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Member Spotlight: Delida Costin

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As a teenager, Delida Costin noticed that her life intersected two different worlds. This was especially clear one Sunday as her mom drove her to church through her neighborhood. She said that the world of access where she attended private schools full of people with wealthy resources was in stark relief

to her neighborhood where people worked hard for access to basic resources and necessities. In one world, dinner and a show meant sushi and Broadway; in the other, fast food and a movie was the norm. Costin loved both worlds and she made a choice to embrace the goodness in both.

Costin perfected living and thriving in both worlds as she faced multiple challenges in all parts of life, including her professional career. In fact, she perfected this art so well that over time she realized that there is a "space in between" where the most thrilling personal and professional growth opportunities lie.

"It is important to use the benefits that exist in seemingly different worlds or entrenched positions to create the right path forward," according to Costin. "Not running away, staying curious and being engaged in all points of view are keys to navigating the space in between." Right after law school, Costin began working at Goodwin Procter LLP. During her first corporate job, Costin realized that she could use the resources of Goodwin Procter, a top national law firm, to help refugees win their asylum cases. This meant that Costin could not only perform her normal corporate associate's duties, but also make a real difference in the world. "That first professional realization in a corporate environment was very powerful," Costin says. "I understood that I could make a difference in the world without necessarily joining a non-profit. In fact, I saw the benefits of being in this 'space in between' – the abundance of resources, expertise, and manpower which gave my pro bono asylum clients a great advantage."

In 2010 Costin joined Pandora Media as the company's first senior vice president, general counsel, and secretary. Costin built and led the legal team that took the company public in 2011. At Pandora, she also led and advised numerous groundbreaking digital music copyright discussions that changed the landscape of the file sharing and music industries. Costin observes, "Pandora had a great software with a lot of potential to change the business of music. And the legal issues related to control and secondary liabilities were closely intertwined with the business choices we were facing." Costin embraced the legal issues that resulted from the new technology. Although the issues were widely unprecedented, so was the technology. The company's innovation allowed consumers to enjoy music in a novel way. "We were on the cutting edge and there was no right answer. We were shaping and influencing the questions, answers, and policies and it was thrilling."

Costin also embraced the "space in between" in digital advertising. "The neat thing about digital advertising is that there is a 'before' and an 'after'. The industry used to be niche. It is a multi-billion industry now. I enjoyed my part in helping to shape this industry as we crossed that line." When Costin joined CNET Networks in 2000, for the first time in advertising history it was possible to estimate how many people saw an ad, not just circulation numbers. "We had many different types of data and needed to find solutions in the context of our business and technology," Costin explains. "Then we had a responsibility to share our conclusions with the industry to help inform industry expectations and best practices. "At some point soon after I joined CNET, I learned that legal issues were business issues and I could not search for legal answers in isolation," Costin says. "The real question was how to do what was best for our customers and the business, not how to solve for every worst case scenario. In the beginning, we spent a lot of energy thinking through contractual terms. While that work was important, "in my entire career I have never seen a lawsuit based on advertising insertion orders. Often the things we worry about as lawyers don't materialize," she reflects.

Costin suggests that unsettled issues that directly impact a business are actually opportunities for in-house lawyers. Each unsettled issue is an opportunity to help the company win in the market place. "Lawyers have the ability to influence decisions through our guidance, policy, lobbying, and trade

associations. Turning unsettled issues into opportunities is what makes one an excellent counsel," Costin says. Doing so allows attorneys to assess the lay of the land and then imagine and create a future. "In this way in-house attorneys are quiet co-creators. A few decades later they can look back and see how despite all transitions, turns, and twists they have accomplished something. It is the very definition of freedom. It is very liberating to co-create and invest into your client's dreams."

Costin then served as general counsel at lynda.com and assisted with the company's sale to LinkedIn. Although she was not at lynda.com for very long, Costin liked being in a space that worked very hard to revolutionize and democratize education. Like Costin's other endeavors, lynda.com operated in this "space in between" because it enabled people to educate themselves on demand, when they needed. This approach makes education more accessible and less elitist. Costin says, "I liked seeing a cultural shift in the way we expect to learn. The notion of going to school and take tests seems so last century!"

In her current capacity as a board member of Oakland Symphony Costin continues to thrive in in this "space in between." She explains, "Technology has changed the way we enjoy music. Music is no longer an isolated and insular event because technology has erased walls between the musicians and their audiences. And we need to embrace this reality!" Costin is committed to helping Oakland Symphony to increase sustainability in light of new demands on classical performing arts organizations. This includes welcoming social media, digital assets, new programming, and other technologies. Costin reflects, "I am not serving in a legal capacity. However, my legal training has trained me to think a few steps ahead. And these skills are instrumental as we think through how we make sure that the next generation can enjoy a gift of classical music." In the end, lawyers bridge gaps — whether legal or business — and boards of directors, whether private, public, or non-profit, can always benefit from this skill.

Looking forward, Costin says, "I would like to continue my journey of asking novel, uncertain, game-changing questions." As Costin contemplates her next move, she is most interested in industries that are on the verge of operating in the "space in between" and have high potential for sparking industry-wide cultural positive changes. "I am a snowboarder and I'm looking for the mogul run that makes other people, especially lawyers, nervous. For example, it seems that the health industry is about to completely change and I would like to be a part of it," she says. She hopes that the new challenge will help her develop new perspectives and skills. "I want to build another team, find opportunities for my companies that we didn't know existed, and in the process find deeper and richer fabrics in myself." Although it has been many years since Costin made that drive to church, she continues to embrace as many living and thriving in the "space in between."

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Olga V. Mack is a fellow at CodeX, The Stanford Center for Legal Informatics, and a Generative AI Editor at law.MIT. Mack shares her views in her columns on ACC Docket, Newsweek, Bloomberg, VentureBeat, Above the Law, and many other publications.

Mack is also an award-winning (such as the prestigious ACC 2018 Top 10 30-Somethings and ABA 2022 Women of Legal Tech) general counsel, operations professional, startup advisor, public speaker, adjunct professor, and entrepreneur. She co-founded SunLaw, an organization dedicated to preparing women in-house attorneys to become general counsels and legal leaders, and WISE to help female law firm partners become rainmakers.

She has authored numerous books, including *Get on Board: Earning Your Ticket to a Corporate Board Seat*, *Fundamentals of Smart Contract Security* and *Blockchain Value: Transforming Business Models, Society, and Communities*. She is working on her next books: *Visual IQ for Lawyers* (ABA 2024), *The Rise of Product Lawyers: An Analytical Framework to Systematically Advise Your Clients Throughout the Product Lifecycle* (Globe Law and Business 2024), and *Legal Operations in the Age of AI and Data* (Globe Law and Business 2024).