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Joshua I. White

At Bamko, GC Joshua White helps brands bring their creative ideas to life.



Joshua I. White

General Counsel
Bamko Inc.
Los Angeles

Size of legal department: 1 attorney

LOS ANGELES - A red, 20th anniversary Mighty Morphin Power Rangers helmet DVD box set, a Dunkin' Brands Inc. silver vintage mug, and lanyards for the pop documentary "Michael Jackson's This Is It" are just a few of the memorable items produced by Bamko Inc. and displayed prominently throughout its new office in Brentwood.

To ensure that over 400 recognizable brands - including Google Inc., Coca-Cola Co., and Adidas AG - all get a piece of the creative pie, Joshua I. White is the one-man legal department making sure everything is in order for these companies to partner up with Bamko to design, assemble and distribute one-of-a-kind marketing and core

retail products in the United States and abroad.

Bamko, which has offices in five countries, designs products with textiles, glass, plastics and metals for clients that want additional brand-specific products for events and promotions or for regular sales. The company sends blueprints to one of roughly 2,000 factories in China and waits to have its ideas come to life in millions of products.

"That's really our biggest differentiator: We have boots on the ground," White said. "We do extensive quality control on every single product we manufacture. We find that there's a lot of trepidation out there about manufacturing in China because you don't know what you're going to get. You send your design off, and a few months later, something comes back on a boat and you hope it's what you agreed upon. We have found a way to get around that obstacle with sheer manpower."

Recently Bamko has landed even more high-profile contracts with companies such as Krispy Kreme Doughnut Corp., Jim Beam bourbon of Beam Suntory Inc., New Balance Athletics Inc., and DirecTV LLC. Transparency in the service and in the process behind production, White said, has made Bamko a trusted partner in the industry.

Before joining Bamko in-house, White was an associate at Enenstein, Ribakoff, LaViña & Pham APC working with the company as outside counsel. Then the UCLA School of Law grad brought up the idea to the executive team on someday becoming the general counsel.

"I didn't even really understand or know what a general counsel was," he said. "I always saw the practice of law as an entry point to being a trusted advisor and helping other people that I like, that I trust, and that I respect build and grow a business."

Eventually, after he and the team discussed what an in-house lawyer could do for the company, White became the first general counsel at Bamko in 2013 when the company's skyrocketing growth warranted such a position.

Since transitioning from outside counsel to inside counsel, White strengthened Bamko's relationships in the newly charted waters of Chinese law, now traveling to the country at least once a quarter. He also negotiated the lease for the company to move from the California Market Center in the Fashion District to Wilshire Boulevard in Brentwood earlier this year. Once the ink dried on the lease, White moved into the neighborhood to enjoy a four-block daily walk to the office.

Daily Journal staff writer Kibkabe Araya recently sat down with White to discuss how he's strengthening the company's status in China and helping the global brand grow. Here's an edited transcript of their conversation:

Daily Journal: How does intellectual property tie into your work?

White: IP is a factor in everything we do here, particularly because so much of our manufacturing base is in China. We have relationships with over 2,000 factories in China - none of which are our own. Obviously, everyone who does work in China and is aware of how business works in China has concerns about IP infringement and protection of IP, so it really is a primary concern of ours. It's important that we're doing things both from a relationship standpoint and a contractual standpoint to protect the IP of all our clients, so a lot of my time and effort is put into strengthening those relationships in China, then making sure we have the contractual backing and processes in place to make sure there's never a breach of any of our obligations or anyone's IP. My general rule is that, unless I tell someone otherwise, assume that everything we do is confidential. That's part of the training we give to every one of our employees: That they should treat every one of our customers' designs, information, products, launch schedules, and basically everything we do, everything we come in contact with, [as] an obligation to treat it with the utmost degree of care. The tricky thing about our business is we're working with so many manufacturers in China that we have to put really, really robust protections in place to make sure that nothing gets out. Even if it's tangentially confidential, we still want to be as careful as we possibly can because people place their trust in us and we take that trust seriously.

DJ: What regulations does your company have to comply with when it comes to manufacturer and consumer safety?

