



Corporate and Association Counsel Division

by Rachel V. Rose

An Interview with Ken May — CEO and Philanthropist

Rachel Rose: Please tell us about your background and your path to executive positions with FedEx, Krispy Kreme and Topgolf.

Ken May: I started off working for UPS in college, unloading boxes to pay for my school. I was lucky enough to get into a management position at UPS when I was in my third year of college. Soon after, a small, fast-growing company named FedEx called and asked if I would interview for a manager's position in its Memphis (Tennessee) hub operations. I was fortunate enough to get the job. I ended up working for FedEx for 25 years and had 13 different jobs ranging from running its worldwide operations to eventually becoming the CEO. I retired from there in 2007 and thought I was through working. It took me about a year to figure out that was a mistake. I bounced around to several jobs, one of which was the president of Krispy Kreme. That was a sweet job. Topgolf came calling in 2013, and I now have the best job in America. We are seeing explosive growth, going from having 5,000 associates to 10,000 during 2015. Beyond that, it's a fun place to work, and we were recently recognized as one of the top places to work in several cities where we operate.

RR: Having worked with major, publicly traded companies and, now, a privately held company, what are the biggest differences you have observed between being an executive in both scenarios?

KM: Working for a publicly traded company is very different than working at a fast-growing private company. My experience is that publicly traded companies operate more slowly and have a lot of bureaucracy, while private companies are more nimble and execute faster. I make decisions at Topgolf in a one-hour meeting that would have taken months at FedEx.

RR: What advice do you have for companies that are moving from privately held to publicly held?

KM: Hire great people. We are growing in excess of 100 percent year-over-year. It's easy to make a decision to hire just "good" people to keep up with what's going on today. We are constantly talking about going a step beyond to hire "great" people who will prepare us for the massive growth we will see for years to come.



RR: From your perspective, what has your experience been like utilizing both in-house and external counsel?

KM: I've always preferred a mix of in-house and external. I like having someone on staff who has a seat at the table and can help guide us through the discussion of important issues. When we need specific expertise, I like having the ability to hire a subject-matter expert to help us.

RR: What traits to do you value when hiring attorneys?

KM: I want the smartest ones I can find. I also value the ability to be able to play well with others. We have a very unique culture at Topgolf, so being a team player is very important to me. We have a "no jerks" policy that we follow.

RR: Recently, the U.S. Court of Appeals for the Seventh Circuit in *Carlene M. Craig et al. v. FedEx Ground Package System Inc.* agreed with the findings of the Kansas Supreme Court that FedEx drivers are employees and not independent contractors. As a CEO, what can other companies learn from this?

KM: I would prefer not to comment due to my past association with FedEx.

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RR: Topgolf operates in a multitude of states and countries. What are the most significant legal areas that you deal with, and how do you balance state, federal, and international laws with corporate growth?

KM: As a growing business, we encounter legal issues every day and spend much of our time on matters relating to labor and employment, intellectual property, corporate law, and real estate and development. Topgolf's rapid expansion is taking us into unique locations across the country, and we already have three great locations in the United Kingdom, as you know. We are very sensitive to state and local laws (as well as international laws) that may differ from one jurisdiction to the next, and we hire the best local consultants and attorneys in each jurisdiction to help us navigate unique issues that may arise.

RR: You have always held a firm belief about corporate social responsibility and philanthropy. How have your experiences as chairman of the board for the March of Dimes, as well as your involvement with Night of Superstars, enriched you both as a person and as a CEO?

KM: Giving back is something that my parents instilled in me. I believe that we have the responsibility to help others whenever we can. Paying it forward is something that I try to live by every day. I got involved with the March of Dimes 14 years ago after my daughter was born prematurely, weighing only 2 pounds. I truly believe they saved her life, and that is the reason I got involved. Night of Superstars has to be the coolest event I get to be involved in. It recognizes people who have overcome great odds to make a difference. It is amazing!

RR: What personal and professional accomplishments are you most proud of?

KM: Personally, it has to be the birth of my daughter. She is a special young lady and overcame a lot in her life to become an amazing young woman. Professionally, it has to be going from being a shy, geeky kid in high school to the CEO of one of the fastest-growing companies in the world. I am blessed beyond belief. ☺

Letter to the Editor

Many Thanks to Hon. Becky Thorson Editor in Chief, *The Federal Lawyer* 2013–2015

I have had the great privilege of working with Judge

Becky Thorson for many years as she progressed from editorial board member to assistant editor and, for the past three years, as editor in chief of *The Federal Lawyer*. I have great respect for her, as she led the effort (with managing editor Sarah Perlman behind the scenes) to transform the magazine into the polished production it is today. Judge Thorson has also been a tireless supporter of the judicial profiles, which I edit and which run each month in the magazine. These profiles, many of them months in the making, involve finding judges willing to be profiled, authors willing to write the profile, and a gentle hand to make sure the profiles are finished in time for publication. Judge Thorson has consistently been supportive of the magazine's efforts to show the federal judiciary in the best light—and for that I will always be grateful. I am reminded, in particular, of the hard work and many hours we spent producing “U.S. Magistrate

Judges: A Special Issue” (May/June 2014)—the largest issue of *The Federal Lawyer* ever produced—and the profile “Thank You, William K. Suter, 19th Clerk of Court, U.S. Supreme Court” (September 2013). During the past year, Becky, as we all know her, was honored by being selected as a U.S. magistrate judge in the District of Minnesota. With her usual Midwestern modesty, Judge Thorson politely declined the subsequent offer to profile her (and will undoubtedly be embarrassed by this note in her honor). In my view, the federal judges in Minnesota wisely selected as their newest magistrate judge a lawyer with great integrity, extreme intelligence, and a passion for the federal courts. Judge Thorson, congratulations on your great success with *The Federal Lawyer*, and thank you for your many years of dedication to the magazine and the important work of the Federal Bar Association. ☺

—Hon. Michael Newman