



**HL INFLUENCERS:
DIGITAL TRANSFORMATION
TRANSCRIPT**

KEBHARU SMITH
AMAZON COUNTERFEIT
CRIMES UNIT

Leo von Gerlach	Hello everybody and welcome to another edition of The Influencers, our podcast conversation on digital transformation and law. I'm Leo von Gerlach and with me today is Kebharu Smith. Kebharu heads Amazon's Counterfeit Crime Unit, which prevents all type of illicit activity on the Amazon marketplace. He joined Amazon from the U.S. Department of Justice, where he served as a senior trial attorney in their computer crime and Intellectual property section. Let me also say that Kebharu is a very good friend of mine and it's always a great pleasure just talking to him and listening to what he has to say. With that, very good to have you, Kebharu.
Kebharu Smith	Thank you for having me, Leo.
Leo von Gerlach	Let's dive right into it. And perhaps a little bit of context on your own trajectory. What sparked your interest in law at the very first place?
Kebharu Smith	<p>You know, Leo, as far back as I can remember, I knew I wanted to be an attorney. I think I was maybe 8 years old. I think a large part of it was just the love for discussion, debate, conversation and at the time my father was teaching at the college level and both of my parents were educators. As I was growing up just watching my father and these discussions and being a student, a perpetual student, a student of history, I know his desire and passion was to be an attorney as well. But at some point in time I just said this is my chosen profession.</p> <p>As I grew older, there were some key individuals and figures in life who just always inspired me. Of course, Thurgood Marshall was a key inspiration for me as a student of civil rights and as I was a young man during my college years, my early college years, one major case that really impacted my life and that was the OJ Simpson trial and watching the lawyers in the courtroom try that case, I knew that (one) I wanted to be an attorney, and (two) that I wanted to be a trial attorney, perhaps with some focus on civil rights in light of my passions there. Watching the in-court drama, the opening statements, the cross examinations, and it was truly a moment where for a year plus you could see a real life trial played out before you</p>

	<p>and see the dynamics and understand what court room decorum is and how to make your case and how to deliver your case and all those things that really just spoke to my desire to be an attorney. And that just kind of pushed me further to want to be a trial attorney, which I did when I joined a local DA's office in Texas and then joined the US Department of Justice.</p>
<p>Leo von Gerlach</p>	<p>I can totally see that. I mean US trials and the whole drama that they entail is something so much different from these kind of more boring hearings we have over here in Europe, so that's I think a very, very good reason to join the law, but perhaps going back a little bit further in your personal story. You mentioned your family: your father, also your mother, you grew up with a number of siblings and it always struck me that most, if not all, of your siblings grew into extremely prestigious professions in academia and industry and government. So, what has been the magic potion, if any, and what was kind of the difference that your home distinguished possibly from others that gave such a fertile breeding ground?</p>
<p>Kebharu Smith</p>	<p>Great question. And I think that that requires me giving a little more background and providing more context. And thank you for the compliment, and it speaks to my parents and their legacies and their stories. I truly believe that in my household and my stories, one of the most quintessential American experiences when I think about how I was raised, is my family's background. And it's interesting because as I was thinking about this podcast and some of your questions, it really gave me the opportunity to just reflect on both my journey and gratitude for my parents and those who came before me.</p> <p>And the reason I say that it's one of the most quintessential American stories and I'm a part of that, is when we think about my parents. My mother's family is from Wilmington, North Carolina. Historical context: in 1898, there was a coup that existed in Wilmington, NC where duly elected officials were run out of town. Several of the leaders were African-American leaders at the time, post-reconstruction. My mother's family was directly impacted by that. My mother is from Brooklyn, New York. She's a part of the Great Migration, which historians know about, the migration of African-Americans from the South to many places in the North, the Midwest and the West Coast. And my father is an immigrant from the Republic of Trinidad and Tobago, but they met in Brooklyn, NY and within the City University in New York Medgar Evers College. I think that, that background, their shared stories really provided a fertile kind of international migratory ground for me and my siblings to really thrive in this country.</p> <p>We grew up with a load of books in our house, our home. We grew up reading a lot. We grew up very worldly. We had people from all over the world who either visited us or stayed at our home. With my</p>

