

# MARY O'CALLAGHAN

## Enjoying a Challenge from Unions to Baseball

by Mike Bailey

Chicago attorney Mary Aileen O'Callaghan thrives in complex situations. Her knowledge of the law and ability to quickly resolve issues is her greatest strength, says partner Terry Smith at **Smith O'Callaghan & White**, a boutique firm.

But more than that, it's her capacity to find solutions to problems that aren't studied in law school—like what to do with the dead body.

O'Callaghan attributes a lot of her common sense and logical approach to her middle class background growing up on the south side of Chicago.

prominent labor and employment attorneys in the United States. She was selected as an Illinois Super Lawyer in 2006, 2007, 2008, 2009, 2010 and 2011.

She was named one of the top 50 women lawyers in Illinois for 2010 by *Super Lawyers* magazine. And she has been recognized by her peers as a Leading Lawyer in the category of Employment Law: Management.

"Sometimes, I get angry with Mary Aileen," says long-time friend and fellow attorney Vicki Abrahamson. "We'll be in a store in Paris about

### Creative Problem Solving

Being creative and able to adapt to unusual situations has helped O'Callaghan on several occasions and it is why she retains large corporations as clients.

She started her legal career at Canteen Corporation, a relationship that continues to this day. After several years in various capacities, she was named general counsel of a Canteen subsidiary, a company that provided concessions including food, drink, and souvenirs to major sporting and concert venues.

As general counsel for that Canteen affiliate, she attended a couple of Super Bowls, several World Series, and other events in case issues came up. And once, she was needed indeed.

It was in 1985, at the World Series between the St. Louis Cardinals and Kansas City Royals in Kansas City.

"I was sitting in the stands and the game was about to start when I was paged to come to the office because something had come up. When I arrived, I discovered that a busload of senior citizens had come over from St. Louis to see the game and one of them had died en route," she recalls.

"They wanted to know if they could store the body in our freezer until the game was over because the old folks didn't want to miss the game. So here were all these old people desperate to watch the World Series, but there was this older gentleman who had passed away and they didn't know what to do with the body during the game. I explained to them about laws involving food safety and of course we couldn't allow that. But I did contact funeral homes and found one who would come to the stadium and properly store the body until relatives could claim it."

That creative problem solving is a long way from the flight attendant career O'Callaghan originally envisioned. "I thought I might like being a flight attendant but friends and family convinced me that I would not be nice to over-serve, boorish people."

So she worked for a time in Cook County Board President George Dunne's office, where she made several political connections that would serve her well over the ensuing years.

Watching the daily drama and complexity of legal issues intrigued O'Callaghan, and she entered law school, paying for much of it by



"My father was a milk truck driver and my mother was a school psychologist," she recalls. "Since my parents both worked, in elementary school I had to eat lunch in the principal's office since they couldn't send us home for lunch. There were just four of us and my sister was one of the other three."

The middle class experience and attending Catholic girls' schools gave her grounding in the real life problems of ordinary people and prepared her to become of the foremost labor attorneys in Chicago. She was inducted as a distinguished fellow in the College of Labor and Employment Lawyers in 1998, a recognition reserved for the most experienced and

to buy something and a client will call. She drops everything and will be on the phone for 45 minutes working through an issue and she doesn't even charge them. She is so ethical and honest."

Fellow labor attorney James Hendricks agrees: "She is one of the few female labor lawyers dealing with problems associated with unions," he says. "We trade ideas on cases and I consider her a great resource. That's saying something when you are part of a large firm with 200 labor lawyers. She doesn't have to stop and look up the law and issue (guarded) opinions. She finds creative ways to get around the issue to help the client."

also teaching in schools that were part of the “model cities” programs of the late 1960s and early 1970s, roughly comparable to the charter schools of today.

She eventually clerked for labor and employment attorney Roger Kiley, who shared offices with now-Illinois Senate President Michael Madigan. Through Kiley, she honed her love of labor law.

“The strike by the Cook County junior college teachers during 1975–76 turned violent as it went back and forth in court. I knew then it was an area I wanted to be part of,” she says.

After graduation and with no real prospects of employment, she met Patrick O’Malley, chairman emeritus of the Canteen Corporation, who invited her to apply at Canteen.

“They said they had never hired a woman in other than a clerical or administrative position,” she says. “They wanted to hire me but didn’t really know in what role so I got to sort of design my own job. At first, I’d pop in to different offices and ask them how I could help. Eventually, I landed in labor relations and arbitration,” a field not frequented by women in the 1970s.

