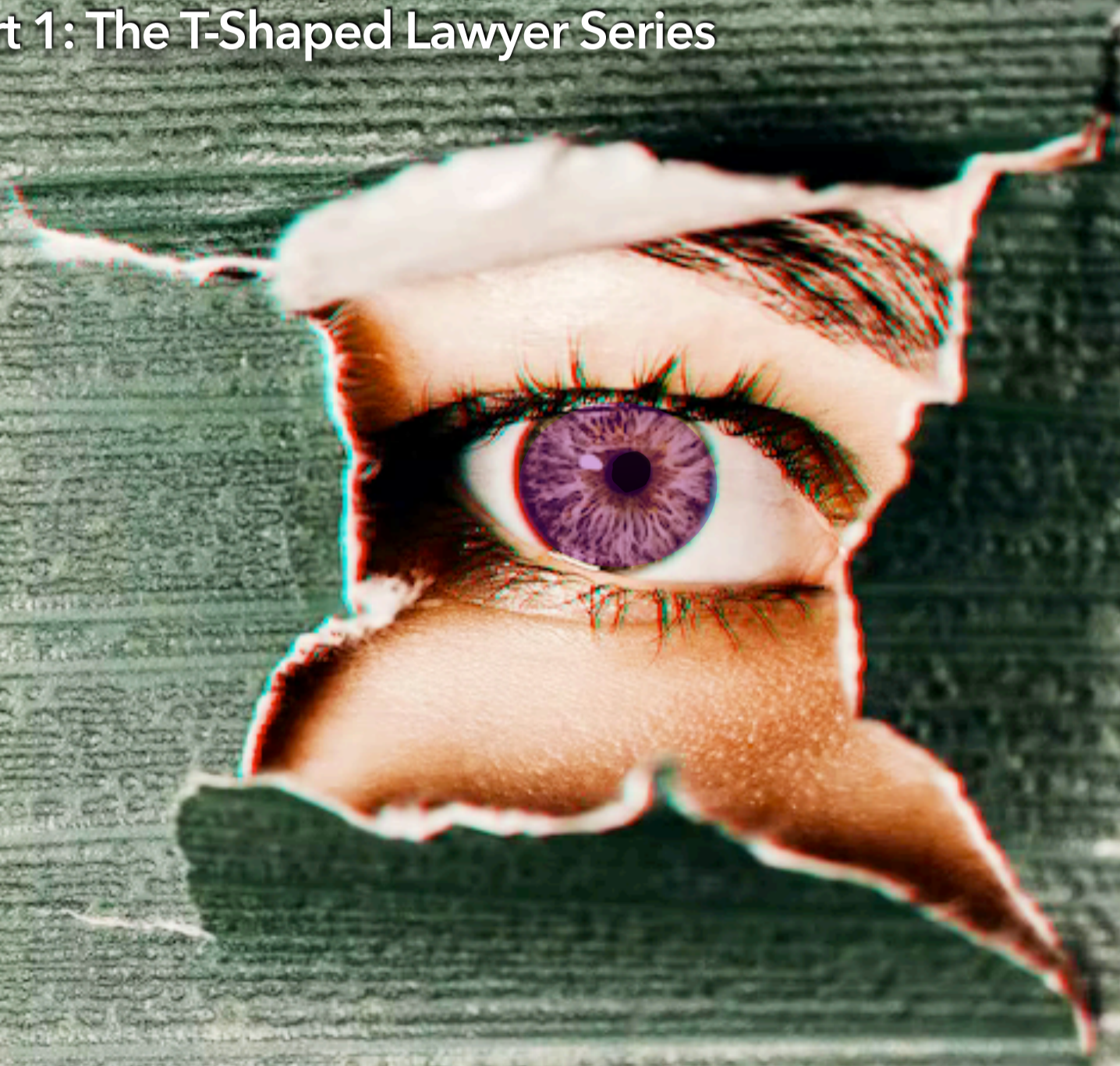


A NEW VISION FOR CORPORATE LAWYERS

Part 1: The T-Shaped Lawyer Series



Peter Connor

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INTRODUCTION

The highlight of my 25-year career working as a lawyer was receiving the 2003 Sun Microsystems Business Leadership Award. I was one of six people, and the only lawyer, in the company to receive this award from the CEO, Scott McNealy. To receive this sort of recognition as a lawyer is rare and extremely satisfying especially because there was a prize of some Sun shares. Sadly, the shares never became worth that much soon after the dotcom crash!

However, there was an even better reward, although I did not appreciate it immediately. Going through a process of being interviewed for the award by members of the company's executive committee, made me think a lot more about what work I was doing and how I was doing it. I was told by these executives that what I was doing was different to what they expected from a lawyer and that it had significant impact for the company. Spoiler alert - this work that I was being recognised for was not legal analysis or contract drafting. In fact, it was not legal work at all!¹

The more I thought about it, the more I realised that:

- I thought of myself as a businessperson not just a lawyer
- doing different kinds of work - not just 'legal work' - was more fulfilling for me
- my 'clients' valued this 'other' work more than they valued my legal work
- much of work that many corporate lawyers do is not that fulfilling for them and is often not recognised as impactful from the perspective of their clients
- having discovered this alternative way of working, more by accident than by design, there is almost no theory to guide lawyers how they could work to have a greater impact on their client's business nor how they need to change to achieve this outcome.

After my career as a lawyer, I formed AlternativelyLegal and distilled my experiences into a range of theories, programs and frameworks designed to fill this void. I have shared these in workshops with thousands of lawyers working in legal departments and law firms all over the world over the last eight years.

In the course of my work, I discovered that almost all lawyers are interested in becoming better lawyers and they engage in various levels of professional development to enhance their legal knowledge and skills. However, when it comes to real change in ways of working - and by that, I mean what work they do and how they do it - lawyers tend to fall into one of three broad categories:

1. those who have no interest whatsoever in changing their way or working. That may be because they are largely unaware of the changes happening in the legal/business world or because they are simply content with continuing their current way of working
2. those who may not be well informed about all the changes happening but who know, and care, enough about these changes to feel that maybe they should change more than they are currently doing. Alternatively, they may not be completely content with their current way of working and are interested in exploring how they could change
3. those who are aware of many of the changes happening, are enthusiastic about changing and are hungry for guidance on how to change.

This book will be of interest to anyone in the second or third category. It may not be of interest to those in the first category unless they are leaders of firms or departments with lawyers who fall into the second or third category.

I should also point out that this book refers specifically to corporate lawyers. By that I mean any lawyer who works for a corporation directly - an in-house lawyer - or one who works for a law firm or other organisation that provides legal services to corporations. The ideas in the book may also be relevant to law students, academics, and other lawyers, such as government lawyers.

The book is intended to provide a perspective on the following questions:

- why should a corporate lawyer want, or need, to change their way of working?
- is incremental improvement/change sufficient or is something more required?
- is it necessary for corporate lawyers to have a new vision?
- what new vision is compelling for corporate lawyers, legal departments, and firms?

Focus on human transformation not just digital transformation

These are crucial questions to be considered if you are interested in human transformation. By that I mean how individual lawyers can fundamentally change themselves and their capabilities so that they can work on different things and in different ways. Because this change is as much adaptive as it is technical, lawyers need to change many things beyond just skills and knowledge. Most changes made by legal departments and firms do not necessarily result in significant changes *to people* but rather involve changes *to something* like a process or a system. Digital transformation and process improvement can be important, and these are the primary focus areas of discussion and action on change in the legal industry. Typically, process and technology change primarily benefit the department or firm and the impact on clients is often minimal. By contrast, focusing on people - human transformation - has the potential for significant impact for clients and, at the same time, for lawyers as we shall explore in more detail later in the book. Historically, the professional development of lawyers has primarily focussed on legal knowledge and skills. Recently there has been an increasing recognition that lawyers should develop non-legal skills, often referred to as 'soft skills'¹. However, when this is done it is usually in a highly random fashion and without a clear vision for how lawyers might use these new skills. As a result, these lawyers may have a few new skills but, in general, they do not use these skills to do different work or to work in fundamentally different ways.

The T-Shaped Lawyer series is intended to address this problem. The first book proposes a new vision for corporate lawyers and subsequent books in the series will suggest frameworks for how individual lawyers, legal departments and firms might implement this new vision in a structured way.

Ideally a new vision for corporate lawyers should not just apply to one part of the corporate legal ecosystem. It should be capable of application to all key stakeholders at an individual and team level. It should apply to junior and senior lawyers and to lawyers in specialist and generalist roles irrespective of their primary practice area. This is precisely what the vision proposed in this book offers to corporate lawyers.

¹ The use of the word 'soft; implies that they are of lesser importance to 'hard' skills or that they are optional. Nothing could be further from the truth.

This book is not about the law itself. Rather it is about the practice of law or, as I prefer to call it, the way of working for lawyers. There are no quick fixes, surveys, case studies or pretty pictures. Instead, it attempts to translate my experience and thinking into theories written in a practical way designed to help lawyers readily understand this new vision. The underlying theories and the factual claims are based on the very best kind of empirical evidence: my own experience as a global corporate lawyer and from the many in-person and remote interactions in my workshops with thousands of lawyers all over the world.

The first two chapters of this book focus on 'the why' and chapters 3-7 focus on 'the what'. Assuming there is sufficient interest in this book, then I plan to write a series of follow-on books to share my views on how to achieve this new vision through my frameworks:

- Part 2: The T-Shaped Lawyer Framework - for individual lawyers
- Part 3: The T-Shaped Team - for legal departments
- Part 4: The T-Shaped Firm - for law firms and other legal service providers.

My aim in writing this book is to share more broadly than I can through my workshops, the first instalment of some key insights that have helped me and my AlternativelyLegal clients to grow professionally and to flourish. Flourishing is not only critical to career success but is also central to increased happiness as will be explained in the book. Whether you are a general counsel, a law firm partner or someone who works as a lawyer in a department or firm, I hope that this book provides the inspiration and guidance for you to adopt this new vision and to adapt it to your unique situation.

1. THE CHANGING LANDSCAPE FOR LAWYERS

Central to any consideration of whether, and if so to what extent, lawyers should reinvent themselves and change their way of working is the question of how the environment in which they work has changed. This chapter provides you with a snapshot of the dramatically changing landscape in the legal industry and of some key social and business trends relevant to your work. Wayne Gretzky, the famous ice hockey player, said *'a good player plays where the puck is, a great player plays where the puck is going'*. If you want to be a great lawyer, not just a good one, it is important for you to consider not only the actual changes that have happened to-date but also the changes that are likely to happen. For that reason, even if you have not seen some of these changes yet, you might want to consider whether it is just a question of time before you do see them and whether you want to wait until then to do something about it.

In the past you could, arguably, get away with focussing on your work and not closely following these trends and changes. Then the pace and magnitude of change did not seem as significant as now and it did not call into question your way of working. But now the situation is completely different. So, what are some key changes and trends and what is so different now that you might need, or want, to contemplate reinventing yourself and fundamentally change your way of working?

When looking at the changing landscape, it is instructive to examine the actual and anticipated changes and trends from three perspectives:

1. The global societal and business perspective
2. The legal industry perspective, and
3. The individual lawyer perspective.

A. Changes in the world - some key business and social trends

The Fourth Industrial Revolution - According to Klaus Schwab, the founder of the World Economic Forum, and many others, we are at the beginning of a revolution that is fundamentally changing the way we live, work, and relate to each other. As he outlines in his book, *The Fourth Industrial Revolution*, this revolution *"is characterised by various new technologies that are fusing the physical, digital and biological worlds, impacting all disciplines, economies and industries, and*

even challenging ideas about what it means to be human"². Also, as Yuval Hariri highlights in his book, *21 Lessons for the 21st Century*³, this revolution is playing out at a much more rapid pace than prior revolutions and that means individuals don't have the same luxury of lots of time to adapt and reinvent themselves.

VUCA - The war in Ukraine, the Covid 19 pandemic and the disruption it caused globally are stark reminders that we increasingly live in a world that is volatile, uncertain, complex, and ambiguous (a so called VUCA world). *'In a VUCA world...organisations naturally expect more of themselves and the people who work for them.'*⁴ Also *'the distinctive quality of business challenges in a VUCA world is that they are as often adaptive as they are technical'*⁵. Technical challenges can be solved by experts with solutions that are already known. By contrast, there are no known solutions for adaptive challenges, and they typically require people to go beyond their current skills and mindsets and to change their beliefs, habits and priorities. *'Technical challenges can be met by improvements to existing mindsets and organisational designs. Adaptive challenges can only be met by people and organisations exceeding themselves'*⁶. Figuring out how individuals and organisations can become 'more' than they currently are, and achieve 'more' than they currently do, will become increasingly important.

Digital Transformation - As Marc Andreessen highlighted in his infamous article *'Why Software is Eating the World'*⁷, technology has evolved from being no part of most businesses, to something that is used to run the business and now, increasingly, will be the business. In other words, the focus is shifting from digitisation (converting data records from analogue to digital) to digitalisation (using digitized data, and a range of technologies, to streamline an existing business or process) and now to digital transformation (using technologies and data to fundamentally change the way business gets done and creating completely new ways of doing business).

² The Fourth Industrial Revolution, Klaus Schwab, Crown, 15 January 2017

³ 21 Lessons for the 21st Century: Yuval Hariri, Spiegel & Grau and Jonathan Cape August 2018

⁴ An Everyone Culture: Becoming a Deliberately Developmental Organization, Lisa Lahey and Robert Kegan. Harvard Business Review Press (22 March 2016)

⁵ Ditto

⁶ Ditto

⁷ Marc Andressen, Why Software is Eating the World, The Wall Street Journal, August 20,2011

If your organisation has not already initiated a digital transformation strategy, it almost certainly will soon. Progressive firms and in-house legal departments are starting to think about this trend, not only in terms of how they need to change to support the changing business, but also to consider how technology can be leveraged to assist in transforming (not just automating or augmenting) the work done by the lawyers and others in the team.

The impact of emerging technologies on your work. It is no secret that technologies, like artificial intelligence⁸ and robotic process automation, are already starting to assume tasks previously done by humans and, in some cases, render entire jobs redundant. For now, at least, the impact of technology on your work as a lawyer has been largely confined to assisting you to continue to do tasks in a more efficient way (referred to as augmenting your work) and relieving you from doing a few menial tasks altogether.

So far, despite some predictions like the one below from the *World Economic Forum Future of Jobs Survey*, this task encroachment from the advance of technology has not placed your job as a lawyer at immediate risk. But does that mean that your job is not at risk at some point in the future? Many of you tell me that you feel safe because machines can never be like humans and that much of your work as a lawyer requires human qualities like judgement and empathy. Machines can, because of augmented reality and other technologies, already display emotions and make judgements sometimes better than a human⁹.

As Richard and Daniel Susskind assert in their book *The Future of the Professions*¹⁰, increasingly capable machines are assuming an ever-increasing range of work previously done by professionals, including lawyers, but not necessarily operating in the same way as a human. They point out that is a mistake to think in terms of tasks and ask how (if at all) a machine could do those tasks better. Rather, they contend that the right question to ask is how the outcomes desired by your clients - that you currently deliver through your work - can be provided in different and

⁸ Open AI's ChatGPT is the latest example of what technology is capable of. It was only released at the time of writing this book, so it is too early to tell. However, early indications are that even the current version may be capable of doing many things that lawyers currently do - including research, contract drafting and even basic negotiation, to a good enough standard especially if checked by a lawyer

⁹ See for example *Legal Upheaval*: Michelle Stefano at page 22-26

¹⁰ *The Future of the Professions*: Richard Susskind and Daniel Susskind, OUP Oxford 2015

better ways. The general answer, they would say, is that those outcomes will be provided by increasingly capable machines. That means that the role of professionals will not be to provide the outcome, but instead to work in conjunction with the machines by, for example, helping to design, update and run the systems¹¹. The work done by these professionals of the future will be very different to the work that you do today.