	<p>father being a college professor, that really provided the opportunity for me to grow up on college campuses and interact with professors and students at a very young age. And you know, for my mother, she just had this kind of New York style grit and hustle, and she brought that to the South, where I grew up in Tyler, Texas. She demanded a lot for her kids, made sure that we had every opportunity to excel in class, made sure that each of us sat on the front row of every classroom we were in. And one thing she did early on for each of us is that she had us tested at an early age to see how we learned, and she made sure that as we were learning in our classrooms and in our households, that whatever our learning style was. Whether it was visual, whether you [prefer] auditory learning or what have you, [she ensured] that our learning style was complemented by our individual personality. And so it really created a breeding ground for us to succeed. And as a result, me and my siblings, I think we've done really well and, again, I go back to those are the types of stories and experiences that we, and opportunities that we have in this country. It's an Americana experience, but it also involves an international migratory experience as well, which many of us in this country I believe have, and I'm proud of that.</p>
<p>Leo von Gerlach</p>	<p>Well, there's so much good parental advice and what you just said. And just I have listened very carefully and perhaps one follow up question. You mentioned that both from the mother and the father side, there is an African-American influence predominantly. Would you say that this had any impact on the perspective you take on the successes you have and the challenges you face and overall perspective?</p>
<p>Kebharu Smith</p>	<p>There's no question about it. I'm well aware of my parents, for example, I mentioned my mother's history, I'm well aware of that history. My grandfather, for example, fought in the US Army in World War 2. He was in the segregated army at the time, and my parents grew up during the heart of the civil rights struggle. They were deeply involved in that, in Brooklyn, at Medgar Evers College at the time. And so they also kind of gave us that perspective and that grounding and that awareness; both to be aware, but to also operate within and excel within, and I've also taken that with me. I believe that a lot of that has powered me. It's inspired me. It's pushed me forward. It's never and hasn't been a blocker for me, but it ends up motivating me, but also makes me well aware as I lead and as I step into roles and spaces of what my obligations are and what my responsibilities are to those who are coming behind me. So, yes, it is baked into the fabric of who I am.</p>
<p>Leo von Gerlach</p>	<p>Great. I mean with all that educational and just formational equipment fast forward into the Department of Justice. As a senior trial attorney, I think that's a lot of stress. There is a lot of tension you need to bear. Just tell us perhaps a little bit about your experience</p>

	there and what you think just makes a difference.
Kebharu Smith	<p>What's fascinating, because never in a million years that I think I would have been a prosecutor. As I mentioned, I saw myself doing civil rights law, being in the courtroom but it was during my time at Thurgood Marshall School of Law that a dear friend of mine, Claude Marklin, who became an Assistant District Attorney in Houston, he knew my passion for trial work. He knew my work with my trials and my desire to be in the courtroom and he encouraged me to give the DA's office a spin to cut my teeth on client cases. I struggled with that a little bit, based on kind of where I was at the time, and my belief system, but I decided to give that a chance and decided to go in and be a prosecutor. And I ended up really falling in love with that work; started out in the DA's office in Fort Bend County, right outside of Houston. Had a mentor there, [Judge Train], who pulled me into the courtroom, and I was trying cases early on, and it just ended up turning into the first days of my career path. I tried so many cases with picking juries, really enjoyed the jury selection as we call it in Texas, voir dire, I think across the United States, they refer to it as voir dire but I really enjoyed that, and enjoyed trying cases. Ended up working in Harris County DA's office in Houston and trying everything except non-death capital murders and really was able to connect with victims of violent crime and represent them and speak on their behalf, on behalf of the States of Texas and then transferred over to the US Attorney's Office in Houston, where I was able to get my toes in white collar crime and IP crime, etcetera.</p> <p>And those opportunities really opened up a whole new world for me to include traveling and training judges all over the world and prosecutors all over the world in law enforcement. And it just really created a glide path for me to what I'm doing now. And so that career path, it's one thing that I'll say is that it just reminds me of my journey and just reminding people that your journey will never really be direct, it will never be a direct path. You will step off the path that you may have seen for yourself, but just follow your instincts and enjoy the journey and just enjoy where you will end up landing. And I've been able to live that out.</p>
Leo von Gerlach	<p>Very, very gripping story and I just happened to know that you were also eyeing academia and tried that out, but and you were considering it, but just with the impact you could have as a trial attorney, that was probably too strong attraction to Western academia. What were the triggers and drivers at the time?</p>
Kebharu Smith	<p>Growing up, both of my parents were educators. My mother taught at a private school. My father taught at the college level. So there was always a desire to do something related to education or teaching.</p> <p>I didn't see it as my full-time career path, but while I was a state</p>

	<p>prosecutor in Houston and the federal prosecutor in Houston, I was able to go back and teach at my law school, Thurgood Marshall School of Law, teach students trial simulation, teaching them the ins and outs of the courtroom, courtroom decorum, opening statement versus a closing argument, and what those are versus what they're not, direct examination, cross examination, rules of evidence. And so I was able to bring my skills that I learned in the courtroom back to law students at Thurgood Marshall. I really enjoyed that work, and I could see myself getting back into that space sometime down the road. I just love watching students cut their teeth, even in a mock trial setting, being a being a trial lawyer.</p> <p>For me, being a lawyer means trying cases, and so that's always been my approach to this and I believe that every law student should know how to try a case at the end of the day. And so I was happy to be able to bring that back to students from my school.</p>
Leo von Gerlach	<p>Speaking about students and young people, perhaps you have also some good advice in terms of overcoming challenges, situations where you really felt under significant pressure and just anxiety to not deliver, but then you just made it from every step to the next. So perhaps some recommendations for me and our younger listeners.</p>
Kebharu Smith	<p>Yeah, a couple of things. (One), I mean, I've talked to colleagues, friends, supervisors, about even some challenges that I've had with impostor syndrome or trespasser syndrome or other ideas. It typically involved what I would describe as a mental heckler or someone in your head, or just an internal thought in your head saying you're not ready for this moment, or you can't do this. And so part of the challenge is just resisting that and knowing that you are bringing your own uniqueness to whatever space you're in. And I've grown through that and fought through that, so just resisting the impostor syndrome that we often have wherever we're coming from. And that's not based on just racial background, it could be economic background. It could be because I didn't go to this Ivy League school or whatever. And so I think what's critical to that is just remembering that it's all about the journey. It's not about even the destination. So much is happening in your own journey that it's prepping you for whatever spaces and doors you're walking through. So that's one piece of advice as it relates to just the grit and resilience.</p> <p>I also would just encourage people to continue to be perpetually curious outside of college. And one practice tip that I would just pass on is to just read. I always have a book or two that I have in my hand or in my Kindle that I'm reading. Because I like to step outside of my comfort area, my substance area and be curious about what's going on in the world. And I think that reading, I feel like sometimes is becoming a lost art, and that may be a newspaper, it may be a journal, it may be a book. So I would encourage people to read</p>