“I never felt it was a disadvantage to be a woman” in a field then largely dominated by men, she says. “I actually thought it was an advantage. No one knew how to act when I was there. Everyone watched their language. They didn’t know that growing up attending Catholic girls’ schools, I could swear as well as they could. But that middle class, working family background helped me understand problems. I can relate to hourly workers as well or better than to executives.”

Abrahamson recalls that “ABA seminars they’d only put her on the program because they were trying to get her business (as counsel to Canteen). It’s changed now, but back then, guys wouldn’t give you the time of day.”

“I volunteered for everything,” O’Callaghan says. “I went all over the world and being out in the field dealing with real people with real problems, I learned how to get the job done. In most situations, I couldn’t tell them I’d research it and get back to them. They needed an answer right now, so I had to call on my past experiences and get them through a situation by finding a solution that is logically defensible.”

Like the time she stared down the office of Major League Baseball Commissioner Peter Ueberroth. She was at the World Series in Minnesota at the time.

Major League Baseball licenses everything with an MLB logo on it and gets a fee for everything sold. But the commissioner’s office decided at the last minute to collect an additional fee on every cup of beer or pop sold by her client, the Canteen subsidiary—something not negotiated in the original contract.

O’Callaghan sent people to discount outlets to buy every plain cup they could find.

“We couldn’t sell beer or soda in cups with the Major League Baseball logo on them without paying that fee, so we told (the commissioner’s office) we would use our own cups. One hour before the game, Major League Baseball relented and said it would revisit it after the World Series.”

#### Clients Follow Her

O’Callaghan’s former firm underwent a nasty breakup; it had been quietly sold to a larger firm without notifying the bulk of the attorneys who would not be invited to join the merged firm. When the story broke in the *Chicago Daily Law Bulletin*, O’Callaghan was devastated.

She joined Smith, who had previously started a boutique practice. And with encouragement from peers and clients who said they would follow her wherever she went, Smith, O’Callaghan and White was born several months later. “Her clients are delighted with her,” says Smith. “She is competitive and does first rate work.”

That competitiveness is one thing that endears her to her clients, particularly when it comes to union elections.

“I have rarely lost a union certification vote,” she says. “My feeling is that most companies that get unions deserve them. My winning percentage is over 99 percent.”

She recalls an election in Elgin in the early 1990s at the Elgin Sweeper Company. “The company was very progressive and kept up-to-date with developments in all the industry contracts. They didn’t deserve a union.”

It was a contentious election because the machinists’ union wanted this shop. The night before the election, O’Callaghan put up huge cut-out figures of people and on each one wrote details of one particular machinists’ union strike, the number of days it lasted, and the amount of money lost by the employees. They had enough of those to cover the walls of the plant.

“The next day,” she says, “we won that vote.”

In her spare time, O’Callaghan enjoys traveling to the Far East and makes several trips a year to Hong Kong and Bangkok where she has developed friendships. She also enjoys volunteering with the Special Olympics, a cause her sister, Sheila, has embraced for decades.

“I was an administrator in the Chicago Public Schools for years, and Mary Aileen would always help out at the events,” Sheila O’Callaghan says. “If issues arose, she could help me make sure things ran smoothly and help me head off potential problems.”

O’Callaghan was also involved in a somewhat obscure sport called fly ball. The sport features

trained dogs that run in lanes, jump hurdles, and run what amounts to a canine relay race.

“I had two German shepherds, which were two of the top five in the country,” she says proudly. “We traveled all over the country and trained out in Elgin.”

O’Callaghan says the biggest issue for employers today is that they have difficulty keeping up with changes in major labor laws, like the American with Disabilities Act, the Family Medical Leave Act, and others.

“They are aware of the big picture but not the small changes that impact them. For example, the National Labor Relations Board under President Obama’s administration wants to do away with the notion of union elections and just say if enough people sign cards (which used to be necessary to authorize an election), that means there is now a union. The Democrats can’t get some of these radical reforms passed in Congress, so they just started implementing them.”

O’Callaghan attributes a lot of her philosophy to her early relationship with Canteen’s then-general counsel, William Carlson.

“When I started at Canteen, he told me, ‘It’s not about me or the law but the client and what we need to do for them on this day.’ I never forgot that.” ■