Table 3: Examples of stable, new and redundant roles, all industries

Stable Roles	New Roles	Redundant Roles
Managing Directors and Chief Executives	Data Analysts and Scientists*	Data Entry Clerks
General and Operations Managers*	AI and Machine Learning Specialists	Accounting, Bookkeeping and Payroll Clerks
Software and Applications Developers and Analysts*	General and Operations Managers*	Administrative and Executive Secretaries
Data Analysts and Scientists*	Big Data Specialists	Assembly and Factory Workers
Sales and Marketing Professionals*	Digital Transformation Specialists	Client Information and Customer Service Workers*
Sales Representatives, Wholesale and Manufacturing, Technical and Scientific Products	Sales and Marketing Professionals*	Business Services and Administration Managers
Human Resources Specialists	New Technology Specialists	Accountants and Auditors
Financial and Investment Advisers	Organizational Development Specialists*	Material-Recording and Stock-Keeping Clerks
Database and Network Professionals	Software and Applications Developers and Analysts*	General and Operations Managers*
Supply Chain and Logistics Specialists	Information Technology Services	Postal Service Clerks
Risk Management Specialists	Process Automation Specialists	Financial Analysts
Information Security Analysts*	Innovation Professionals	Cashiers and Ticket Clerks
Management and Organization Analysts	Information Security Analysts*	Mechanics and Machinery Repairers
Electrotechnology Engineers	Ecommerce and Social Media Specialists	Telemarketers
Organizational Development Specialists*	User Experience and Human-Machine Interaction Designers	Electronics and Telecommunications Installers and Repairers
Chemical Processing Plant Operators	Training and Development Specialists	Bank Tellers and Related Clerks
University and Higher Education Teachers	Robotics Specialists and Engineers	Car, Van and Motorcycle Drivers
Compliance Officers	People and Culture Specialists	Sales and Purchasing Agents and Brokers
Energy and Petroleum Engineers	Client Information and Customer Service Workers*	Door-To-Door Sales Workers, News and Street Vendors, and Related Workers
Robotics Specialists and Engineers	Service and Solutions Designers	Statistical, Finance and Insurance Clerks
Petroleum and Natural Gas Refining Plant Operators	Digital Marketing and Strategy Specialists	Lawyers

Source: Future of Jobs Survey 2018, World Economic Forum.

Note: Roles marked with * appear across multiple columns. This reflects the fact that they might be seeing stable or declining demand across one industry but be in demand in another.

The Reskilling Revolution. As part of their *Future of Work* project, the World Economic Forum has identified the need for a global reskilling revolution to equip workers for the future. In their report on the reskilling revolution, they identified two kinds of skills development that are just as relevant to lawyers as to other workers:

¹¹ Richard Susskind describes these new jobs in the latest version of his book *Tomorrow's Lawyers*, Oxford University Press, 2023. I comment on this later in my book

- **Upskilling:** learning new competencies, due to the change in skills required, or adding certain competencies for career progression within your current role
- **Reskilling:** learning new sets of competencies to transition to a completely new role.

The shift from working in silos to working more in teams. Recently many companies have started to change their organisation structure from a siloed functional structure to a more flexible one that makes greater use of cross-functional teams to collaborate on projects. Companies like Spotify, Netflix and Atlassian are prime examples, but this trend is now extending to many more established businesses especially because of the increasing adoption of Agile At Scale¹². Indeed, I have helped the legal department of such companies to figure out what changes its lawyers can make to adopt and leverage these New Ways of Working (NWOW). This development can present a challenge for many lawyers who may not be familiar with working on a regular basis in cross-functional project teams.

New flexible work arrangements. In an increasing number of organisations throughout the world, it is now possible to work part time, less than five days a week, or to work from time-to-time as a freelance consultant in the so-called gig economy for a talent on demand business. Even as a full-time employee you may be offered more flexibility in terms of the hours you need to work and where you need to work from. This trend has, of course, accelerated because of the fallout from the Covid pandemic. Now almost every firm and legal department is required to adapt their way of working to this new environment if they had not already done so. Lawyers who do work remotely also need to find new ways to continue to build crucial relationships and to learn from others.

Crises. The Covid pandemic has highlighted, to everyone all over the world, how suddenly and dramatically our lives can change. Businesses either collapsed or had to adapt to survive. Employees lost their jobs and, in many cases, had to reinvent themselves to earn a living in new kinds of work. In a world where Covid is unlikely to be the only crisis you will encounter, there will be a premium on your ability to adapt and be resilient.

¹² For a description of Agile At Scale see for example <https://hbr.org/2018/05/agile-at-scale>

Living longer and no more 'jobs for life'. According to research in the *Human Mortality Database* referred to in the book *'The 100-Year Life: Living and Working in an Age of Longevity'*¹³, if you were born in the developed world in the 1990s you have a 50% chance of living to the age of 100 and that age increases significantly for every decade thereafter. The book also reminds us that 'jobs for life', which was an available social contract in some countries not so long ago, no longer applies. The central thesis of the book is that we are moving away from the traditional 3-stage (education/work/retire) life cycle into a multi-phase life where retirement is delayed significantly, you can have multiple different careers and life experiences, and you will be constantly learning and re-inventing yourself. In this multi-phase life, it is said that three intangible assets will be key:

- *productive assets* such as skills and experience
- *vitality assets* such as physical and mental health, and
- *transformational assets* such as understanding yourself, having dynamic and diverse networks, and the ability to initiate change yourself by trying it out.

The Rise of New Incomes

*'Alongside the seismic shifts of the VUCA world are equally significant shifts in what people are looking for when they go to work each day. Gone are the days when payoffs to Economic Man alone were enough. In those days, conventional incomes- such as paychecks, health benefits and limits to hours in a workweek - sufficed. Now we're seeing the pursuit of new incomes: personal satisfaction, meaningfulness, and happiness. These are the payoffs to the Psychological Person, to the intangible self, to fulfilment in the interior world'*¹⁴.

'But what is happiness? The definition most in vogue, fuelled by the positive psychology movement, is one of happiness as state characterized by pleasure; a banishing of pain, suffering or boredom; a sense of engagement and meaning through the experience of positive emotions and resilience. This is the dominant version of new incomes sought in the most widely celebrated 'great

¹³ Lynda Gratton and Andrew Scott, *The 100-year life: Living and Working in an age of longevity*, Bloomsbury, 1st Edition June 2, 2016 see also <http://www.100yearlife.com/>

¹⁴ *An Everyone Culture: Becoming a Deliberately Developmental Organization*, Lisa Lahey and Robert Kegan. Harvard Business Review Press (22 March 2016)

places to work'. Think of flexible work hours, pool tables, dining areas run by chefs serving fabulous and nutritious food at all hours, frequent talks by visiting thought leaders, space for naps and unlimited vacation time. However, the research literature on happiness suggests another definition, one that is overlapping but significantly different. The second definition sees happiness as human **flourishing** - becoming more of the person one was meant to be¹⁵.

If you accept the above views, then all organisations need to provide these new incomes through not only focussing on the wellbeing of their staff but also their professional development more than they may have done in the past.

The Future of Work. In the last few years there has been widespread international focus on this topic at all levels - governments, corporations, and international organisations like the OECD¹⁶, the European Commission¹⁷ and the World Economic Forum¹⁸. Why? Because there is almost universal acceptance that, because of technology and other forces, work is changing, and will continue to change, for everyone and that the changes are happening now, not off in the future. In short, what you do at work now will almost certainly not be what you do at work in the future. As PWC states in its *Workforce of the Future Report*¹⁹, 'The secret for a bright future seems to me to lie in flexibility and in the ability to reinvent yourself. If you are a great accountant who has prospered by building strong client relationships, think how you can apply that capability, without necessarily having to be an accountant. Think about yourself as a bundle of skills and capabilities, not a defined role or profession'. Obviously, this applies just as much to lawyers as it does to accountants.

A World without Work. This is the title of a new book²⁰ by Daniel Susskind. In case you were still dubious about the potential impact of these changes on your work, it might be worth reading this book which requires no explanation!

¹⁵ Ditto

¹⁶ <https://www.oecd.org/employment/future-of-work/>

¹⁷ See for example <https://ec.europa.eu/social/main.jsp?catId=88&eventsId=1386&furtherEvents=yes&langId=en>

¹⁸ <https://www.weforum.org/reports/the-future-of-jobs-report-2018>

¹⁹ <https://www.pwc.com/gx/en/services/people-organisation/workforce-of-the-future/workforce-of-the-future-the-competing-forces-shaping-2030-pwc.pdf> Quote from Carol Stubbings, Global Leader People and Organisations PWC.

²⁰ A World Without Work, Daniel Susskind, Metropolitan Books January 14,2020

B. Changes in the legal industry - some key trends

Compared to the profound changes underway in the business world, the changes in the legal industry have been more modest, but not insignificant. When I started AlternativelyLegal back in 2015 there were only a few people talking about, let alone actioning, innovation, transformation, and new ways of working. Now, there is a global focus on innovation, technology, change and transformation at virtually every legal conference and in every legal publication. Now, there is an on-going global dialogue on these topics between an ever-growing number of legal thought leaders on the leading social media platforms. Now, these topics are top-of-mind for virtually every general counsel and most legal service providers.

There is now widespread and growing acknowledgement around the world about the critical importance for all lawyers to develop non-legal skills. This is a very significant change in the legal industry. So, for example, the *Foundations for Practice: The Whole Lawyer study*²¹ in the U.S, based on surveys of over 24,000 lawyers, found that characteristics and competencies were more important than technical legal skills even for new lawyers. As the report states '*We no longer have to wonder what lawyers need. We know what they need, and they need more than we once thought. Intelligence, on its own, is not enough. Technical legal skills are not enough. They require a broader set of characteristics, professional competencies, and legal skills that, when taken together, produce a whole lawyer*'.

These findings - about the crucial importance of non-legal skills and competencies - are further reinforced by separate studies conducted in the US by the founders of the *Delta Model*²² and in the UK by the founders of the *O-shaped Lawyer*²³ initiative. Taken together with countless publications and presentations along similar lines, it is no longer controversial to say that focussing just on your legal knowledge and technical skills might have got you where you are today, but it will not get you to where you want to go tomorrow.

²¹ <https://iaals.du.edu/publications/foundations-practice-whole-lawyer-and-character-quotient>

²² <https://www.alysoncarrel.com/delta-competency-model>

²³ <https://www.oshapedlawyer.com/>

The gap between working in-house compared to a law firm

The other general development that is worth highlighting is what I refer to as the gap between working as a lawyer in a firm and working in-house. If, like me, you have worked in both situations you will know what I mean but, for those who have not, let me summarise the main differences.

General speaking²⁴ in a law firm you:

- mostly interact each day with other lawyers in the firm's office
- initiate work when the management of, or an in-house lawyer working for, your client requests you to do so and you provide a legal document or legal advice to that person often in a formal document with appropriate legal references
- have limited opportunity to get to know the client's business, its business personnel or to business partner with them
- focus on the quality of your legal advice and staying up to date with the law
- want to generate more work for yourself and your colleagues at the firm
- will, over time, increasingly focus on running the business of the firm because it will become your business when you become a partner.

Working in-house, you typically:

- interact more frequently with non-legal professionals (your work colleagues)
- are asked to answer lots of questions from those colleagues and also work on larger matters but you can also proactively initiate work
- are expected to understand the general business context and to know many of your business colleagues
- focus on providing timely, pragmatic, business-oriented 'good-enough' advice expressed in concise, simple language, usually verbally or in an email, that your colleagues can readily understand and action
- face ever-increasing work demands and try to find ways to reduce your workload

²⁴ While there are increasingly firms and other legal service providers that are trying to move away from some of these generalisations, they are apt for the vast majority of lawyers working in firms world wide

- will focus more time on helping the organisation be successful but you will do so as an employee and not as an owner.

The differences in ways of working - what work you do and how you do it - extend way beyond this brief overview. In fact, the gap between working in-house and in a firm really is significant. This gap arises because of fundamental and inevitable differences in context, incentives, expectations, priorities, challenges, opportunity, constraints, type of work and who you do that work for. Crucially, if you accept the key premise of this book, then this gap, which has always existed to some extent, may widen further because in-house lawyers have greater scope to do non-legal work than lawyers working in a firm.

Rarely, if at all, is this gap highlighted in the presentations, articles, books, and global social media dialogue between legal industry thought leaders. It is important for lawyers to acknowledge the gap for many different reasons including the following:

- it might affect your choice of career
- it should inform your professional development because working in-house is a fundamentally different job to working in a firm, and
- when you read or hear advice about what lawyers should do, you need to carefully consider whether this applies to lawyers generally or to just one of these two career types.

I have included a reference²⁵ to an excellent account of the history of corporate lawyers, contrasting the evolving roles over time of in-house lawyers compared with those working in firms. It specifically refers to the U.S. However, it is relevant to many other parts of the world. The key point is that the role of lawyers has already evolved significantly over the last one hundred years and, at various times, lawyers did do much more than provide legal advice.

I thought long and hard about whether to write a book that covers both in-house and law firm lawyers. In the end, I decided that I could, and should, do that because I believe the new vision proposed in this book does apply to both situations. To the extent that there are differences in how this vision would apply, I shall attempt to highlight that in the book.

²⁵ Getting In and Out of the House: The Worlds of In-House Counsel, Big Law, and the Emerging Career Trajectories of In-House Lawyers. Eli Wald. Fordham Law Review Volume 88 Issue 5 Article 10, 2020 . See also Carl D. Liggio, Sr., *A Look at the Role of Corporate Counsel: Back to the Future— or Is It the Past?*, 44 ARIZ. L. REV. 621, 621 (2002).

New Lexicon

Before we look at the specific changes, it is important for you to be aware of, and understand, the completely new lexicon used to describe the actors in the legal world and what they are doing in this rapidly changing landscape. This terminology is frequently used by an ever-increasing number and variety of stakeholders around the world. Many of these stakeholders are not lawyers and they are actively looking to change, if not disrupt, the status quo. This new lexicon is, of itself, indicative of the extent of actual change that is happening.

I will use this new terminology throughout the book and highlight it for your convenience. For starters, in the corporate and government context, it is common for the *legal profession* to be referred to as the *corporate legal industry* or *legal industry* or *legal market*²⁶. In-house legal departments are referred to as the *buy side*. The *supply side* is comprised of law firms and others who provide services and products to legal departments. It is said that one of the changes in the legal industry is that it has shifted from a seller's market to a buyer's market²⁷. Some might find this terminology crude, but it merely reflects an important shift of thinking by some stakeholders about lawyers (and the work they do) moving from an artisanal to a more utilitarian perspective²⁸. I will use this legal industry framework to highlight the key changes happening in the corporate legal industry. Most commentary on the industry tends to focus on the supply side – law firms and other legal service providers. I think it is more useful for all lawyers and players in the industry to consider the changes in the industry from the perspective of in-house lawyers and legal departments. That perspective is, somewhat surprisingly, not that well known by many lawyers working in firms. In-house lawyers are, after all, 'the customer'²⁹ and so the overview below is written from their perspective.

²⁶ Jordan Furlong <https://www.law21.ca/2019/09/the-new-legal-economy/> See also The Great Legal Reformation: Mitch Kowalski, iUniverse September 2017

²⁷ See for example Law is a Buyer's Market: Jordan Furlong, Kindle Edition. A buyer's market, for those who are not familiar with the expression, implies that buyers now can dictate terms more, or at least have more influence over those terms, and, as a result, drive change if they want to. Whether in-house lawyers are driving change as much as they could is a matter of debate.

²⁸ One of the first to point this out was Mark Harris the founder of Axiom Law. He said "The incumbent model is largely artisanal. It's perfect for novel challenges that are irreducibly complex, but it's not necessary for the bulk of commerce." <https://www.forbes.com/sites/danielfisher/2015/02/12/legal-services-firms-73-million-deal-strips-the-mystery-from-derivatives-trading/#5e46112fcca7>

²⁹ Strictly speaking the customer is the corporation but in practise it is typically the in-house lawyer, if there is one, who initiates the buying of services or products.

General trends within in-house legal departments - the Buy side dimension

The rise of in-house lawyers. When I moved in-house from private practice at Baker McKenzie to become International Legal Counsel at Sun Microsystems in Silicon Valley, some of my friends and family questioned my move. At that time, in the late 1980s, working in-house was still not that common and had a bit of a 'second class lawyer' stigma attached. Now, in-house roles are in high demand and in-house lawyers comprise up to one third of the legal profession in quite a few countries. More importantly, the influence of in-house lawyers inside their organisations has grown from what was, in many cases, a mere go-between the business and law firms to now becoming a key part of the business team.

The growth of importance of in-house lawyers within the legal profession and the business world more generally can be seen by the rise in membership and profile of in-house legal associations such as *Association of Corporate Counsel*³⁰ and their various chapters around the world, *European Corporate Lawyers Association*³¹ and the various national members of the *In-house Counsel WorldWide*³² network. If you are not familiar with these associations, I would encourage you to check them out because they have helped me during my career especially in building a network with other in-house lawyers.