	because you're able to explore the world and areas that are outside of your bounds.
Leo von Gerlach	Just on the point of reading it, it reminded me of the Amazon policy to just come in substantive chunks if you have something to say and write about it, as opposed to just PowerPoint snippets which always struck me as particularly astute and a clever way of just letting stuff sink in, so I strongly sympathize with the reading and curiosity advice.
Kebharu Smith	<p>You're spot on. At Amazon, that is a unique, peculiar approach that we have and there's a lot there that is critical and that is when you're reading and writing, it forces you to look at the contours of an issue and really hash it out on paper, to be thoughtful about it, to just sit with it versus whereas when you're drafting a PowerPoint, it doesn't oftentimes require the same depth of thought and curiosity. And so reading and writing are certainly critical to your point.</p> <p>And then I'll also name that, not everybody is going to have my background where I had such supportive parents and strong siblings, I'm on one of seven as I mentioned, and it was kind of iron sharpens iron in our household where we pushed each other. And so I think it's critical in those situations where people who don't have the same structure that I may have grown up with, to make sure you're engaged in community organizations or legal organizations or social organizations so that you have that tribe that you can lean on and they can give you that feedback and help mentor you and help you grow to the next level. Those are a couple of things that I would say.</p> <p>The last thing I would add is write out your goals. There's a phrase, write your vision and make it plain. I believe writing out what your plan is, your path is, it gives you a kind of reference point and how you're progressing towards that because that is something that I do that's always helped me as a guidepost on how I am progressing in life.</p>
Leo von Gerlach	I love these pieces of advice. They're very strongly related to words and how to intellectualize stuff and to the curious way of inventing those. So yeah, I think that is very, very, very strong and perhaps, as we mentioned it already, Amazon, you then moved on to lead the counterfeit crime unit. What attracted you to this position and what's unique about it?
Kebharu Smith	Around late 2019-2020, I was at the Department of Justice's Computer Crime and Intellectual Property section, and while there, I was handling criminal intellectual property cases, from trade secret theft to trademark counterfeiting and copyright infringement, and I had some really fun cases, cases with big brands going after international counterfeiters, going after people who were stealing

	<p>trade secrets and sharing them with other countries and companies, and around that time, Amazon was beginning to move into the DC area with our HQ2, our second headquarters, and I was contacted about a role to be involved in a team that would go after counterfeiters who were attempting to sell counterfeits in the Amazon store. It was a brand new team set to start in June of 2020 and it really piqued my interest because I was effectively going to be doing what I was doing at the Department of Justice, going after IP criminals. And so that's how I learned about the role. I was fortunate enough to join this team and then later that year in late 2020, I stepped up as director of the Counterfeit Crimes Unit. And I've been leading that team ever since or this team and it's a dynamic team. It's a one-of-a-kind team where our mission is to go after counterfeiters and other types of fraudsters who are attempting to commit fraud in the Amazon store, and I love that our team is global, both in our presence and our mission. We've got team members from Seattle to Shanghai and everywhere in between, and we've really made real strides going after bad actors.</p> <p>Lastly, I'll just say that our work doesn't only just help Amazon, but it impacts consumers broadly because we've been involved in raids with manufacturers and distributors of counterfeits that stops these counterfeits at the source where they never make it into the supply chain. So, it's really dynamic work, and I enjoy every day of it.</p>
Leo von Gerlach	<p>Great. And that's certainly a topic for another podcast. Let me only say that because you are so incredibly successful with your work, it's such a wonderful shopping experience on Amazon and we have all that safety and security that we love to have. And well, that's also because of what your team and you are doing day in, day out. But as I said, that's for another day. I think we'll close it for this round. I'm extremely grateful to you Kebharu, it's been wonderful listening to you. I'm thankful to all of you for joining and I hope you join us next time for the next edition of The Influencers, so stay tuned. But for now, goodbye. Take care.</p>
Kebharu Smith	<p>Thank you, Leo.</p>