

Changing *the* Narrative

There's nothing Sherry Fox loves more than being underestimated

BY NATALIE POMPILIO
PHOTOGRAPHY BY MARK EDWARD ATKINSON

It's not often a lawyer mentions her work in surrogacy and reproductive law in the same breath as she does her work defending police officers after arrests go wrong. The two might seem incongruous to some, Sherry Fox acknowledges, but for her, the blend sings of balance.

"I get a raised eyebrow, but the common thread is that they are both people-focused," she says. Lawyers who specialize in other types of law, like business or real estate, "rarely work with the people who will be directly affected by the outcome of the litigation. These cases are very personal."

Fox also bristles at the notion that a Black woman going to bat for cops in the wake of ever-increasing examples of institutional racism would produce even as much as a searching glance.

"It's far too simplistic to conclude that because I represent police officers, I condone wrongdoing by an officer," says Fox, 40, a director at Richmond's ThompsonMcMullan. "Zealously representing a client does not mean trying to find a way out of liability by any means necessary. We do the best for our clients within the bounds of the law. There are times when we have to say to clients, 'What you did was *wrong*. We need to remedy what happened.'"

She pauses. "Every day that I wake up, I'm a Black woman who is raising two Black children and is the product of a Black family," Fox says. "My work should in no way be an indication of a lack of understanding of who I am or where I came from."

WHERE FOX CAME FROM has a lot to do with it. She grew up in Queens in what she can only describe as "the Caribbean version of *My Big Fat Greek Wedding*. ... We are very communal," Fox says. "We didn't have a lot, but everyone pooled their resources. It's still like that now."

Fox's mother, Claudette, one of 11 children, grew up on a farm in Jamaica. She moved to the States at 17 to seek a better life. Many of her siblings followed, also settling in Queens. Fox's parents divorced when she was very young, and Fox was 13 when her mother married Robert Galloway, whom Fox calls Dad.



Sherry Fox
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Food was—and remains—a shared family passion. At home, Fox’s mother cooked curries and rice dishes. Fox went to school with brown-bag lunches stained with grease from the patty and coco bread inside. Her favorite meal, then and now, is her mother’s ackee and saltfish. Every time she eats a traditional Jamaican dish, “I become a 7-year-old, sitting on the curb with my mom, drinking a Cola Champagne,” she says, wistful.

Education was a priority in the family home. Fox’s mother told her daughter that education was her best shot. And she led by example.

“When my mom was studying for her nursing degree, she’d give me a medical book and say, ‘Here. Occupy yourself,’” Fox recalls. “If I came home with a 97, she’d say, ‘Oh. You got one wrong? Let’s sit and talk about the one you got wrong.’”

Transfixed by Phylicia Rashad’s turn as lawyer Claire Huxtable on *The Cosby Show*, Fox started paying attention when people told her she would be well-suited to be a lawyer, due her maturity and voice.

“I watched that show religiously. I loved her. She was just *everything*,” Fox says. “She was handling her household and her professional life, and I was definitely enamored with that.”

On the first day of contracts class at Washington and Lee, Fox impressed fellow student Lindsay Grindo. “Everyone else was nervous and shy,” Grindo says. “Sherry was self-assured. You don’t see that in many students that age.”

Even so, Fox soon realized she had a disadvantage. She was the first person in her family to go to law school, and classmates with a lawyer in the family were more comfortable.

“Certain people seemed to already understand the lay of the land,” she says. “Meanwhile, I was trying to figure it out. I was fortunate to have professors who helped me move along and get through and figure out what I was doing, and wonderful friends who were in the same boat.”

Hard work didn’t hurt.

“Sherry always does the background work,” Grindo says. “She reads everything she needs to read and more. That means sometimes she’s researching longer or spending more time on briefs, but the benefit is she feels extra confident when she goes into hearings and tries cases. She knows what she’s talking about.”

Fox joined ThompsonMcMullan in 2006. Attracted to the firm for its size and breadth of practice areas, she was quickly won over by the senior partners. “They really took me under their wings,” she says. “I was their new baby lawyer and they were investing their time and energy. They taught me how to practice. There are things you can’t learn from a book.”



Fox’s parents, to whom Fox credits much of her work ethic.

Like how to identify voice pitches, and what they might convey to a jury. One of Fox’s partners, Robert Dybing, did just that during prep for Fox’s first big police defense trial in 2002. He pointed out that her voice rose during cross-examination, a common nervous tic. And when Fox told him she planned to wear a black dress to court, he encouraged her to wear something bright and bold—the kind of thing he’d seen her wear around the office.

“He was saying, ‘You don’t need to shrink. That’s not who you are,’” Fox says. “The little bit of feedback he gave me said, ‘You’re in control. You’re capable. Be exactly as you are, and you’ll shine.’”

It was hard to miss Fox on the first day of trial: She wore a bright pink dress. And she was seven months pregnant. Her son kicked his way through her defense of police officers who had searched the wrong home after believing it was the property their confidential informant had entered. But the informant had actually gone to a neighboring address.

“It was the first time I’d done a case of that caliber on my own,” Fox says. “The stakes were high—we were being sued for millions of dollars—and what the [plaintiff] was saying had happened was true in that we went into the wrong place.”

After the plaintiff’s case rested, Fox introduced a motion to strike, which the judge denied. After the defense case rested, she again asked that the case be dismissed. “The plaintiff failed to prove gross negligence or willful and wanton conduct,” she says.

This time, the judge agreed. He struck the plaintiff’s case and granted judgment to Fox’s officers.

“The fact that we got a win that day was amazing, and the fact that it was on a motion to strike is *really* amazing,” she says. When the jury came back, the judge explained his decision. Fox noted that many jurors nodded along as he spoke.