The more for less challenge. In his book '*Tomorrow's Lawyers*'³³, Richard Susskind coined the expression 'more for less' to describe the challenge faced by most general counsel - how to cope with constrained internal resources, and in many cases limited budget for external counsel, to deal with the ever-increasing flow of legal work arising from organisational growth and changing regulatory environment. Most general counsel that I know would say this remains their number one challenge and addressing it has become a huge focus for them and for consultants like me. There are many ways to reduce the traditional work done by in-house lawyers. This ongoing exercise is not only key to in-house lawyers coping with the endless stream of this work, but also

³⁰ <https://www.acc.com/>

³¹ <https://ecla.online/>

³² <https://in-housecounselworldwide.com/>

³³ https://www.amazon.com.au/Tomorrows-Lawyers-Introduction-your-Future-dp-0192864726/dp/0192864726/ref=dp_ob_title_bk

critical to finding time for you to do different kinds of more impactful non-legal work as suggested in this book.

Informal expansion of role (and expectations) of in-house lawyers. Compounding the more for less challenge are the rising expectations of business and functional colleagues and the desire of in-house lawyers to get more involved in their organisations. Increasingly, you often end up doing work that extends beyond your formal role as in-house lawyer and beyond traditional legal services. In general, this expansion of role and work, that is happening in a few cases almost by accident, is precisely what this book advocates but on a more widespread and conscious basis. This trend is not that well documented except for the general counsel role, where there is a lot written³⁴ about how that role has evolved way beyond the legal area. If it is an undeniable trend for general counsel, it should obviously be equally relevant to all in-house lawyers.

Formally assuming non-legal roles. General counsel and other senior in-house lawyers are increasingly taking on roles, in addition to legal. They are, for example, assuming formal responsibility for a whole range of responsibilities such as risk, compliance, human resources, administration, privacy, sustainability, and innovation. Also, in some cases, in-house lawyers at all levels relinquish their legal responsibilities and move full-time into a non-legal role. These non-legal roles may not be available, or of interest, to you now. However, that may change as your progress through your career, and it is prudent to start taking steps now to prepare yourself for these roles.

Unbundling of work. Much of the work, especially the more complex, time-consuming work, done by lawyers can be disaggregated into smaller, discrete groups of activities. For example, litigation typically involves a range of work such as legal research, reviewing communications and documents, interviewing witnesses, and preparing court documents. Not all these activities need to be done by a lawyer, or anyone in the legal department, or in your organisation, or even in your own country. Indeed, not everything has to be done by a human. Perhaps it can be automated. In

³⁴ See for example *The Generalist Counsel: How Leading General counsel Are Shaping Tomorrow's Companies*. Prashant Dubey and Eva Kripalani Oxford University Press 2013. *Indispensible Counsel: The Chief Legal Officer In The New Reality*: E. Norman Veasey, Christine T. Di Guglielmo. Oxford University Press 2013. *The Inside Counsel Revolution: Resolving the Partner-Guardian Tension*. Benjamin W Heineman Jr. American Bar Association 2016

recent years, there has been a focus on more consciously unbundling³⁵ of work done by lawyers. This trend is likely to continue because it facilitates standardisation, automation, outsourcing and rightsourcing.

Standardisation of work. Most lawyers treat each task like it is unique. Sure, you may take advantage of precedents, standard form documents and your own prior experience. But, while the circumstances of each case may be unique, often the steps involved in the work required to do the task are the same. Legal departments are increasingly challenging themselves to look for repeat patterns in their work and, using process design and workflows, trying to standardise as much as possible of their work. This standardisation process is aided by unbundling, and it facilitates outsourcing, rightsourcing, automation or the productisation of services.

Productisation of services. In-house lawyers are accustomed to advising and supporting their colleagues on a one-on-one basis. If you can standardise some of this work then you can turn this service into a product - typically an app, bot, or online tool. For example, there are bots that allow your colleagues to obtain answers to frequently asked questions themselves without coming to the legal department, self-help tools for NDAs and apps that allow employees to obtain gifts and entertainment anti-bribery clearances. The process of turning services into these products is called the productisation of services. It offers the promise of reducing your time spent doing repetitive tasks and it offers your colleagues speedier access to the information and documents they need. The productisation of services, whether developed by the in-house team or by an external organisation, is happening in a few progressive teams. However, expect this trend to become more mainstream and widespread in the coming years.

Rightsourcing of work. Once you start to examine, and unbundle, what work you do, then one of the things, but by no means the only thing, legal departments now increasingly do is to decide who should do the work. This optimal allocation of work between internal resources and an increasing range of possible external resources, is referred to as rightsourcing.

³⁵ The expression unbundling of work was coined by Richard Susskind in his book 'The End of Lawyers? Rethinking the Nature of Legal Services': Oxford University Press, 2010

Insourcing and outsourcing trends. The allocation of work between internal and external resources seems to go in waves. In the early part of my career as an in-house lawyer, the unstated preference was to do as much work as possible in-house and only outsource, in those days only to law firms, work where you simply did not have the expertise or the time to do it or where it was not core to the business. To a large extent that would still represent the general approach of many legal departments today, although each department is unique in terms of its budget and headcount constraints.

A while ago, some larger departments started to take advantage of the rise of the Legal Process Outsource (LPO) businesses such as Pangea3 in India. In fact, my last role in the Sun Microsystems legal department was to establish a global shared services unit - essentially a captive LPO - to handle high volume/low risk work. Some larger departments still do that. However, in more recent times, that type of work is increasingly being outsourced by more and more legal departments. That has been facilitated by the growth in alternative legal service provider businesses, as explained below. These businesses are often better placed to do that work at a lower, and often fixed, cost because they can invest in and leverage state-of-the-art technology and low-cost resources.

The professionalisation of procurement. If I am honest, the way that I used to engage law firms was very informal and casual. I tended to use my former law firm, Baker McKenzie, because I knew and trusted them. I would scope the work, often by phone, ask for a fee estimate and then check that the invoice largely matched the estimate. I know that legal departments with larger spend were a lot more formal than that, but I also know that many other in-house lawyers, at that time, engaged external advisors as I did.

Now, engagement practices have become a lot more professional. There is more widespread use of panels of law firms, competitive tendering, billing guidelines, budget and spend management technology, procurement platforms, alternative fee arrangements, value-based billing and, like it or not, the involvement of the procurement department. Nothing represents this trend more vividly than the emergence of the Buying Legal Council³⁶, an extremely helpful not-for-profit

³⁶ <https://www.buyinglegal.com/>

formed a few years ago to assist buyers of legal services and facilitate effective engagements with suppliers.

Technology becoming increasingly important, prevalent, and complex. It was not so long ago that in-house legal departments did not have to give too much thought to technology other than working with the IT department to ensure that team members were able to use the organisation's general business systems and personal productivity tools. Now, in many countries, senior lawyers and legal operations professionals are literally bombarded daily with unsolicited offers to buy technology or technology advisory services from LegalTech vendors, alternative legal service providers and some law firms. Now, an increasing number of legal departments are starting to re-purpose existing business software, such as Microsoft Office 365 or Google's G-Suite, develop their own technology or buy technology such as those mentioned in the section below. Despite this, most legal departments do not have a budget for technology, have not conducted a technology needs assessment, do not have a technology road map, and frankly struggle to keep up to date with the sometimes overwhelming, and constantly evolving, array of technology products and vendors.

Data focus. Lawyers tend to focus on words, not numbers. Numbers matter a lot to the business and are critical to operational efficiency. Technology offerings have helped to facilitate this data capture and re-use. In recent times legal departments have been increasing their focus on operational data such as information on expenditure and on how the legal department spends its time and what it delivers for the business. That data is useful for reporting to the business and to aid decision making by the legal department.

The other main category of data is knowledge data. Compared to law firms, in-house legal departments have done a relatively poor job of capturing and re-using legal knowledge that is contained in documents and in emails and other communications. Better management of this knowledge data, and providing broader access to colleagues, is becoming more of a focus in many legal departments.

Emergence of Legal Operations. In-house legal departments have always had to run their departments in an efficient way. Historically this was done, by either an administrator or by a

lawyer, as an additional, and often unwelcome, responsibility to their main role without much guidance or support.

One of the most dramatic trends in the last few years for in-house legal departments has been emergence of legal operations as a discipline and as a profession. The formation and rapid growth of the *Corporate Legal Operations Consortium (CLOC)* symbolises, and to some extent has contributed to, this rise to prominence of legal operations. Legal operations professionals are viewed by some as the rock stars of the legal industry and, undoubtedly, they are driving a lot of much-needed change within legal departments primarily to enhance operational efficiency. Most legal departments of any size have appointed at least one, if not more, people dedicated to legal operations.

So, what does legal operations mean? In short it is everything that needs to be done to run an efficient legal department. The CLOC 12 core legal operations competencies as described on their site³⁷, and as shown below, is a useful overview of the key areas of legal operations. Also helpful is the *ACC Legal Operations Maturity Model*³⁸ which provides a legal department with an easy way to ascertain the state of their legal operations maturity.

Lawyers do not necessarily need to become an expert in legal operations, although that might offer a potential new career path for some of you. However, it is important for every in-house lawyer to appreciate the importance of legal operations, support your legal operations professionals if you have them, but not be fooled into thinking that with legal operations you can abdicate responsibility for, or involvement in, innovation and transformation. Legal operations professionals can help by freeing up your time and by allowing you to focus on, not just doing your work, but transforming it.

³⁷ <https://cloc.org/what-is-legal-operations/> provides a more detailed explanation of each core area of legal operations

³⁸ <https://m.acc.com/maturity/>



Working more with non-legal professionals. In-house lawyers have always worked for a range of non-legal professionals in their organisations providing them with advice and support. Also, many legal departments in different countries around the world have, over the years, employed a range of non-legal professions such as paralegals, contract managers and administrators. Now, as noted above, more and more legal departments are starting to hire legal operations professionals many of whom are not lawyers. As legal departments increase their focus beyond the provision of legal advice to, for example, addressing the more for less challenge, expanding their offerings beyond legal services and working in new ways as part of cross functional teams

within their organisations, you can expect to increasingly work more with a broader range of non-legal professionals either in your legal department or within or outside your organisation. This is one of the reasons why the new vision suggested in this book is so important.

Focus on diversity and inclusion. Professional diversity is, of course, just one kind of diversity. Various recent studies³⁹ confirm that innovation and the performance of a team is enhanced with more diversity of gender, ethnicity, age, sexual preferences, national origin and physical and mental ability. It is one thing to have a diverse team, it is quite another to have an inclusive environment that truly values different ideas and perspectives, provides equal access to opportunities and resources, and encourages all employees to fully contribute to the success of the team. Diversity and inclusion are starting to become key focus areas for progressive legal departments and legal service providers. Nothing represents that more vividly than the Diversity Lab's *Manfield Rules*⁴⁰ that are being adopted by more and more legal departments and law firms.

Enhanced sharing, collaboration and co-creation. Historically, for most in-house lawyers, sharing has largely been limited to uploading documents to a shared drive, discussions at legal department meetings, and the distribution of legal department reports. Collaboration has been limited to doing what is necessary to support a colleague in relation to a specific transaction or matter. In recent times there has been a significant expansion of the level and types of collaboration and the parties involved, as the following examples illustrate:

- *Within a legal department*, collaboration has been facilitated by the more widespread use of collaboration technologies⁴¹ and sharing has been enhanced by the desire to capture and re-use knowledge data⁴², and, in some cases, new agile ways of working involving more transparency into work done⁴³

³⁹ See for example, <https://www.bcg.com/en-us/publications/2018/how-diverse-leadership-teams-boost-innovation.aspx> and <https://legal.thomsonreuters.com/en/insights/articles/law-diversity-inclusion>

⁴⁰ <https://www.diversitylab.com/pilot-projects/mansfield-rule-legal-department-edition/>

⁴¹ For example Slack, Microsoft Teams and Office 365, Zoom, Google Docs and Meet

⁴² Example of this is Microsoft Legal's development of a tool called HiveMind that uses tagging to automatically store and retrieve email legal advice provided by the legal department and by their external advisors

⁴³ For example, Kanban or visual to-do boards see for example <https://files.clio.com/marketo/ebooks/lean-legal-three-techniques-for-the-agile-lawyer.pdf>

- *Within your organisation*, legal departments are collaborating more with other colleagues in cross functional teams as part of new, more agile organisation structures and are also providing colleagues with access to contracts and information so they can self-help.
- Sharing of best practices *between those working in legal departments in different organisations* has occurred for many years largely facilitated by the in-house associations. But, in recent times, this has significantly increased in the legal operations area.
- Collaboration *between in-house departments and legal service providers* on deals, for example, has been enhanced by using collaborative virtual workspaces typically established by the service provider. Recently some service providers are *co-creating*⁴⁴ solutions for legal departments often involving *hackathons*⁴⁵ and leveraging design thinking methodologies.

Focus on Innovation and Transformation. As mentioned earlier, innovation and transformation have changed from barely being of interest to most general counsel, to be an explicit agenda item for most legal departments. That is reflected in the emergence of innovation initiatives, innovation committees and heads of transformation in legal departments. Sadly, there is a lot of misunderstanding about what innovation and transformation mean. As a result, legal departments can point to improvements but rarely to real innovation and team transformation.

C. Changes to what in-house legal departments are buying

Legal advice. In-house legal departments spend most of their external budgets on legal services. To obtain those services, in-house lawyers tend to engage a law firm, or other legal service provider, on an as needed and bespoke basis. Although there are some changes emerging as to how legal services are procured (see below), typically each engagement involves a discussion on the scope of work, an agreement on the price to be paid (still often an hourly rate based on time spent by the provider) and the work is delivered to you verbally or in a written communication.

⁴⁴ Co-creation is a special kind of collaboration that involves working with a customer to develop solutions for them.

⁴⁵ Hackathons are events involving a diverse mix of individuals who attempt in a compressed period of time to solve problems typically involving the development of technology solutions

Productised services. One recent change is the widespread availability of productised services. These services are different to the traditional engagement described above. First, the provider proactively anticipates a general need in a certain area such as marketing collateral review, GDPR compliance or dealing with the LIBOR transition. Secondly, the provider then prepares an offering with a fixed scope and fixed price. Lastly, that service is then 'delivered', typically in the same automated, systemised way and, often, direct to the business, not the legal department.

Legal Process Outsourcing/Managed Services. One of the first types of new services that in-house legal departments, and law firms, started buying about 25 years ago was outsourced services from LPO businesses such as Office Tiger in India. These services were largely for time-consuming, routine activities such as due diligence, research, and back-office administration. In recent times, the activities outsourced by legal departments has greatly expanded to include things such as contract life cycle management, legal entity management, compliance, legal operations, litigation and investigation support and regulatory response work. The outsourcing might involve the entire function, such as contract management lifecycle. Alternatively, the outsourcing might be more limited in scope to areas such as contract templates, negotiation, request for proposal (RFP), third-party contract review or contract administration.

The scale of the outsourcing can vary. The Microsoft legal department, for example, outsourced all their vendor contract work to Integreon that has a large group of people using technology to do the work at a reduced cost to Microsoft and freeing up the legal department to work on other activities. DXC, the former HP/CSC group, outsourced the entire legal department to United Lex. These days, outsourcing is more typically referred to as 'managed services' and the number of businesses offering these services has exploded as mentioned below. If there is a difference between the LPO and managed services, then it is probably that managed services involves more co-design of the solution focussing on process and technology and more ongoing collaboration, visibility, and oversight.

Talent on demand. The so-called freelance or gig economy has also arrived in the legal industry in many countries. If in-house departments need an additional resource, but cannot, or do not want to, hire an employee, they can now retain a consultant to meet short to long term needs. This is an option largely because alternative legal service providers started to develop large and diverse pools of legal talent. This talent typically represents lawyers that do not want to work in a

full-time role and/or prefer the flexibility of regularly and easily switching from one legal department to another. Increasingly, many law firms and the Big Four are also establishing separate flexible lawyer businesses and offering these lawyers for hire in lieu of, or in addition to, secondment of the firm's lawyers to their clients.