White: There are the regulations we have to comply with, and there are the ones we voluntarily comply with. We typically go well above and beyond the basic level of regulations for all of the products we make. That's really one of the ways we differentiate ourselves. We do a level of testing and quality control beyond the standards of any countries we import into. The actual regulations depend entirely on the country of import and the product we're making. If we're making a product for babies, it's much different than products for adults. If you're importing products to South America, there are different regulatory standards than in North America versus Europe. We have a whole testing department that I work with in China, and their responsibility is to be fully informed of all the regulatory requirements for every market we go to. For every single product we make, we do sort of an in-depth analysis and say, "Here's the standards we need to hit, and here's what we're recommending above that." Every so often we'll have an argument about that with customers, but we're always the ones pushing for a higher testing standard and usually the customers we work with are working with us for that reason and they come to us because they know that we're the experts in that field. We're the only company that I know of that's received a referral from the Consumer Product Safety Commission. A couple of years ago, someone came to the Consumer Product Safety Commission and said, "We just had a recall and we're really worried about making safe products. Who can we work with?" And they said, "Bamko is the only company we can possibly recommend." That's a nice feather in our cap.

DJ: Bamko partners with many different brands to make products. What types of contracts do you deal with?

White: It spans the whole gamut. At the most basic level, we make products, so a lot of the contractual work and the transactional work that we're doing involves the production of goods. We work with a number of really large brands, a number of Fortune 500 companies, so every one of them has their own master service agreement or manufacturing agreement. There's a lot of sort of back-and-forth to make sure that we do and can comply with those agreements. The thing that is interesting about our business is every deal is going in two directions. We have to make a deal with our customer, but we also have to make a deal with a factory in China because we don't own any of our own factories. Every single deal has double the amount of legwork and double the amount of transactional work. Really one of my main focuses, when I came on board, was gaining a mastery of the Chinese legal system. When I came to Bamko, everyone else told me, "China is the Wild West when it comes to the legal world. Don't even bother. There's not a lot of respect for contracts out there. There's no purpose of litigating in China. Just hold on to your hat and make sure nothing bad happens." Our culture here at Bamko is highly competitive. We often say, "fight it out and figure it out," which means find a way to do what other people tell you can't be done. So one of

the first things I did was I went out to China and met with more attorneys than I care to remember and challenged the assumption that there's no purpose in really tackling contractual law and no purpose in establishing those types of relationships. And what I found out was that a lot of the assumptions of what folks had said about the legal woes in China really weren't true. There were ways to make the legal system work for you in China. Now, we definitely had to be thoughtful, careful, clever, and intentional, and everything in China is predicated on a relationship, so it would be naïve to say that we have good contracts in place now and so we're fine. We always back up every contract with a dedicated commitment to developing and maintaining a relationship, but what we've learned is that there's hope. There's a whole world of possibility using contracts and navigating the legal system in China that most people are still unaware of. It's become much more sophisticated in the last five or 10 years.

DJ: What types of litigation does the company see and how do you try to keep it down?

White: Hopefully, we see none. So far, we've managed to avoid getting sued, but it's a two-prong approach. We have an amazing general manager in our China office. I'm very close with him, and I've learned a ton from him. He's a U.S.-born guy, but he's been out there for over 10 years and has a great understanding of that market. One of the things I learned from him is that so much of what we do is about setting expectations both with our Chinese manufacturers and U.S.-based customers. We have this constant obligation to properly set expectations in both directions. We're sort of playing this ongoing game of telephone where the customers are communicating to us, and we're communicating to a factory in China. The factory in China is communicating back to us, and we're going back to our customers. It's back and forth. We're so meticulous and intentional in our communication to make sure we're setting those expectations very, very clearly upfront and consistently with both our customers and our vendors, so that we can avoid any issues.

DJ: What firms do you use for outside counsel and what are you looking for in these attorneys?

White: As an attorney, I have such strong opinions on other attorneys. I find that most attorneys really struggle to understand the mind of a businessperson. Most attorneys think like attorneys as opposed to businesspeople. They don't realize that legal services are a means to an end rather than an end to themselves. I think I have the ability to distinguish between what a good attorney is who communicates effectively and not. Paul Derby, who's the managing partner Derby Curtis; he's an absolute rock star. I've never met an attorney quite like him. He's become a close friend, a trusted confidant, and is just incredible at what he does and has been super valuable. Cynthia Hackler at Hackler Flynn has been a really great partner for us. A guy named Tyler Dowdall [of Epport, Richman & Robbins LLP] is really sharp. Diana Estrada at Wilson Elser is an employment attorney who's been a really good resource. For me to be able to go and drop her a quick email and ask a quick question or bounce an idea off of her. To have folks out there who are experts in their field and have that dedicated area of expertise where they don't have to spend a few hours researching an answer, they just know it, that's an invaluable resource to me.