

Diary of a General Counsel

AMANDA MALLENDER

Amanda Mallender has been a Client Legal Director for TLD for five years. She began her legal career as a commercial litigator but moved in-house almost 20 years ago, to support a large, global business with its varied, broad-ranging and complex legal issues.

Her diary of a General Counsel is based on real life events that have occurred in her time working in-house...though, in the interests of transparency, not actually on the same day.



8:00am

Husband took the kids to school this morning, so I headed to the office nice and early. Grabbed a cup of coffee from the in-house café before work. Bumped into Mike from the Sales team – he had a quick question for me. Then Sue from Finance sidled up and wanted to check something with me. Nearly made it to the door when Aaishah from HR headed me off to ask me another “quick” question.

Reminded myself that being approachable is an important part of being a GC and I've worked hard to change their views about legal. They even come to visit me on their own now, not in groups!



9:30am

Finally arrived at my desk! Reviewing a large Master Service Agreement today. It came with instructions from the business. Quite succinct instructions as it turned out – “This needs to happen.”

Know that my role in the business is to be an enabler and the good thing is, because I work in-house, I know what we've agreed before and what the key sticking points are. The business doesn't want a lesson in the law – it wants high level feedback. This is a far cry from my private practice days when I would hand over a list of legal options to the client for them to choose.

There's a clause in this contract about liability that is a red line for me. Go back to the business to advise they don't sign until that's removed.



12:30pm

Was taking a minute having my lunch, when Jo from the finance team races to my desk in a mad panic: “There's been a data breach! We've lost hundreds of personal files in the office move over the weekend. It's a disaster. I can't find them.”

Here's where I take a deep breath and put on my reassuring voice. Ninety percent of the time, these situations are not as bad as first thought, and I know we've got a plan to follow when this happens. I know it well in fact, because I wrote it! So, donning my Sherlock hat, I go to different parts of the business and start investigating.

Turns out that what is missing is a pedestal containing two files which includes some (but relatively limited) personal data. It isn't anywhere in the building so it's pretty clear it didn't make the office move. Next step was to follow up with the removal company. So pleased we left them with clear instructions not to destroy anything.



They found it! Disaster averted. Given the limited personal data involved and the fact it has been recovered in full very quickly, I assess the position and decide that no one else needs to be informed. So easy to make rash decisions when you panic – I'm really glad I insisted on updating the data breach policy. Lots of brownie points for the legal team today.



2:30pm

Was working my way through some emails and getting on with some more contract reviews, when Aaishah comes to my desk looking fairly agitated. Turns out, a senior ex-employee from the Business Development team has come to the business's attention because he's been soliciting our clients. She's got a copy of his employment contract. He's got restricted covenants in there – there's good evidence he is acting in breach of them.

“Don't worry”, I said, “leave it with me.” I do a bit more investigating, but my instinct is he's chancing his arm. My first line of attack is a stern letter, telling him that we know he's in breach and he needs to cease and desist, or there will be consequences. That usually does the trick.

5:00pm

So, what have I learned today?

1. That I love the variety of General Counsel work
2. That my role is key to the business and my advice is trusted
3. That remaining calm and building good relationships with everyone in the business ALWAYS helps
4. That being organised and developing good practices makes the day job easier.

So, signing off today. Need some rest if I'm going to face tomorrow's challenges!