Technology. Those legal departments that have budget for technology are using it primarily for e-signature, workflow, spend management, document automation, contracts management and entity management software. More progressive departments are also starting to experiment with a range of emerging technologies such as specific apps and chatbots many of which can be configured by the in-house department using no-code software development platforms⁴⁶. Most software purchased by legal departments are referred to as 'point products', designed and used to meet one specific need. In-house legal departments still do not have, and may never have, one dominant platform product in the same way that Finance has SAP, Sales has Salesforce or HR has Workday. However, there are more general purpose, enterprise legal management (ELM) products available from some of the established larger businesses⁴⁷ and some newer platforms⁴⁸ developed specifically for in-house legal departments.

Consulting services. As you can see from the above, legal departments are increasingly focussing not just on legal problems but on other types of problems such as technology, innovation, design, process re-engineering, transformation and change management. If an in-house lawyer is not an expert in an area of law, they would not think twice about engaging a law firm to provide legal advice. Strangely, in-house legal departments have been reluctant to engage external experts to help in these non-legal areas and indeed very few departments have a consulting budget for that purpose.

However, recently, this has started to change as in-house departments realise that solving these problems can really 'move the needle' for the legal department and that they may not have the necessary expertise within their organisations and may not wish to invest in building an internal capability. Typical consulting services cover the areas mentioned above but I have, for example,

⁴⁶ Such as IBM Watson, Microsoft Power Apps, Neota Logic, Checkbox and Josef

⁴⁷ For example, Walters Kluwer, Mitrtech, Thomson Reuters and Onit

⁴⁸ For example, Plexus Gateway, LawVu, Xakia

also been engaged to facilitate strategic planning sessions, conduct design thinking sessions, re-design the entire legal department and develop a transformation plan.

Training and development. Every general counsel will tell you that the most precious asset of any legal department is you, the individuals who make up the department. As such it makes sense for departments, and for you, to be investing in maintaining and enhancing your knowledge and skills through training and development.

Sadly, that does not always happen for a variety of reasons. Sometimes it is because you are too busy and do not avail yourself of a range of opportunities to learn and develop. Sometimes it is because training budgets are cut or there is not awareness of the different training and development that is available. Within your organisations there may be development opportunities and a range of training courses offered, often at little to no cost.

Law firms also offer 'free' training to clients and others. These can be useful especially if there is nothing else available to you. However, legal departments are increasingly willing to pay for certain training. This customised training is best delivered through a blended approach of in-person sessions, when travel is possible, on-line modules, on-the-job opportunities, and mentoring programs⁴⁹.

D. Changes to who in-house legal departments are buying from - the Supply side dimension

Law Firms. For many years, and for most companies, large corporate law firms were the only businesses engaged by legal departments. George Beaton⁵⁰ coined the expression *BigLaw* to describe the business model of these firms. He, and many others, have publicly and privately challenged the long-term viability of BigLaw, and the billable hour as a way of charging clients, and encouraged these firms to change. Most have resisted these calls to remake their business model, primarily because their profitability has continued unabated.

⁴⁹ http://www3.weforum.org/docs/WEF_Towards_a_Reskilling_Revolution.pdf at page 23

⁵⁰ George Beaton is the founder of Beaton Consulting and, in conjunction with Imme Kaschner, he wrote the book 'Remaking Law Firms: Why and How': American Bar Association, June 7, 2016

However, some firms have started to remake themselves by, for example, agreeing to more fixed price engagements, establishing flexible lawyer businesses⁵¹, offering technology products⁵² and services other than legal advice to their clients including, in recent times, forming innovation hubs⁵³, investing in non-law firm businesses⁵⁴. There are, of course, many more changes happening in law firms that are the subject of significant commentary.

New Law, Alternative Legal Service Providers and Legal Companies. One of the catalysts for this push for BigLaw to change was the emergence, several years ago, of new players in the legal market such as Axiom, Riverview Law, and Lawyers on Demand. Since then, there has been an explosion in the number and types of these non-law firm players⁵⁵ operating in most parts of the world. Typically, these businesses initially start in one space, such as talent on demand⁵⁶, technology⁵⁷, consulting or even talent recruitment⁵⁸, and then expand into other NewLaw businesses.

Their structure and way of operating is unlike a law firm. They are not licensed to, and do not offer, legal advice. What they do provide is one or more of the other types of offerings referred to above in the section about what in-house legal departments buy. The largest global players include Axiom, Elevate, United Lex and Integreon. There are many other smaller players, many of which are being acquired by the larger players in an ongoing consolidation of this part of the legal market⁵⁹.

⁵¹ For example, Allen&Overy Peerpoint, Pinsent Masons Vario, Corrs Orbit and Minters Flex

⁵² For example, DLA Piper partnering with Exari to offer Documents As A Service, Norton Rose Fulbright Deal Vault, Contractor Check and Parker

⁵³ Allen&Overy Fuse

⁵⁴ For example, Dentons' investment in Nextlaw Labs/Ross Technology, Minter Ellison acquiring a technology consulting business IT Newcom

⁵⁵ Here is a study of ALSPs in 2019 by Thomson Reuters and Acritas- <https://legal.thomsonreuters.com/content/dam/ewp-m/documents/legal/en/pdf/reports/alsp-report-final.pdf>

⁵⁶ For example, Advent Balance/Lawyers on Demand

⁵⁷ For example, Plexus and LawVu

⁵⁸ For example, Major Lindsey and Africa MLA Global started as a recruitment business and now also offers interim lawyers and consulting to legal departments and law firms

⁵⁹ For example, EY acquired the non-technology part of Riverview Law and it acquired the Pangea3 managed services business which Thomson Reuters had acquired a few years earlier. Also Elevate has acquired Yerra Solutions, Halebury, Lex Predict and Cognatio Law. LOD merged with Advent Balance and has acquired Lexvoco.

The expression 'NewLaw' was coined⁶⁰ to collectively refer to these new players but they are also referred to as *Alternative Legal Service Providers (ALSP)* and *Law Companies*. These expressions can be a bit misleading because most are not new, anymore. They are also not alternative to law firms because they do not offer legal advice. In that sense, they are also not legal service providers, but rather providers of non-legal services and products to legal departments and to law firms.

The total spend by legal departments and firms on these businesses is estimated to be approximately \$14 billion globally in 2021⁶¹ although these businesses do not operate at all in some countries. As a percentage of total spend by legal departments globally, the spend on ALSP is still relatively small - estimated to be approximately 5-6%. There is some debate about whether that share will grow significantly. If it does not, then that may well be because law firms and the Big Four continue to build out their NewLaw business.

The Big Four refers to the 4 large global accounting firms - KPMG, PWC, EY and Deloitte - who have re-entered the market for the provision of legal services in many countries. They are often grouped in with the Alternative Legal Service Providers although in fact they are unique. They are like law firms in the sense that their lawyers do provide legal advice, although typically not on a full range of legal areas. They are all building out their NewLaw offerings, something I am intimately familiar with because of my engagement by KPMG in Australia to help them do precisely that. What makes them unique from law firms and other ALSPs, apart from their size, global reach, and willingness to make large investments for the long term, is their ability to provide corporations, not just the legal department, with broad services and products that integrate legal offerings with those from other parts of their multi-disciplinary practice.

LegalTech. For many years, businesses such as MitraTech, Thomson Reuters, LexisNexus and Wolters Kluwer have been supplying software to law firms all over the world for applications such as practice management, billing, document storage, accounting, and e-discovery.

⁶⁰ By Michael Huber and by Eric Chin, formerly of Beaton Consulting and now with AlphaCreates

⁶¹ <https://www.legalcurrent.com/2021-highlights-accelerated-growth-of-alternative-legal-service-providers/>

In the last 15 years there has been an explosion of new businesses, supplying these and other technology products and services to law firms and other customers. 'LegalTech' is an expression coined to describe this vast range of businesses although, often, it is used to just refer to the two thousand or so start-ups in this space⁶². Examples of the new products include e-signature, data and contracts analytics and many artificial intelligence-based products. Most LegalTech businesses primarily sell to law firms and other legal service providers. But some LegalTech businesses are starting to use technology to disrupt the legal market and offer new, more affordable, services to customers⁶³.

LegalTech is also starting to have some success selling to in-house legal departments. The most popular of such software for in-house teams includes e-signature, spend management, document automation, contracts management and entity management. There are also enterprise legal management (ELM) products available from some of the established larger businesses⁶⁴ and some more recent products⁶⁵ developed specifically for in-house legal departments. If you are interested to learn more about this dynamic area, included in the notes is some references to a LegalTech book⁶⁶, some useful sites⁶⁷, various legal technology associations⁶⁸ and detailed country reports on the state of legal technology⁶⁹

E. Changes to how in-house legal departments are buying

Earlier, I highlighted the increased professionalisation of procurement of legal services to control and better manage this expenditure and to extract more value. There are many dimensions to

⁶² <https://techindex.law.stanford.edu/>

⁶³ Legal Zoom is the pioneer in this space enabling individuals and small businesses to help themselves by making legal documents and easy access to affordable back up advisory services. There are now many similar businesses throughout the world

⁶⁴ For example, Walters Kluwer, Mitratech, Thomson Reuters and Onit

⁶⁵ For example, Plexus Gateway, LawVu, Xakia

⁶⁶ <https://fintechcircle.com/legaltech-book/>

⁶⁷ <https://legaltechnology.com/> and <https://www.lawsitesblog.com/> and <https://www.artificiallawyer.com/> and <https://www.legalitprofessionals.com/>

⁶⁸ such as European Legal Technology Association (ELTA), Australian Legal Technology Association (ALTA) and the International Legal Technology Association (ILTA)

⁶⁹ <https://www.globallegaltechreport.com/>

these changes but below are a few areas of new or enhanced focus for in-house teams, especially those with significant external spend:

- reduction in the number of firms used often accompanied with the use of a panel list of approved firms
- introduction and enforcement of billing guidelines for legal service providers to follow and often associated with invoice review increasingly using automation to assist
- competitive tendering and use of RFPs (request for proposal) for larger pieces of work and increasingly used automated platforms to facilitate this process
- adoption of spend management software to control and manage external legal spend.

Despite all these changes the billable hour remains the primary basis for law firms to charge for the legal services that they provide for in-house teams. However, there are a range of what are referred to as 'alternative fee arrangements' (AFA)⁸⁰ such as:

- fee caps
- fixed fees
- volume discounts
- blended hourly rates
- contingency fees
- performance based success fees
- portfolio fees
- retainers
- risk collars

Adoption of these AFAs vary greatly depending on the country and size of the legal budget. Those with less external spend tend to use mainly the hourly rate with some fixed fees. Organisations with larger budgets are, understandably, more inclined to explore some of these AFAs at least for some of their outsourced work.

F. Changes at the individual lawyer level

In the light of the magnitude and pace of changes happening in society, in business and in the

legal industry, have corporate lawyers changed in any significant way?

That question raises the question of what you can change. In a world of changes that seem overwhelming and are outside of your control, what is within your control? There are two things in general from a professional perspective that you have some control over and that you can change:

1. Your professional development - what you are capable of doing at work, and
2. Your work - what you do with your time at work.

You may say that you cannot change your work, and that you do not have any control over it, because you must do what your client or boss wants you to do. However, you have considerable freedom over how you do your work. You also have more control over what work you do than you might imagine, especially if you work in-house. I shall explain this in more detail later in the book and in later books in the series.

By being specific and precise about what you can change as an individual, we can cut through the 'noise' about what you should do and simplify it down to those two things - your work and your professional development. Have these changed in any significant way?

Obviously, you may need to change somewhat if you change your role/practise area, change your employer, or move from individual contributor to manager. Hopefully there is some work that you once did that you either do not do anymore or you do it more efficiently with the help of technology. But other than these specific cases:

- are you doing new types of work, or working in new ways, that add more value for your clients and
- to what extent have you expanded your knowledge and capabilities beyond the legal area?

In short have you re-imagined your work and reinvented yourself to work in new ways?

If you have not reinvented yourself and fundamentally re-imagined your way of working, should

you? We will explore that question in greater depth in the next chapter but, before doing so, there is an intermediate question that you may be thinking about.

G. What is so different now?

What is so different about the recent changes, and likely future changes, that might mean that what you have done up until now may not be sufficient anymore? Most people would say that the pace and magnitude of change is so much greater now than at any time before in their lifetime. But is the nature of these changes also different?

As Charles Handy points out in his book *The Age of Unreason*⁷⁰, there are two types of changes that appear from time to time over our history - *continuous change* (also known as incremental change) and *discontinuous change*. *'Continuous change is comfortable change. The past is the guide to the future.'* *Discontinuous change is different. Discontinuous change does not follow any pattern from the past. It threatens the status quo and traditional way of doing things.* *'Discontinuous change refers to external changes that require internal adaptations along a path that is non-linear relative to (the) traditional trajectory'*⁷¹

For most of my working life, the changes happening in the world have been of a continuous nature. Evolutionary not revolutionary. Incremental not disruptive. But have we entered a period of discontinuous change? The technology advances, referred to above, might suggest discontinuous change and that is a view held by many⁷².

Often it is difficult for us to appreciate the extent of change happening around us unless and until we experience something different, first-hand. For many lawyers there has not been that 'aha' moment. But the Covid pandemic has given everyone an initial and shocking taste of discontinuous change. Few expected it. Now, few would not expect, or at least plan for, more

⁷⁰ *The Age of Unreason*: Charles Handy, Harvard Business Review Press; 1st edition (February 1, 1991)

⁷¹ Chirstensen & Bower, 1996; Tushman, Smith, Wood, Westerman, & O'Reilly, 2003 in Gilbert, 2005) referred to in <https://managingresearchlibrary.org/glossary/discontinuous-change>

⁷² See for example Richard Susskind who states *'I foresee discontinuity over time and the emergence of a legal industry that will be quite alien to the current legal establishment'* in the introduction to *Tomorrow's Lawyers*, Oxford University Press, 3rd edition, 2023.

discontinuous change whether the primary cause be related to climate, military, health, technology, or something else.

Why is the distinction important?

In times of continuous, or incremental, change, you can do just fine by focussing on improving yourself and just getting better at what you do. No need for radical change of thinking about the world and yourself. However, *'discontinuous change requires discontinuous or upside-down thinking'*⁷³. *'If the new way of things is going to be different from the old, not just an improvement on it, then we need to look at everything in a new way'*⁷⁴. Looking at your work as a lawyer in a new way is precisely what this book attempts to do.

This chapter was intended to give you a high-level snapshot of the key changes in your work landscape as context for you to consider whether it is sufficient to continue to incrementally improve your legal skills and knowledge or whether it might be desirable, or even necessary, to fundamentally change your way of working and perhaps to reinvent yourself. The next chapter makes the case for such a change.

⁷³ The Age of Unreason: Charles Handy, Harvard Business Review Press; 1st edition (February 1, 1991) Page 5

⁷⁴ The Age of Unreason: Charles Handy, Harvard Business Review Press; 1st edition (February 1, 1991) Page 19

2. THE CHANGE IMPERATIVE

Despite any personal frustrations and the changing client expectations and landscape, with the resulting risks and opportunities, most lawyers will not see the imperative to change their way of working let alone to reinvent themselves. This chapter makes the case for fundamental change: a transformation, not just an improvement, of yourself and your way of working.

There are a few preliminary points to highlight on the change imperative:

- most commentary on this topic tends to focus on reasons why lawyers need to change. I prefer to focus on why a lawyer may want to change their way of working and consider reinventing themselves to do so
- ultimately a person will only change if they decide it is in their interests to change. A common mistake made by leaders is to frame the reasons for change from the perspective of the firm or the legal department, not the individual lawyer
- articulating and communicating the compelling reasons for individuals to change, and a clear Future State Vision, are two independent but related fundamentals for leaders of any change management process.

A. Reasons why individual lawyers might want to change

So why might individual lawyers want, or need, to change their way of working and themselves to work in these new ways?

Most corporate lawyers, most of the time, can find work and are paid quite well. Despite some predictions of the looming demise of the traditional role of lawyers and rising levels of unhappiness and wellness issues, generally things seem to be just fine. What is the problem? What's wrong with lawyers just continuing the way they are? Why the need for fundamental change?