“I didn’t poll the jury,” she says, “but I’m confident they would have found for us.”

AND THEN THERE’S THE OTHER SIDE of her work, within the surrogacy and reproductive law practice Fox co-developed with associate Frances Caruso. Caruso remembers watching her colleague patiently explain an upcoming court proceeding to a mother who was about to relinquish her parental rights.

“What this woman was doing was a significant thing. To see Sherry sit with her beforehand—telling her what to expect, what the judge will say, what it all means—was impressive,” Caruso says. “Court and litigation proceedings are fast-paced and there’s a lot of jargon. It’s so easy to talk to a client and not realize they have no idea what you’re *actually* saying.”

Fox had always enjoyed family law, her interest sparked by a few years she spent working as an assistant at a family law firm. When she asked firm leadership if she could expand her practice, they signed off.

“It made sense because what I’ve always enjoyed about the practice of law has been the focus on the people side of it. I enjoy talking to people. I enjoy helping people,” Fox says. “The attorney counselor, they’re dual roles. Sometimes it’s a little more attorney, sometimes a little more counselor.”

In one memorable case—which inspired her to eventually specialize in the area—she represented an adoption agency after a birth mother decided she was unwilling to give up her parental rights. The young mother had suffered a traumatic brain injury as a child, and while she’d originally come to the agency because she knew she was not going to be able to parent, she was having trouble understanding that fact.



Fox’s passion for food is something she shares with her mother.

Sherry’s Favorite Meal

Ackee and saltfish is Jamaica’s national dish, and Sherry Fox goes all in—as long as her mama made it. Her mom’s famous recipe:

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| <ul style="list-style-type: none"> 1 can ackee 1 pound salt fish 1 Scotch bonnet pepper 1 large onion 1 cup cooking oil 1 small ripe tomato Lots of love | <ul style="list-style-type: none"> 1. Cook fish to remove salt (change water 2-3 times) 2. Drain, clean and mince fish 3. Add oil to skillet 4. Add onion, pepper, tomato, drained ackee and fish 5. Add much love 6. Cook on low heat for 20 minutes |
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“She loved this baby, but she would literally forget to eat,” Fox says. “She needed help with daily activities, like taking medicine and making a doctor’s appointment, shower, things we take for granted. The concern was she could forget if she’d fed the baby or when it was time for another dose of medicine.”

Fox advised her client that a gentle touch was required.

“I wanted to approach the case in a way that wasn’t degrading to the birth mother while explaining to the court why that wasn’t the right decision and to enforce the agreement,” she says. “I was worried [my client] would think I wasn’t being as forceful or as assertive in advocating for them as I could be, but thankfully they didn’t.”

The mother eventually agreed to let the adoption go forward. In return, she was allowed to visit the child and get updates.

That people quotient, plus the intellectual challenges of the evolving field, keep her blood pumping.

“The fact that we’ve come to a place where we can now assist LGBTQ+ families take the necessary steps to grow their families—whether through donation of genetic material, assistance or gestational carrier—is pretty darn cutting-edge,” she says.

Like the time COVID-19 caused a fertility clinic to close just as Fox’s clients, a lesbian couple, were set to proceed with artificial insemination.

“Did you know there were at-home fertilization kits? And we had to have a notary at a distance, and we were on the phone and trying to navigate this crazy time, but we were in it together,” she says, laughing. “The baby is due any day now.”

Says Caruso, “Sherry blends legal knowledge, acumen and aggressiveness with competence, compassion and confidence. She’s a bad-ass bitch litigator and a lawyer with a huge heart.”

ThompsonMcMullan’s president and managing partner William “Billy” Tunner puts it pretty succinctly: “She’s fierce.”

How fierce? Once, Tunner recalls, Fox was questioning an incalcitrant man who owed her client money when she noticed he was wearing an expensive watch.

“She demanded that he turn over that watch, right there at the courthouse, to satisfy the debt,” Tunner remembers. “And he actually did.”

WORKING FROM HOME while overseeing the virtual education of her children, 11-year-old Sophia and 8-year-old Benjamin, has been a challenge, Fox says, adding that most clients have been “exceptionally understanding.”

“It’s hard and it continues to be hard, but I am blessed to have the type of job that I have because I can work from home,” she says. “I think about all the other moms around the world who don’t have that luxury.”

The pandemic has also curtailed one of Fox’s favorite hobbies: sourcing new restaurants and trying new foods. She’s a certified foodie, as those closest to her well know. Tunner jokes that he knew Fox was right for ThompsonMcMullan when he saw that her resume mentioned she was president of the Washington and Lee Epicurean Society. When she and law school buddy Grindo traveled to Italy, Fox “was 100% concerned about the food we would eat and where we would eat it,” Grindo says. “She had every restaurant mapped out.”

Fox says the appreciation for foods is in her genes. (It’s also why she stays on top of her fitness, with kickboxing, HIIT classes and yoga.) When her extended family traveled to Jamaica to put her maternal grandmother to rest, their meals were planned before they even stepped on the plane.

“Everybody brought Costco-size bags of rice as their carry-on,” she says. “We coordinated who was going to send back [to the U.S.] which barrels of certain foods, who was going to get to the butcher first to find out how many goats we could get and how much beef.

“Food is joy in happy times. It’s joy even in sad times,” Fox says. “It’s *always* joy.”

And it tastes almost as good as a win. Fifteen years deep into her practice, some opposing attorneys still conclude Fox’s skin color and gender combine to make her less capable. One even called her “a cute little woman” in court.

Her response? “I’m going to show you how cute I am when I beat you,” she says. “These things are motivation, honestly. There’s nothing I love more than being underestimated. I’m going to really come gunning for you now because of what you’ve decided about me. And I’m going to prove you wrong.” 🍌