

Rising Star: Gibson Dunn's Jason Mendro

By **Matt Chiappardi**



Law360, Wilmington (May 01, 2014, 5:55 PM ET) -- Over the past few years alone, Jason J. Mendro of Gibson Dunn has garnered a striking string of victories defending large firms such as Merrill Lynch Pierce Fenner & Smith, RBC Capital Markets Corp., and SAIC Inc. in complex shareholder class actions, earning him a spot among Law360's top securities attorneys under 40.

One of the 37-year-old Rising Star's more impressive moments came as he secured dismissals of a trove of shareholder derivative lawsuits lodged against SAIC related to an overbilling scheme connected to the CityTime program, which was developed by the company with the aim of overhauling New York City's municipal payroll system.

Investors accused SAIC and its brass of ignoring the signs of alleged wrongdoing and a kickback scheme run by two former employees that eventually led to a \$500 million settlement with the U.S. Department of Justice under a deferred prosecution agreement.

Faced with more than five lawsuits filed in courts in California, New York and Virginia, Mendro and the Gibson Dunn team were able to streamline the litigation down to just two cases, and led a defense that saw those remaining actions be dismissed, bringing shareholder actions against SAIC to an abrupt halt.

While whittling down the lawsuits to a manageable size, Mendro was able to secure a voluntary dismissal by plaintiffs in a New York state case with a move more evocative of the exciting world of legal drama, than the sometimes-dry securities law universe.

Hitting the law books, Mendro was able to find an obscure statute in New York that he argued required plaintiffs in derivative cases to post a security bond to cover a company's defense costs. Shortly after, he contacted plaintiffs' counsel asking them to produce the bond, and the investors dropped the case.

"He went to the books and doggedly looked for avenues of attack," said Andrew S. Tulumello, co-partner in charge of Gibson Dunn's Washington, D.C., office. "They dismissed the claims before even firing a shot. He found this obscure statute and used it to help us win. That's great lawyering."

Mendro says the idea came not only from a keen curiosity about the law that stretches back to childhood, but a desire to make sure no stone is unturned when it comes to high-stakes litigation.

“If you assume you know everything there is to know about the law, you’ll never come up with a new argument,” Mendro said. “If you make the mistake of thinking the case you’re working on is like any other, you’ll miss something.”

That approach seems to be working for the 2002 graduate of Harvard Law School.

Mendro is on a hot streak, playing a pivotal role in a string of courtroom wins that include the dismissal of claims accusing Merrill Lynch Pierce Fenner & Smith Inc. and RBC Capital Markets Corp. of misleading investors about a 2005 securities offering by real estate finance company Municipal Mortgage & Equity LLC, and a victory in 2013 in hedge fund NML Capital Ltd’s ongoing battle with Argentina over billions of dollars in defaulted bonds.

He’s also had a record of success that stretches to the voluntary dismissal in 2011 of derivative claims against Towers Watson & Co., which exonerated the company of allegations it aided and abetted the directors of Cincinnati Bell in breaching their fiduciary duties by awarding allegedly excessive executive compensation.

Other companies for which Mendro has won dismissal of lawsuits include the American Arbitration Association, Kaiser Group Holdings, United Therapeutics and Verizon Communications.

The secret to Mendro’s success may just be an unrelenting enthusiasm for the law that extends to everything from arguing in front of a tribunal to working for hours or days writing the perfect brief.

“There really is no part of this that I don’t enjoy,” Mendro said.

Before graduating cum laude from Harvard Law, Mendro did his undergraduate work at the University of Florida. He’s clerked for Judge Gerald B. Tjoflat of the U.S. Court of Appeals for the Eleventh Circuit and joined Gibson Dunn in 2002 in its Washington, D.C., office, now representing the firm on its national steering committee for the securities litigation practice group.

His advice to young lawyers that are in the shoes he wore a dozen years ago is to appreciate the practice of law and the unique opportunities it provides to think creatively and solve challenging problems.

“The most successful and creative lawyers are the ones who enjoy the practice of law,” he said.

That enthusiasm and commitment are qualities that Tulumello, who’s worked with Mendro for the better part of a decade, says are not only infectious, but make him quite attractive to clients that have significant derivative and securities cases at stake.

“He’s a beautiful writer, an outstanding and very creative advocate, and a positive upbeat and determined lawyer,” Tulumello said. “He truly is a rising star in every respect.”

--Additional reporting by Stephanie Russell-Kraft and Brian Mahoney. Editing by Emily Kokoll.