Well, if you scratch the surface, as I have had the chance to do working with thousands of lawyers

worldwide over the last ten years or so, then you hear numerous frustrations or aspirations such as:

- *I am overwhelmed with work. There must be a better way of working that does not just involve working even longer hours or trying to do the same things more quickly*
- *I'm bored/burnt out doing the same old work and I'd like to do something different*
- *My work is very specialised. I can do a few things very well but nothing beyond that*
- *I love learning and I'm not learning many new things*
- *I want to grow professionally, and I don't feel like I am doing that right now*
- *I hate the fact that I'm brought into a matter at the last minute often after a problem has arisen with a limited opportunity to influence the outcome*
- *No matter how hard I work, or how excellent my legal work is, my in-house business clients don't fully value my work or, for that matter, me. I want to be valued and respected more*
- *I would like to make more of an impact in my firm/department/company. I feel like my current work is largely not that important and as a result has minimal impact*
- *It would be terrific if I could find more meaning in my work. Currently the work that I do feels a bit meaningless*
- *I feel like I have so much more to contribute to the firm/department/company if only I had the opportunity*
- *I want to maintain and enhance my marketability in an increasingly competitive market*
- *I am frustrated that I am not being promoted even though my legal skills are first class*
- *I am concerned that what got me to where I am today may not get me to where I want to go, and where I need to be, in the future*
- *I'd like to open the possibility in the future of other career options beyond the law*
- *I wonder what the changes happening in the world - in particular in technology - might mean for me/my job and I'd like to future-proof myself as much as possible.*
- *I want to be more adaptable and more resilient, and I feel vulnerable because I only know how to do a few things very well*
- *I'd like to be able to contribute more to innovation in our firm/department/company*
- *I'm approaching retirement. I'd like to do something different once I leave this job, but I've only ever done the same sort of work and I'm not qualified for anything else*

There are a few important points to make about the above list of frustrations/aspirations.

First, and perhaps most important, some of these frustrations may be contributing to what is widely regarded as an increase in unhappiness and a decrease in well-being and wellness⁷⁵. This book is not targeted specifically at well-being and wellness. Rather the primary aim of this book is to enhance performance and fulfillment in your work. Hopefully this will also, to some extent, assist in enhancing well-being.

Secondly, you may be content with your job but, nevertheless, be keen to explore any change that might address these frustrations or realise these aspirations. If you look closely at this list, it is obvious that none of those points will be addressed by focussing on improving your legal knowledge or skills - the default approach to personal professional development. So, if you share any of these frustrations or aspirations, and you want to do something about it, then you do need to do something different - change your way of working and your approach to professional development.

Lastly, if leaders of firms and departments want lawyers who work for them to change their way of working, they need to frame the change in terms of how it might address individual concerns and aspirations. That said, there are of course separate reasons why the leaders of legal departments and firms might want those lawyers to change what work they do and their capability to do this.

B. Reasons why Legal Departments might want their lawyers to change

The number one challenge for almost every legal department, as mentioned in the prior chapter, is how to cope with constrained internal resources, and in some cases limited budget for external counsel, to deal with the ever-increasing flow of legal work arising from organisational growth and changing regulatory environment. There are several ways to address this challenge. One of the primary solutions to this challenge is for the lawyers in the department to stop doing certain types of work and/or to do that work in different ways with the ultimate objective of freeing up time for the lawyers.

⁷⁵ See for example <https://www.qls.com.au/getattachment/c198ec41-5b0b-4702-b236-625231d3b772/booklet-the-resilient-lawyer.pdf>

This focus on changing what work is done by the lawyers is especially crucial if, rather than just coping with the top challenge, the objective is to also address the number one general priority⁷⁶ of most leaders of legal departments. That priority, almost every general counsel will tell you, is how can the legal department add more value to the corporation. There are many ways to add more value, but the primary way to address this priority must involve the lawyers doing new types of work, and do existing work in new ways, to have a greater impact. After all, the legal department is nothing more than the sum of the individuals in the department and the work that they do.

Adding more value also happens to be one of the primary reasons for individual lawyers to change their way of working. Why? Because, as I know from personal experience, the more value you add for clients the more they will value you. Being appreciated by your clients is hugely important to every lawyer I know.

Attracting and retaining top talent is another reason why a legal department may wish to change the way of working of the lawyers in the team - to do more varied and interesting work - and develop their capability to do so. Once word gets out that a department offers this sort of opportunity, it is more likely to attract top talent who are looking for more diversity in their work and a chance to grow more professionally. This will, in turn, provide the legal department with a stronger leadership team and facilitate succession planning.

Finally, legal departments will want to help lawyers change their work and their capabilities to do different work so that the lawyers and the department can flourish and realise their full potential. That can lead to greater engagement and happiness and maximise the performance of the team.

C. Reasons why firms might want their lawyers to change

The perspective of a law firm, and the lawyers who work in it, is somewhat different to in-house legal departments as explained in an earlier section of the book referring to the gap between the two. Some might suggest that firms have a vested interest in their lawyers continuing to work in

⁷⁶ General counsel may have, from time to time, other specific priorities. However, the one crucial priority that applies always is adding more value.

the same old ways. Indeed, some firms may take that view. However, I know that some of the law firms that I work with are interested in their lawyers working in new ways on new things.

There are numerous reasons why firms might want their lawyers to do different types of work or work in different ways including the following:

- even though almost all the top firms believe that they have the very best technical lawyers, the truth is that most clients believe that there is very little difference between these firms based on legal knowledge and skills. Relationships, of course, count for a lot but progressive firms are looking for a point of competitive differentiation or advantage. Developing their lawyers in new ways and developing new ways for those lawyers, and other members of the firm, to help clients can provide that difference
- firms typically aspire to become 'trusted advisors' to their clients - in other words the 'go to' resource for guidance and not just on legal matters. Unlike the transactional relationship, that is the typical one between a firm and its client, a trusted advisor relationship is more entrenched and can lead to a variety of new work and is difficult for competitors to breach. Firms rarely become trusted advisors to clients, especially to business clients, just based on legal work. Being more than a lawyer and doing more than legal work is essential to become a trusted advisor
- if the firm's lawyers are more than just lawyers and can do more than just legal work, then it provides new revenue streams for the firm over and above legal services
- attracting, developing, and retaining top talent is a priority for all firms. Most top talent is more likely to work for a firm that provides an opportunity, and a program, for them to grow to be more than just a lawyer and to do more diverse work over and above legal work.

D. Reasons why business clients might want their lawyers to change

Most business clients would see in-house and law firm lawyers as a cost to the business, 'a necessary evil' in a world of increasing regulations and visibility when things go wrong. They do value that lawyers can help solve and prevent legal problems and provide moral and ethical guidance.

However, they would typically not see lawyers as contributing in any significant way to growing the business or helping to prevent and solve business problems. Unless an organisation has lots of legal issues or requirements, they would typically see lawyer's contributions in general as marginal when compared with other functions in the business.

Business executives may not explicitly state it, but they would like, if not expect their lawyers to contribute more to the business by, for example:

- minimising any unnecessary drag on the business as a result of legal process/systems
- helping solve not just legal problems but business problems
- anticipating problems and opportunities and helping the business to address these proactively

Clients, therefore, would like their lawyers to change their capabilities and work so that they can make more of a contribution to the business. In other words, if there is one general thing that clients would like to see, it is for lawyers to add more value.

E. Reasons why some regulators may want lawyers to change?

When there is some legal scandal at a corporation, in-house lawyers have, in the past, tried to deflect responsibility by arguing that business decisions are made by their business colleagues and the lawyer's role is just to provide legal advice, not more. Regulators are now starting to challenge that perspective. For example, Joe Longo the chairman of Australia's corporate regulator, ASIC, said that lawyers may face legal charges if they fail to intervene, when they should, in business discussions.

He said *'It's not just about the law. A good general counsel will help boards and companies make good decisions about what transactions to enter into, who to do business with and manage reputational risks.'*⁷⁷

⁷⁷ Presentation to GC 100 Chapter of ACC in Australia reported in the Australian Financial Review on December 14 2022 at page 6.

No doubt general counsel and other in-house counsel will increasingly be expected by regulators all over the world to be more involved in the business and to provide business input and advice over and above legal advice.

F. What is the ultimate objective of change?

The points raised above cover a wide range of different reasons for lawyers to change their way of working - what they do and how they do it. But what is the ultimate objective of this change?

If I asked you to summarise, into one overarching idea, the primary objective of change you would probably say something like *'to be a better lawyer and to provide better legal services and deliver these in better ways.'* That is, in fact, what I am told by almost every lawyer, general counsel and law firm partner that I speak to about this question. It is also what most of the commentary in the corporate legal industry explicitly or implicitly states to be the primary objective of such change. I do not share that view. If the only outcome of change is better legal services, delivered in better ways, then will that address the frustrations and aspirations of lawyers, legal departments and firms outlined above? Will it meet the expectations of clients? I do not think so. Better legal services delivered in better ways are worthwhile outcomes. However, there must be some other result of change that will better achieve the reasons for change, and there is.

The objective of change should be for you to become a different lawyer so that you can do different work, and work in different ways, that add more value for your clients.

Adding more value is the key aspiration shared by lawyers, legal departments, and firms, as I mentioned above. It also happens to be the only shared aspiration that is 'double-sided' in the sense that it benefits clients at the same time as benefiting lawyers, legal departments, and firms. Clients, obviously, want more value from their lawyers and, if they can produce this outcome, lawyers, legal departments, and firms enjoy feeling more valued by the clients.

Value is a nebulous concept for most people; difficult to define and to measure. It has long been a central component of my T-Shaped programs and something I will cover in more detail in a later book in the series. I was pleased to see that some recent findings from Deloitte Insights confirm the crucial importance for everyone of changing your work to add more value.

Redefining Work - to add more value

The articles, *What is work*⁷⁸ and *A pragmatic pathway for redefining work*⁷⁹, are written, by leading experts at Deloitte on organisation change. They were referring to corporate employees although the insights apply equally to firms and to all lawyers just as much as any other worker. Below is a selection of comments that are particularly relevant to this book and to the new vision that I am advocating for lawyers.

- *'Everyone is talking about the future of work. Yet few are asking the most basic, fundamental question about **what that work should be**. If we fail to do that, all the how/where/who questions will be answered with modest, incremental results because they will be answered according to the work we have today'.*
- *'The future of work needs to incorporate opportunities to streamline, to augment and to redefine (work)'.*
- *But 'redefining work is fundamentally different from automating or augmenting with technologies, or changing the composition of the workforce, or reskilling or leveling up workers to work elsewhere. It is not about adding employee suggestion boxes or innovation/entrepreneur centers to the work'.*
- *Rather, redefining work is about 'expanding our notion of work and outcomes and not treating it as static' or focussed on output. It requires everyone to make 3 fundamental shifts:*
 1. *'Shift the objective of work from efficiency and cost savings to broader value creation - not just incremental but exponential value*
 2. *Shift the focus of workers from executing routine tasks and processes to identifying and addressing unseen problems and opportunities.*
 3. *Shift the requirements of workers from specific skills to enduring human capabilities, helping workers to learn faster and to better see and address previously unknown opportunities'.*

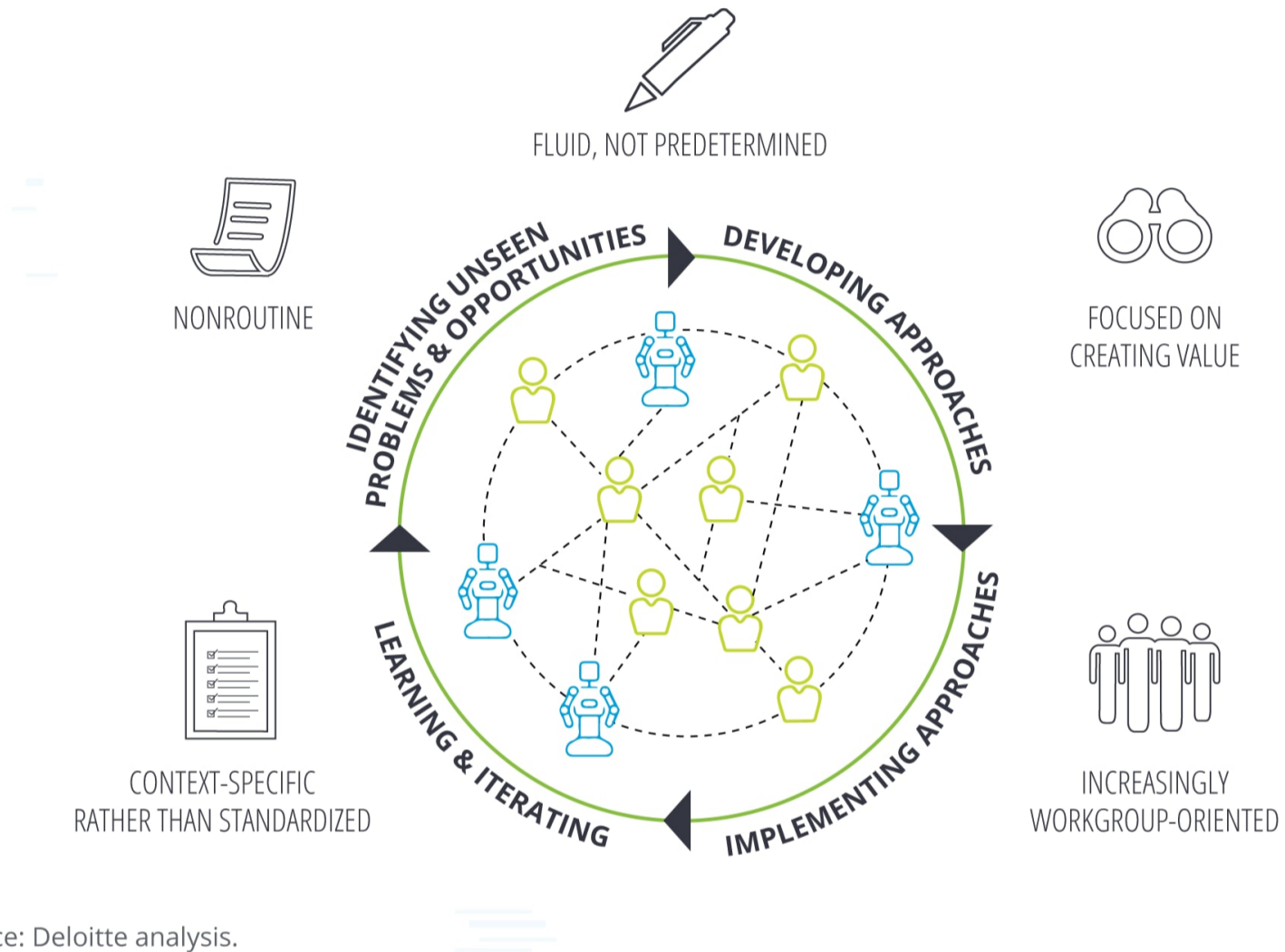
⁷⁸ <https://www2.deloitte.com/us/en/insights/focus/technology-and-the-future-of-work/what-is-work.html>

⁷⁹ <https://www2.deloitte.com/us/en/insights/focus/technology-and-the-future-of-work/redefining-work-for-new-value-creation.html>

FIGURE 1

A new vision of human work oriented around creating new value

Because of more rapidly changing customer expectations and a more complex environment, workers will create value through nonroutine, nonstandardized work. They will use their human capabilities to better read and adapt to context. They will work with technology to see more of the unseen, develop and test novel approaches, and identify opportunities to offload work that does become repetitive or standardized. The complex, evolving challenges will require collaboration in diverse workgroups focused on an outcome rather than independent efforts focused on an output.



Source: Deloitte analysis.

Deloitte Insights | deloitte.com/insights

As the articles point out, almost all the focus of change in workplaces so far has been on streamlining and augmenting work for efficiency and/or cost savings. There has been little to no focus on *'the imperative to reimagine what work should or could be'*. This book is an attempt to reimagine - to redefine - what the work of corporate lawyers could and should be.

G. Improvement or Transformation?

I am often asked by lawyers 'what is wrong with just improving what I currently do - won't that suffice?' This raises the crucial question of the nature and extent of change required to achieve your objectives.

As explained above, an 'improvement approach' to become a better lawyer is unlikely to address the above frustrations and aspirations nor will it achieve the objective of adding significantly more value through your work. These outcomes require you to become a different lawyer.

The level and extent of change required to become a different lawyer involves a transformation for almost all lawyers. By that I mean it involves a significant change from one thing - a lawyer who almost exclusively does legal work - into another thing - someone who is more than just a lawyer and who works in new ways and does more than just legal work. It is the equivalent of turning from a caterpillar into a butterfly.



