

Achieving Real In-House Legal Change: Is Your Aim High Enough?

By **E. Leigh Dance** | August 27, 2019

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This is Part 1 of a two-part series focusing on leading digital transformation in Legal.

While cleaning out files last week, I stumbled upon agendas from in-house counsel events I led a long time ago with Martindale-Hubbell and BigLaw. I was startled by the very familiar topics.

From 2001: “Getting to the Top Table and Staying There,” “Demonstrating the Value of Corporate Counsel to Management,” “Managing Legal Teams Remotely,” “Technology Applications to Collect and Share Information.” From 2004: “Aligning Legal Services Delivery With Business Unit Goals,” “The General Counsel’s Role in Crisis Management” and “Driving Greater Value From Outside Counsel.”

It spurred me to ask myself and global corporate legal leaders a tough question, as we speed toward 2020:

Is what we are trying to achieve going to get us where we need to be?

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A Rush to Re-Think and Re-Do Legal

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The goals seem to be more sweeping than usual. They seem far more eager this year to achieve real change.

The pressure I sense is understandable, given that 76% of CEOs of 400 large U.S. companies believe that their growth relies on their ability to challenge and disrupt any business norm (KPMG 2019 US CEO Outlook). Digital transformation is a core business strategy of just about every company in every sector.

Within corporate legal, the talk about digital transformation seems to often be more bravado than reality. The problems that many large legal departments are focused on solving sound too much like the problems we discussed 20 years ago. Ending up with "recycled and improved" rather than real transformation will not get you where you need to go.

Some Delusion, Even More Confusion

A valid reason for that is confusion about what to do and how. We hear so much tech jargon in Legal circles today, including the dubious use of AI as a verb. Corporate counsel definitely get it that technology is a transformation driver, but aren't quite sure if it's safe yet to dive in. Legal tech is partly to blame—general counsel admit to being baffled by the endless legal tech products pitched at them.

Except for those that are in the thick of it, in-house counsel have murky visions of what 'going digital' really means for the legal department (to be addressed in part two of this article, coming soon).

Often lacking in Legal's technology adoption plan is the expertise, bandwidth and justification to enable two other essential drivers: people and process. You don't achieve disruption or real transformation just by buying a lot of apps.

Don't Settle for 'Recycled and Improved'

Yes, incremental steps are wise. It's hard to imagine leaping into AI without having implemented a more basic enhancement like e-billing. Trial, error and trial again is integral to progress. In-house teams need time, practice and metrics to decide which new skills, processes and technology can help them most, and what is feasible to achieve.

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And while you do that, general counsel, don't settle for the same old same old!

You have a truly great opportunity to make fundamental, lasting change. It won't be easy, but what does the future look like if you don't?

The upside is more diverse multi-disciplinary legal functions that do a better job of meeting your company's needs. More sustainable in-house jobs with fewer mental health issues. Better compliance results and management of disputes.

Is Your Legal Function Solving Your Real Problems?

The real potential is in a radically different approach to corporate legal services, and it's happening now in the likes of DXC Technology, NetApp, BT and other true disruptors.

Before you get discouraged by this reality check, here are some tips!

No matter where you are in your change agenda, it's never too late to adjust.

Ask yourselves:

- How would we need to change in order to dramatically improve how we leverage legal to solve problems and support our company's market demands and growth strategies?
- What should we start with, to get us off on the right foot?
- Have we been rigorous enough in evaluating our model and practices to enable us to decide what must go to get to a future-fit structure, and what's worth keeping?

Follow the In-House Legal Trailblazers

We must applaud the bold corporate legal departments that have indeed asked these questions—with determination, courage and impatience. They are now achieving fundamental and broad changes in legal advice and service delivery. I know some of them very well, and they are way ahead of the pack.

While each of these in-house legal trailblazers do things somewhat differently, there are some consistent traits:

- They set ambitious goals, lay out meticulous actions, relentlessly drive implementation forward and celebrate incremental progress.
- They develop their people, investing as much or more time on them as on developing and implementing tech solutions.

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- They have tech-savvy professionals on the transformation team that buy into people and process, and can project manage.
- They are courageous in sticking to their goals but regularly revise their methods, often re-structuring and course-correcting as situations change.
- They have strong and communicative leaders with empowered and committed leaders reporting to them that are also effective communicators.
- They appreciate and recognize the contribution of every member of the team: all professionals (including the lawyers ;-).
- They are true business partners and aim for results: value delivered to the organization's customers and its stakeholders.
- They encourage, support and reward entrepreneurial concepts of their teams, knowing that not all will pan out.
- They see transformation as an ongoing process.

It always seems that there is lots to think about as summer winds down, and 2019 is no exception. Be bold, be resilient and connect with your colleagues that are also aiming high. You're not alone.

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