

Adding Value to the Business

An Interview with Sharon P. Marshall,
General Counsel, Active International



Sharon P. Marshall

EDITORS' NOTES Sharon Marshall assumed her current post in July 2002. She joined Active International in 1993 as Associate General Counsel. Prior to joining Active International, Marshall was Corporate Counsel of the DSN Companies. Before Marshall moved into the corporate sector, she was an Associate at the law firm of Epstein, Becker & Green. Marshall received a BA from Clark University, an MSW from Wurzweiler School of Social Work, and a JD from Benjamin N. Cardozo School of Law.

COMPANY BRIEF Founded more than 20 years ago and based in Pearl River, New York, Active International (www.activeinternational.com) is recognized as the global leader in corporate trade, providing financial benefits to Fortune 500 companies in virtually every industry. With offices in 17 countries, the company acquires under-performing assets – including surplus inventory, real estate, and capital equipment – at up to their full original value, in exchange for cash and/or a trade credit, which is used to offset future operating expenses.

How do you define your role as General Counsel for Active International? How broad are your responsibilities?

It is my responsibility to deliver the highest possible quality of legal services to Active International, but I have to bring more to the job than just good lawyering. I need to add value to the business by collaborating with my

business colleagues, providing innovative ways to legally structure transactions while minimizing risk, and maintaining and promoting integrity, ethical behavior, and best practices within the organization.

How does Active's global network of offices impact your work as General Counsel?

Having offices in various jurisdictions throughout the world is definitely a benefit, and provides a lot of flexibility to our clients. For example, Active may acquire an under-performing asset from a client for a trade credit in one part of the world and allow the client to use the trade credit to purchase goods and/or services in another part of the world. Every contract that is generated by any of Active's offices throughout the world is drafted by one of the attorneys in Active's U.S. corporate office. Each attorney coordinates with local counsel in each country to ensure that the contracts comply with applicable laws. When there's a need for discussion with the international offices, our attorneys are able to discuss the issues by telephone or e-mail. They also are connected to Active's global network from home and are able to address issues in the international offices after hours.

Do you deal with different legal issues in each jurisdiction?

There are certain laws and concepts that are consistent across borders. However, we also need to deal with an ever-changing array of laws on a country-by-country basis, keeping abreast of the impact of these changing laws in each of the jurisdictions and modifying our agreements in each country accordingly.

How do you communicate the value of Active's services to your clients?

One of our goals is to assure our clients that we will distribute their assets through the proper channels, and that the media, goods, and services that Active provides them will be of the same quality as those they would purchase entirely for cash through their agencies. Clients want to know that they will be compensated on the same basis as they would be by their agency, in the event that the media doesn't run as purchased. Active tries to assure its clients that there will be transparency in the purchase and resale of their assets and that the goods and services they receive through Active will be of the same quality as if they were purchased entirely for cash, regardless of the fact that Active is providing them on a trade basis.

Do your prospective clients have an

adequate awareness of the services Active provides?

Our sales executives are out there promoting the different kinds of businesses we're in, but there are still many people who aren't familiar with corporate trade. That said, it's becoming very well entrenched in Fortune 500 companies' business models, and many of our clients use corporate trade in their procurement of services. In fact, we are now getting requests for proposals from major companies for competitive bidding on the purchase of assets and the provision of media, goods, and other services.

Is the media side of the business Active's main focus?

There's no question that media is the lion's share of our business. We place more than \$1 billion in media annually on behalf of our clients and we're very proud of our expertise in the media business.

Has there been growth on the travel side as well?

Absolutely. We have become involved in the flat-screen TV distribution business, and we're working in tandem with hotels to acquire these TVs on their behalf, and in return, they provide us with hotel room inventories, as well as meeting space. This is helping us to grow our travel business tremendously.

Do women have significant opportunities within Active?

Absolutely. The solutions and services that Active provides to our clients are only as good as the employees who provide them. So we are committed to developing an organization filled with talented, bright, energetic, and creative people who have a strong desire to achieve. A strong asset of our corporate culture is our ability to identify talented individuals and allow them to grow at Active. While this philosophy is true for all of our employees, Active has a track record of nurturing its female employees and allowing them to grow in their careers at Active.

What excited you about the opportunity to join Active International's legal team?

When I first came to Active, it was a small organization with a great opportunity for growth. I was excited and challenged by the opportunity to work here. Each day was different, and that was exhilarating.

Fifteen years later, do you still enjoy your job?

I tell people this is the most fun I've ever had being an attorney – and it's true. ●