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Litigation Committee Spotlight

Interviews and Profiles



LITIGATION COMMITTEE CHAIR

Jennifer K. Mailander is an associate general counsel and director, corporate and legal markets, for Corporation Service Company (CSC), based in Wilmington, Delaware. She is a business and privacy attorney advising senior management and executives on strategy, business, legal and technology matters with extensive experience in corporate governance, compliance and privacy. Prior to joining CSC, she was a senior legal consultant with LexisNexis and corporate counsel and assistant secretary for Siemens' Building Technologies in Chicago. She also worked as a senior regulatory attorney specialist for Fluor Daniel/FERMCO, specializing in environmental law. Mailander attended the University of Dayton School of Law and earned her undergraduate degree from Miami University.

What interested you in the in-house practice of law and how did you come to be an attorney at CSC?

I started my legal career as a litigation paralegal with the law firm of Taft, Stettinius & Hollister in Cincinnati. I then worked at Procter & Gamble as an advertising and trademark paralegal. This is when I realized that I loved being part of a company and working directly in support of the business. I see it as a very constructive way to help the company avoid risk while contributing to the company's bottom line. It's also where I learned that when my clients asked for guidance on an action, it's much more helpful to ask "Could we try it this way?" instead of saying "No, you can't do that." After law school, I got a job as a regulatory attorney and I've worked for companies ever since.

I began working at CSC in 2007. I was working for LexisNexis out of the Chicago office and connected with a former colleague of mine who was working for CSC. He introduced me to George Massih, CSC's general counsel. George is an extremely friendly, charismatic and impressive man and we hit it off immediately. I met the senior management team and I knew I wanted to work at CSC. Six months later, it happened and I moved to Wilmington. It's a very exciting time to be at CSC because we are doing really creative work with our products and services and this shows in our increased revenue. CSC is incredibly collaborative with a very strong focus on customer service. This makes it much easier to do my job.

What is the single greatest challenge that your law department is facing today, and how are you dealing with it?

We deal with many of the same challenges other departments face, for example, compliance and making sure we know what regulations and requirements are applicable. Quite honestly, the single greatest challenge facing our law department, as well as other shared support functions in the company, is how to grow and develop alongside our business as it continues to rapidly expand. Over the past five years, CSC has continued to develop into a business leader in its particular markets. With each leap forward, sometimes as the result of an acquisition or just from internal, organic growth, the demand for legal support continues to increase. This additional demand is managed in several ways. In the short term, the legal group can take further advantage of outside counsel, scaling up as needed. This solution, however, can quickly become cost prohibitive. A longer term answer is to increase efficiencies with the implementation of better work flow processes that take full advantage of cutting edge technologies, like our own CSC Entity Management and CSC Matter

Management. Finally, we have tried to intelligently increase head count as needed, anticipating future growth.

In October 2014, you were elected as chair of the Litigation Committee. How did you initially get involved?

I was looking for a way to get more involved with ACC because I've always loved the programming and it helps me meet my CLE requirements. It's also a great way to network with your peers. The Greater Philadelphia Chapter holds events throughout the Delaware valley, but it's still a challenge for me to attend meetings outside of the office. I spend the majority of my day in meetings, so it's difficult to be away from the office for more than an hour. I contacted the ACC Education group to find out if there was a way for me to get more actively involved and they suggested the committees. It turned out that there was an opening on the Litigation Committee and suddenly I was the new co-chair for webcasts. The committee is perfect for me because I can be very active all within the comfort of my office.

What are some of the ways that the Litigation Committee provides value to its members?

There are so many ways that the Litigation Committee provides value. First off, we help identify and develop the litigation-focused programming at the ACC Annual Meeting. Then, there's the monthly meeting, which is a great way to connect with other members. The calls typically last about 50-60 minutes. We always include a Legal Quick Hit, so that you can keep current on hot topics within the litigation arena. Plus, this year, we've introduced a segment called "Question/Topic of the Day". We share the topic with other ACC committees in advance of the call so that a broader audience can join if they are interested in discussing. The first Topic of the Day was related to understanding law firm security and understanding the ethical and practical obligations of in-house counsel when working with your outside counsel. We had a great discussion and have formed a subcommittee. Plus we are part of a joint working group effort with ACC leadership on this topic.

