to your case. Do you not agree?” I would say [if it were true], “That is true. I agree!” And then it would be over for my client.

When I went into law, I knew I wanted a business bent because I had a business background. I knew I wanted something that could reach internationally but still have something domestic. I am more focused on mergers and acquisitions and negotiation, where I can take a stance for my client. I can advocate positions but still find middle ground. I think that is a certain aspect that might not come as naturally for litigators.

This spring, you received the Roger Pascal Pro Bono Award from ArentFox. Share your thoughts on being its first recipient.

I was surprised and honored. It was definitely one of the highlights of my career. As clichéd as it sounds, I did not do the pro bono work for an award. For me, it’s rewarding enough being able to work with the people at the D.C. Bar Pro Bono Center. They’re an amazing group of individuals. I’ve learned so much from working with the other attorneys who volunteer there and from the attorneys and staff who work at the center.

I get so much out of [volunteering]. I get to develop my skills, even going back to the basics of entity formation and organization. It’s something that I get to hone and practice. Moreover, I get to learn more about how to interact with clients, especially in developing digestible and palatable language to discuss complex legal issues in more business-related language.

I’m most honored to receive the award because it brings more visibility to the Nonprofit and Small Business Legal Assistance Programs and the D.C. Bar Pro Bono Center. 🏆

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Attorneys, paralegals, and law students interested in volunteering with the Small Business Brief Advice Legal Clinic may email NPSB@dcbbar.org.