Transformation (Source: La Jolla Village School)

Is transformation for me?

Based on feedback I hear from lawyers over the years, I can guess that you may have some immediate reactions to this notion of transformation. I ask that you reserve judgement until you have read the more detailed explanations later in the book, but my responses to some common reactions are:

- *'I don't think transformation is for me. An incremental '1%' approach is all that I can realistically achieve'.* This type of response conflates the aspiration with the implementation. Of course, any transformation plan should be staged in realistic steps over time but that does not mean that you should aim low.
- *How can I change what work I do? I can only do what my clients ask me to do.* From my own personal experience as a lawyer, I can say that clients will rarely specifically ask you to be more than a lawyer and to do more than legal work. The reason is simple - they do not expect it from a lawyer. However, I can assure you that, in almost all cases, your clients will greatly appreciate the fact that you have gone above and beyond providing just legal advice and doing just legal work. I will explain this in much more detail later in the book.
- *As much as I want to transform myself and my work in the way that you suggest, I do not think that my boss/department/firm would want to transform.* It is obviously preferable if the department or firm adopts a similar approach to transformation, which is precisely why I have developed transformation frameworks for individual lawyers, departments and firms that are aligned with each other. However, even if this is not the case, I know from my own personal experience, there is usually nothing stopping you from initiating and driving this transformation for yourself as I will explain later in the book. But, even in the unlikely event that your department or firm does want to stop you from transforming, are you really going to let that happen?
- *I do not need to transform because I am already very commercial, understand my client's business and have good relationships with my clients.* This may well be true, although often clients do not share that view of their lawyers. In any event this is a necessary but not sufficient condition for the nature and extent of transformation that I am proposing as I shall explain later in the book.

H. Is it necessary for corporate lawyers to have a new vision?

The reason why this improvement or transformation question is so crucial is because it directly impacts whether a new vision is necessary or not.

If you are convinced that being a better lawyer is sufficient to meet your professional objectives, then an improvement approach to change should suffice and you do not need a new vision. If, however, you accept that just being a better lawyer will not achieve your objectives, and that you are interested to explore the idea of transforming into more than a lawyer who does more than just legal work, then you do need a new vision as explained in the next chapter.

But, before you sign up for this transformation, you might want to have a better idea of what the butterfly could look like for you. In other words, what it means to be more than a lawyer doing more than just legal work. The rest of the book is intended to do that - to paint a picture of this future state. The next chapter will offer a high-level future state vision and the following chapters will provide even more detail to help make the picture clearer for you.

3. DEFINING A NEW VISION FOR CORPORATE LAWYERS

A vision is a picture of what you want to be in the future. Some like to call it your North Star. Like a bright star, a well-conceived vision can provide a general direction, and reference point, for you on your journey to achieve your change objectives.

As previously mentioned, having a clear and compelling vision of the future is crucial for individual lawyers if you want to change yourself to be more than just a lawyer and change your work to do more than legal work. The reason for this is very simple. Change takes time and you have limited time available over and above your work and family commitments. You want to utilise any time, and money, you spend on professional development wisely to best help you achieve your career objectives. A clear vision or idea of where you are trying to get to will inform what new capabilities you will need, how you are going to develop these through professional development, and how you can use these in your work.

Conversely, if you do not have a vision that provides clear direction, then your time spent on professional development may not achieve your career objectives and, perhaps more importantly, your clients will not see any noticeable change in terms of impact of your work.

Legal departments and firms, that wish to do more than just improve what they currently do, also need to articulate Vision Statements and align this with their Mission, Strategies and Goals. A Future State Vision - that is clear and widely accepted - is one of the core components of all successful change management processes in any organisation. This applies to legal departments and to firms, and to the services they provide and to the human and digital resources they employ, just as much as it does to corporations.

For a vision to be effective, it should be:

- *Aspirational* - it should be forward looking, ambitious and capable of satisfying whatever you believe is necessary not just now but, in the future,
- *Inspirational* - it should excite you so that you are motivated to achieve the vision

- *Directional* - crucially, it should be clear and simple enough to inform everyone which direction you are headed in to achieve your objectives and inform what you need to do to get there.

A. The default vision

The 'default' vision - what most corporate lawyers aspire to be - is an excellent lawyer. Some may even aspire to be one of the best lawyers, if not the best, in a certain geographic, industry or practice area. Most legal departments and firms have similar default visions - to provide excellent, top notch or, even 'the best', legal services.

I use the expression default because typically many corporate lawyers, legal departments or firms do not have a stated vision. The above is their implicit vision which they will articulate if pushed for a vision statement.

Why not the default vision?

What is wrong with aspiring to be an excellent lawyer or to provide the best legal services? At first glance there is nothing wrong with that aim. However, on closer reflection it can, and typically does, lead to a significant problem.

An inward focus

If you define your aspiration as being a better lawyer, providing excellent legal services or something similar, then it tends to make you focus internally on yourself, your legal department or your firm. Think about it. At the centre of that vision is you, your legal department or your law firm.

With that as your implicit or explicit vision, your:

- plans will revolve around asking how can "I" provide better legal services?
- initiatives will consist mainly of actions for 'you' to provide better legal services
- measure of success will involve looking at yourself and assessing how am "I" better.

But what is wrong with that?

The problems with such an internal focus are that:

- the changes that you make in pursuit of the default vision, as a lawyer, legal department, or firm, tend to primarily benefit you and not your client, and

- it is difficult, if not impossible, to be customer-focussed or client-centric. Lawyers, legal departments, and firms speak a lot about the importance of being client-centric but often fall short of that aim. One of the primary reasons for this may be that their vision is not client centric. How can you become more client centric when your vision is all about you and not the client?

How does the default vision measure up against the AID test?

Is it aspirational enough? Bearing in mind the changing landscape mentioned in chapter one, is being an excellent lawyer going to be good enough for you, and for your clients, not only now but also in the future (or will you and they be looking for something more)? Does it allow you to satisfy your aspirations and achieve your objective for change? The default vision does not differentiate you significantly from most other lawyers. Is that sufficient or do you aspire to have a fundamental point of difference from your peers or competitors?

Is it inspirational? You may well be someone for whom the aspiration of legal excellence or being the best lawyer is indeed sufficient to excite and motivate you daily. However, is there an alternative vision that incorporates this aspiration and adds something that involves learning new things, doing new things and addresses your frustrations and aspirations?

Is it directional? To the extent that it is directional, the default vision is, in effect, pointing in the same direction as you are currently headed. In other words, a vision that refers to legal excellence or being the best lawyer (or law firm or legal department) does not really amount to a change of direction. It is continuous with the past. That means it will, at best, lead to improvement not a transformation as explained in the last chapter.

To put it simply, the default vision may be fine if client-focus is not a priority. It may also be acceptable if, notwithstanding what I have mentioned in chapters one and two, you do not believe it is important to transform to fundamentally change what you are capable of doing and what you actually do in your work to be more than just a lawyer and to do things other than legal work. I'm going to assume that you do not hold that view or, at least, that you are interested to learn more about possible alternatives.

B. Alternative new visions for lawyers

There have been multiple attempts to define a new vision for lawyers such as:

- the digital lawyer⁸⁰
- the strategic lawyer⁸¹
- the whole lawyer⁸²
- the fluid lawyer⁸³
- the O-shaped lawyer⁸⁴
- the lawyer statesman⁸⁵

All these ideas have much to commend them and are worth understanding, if for no other reason than they all confirm that it is essential, for many different reasons, to be more than just a lawyer and to develop non-legal skills.

Tomorrow's lawyers

Richard Susskind is one of the most well-known and highly regarded futurists in the legal industry. In the latest version of his book, *Tomorrow's Lawyers*⁸⁶, he describes a vision of the not-too-distant future in which:

- increasingly capable machines are providing clients with an ever-increasing amount of the legal assistance without the need to interact with lawyers

⁸⁰ <https://clp.law.harvard.edu/assets/educating-the-digital-lawyer.pdf> and <https://www.ft.com/reports/digital-lawyers>

⁸¹ Richard G. Shell of the Wharton School at the University of Pennsylvania https://www.abajournal.com/magazine/article/the_strategic_lawyer1) and later Sterling Miller <https://sterlingmiller2014.wordpress.com/2019/12/12/ten-things-the-strategic-in-house-lawyer/>

⁸² <https://iaals.du.edu/publications/foundations-practice-whole-lawyer-and-character-quotient>

⁸³ <https://thefluidlawyer.legalbusinesslibrary.com/index-h5.html?page=1#page=1>

⁸⁴ <https://www.oshapedlawyer.com/>

⁸⁵ <https://corpgov.law.harvard.edu/2010/09/05/the-general-counsel-as-lawyer-statesman/> See also for general counsel - https://books.google.com.au/books/about/The_Generalist_Counsel.html?id=DUguAAAQBAJ&redir_esc=y

⁸⁶ Third edition, Oxford University Press, February 2023

- there will, therefore, be significantly less of the type of work that has traditionally been done by lawyers
- with a few exceptions, discussed below, the work, and the new jobs, in the legal industry will predominantly be to design, build and maintain these systems. This work will not necessarily be done by lawyers, nor will these systems and support services necessarily be provided by in-house legal departments or traditional law firms.

While I do not like to make predictions about the future, I have long encouraged my in-house clients to essentially follow this general direction as I shall explain in more detail in the third book in this series. The reason that I have recommended this is because, among other advantages, it frees up time for lawyers to more fully embrace the vision that I outline in this book.

You could say that title of Susskind's book is a bit misleading in the sense that the picture he paints of the future is not so much a vision for lawyers but rather a vision for the legal industry. So, in this future world described in the book, what remains for lawyers to do? Other than change to one of the various roles he outlines in the book to design, build and support these systems, he suggests a few relatively specific and limited legal roles for lawyers.

Whether Susskind's vision for lawyers comes true at some point in the future, I think that there is a different, more optimistic and exciting vision for all lawyers available literally tomorrow. My vision, outlined below, could, if adopted by legal departments and law firms, mean that they could be involved in the design, building and support of the systems Susskind refers to. At the same time, the lawyers could move up the value chain and become trusted advisors but of a different kind to that suggested by Susskind as I shall explain later in the book.

C. A new business-focussed vision

What all the above alternative visions do not have is a clear focus on what I believe to be the single most crucial concept for the transformation of any corporate lawyer, legal department or firm required to address the reasons for change, especially the underlying change objective to add more value, referred to in the prior chapter.

The key word - the secret sauce - THE BIG IDEA- is business.

Specifically, the vision should be to become a lawyer, legal department or firm that provides not just legal services but also business services; gives not just legal advice but also business advice; does not just legal work but also business work.

I should point out that the idea of lawyers providing business advice is not new. For example, 'As both business and legal advisers' first-generation in-house counsel 'were held in high repute and their sage counsel was regularly sought' by members of senior management'.⁸⁷

However:

- discussion of this idea tends to be confined to general counsel, whereas I am suggesting this be applicable to all corporate lawyers and
- to the extent that some lawyers do provide business advice – and they do – it tends to be done occasionally and quietly 'on the side', whereas I am suggesting that this activity be called out, clearly defined, and practised regularly and proudly by all lawyers.

It is reassuring to see that in recent times, some commentators⁸⁸ have started to inch closer to the business-focussed vision outlined above. However, my message in this book and to those that I have worked with over the last twenty years or so, is that we need to be precise and specific about what this vision entails. In particular, we need to highlight that it is about providing business input and doing business work, not just applying a business focus to the provision of legal services. We also need to clearly define what this business activity for lawyers involves and then to explain in detail what new capabilities and knowledge are required to do this 'new' work.

Why is the suggested focus on business so important and necessary?

Ultimately all corporate lawyers work, directly or indirectly, for businesses. Your *raison d'être* is to help the business. Lawyers can lose sight of this simple but crucial fact especially when there is so

⁸⁷ Getting In and Out of the House: The Worlds of In-House Counsel, Big Law, and the Emerging Career Trajectories of In-House Lawyers. Eli Wald. Fordham Law Review Volume 88 Issue 5 Article 10, 2020 quoting from Carl D. Liggio, Sr., *A Look at the Role of Corporate Counsel: Back to the Future— or Is It the Past?*, 44 ARIZ. L. REV. 621, 621 (2002).

⁸⁸ See for example <https://www.forbes.com/sites/markcohen1/2021/12/16/legal-transformation-is-a-business-story/?sh=3bb3a1aa58a1> and Catherine McGregor's - Business Thinking in Practise for In-house Counsel - <https://www.globelawandbusiness.com/books/Business-Thinking-in-Practice-for-In-House-Counsel>

much focus on the roles of lawyers as ethical guardians or gatekeepers. These roles are important but, contrary to what some might have you believe, are not mutually exclusive with you also trying to help the business in more ways as I shall explain in chapter 5.

Indeed, although some individuals in the business may not see it that way, helping the business to operate legally and ethically is, still, helping the business. The two roles⁸⁹ for in-house lawyers are entirely compatible with each other as I discovered from personal experience and as Ben Heineman highlighted in his landmark book - *'The Inside Counsel Revolution - Resolving the Partner-Guardian Tension'*⁹⁰.

As a lawyer working in a firm, it is also easy to lose sight of the fact that your ultimate objective should also be to help the business of your clients. This may be because you are often engaged 'just' to provide legal advice on a specific question or to do specific legal tasks. Often, for a variety of reasons, you feel that you should not do more than that. The irony is that, even if they do not ask for it, clients typically do want more than that and/or appreciate you doing more than that, as we shall explore further in chapter 5.

Another reason why having a business-focussed vision is important is because, by definition, it discourages an inward focus. Unlike the default vision, referred to above, it is all about the client and not all about you. A business-focussed vision will automatically result in a customer focus or being client-centric because it will force you to concentrate your efforts on how you can help your clients.

However, the main reason why the business-focussed vision is so important for all corporate lawyers is because it is, by far, the most effective way for you to add more value for your clients. Adding more value should be your ultimate change objective as explained in the prior chapter.

Dispelling some misconceptions about the alternative vision proposed

Now, before we move on to consider the proposed business-focussed vision in more detail, it is

⁸⁹ Sometimes referred to as wearing the other hat

⁹⁰ <https://corpgov.law.harvard.edu/2016/03/29/the-inside-counsel-revolution/>

worth dispelling a few common misconceptions about this idea of lawyers and a business focus.

These include the following:

- that this is not a new vision because many lawyers are already business focussed and various commentators have highlighted this idea. It is true that some, but by no means all, lawyers do understand the business, have good relations with the business and provide legal advice that is commercial and pragmatic. However, that is NOT what is proposed in my new vision. What I am proposing goes much further than that and is a fundamentally different idea. What I am proposing is that lawyers aspire to be businesspeople - not just commercial lawyers - and that they regularly provide business input and, at least from time to time, do business work - not just give legal advice that is commercial. I am not aware of anyone who has proposed this idea and almost all of the lawyers that I have met do not work in this way. I will elaborate on this idea in more detail in following chapters.
- that too much of a business focus risks compromising the integrity or independence of being a lawyer or, in the case of a law firm lawyer, may not be covered by insurance. I can assure you that this is not necessarily the case as I will explain in more detail in a later chapter.

Exploring this new vision

In this new vision that I am proposing for corporate lawyers, the business of the client should be front and centre. As such it makes sense to consider are there any existing ideas in the business world that might help us frame a new vision for lawyers that is focussed on the business?

D. The Expert Generalist

The Expert Generalist is one very pertinent idea that can help us refine and define this new vision for lawyers. Orit Ganeish, the chairperson of the global management consultancy Bain & Co, coined the expression *expert generalist* which she described⁹¹ as “*someone who has the ability and curiosity to master and collect expertise in many different disciplines, industries, skills, capabilities, countries, and topics., etc. He or she can then, without necessarily even realizing it, but often by design:*

⁹¹ <https://www.forbes.com/sites/michaelsimmons/2015/03/23/how-one-life-hack-from-a-self-made-billionaire-leads-to-exceptional-success/?sh=4d9561c2543d>

1. *Draw on that palette of diverse knowledge to recognize patterns and connect the dots across multiple areas.*
2. *Drill deep to focus and perfect the thinking."*

"As technology, globalization, geopolitical challenges, and competition accelerate the disruption of business, people are confronted with challenges, customs, and issues they have never experienced before. I find that experts - someone with deep knowledge limited to just one area - often lack the flexibility needed to adapt to change and can be easily flustered or, worse, be completely derailed."