This year, we created a new subcommittee focusing on litigating in-house. We typically host four to six webcasts a year and these are typically presented by our sponsors. We also provide articles for the Docket and we just published our first quarterly newsletter.

I personally get a lot of value from the litigation e-group. When I need help on an issue, it's so easy to just post a question. I actually follow several of the committee e-groups because it's a quick and easy way to learn about things that I should know about, but just don't have the time to do the research myself. I also love that the e-group postings are searchable. And members are always so helpful. You can always just pick up the phone to speak to someone if you have more questions.

I would be seriously remiss if I didn't mention two critical elements for how the value actually gets delivered to the membership. The Litigation Committee leadership team is made up of 10 other people who donate many hours of their time to make sure the articles are delivered, and that the Legal Quick Hits, newsletter and webcasts are organized, and much much more. They are: Vince Castiglione, Scott Dulaney, Bryon Koepke, JC Miller, Korin Neff, Monica Palko, Ed Paulus, Sam Shapiro, Evan Slavitt and Ty Ulmer. They are an incredible team and I am honored to have the pleasure to work with them. Second, is the incredible staff at ACC. While I could sincerely praise the efforts of the entire staff, I must highlight the excellent support and guidance of Jean-Baptiste Pressey, the ACC Litigation Committee liaison and Tori Payne, senior director of committees. It's

because of their efforts that the committee's work is successful. Working with the leadership and ACC team is the fun part.

What substantive practice issues does your committee address?

Did you know that the Litigation Committee is the only ACC committee that has two sponsors? It puts us in the enviable position of having incredible talent and contributions from Morrison Foerster (MoFo) and more recently Navigant Consulting to support develop materials and programs for our substantive needs. The Litigation Committee's leadership team works really closely with our sponsors to identify substantive topics to address the diverse practice needs of our membership. We are a large committee with over 5,000 members from organizations of all shapes and sizes.

Plus, one of the fascinating things about litigation is that it touches on virtually every area of law. So, it's not uncommon for our programming to touch on many different practice areas. In the past year we've presented programming on shareholder derivative litigation, global antitrust, data security, patent litigation, hacking, anti-corruption enforcement in FCPA cases to name just a few. We hosted a webcast in 2014 when Vince Castiglione was committee chair about the Amanda Knox case. It was very informative from a legal perspective because of the cross-border aspects of the case. Plus, the case was so well known, it was fascinating to hear the details from the attorney who tried the case.

More recently, one of my personal favorites was a Legal Quick Hit on persuasive lawyering by Eric Fishman of Pillsbury. It was an excellent discussion on how rephrasing what you say can significantly change your listener's reaction and acceptance of what you say.

How has the Litigation Committee helped you in your career?

I love the experience that I've had with the Litigation Committee and know that it has helped me professionally on several different levels. Most importantly, it's made me a better leader and lawyer. Through the committee, I've gotten the opportunity to work with a diverse group of incredibly talented and busy people who make up the leadership team. One thing I had never really thought about before joining the committee is that the leadership team consists of volunteers. So I've really learned the importance of being flexible and understanding that people contribute what and when they can. It's also helped me be respectful of the time that people contribute and we all work very hard to make sure we get the most from our time together. We schedule our monthly leadership call for 30 minutes and communicate through email and one-on-one calls. Everyone is super busy with their "real" job, but we are passionate volunteers for the committee. When I see that passion and dedication in other people, it energizes me and makes me want to do more. This helps me be much more efficient and stay focused.

I've also grown professionally in really respecting that people communicate differently.

One of my pet peeves is when there is a call or a meeting and no one talks. After a couple of committee meetings where that happened, the committee leadership team discussed ways to get people to speak. We discussed the fact that people have different styles of communicating and tried to identify different ways to engage the membership. Plus, the reality is that not everyone wants to talk during a meeting. It might be easier for some to communicate one-to-one versus speaking with a large group of people. So, I've learned to be more comfortable with different styles of communication and this has helped me approach the people I work with at my office. I try to engage them through different formats.

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