Ganeish is not the only one to espouse the virtues of becoming an expert-generalist. Others⁹² point out, for example, that:

- *'expert generalists can more quickly adapt to change - they are more resourceful and resilient*
- *they can make better predictions of the future because they are not as susceptible to the biases and assumptions prevailing in any given field or community, whereas specialists tend to see the world more narrowly and have silo-mentalities*
- *it's easier for expert-generalists to have breakthrough ideas because they are able to broker or bridge among divergent concepts and insights from multiple fields and broader networks*
- *they are more well-connected across a more diverse array of networks, **adding value** to all of their connections due to their bridge-building and translation capacity.'*

Just to be clear, the expert generalist is not just a generalist and not just a specialist. The expert generalist has at least one area of deep knowledge and expertise but over time develops capabilities, knowledge, and experience in other areas. Typically, this broader development happens through a combination of education and through taking on roles at work; learning 'on the job'.

⁹² <https://www.talentgrow.com/blog/should-you-be-expert-generalist>

Why is the Expert Generalist concept of interest to lawyers?

In broad terms this description of the expert generalist is interesting for corporate lawyers because it allows you to still pursue legal excellence, as explained below, but also adds a dimension that can be game changing for your work. Specifically corporate lawyers are legal experts and can also be business generalists.

Most of the general counsel that I have worked for in my career, and many of the partners, were expert generalists in the sense that they were not only terrific lawyers, but they were also excellent businesspeople. In fact, it is no surprise that many leaders of legal departments and firms are expert generalists, although they may not think of, or refer to, themselves as such.

Leaders of legal departments, in addition to their legal knowledge, skills and experience, need to have good interpersonal skills and a general level of understanding of, for example, finance, marketing, human resources, sales, product development and distribution. They do not need to be experts in these areas, but they do need to have a general understanding sufficient to be able to run their department as a business and to be able to effectively engage with the senior management team and, in many cases, the board as a businessperson and equal member and not just as the lawyer.

Partners of firms, in addition to their legal knowledge, skills and experience, need also to have a general level of understanding of, for example, finance, marketing, business development, leadership and people management. They do not need to be experts in all these areas, and typically larger firms hire experts to assist them, but they do need to have a general understanding sufficient to run the firm as a profitable business and to be able to engage effectively with clients.

Even if you do not aspire to be the general counsel of a company or a partner of a firm, I can assure you from personal experience that developing and utilising certain non-legal capabilities, more than being an even better technical lawyer, is what allows you to add more value for your clients, make more of an impact in your firm or organisation and to have a more successful and satisfying career.

What strikes me as strange is given how crucial these non-legal areas are to success in legal departments and firms, let alone for the ability to better understand and interact with the business clients, how relatively little focus there is on these areas. It is as if you are expected to figure out for yourself which areas are important and to develop these yourselves. Of course, that precisely what the lawyers who become excellent leaders do.

The whole point of this book and my frameworks is to shine a light on this 'secret' for all corporate lawyers and to offer guidance on how to balance your primary expertise and work as a lawyer with the secondary non-legal capabilities and work that will enhance your career success and satisfaction. The expert generalist idea offers a potentially helpful way for all lawyers to imagine how this crucial balance can be achieved.

E. The Legal Expert Business Generalist

Just to be clear, because it comes up frequently when some lawyers tell me that this notion is nothing new to them, this idea is not just about lawyers:

- providing pragmatic business-oriented legal advice. This is, of course, something lawyers should be doing but what I am suggesting goes beyond providing legal services or advice
- having better business understanding and relationships with their business clients. This is, of course, highly desirable and part of the story, but it is not, by any means, the whole story.

Rather, and to be more specific, the idea that I am proposing is that all corporate lawyers should also become businesspeople AND do business work. Later in the book I will explain in more detail what I mean for a lawyer to be a businessperson and what I mean by business work. But, for now, let me just say that business work covers a vast range of activities from asking questions or providing brief business input - that does not involve any additional time over and above your traditional legal work - to leading a huge cross-functional, multi-party project that might take up a lot of your time and work over many years.

Of the thousands of lawyers that I have worked with as a lawyer or as a consultant/trainer, less than a handful regularly work in this way. That is not to say that some lawyers are not more than just lawyers, they are. It is also not to say that many lawyers are not doing non-legal work, they are.

For example, increasingly general counsel are taking on non-legal roles as explained in the first chapter. Also, many other in-house lawyers do a range of business work, often without realising it, and sometimes this is worthwhile and other times it is not. In law firms, as you rise through the firm, you will usually spend less time doing legal work and more time on coaching and managing other lawyers and on growing the business.

The key point is that any such activity is often seen as 'extracurricular' in nature and done on a random or ad hoc basis with little to no explicit acknowledgment or focus on this work let alone on how to be better at doing it. Ironically, in my experience:

- in the case of in-house lawyers, this non-legal work is often valued by their business colleagues more than their legal work and corporate regulators are increasingly expecting, at least, general counsel to focus on the business not just the law⁹³
- what in-house lawyers, and their business clients, really value most from lawyers working in a firm, and are often disappointed not to receive, is not just the legal analysis but rather the advice on the business impact and a business recommendation
- focussing on developing business capabilities and doing business work will help you to provide better legal advice and to do better legal work because your business clients will reach out to you earlier and more often and it will enhance the practicality of your legal work.

My aim in proposing this new business-focussed vision is to shine a very bright light onto something that does happen sometimes with some lawyers so that all lawyers can do it always when appropriate. In other words I am calling it out and spelling it out so that all lawyers can do it regularly.

The legal expert dimension of the expert generalist idea should be relatively self-explanatory. However, it is worth making a few key points about this dimension.

⁹³ See for example Joe Longo the chairman of Australia's corporate regulator, ASIC, saying that lawyers may face legal charges if they fail to intervene, when they should, in business discussions. He said "It's not just about the law. A good general counsel will help boards and companies make good decisions about what transactions to enter into, who to do business with and manage reputational risks.." Presentation to GC 100 Chapter of ACC in Australia reported in the Australian Financial Review on December 14 at page 6.

The Legal Expert dimension

All corporate lawyers should be legal experts at least relative to the business clients that they advise. As such, it is important for all corporate lawyers to develop, maintain and extend your legal knowledge and expertise. This is especially important early in your career and, in general, law firms are much better set up than in-house legal departments to provide this training and experience.

However not all corporate lawyers need to have the same level of legal expertise despite what is frequently an unrelenting pressure from peers and superiors to focus on developing legal knowledge and, often, to specialise. From your university studies, and from any work you may have done in a law firm, you have been programmed to think that the deeper you understand the law, indeed specific areas of law, the better off you are.

Specialisation, with deep knowledge and expertise, in certain areas of the law is desirable for corporate lawyers if you work in a law firm or if you work in-house in a specialist role such as employment, litigation, anti-trust, trademarks or patents.

However, for most in-house lawyers, it is simply not necessary, as most do, to focus so much time on deepening your legal knowledge and skills. The marginal benefits of doing so are outweighed by the benefits you would gain if you spent the same time, or even half the time, broadening your business knowledge, skills, and experience. Most in-house lawyers do not need to have all the answers to every legal question that might arise in the course of your work. Rather, your aim should be to have a sufficient knowledge of the laws relevant to the work that you do. That means that you want to be able to answer questions that regularly arise. It also means that you want to be able to spot other issues that may arise occasionally and know where to go for advice from internal or external specialists in cases where you don't know the answer. In other words, your knowledge and experience may cover more areas of law, and often many more countries, but not be as deep as a specialist lawyer. This level of legal knowledge requires time to keep up to date but, especially when this information is now made so accessible online by law firms and by other means, there is still ample time to develop other non-legal knowledge and capabilities.

If you are a lawyer who works in a firm, or an in-house lawyer in a specialist role, you will spend more time developing your legal expertise and doing specialist legal work. However, that does

not mean that you cannot, at the same time, become a business generalist and do some business work as explained later in this book.

The question of what constitutes legal work is extremely interesting and relevant to the legal expert dimension. In my experience, it is rarely discussed in firms or legal departments and yet it is one of the key questions that should be considered in detail because it informs whether the work must be done by a lawyer or not.

What is (and is not) legal work?

Some countries and states have laws dealing with this question typically with the objective of preventing those who are not qualified as lawyers from engaging in certain types of work.

Notwithstanding these laws, there is an ever-increasing trend in most countries for many types of work that have been done by lawyers in the past to now be done by machines or by professionals who are not qualified lawyers. For example:

- typically, there is no legal restriction on any corporate employee from working on contracts for that corporation. Indeed, it is very common in many countries for contract managers, paralegals and commercial managers who are not lawyers to negotiate and redraft contracts, even complex and sometimes high value ones, for their corporate employer
- due diligence, discovery and legal research are now frequently done using technology and/or by non-legal professionals in remote countries.

The fact that lawyers have historically done certain types of work does not mean that it is legal work or that it necessarily must continue to be done by lawyers. In fact, it is crucial for both legal departments and firms to continually assess the work that its lawyers do to identify work that does not need to continue to be done by lawyers. I refer to it as work management and will share my work management process in a later book in the series.

For firms, work management is crucial because you want to identify any work that can be automated or done more efficiently or cost effectively by individuals at a lower cost either in your own country or abroad. The reason for this is so that firms can enhance profitability, gain competitive advantage and so that their lawyers can be freed up to do different, potentially more lucrative, work.

For legal departments, work management is crucial because it is a key part of the solution to the 'more for less' challenge. It is how you can enable lawyers in the department to spend as little time as possible doing routine unimportant work and as much time as possible doing work that adds the most value to the company.

While the legal expert dimension should not be difficult for all corporate lawyers to understand and to develop appropriately, the business generalist dimension does require a bit more explanation.

The Business Generalist dimension

What might it mean for a lawyer to be business generalist and how can you become one?

In broad terms it means that every corporate lawyer can and should aspire to become a businessperson - not just a lawyer- and should do 'business work' - not just legal work. However, as the expression suggests, the aim is not to be an expert in any area of business but rather to develop a broad, but not necessarily deep, level of business understanding and capability.

Let's click down and unpack the broad statements above.

What does it mean to be a businessperson?

Being a businessperson means thinking of yourself as a businessperson and behaving like a businessperson. That involves nothing more than:

- thinking about the business of your clients, and of your legal department or your firm, and
- thinking about how you can help the business over and above the mere provision of legal services or legal advice, and
- initiating action.

Can a lawyer also be a businessperson?

Even though you may have little or no prior business experience, and the fact that clients, or your superiors in your firm or legal department, rarely explicitly ask you do this, there is nothing stopping you taking an interest in the business and becoming a businessperson.

You may be your own worst enemy when it comes to being a businessperson. The pride you have in being a lawyer, and the extent to which being a lawyer is part of your identity, can become an obstacle for you becoming a businessperson. I shall explore this dynamic in more detail in the next chapter on mindset.

How can you become a businessperson?

Just learning a few random non-legal skills or making the odd business contribution is not sufficient. You need to follow a comprehensive framework covering mindsets, skills, and a range of other capabilities. Suffice it to say, for now, that your aim is not necessarily to become an expert in any one business area⁹⁴. Rather, your aim in broad terms is to become a generalist; by that I mean being able to:

- understand, and be able to speak, the language of your non-legal clients
- provide input in business discussions whether there are legal considerations or not
- be able to identify business opportunities and solutions to business problems
- know what sort of business expertise is needed to exploit an opportunity or solve a problem and know what resources are available to assist
- use that broader understanding to help the legal department/firm to proactively find new ways to add value to your business clients.

In recent times there has been an increasing recognition that lawyers need to be more than just lawyers and that a business focus is important⁹⁵. However, the crucial point that is typically not highlighted is that the idea for this is so that you can do business work, not just legal work.

What does business work mean?

In broad and simple terms, it means any work that you might do for a client other than legal work. It also includes almost all work that you might do for a legal department or for a firm such as legal operations or business development. Chapters 5,6 and 7 provide a deeper dive into what business work might entail.

How can the legal expert business generalist idea apply to all corporate lawyers?

As noted in the first chapter, the work context for corporate lawyers varies so greatly and there is a significant gap between those working in-house and in a firm. How can one idea of the legal expert business generalist work for all lawyers?

⁹⁴ Although in my experience, lawyers can sometimes become quite knowledgeable in certain business areas over time.

⁹⁵ See for example, The Lawyer in London hosts the In-house Counsel as Business Partner Conference every year in the last few years. The tagline for the Annual Association Corporate Counsel conference in Australia has, for the last few years, been 'More than a lawyer'. Catherine McGregor's - Business Thinking in Practise for In-house Counsel - <https://www.globelawandbusiness.com/books/Business-Thinking-in-Practice-for-In-House-Counsel>

The legal expert business generalist idea provides a jacket that can and should be worn by all corporate lawyers, but it is not a straitjacket. It can and should be tailored in different ways to fit different situations. Just as the legal expert dimension varies depending on what type of role you are in and where you work, so too with the business generalist dimension

For example, a general counsel in a U.S tech company who is on the board and the executive management team can do significantly more, and significantly different, types of non-legal work than a litigation attorney working in a firm who specialises in patent cases. But they both can and should aspire to this legal expert business generalist idea.

The general counsel can, for example, provide regular business input into the discussion of business matters in management and board meetings and may also be able to take on a business role in addition to chief legal officer such as HR, Compliance, Privacy and Sustainability.

The patent litigator can, over and above prosecuting the patent cases, consider what can be done from a business perspective to improve the client's position in future. For example that lawyer may help the client think through the following questions - does it have a process(or an effective one) to ensure that the right kind of inventions are being patented in the first place, does it have good processes for storing relevant documentation to facilitate discovery and evidence for future disputes, is its patent portfolio extensive enough to enable cross license deals with competitors and if not what might be done to bolster it, if it is being sued regularly for patent infringements what can be done to minimise these suits , is there the potential for regulatory reform that is on the cards that might impact the its business and if so what can be done ahead of time, and are there any general measures that other clients are taking that this client could also take.

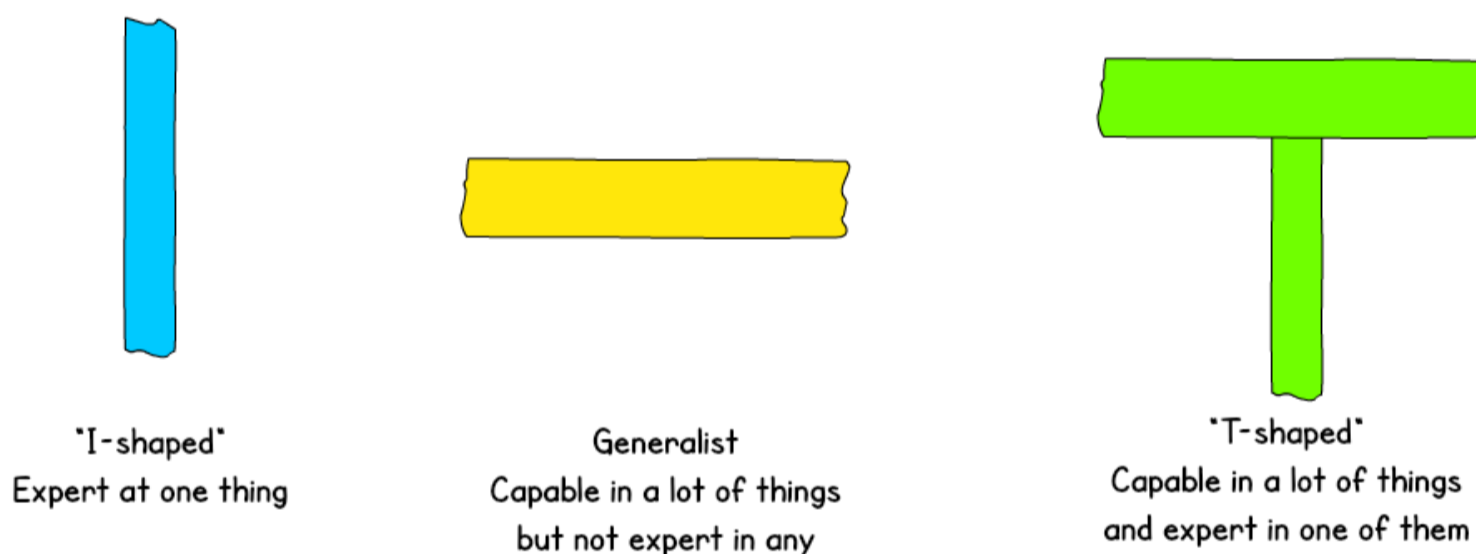
The point is that both can, and should, aspire to this legal expert business generalist idea even if the extent and nature of the business work is quite different. The same can be said for junior lawyers compared to senior lawyers. At the beginning of your career, especially if you are working in a law firm, your focus will be more on developing your legal knowledge and skills. However, there is absolutely no reason why you cannot, and should not, also start thinking of yourself as a businessperson and look out for opportunities to help the business of your firm/ department and client. None of this needs to come at the expense of your legal development. It is an advantage

for you, and for your firm or department, if rather than being required to transform later, you strive for this idea right from the outset.

The Legal Expert Business Generalist then can offer a compelling new vision for corporate lawyers, legal departments, and firms. However, are there any other ideas in the business world that can offer a similar and possibly better vision? It turns out that there is another alternative; The T-Shaped Professional.

F. The T-Shaped Professional

Most professionals, such as lawyers, engineers, or accountants, are referred to as '*I-shaped*'. They have a deep expertise in one area but little to no skills, knowledge, or experience beyond that specialist domain area. Lawyers, for example, typically have deep knowledge of, and expertise in, certain areas of the law and their training and development has historically focused on honing that knowledge and expertise. They might add some general leadership, business, or soft skills training but the primary purpose is to enhance their ability to do traditional legal work.



Source: Jason Yip⁹⁶

As noted in a recent Cambridge University study⁹⁷, I-Shaped professionals pose a challenge for organisations that increasingly need people to work collaboratively in cross-functional teams to innovate and problem-solve for the organisation as a whole. The study highlighted that the main

⁹⁶ <https://jchyip.medium.com/why-t-shaped-people-e8706198e437>

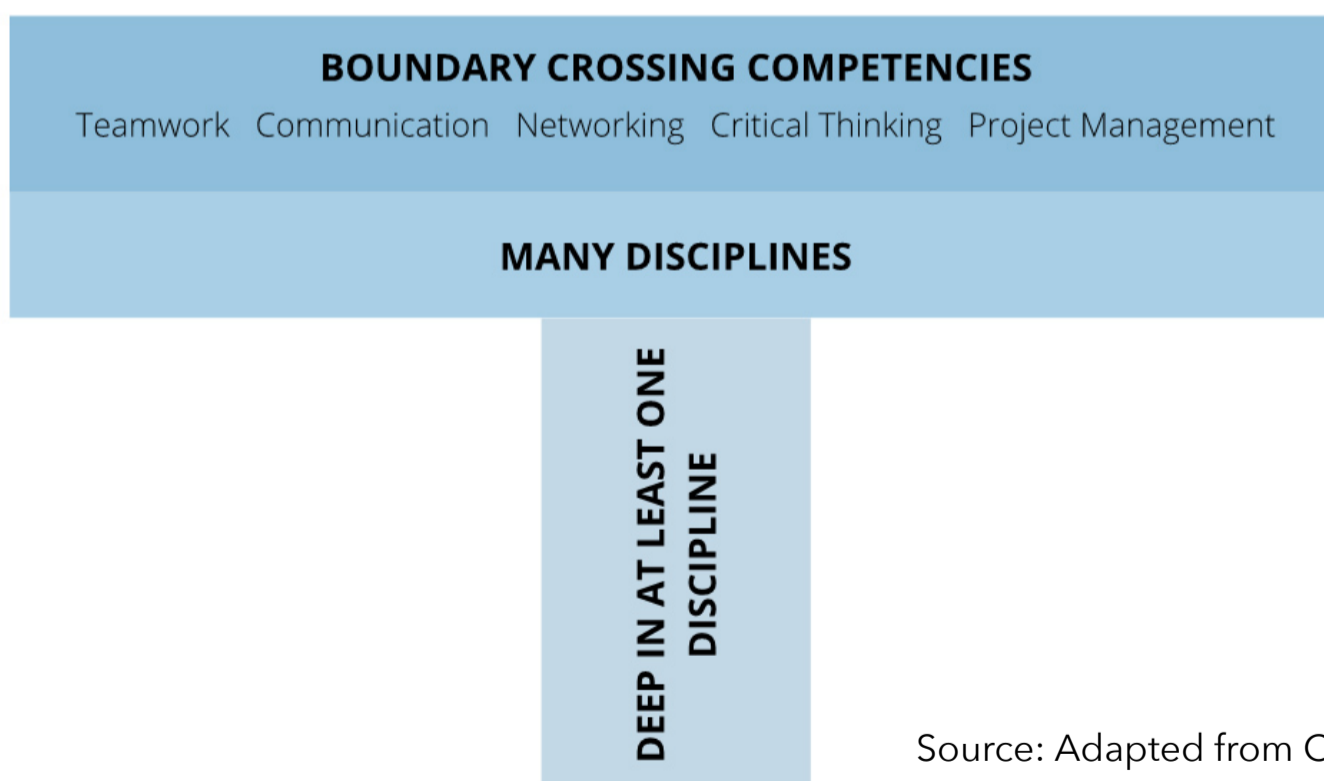
⁹⁷ 'Succeeding through Service Innovation' - http://www.ceri.msu.edu/wp-content/uploads/2010/06/Cambridge_T-Shaped.pdf

obstacle for service innovation through cross-functional collaboration is a skills or knowledge gap. To address that issue, their report recommended that organisations should actively develop more *T-shaped professionals* throughout the organisation. Indeed, over the last few years, many corporations, including many of my clients, have started to do exactly that. This becomes especially important for the increasing number of companies that are transforming to an agile way of working but it remains important even for those that are not.

What is a T-shaped professional? In simple terms, a T-shaped professional refers to someone who has deep domain expertise in one discipline, together with skills and knowledge from other areas, that helps that person to collaborate with specialists from different disciplines to innovate for the organisation, not just one department or practice area.

Despite suggestions by some commentators to the contrary, the horizontal dimension of the T includes not just knowledge but also a range of skills, and other capabilities, including those relevant to personal effectiveness. They are referred to as *boundary crossing competencies* such as those mentioned below.

The T-shaped Professional



Source: Adapted from Cotter (2015)

References to T-shaped professionals and skills have been around for a while in the business world⁹⁸. Since then, the T-shaped concept has been adopted for use by a wide range of business professionals including accountants, sales, engineers, software developers, marketing, human resource, and information technology professionals⁹⁹. When these professions adopt the T-shaped model, the horizontal dimension is adapted to suit their needs. In other words, the horizontal dimension of the T-shaped model is not proscriptive, as some legal commentators have suggested. It can be adapted to suit the unique needs of the profession. This point was reinforced by a leading US academic, Professor Laura Bierema.

Professor Bierema, wrote an article in the publication, *New Directions for Adult and Continuing Education*, advocating the T-Shaped Professional model as a replacement for the failed continuing professional education (CPE) systems in all professions. Based on research findings from other academics that she refers to in her article, she asserts that it promises a more holistic approach to 'help professionals to more fluidly navigate the professional white water they encounter on a daily basis¹⁰⁰'.

G. The T-Shaped Lawyer

How can we apply the T-shaped professional concept to lawyers?

Amani Smathers and I independently came up with the T-shaped lawyer concept around the same time several years ago. Smathers article on the 21st Century T-shaped Lawyer¹⁰¹ was published first in the American Bar Association Practice Magazine. The concept was part of my Everything But The Law program that I developed in the same year and delivered initially to in-house legal

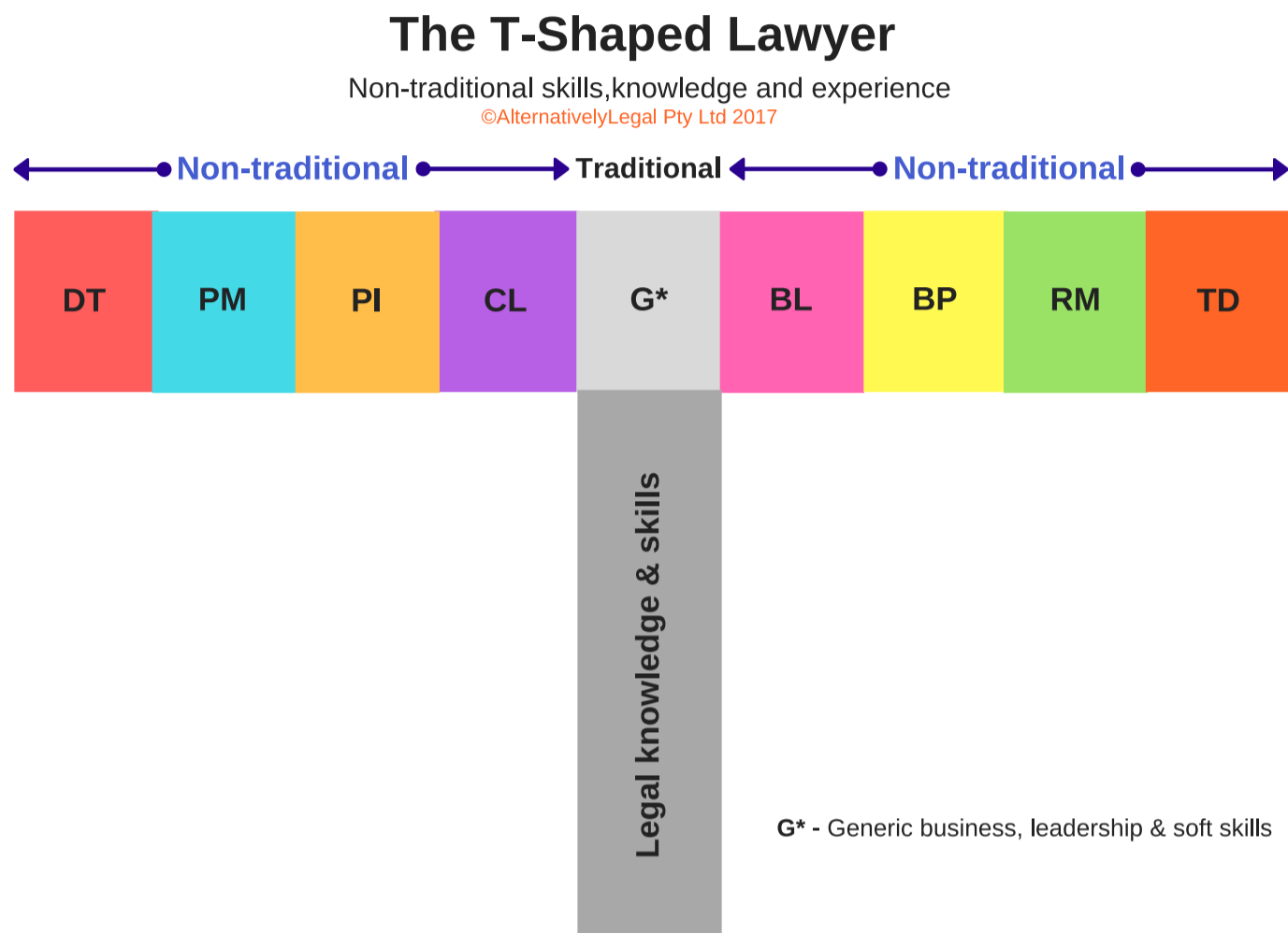
⁹⁸ See David Guest, "The hunt is on for the Renaissance Man of computing," *The Independent*, September 17, 1991. The concept was popularized by Tim Brown, the CEO of Ideo, when referring to the type of person his famous design studio seeks to recruit.

⁹⁹ HR - <https://www.aihr.com/blog/why-t-shaped-hr/>, Sales - <https://www.saleslabs.io/t-shaped-sales-development-program/>, Marketing - <https://buffer.com/resources/t-shaped-marketer/>, Finance - <https://corporatefinanceinstitute.com/resources/management/t-shaped-skills/>, Business Analyst - <https://masteringbusinessanalysis.com/mba050-the-t-shaped-business-analyst/>, Product Manager - <https://medium.com/hackernoon/the-t-shaped-product-manager-2019-part-1-core-competencies-c1c65456c4d9>, DevOps - <https://www.exin.com/article/devops-the-next-generation-3-ways-t-shaped-skills-are-important-in-devops-teams/>, Engineers - https://www.researchgate.net/figure/T-shaped-professional-engineers-and-t-shaped-engineering-technologists_fig1_256755322, Software developers - <https://www.opencirclesolutions.nl/t-shaped-open-source-software-developers/>,

¹⁰⁰ *New Directions for Adult and Continuing Education*, 2016 Wiley Periodicals Inc. Chapter 5: Navigating Professional White Water: Rethinking Continuing Professional Education at Work. Professor Laura Bierema, Professor and Associate Dean for Academic Programs at the University of Georgia, USA.

¹⁰¹ <https://dashboard.mazsystems.com/webreader/31892?page=34>

departments. I wrote an article about it in 2015 and that was published in 2017 in the Association of Corporate Counsel Docket Magazine¹⁰² and in Legal Business World¹⁰³. Below is a simple, and now outdated, visual¹⁰⁴ that I used many years ago to depict the basic T-Shaped lawyer concept.



As this graphic of the T-shaped lawyer clearly shows, the vertical axis represents the deep, but relatively narrow, focus on legal skills, knowledge, and work experience. By contrast, the horizontal axis represents the recommended development of a wider range of what I referred to as 'non-traditional' capabilities at a more superficial level. The one point that I alone have always

¹⁰² <https://docket.acc.com/t-shaped-lawyer>

¹⁰³ <https://www.legalbusinessworld.com/post/2017/12/22/the-t-shaped-lawyer>

¹⁰⁴ This simplified visual has been significantly refined and enhanced as I intend to show in the T-Shaped Lawyer Framework in a later book in the series

highlighted since 2004¹⁰⁵ is that the primary reason to develop these non-traditional capabilities is to do non-legal work¹⁰⁶.

This notion of the T-Shaped Lawyer sounds a lot like the Legal Expert Business Generalist, doesn't it? It does because the T-shaped professional is an expert generalist - just a slightly more specific version of one.

Which idea - the T-Shaped Lawyer or the Legal Expert Business Generalist - offers the best vision for corporate lawyers?

T-Shaped Lawyer v The Legal Expert Business Generalist

Both ideas offer compelling visions for lawyers and either one represents an excellent choice. Both satisfy the AID test. They are aspirational in the sense that they aim to address the key change objectives outlined in the second chapter and future-proof you as much as possible. Aiming to become a business generalist and to expand the horizontal non-legal capabilities and experience is inspirational and something to get excited about if for no other reason than it involves learning and personal growth. Finally, they are both directional in that they indicate quite clearly what change you need to make to yourself and your work.

However, although both represent viable visions, I believe the T-shaped Lawyer is preferable because:

- while the Legal Expert Business Generalist is literally descriptive of the vision that I am proposing, it is a bit of a mouthful to say. The T-Shaped Lawyer is more catchy
- the T-shape is an easy-to-understand symbol of the underlying idea behind the new vision - depth in law and breadth in business - and, as such, should help to explain the idea to others

¹⁰⁵ See for example <https://www.acc.com/resource-library/if-other-hat-fits-wear-it-guide-effective-business-partnering>

¹⁰⁶ Your non-legal work will initially be less frequent than your legal work although, over time, this may change if you believe in the redefining work idea proposed by Deloitte mentioned earlier in the book.

- the T-shaped professional idea is more widely known and used in the business world and, as such, your business clients are more likely to readily understand what you are aspiring to be
- when it comes to turning the vision into reality, as I shall explain more in the final chapter and following books in the series, the T-shape idea works better to represent the framework of different components involved.

I chose to include the reference in this book to the Legal Expert Business Generalist because it is a useful intermediate concept to help you more easily understand the key message from this book about lawyers changing in a fundamental and very specific way so that you can make very specific changes to what work you do and how you do it to achieve a very specific objective.

The other reason that I chose to refer to the Legal Expert Business Generalist in this book is to offer an alternative vision for those who buy into the key message of this book but prefer not to refer to the T-Shaped Lawyer. I know that there are some people who have expressed reservations about the T-shaped lawyer concept. Typically, this is because they:

- mistakenly believe that the T-Shaped Lawyer is not a new vision. It is true, as mentioned above, that the idea was raised as a broad concept several years ago. However, very few lawyers have adopted the vision and that is largely because you need more than a high-level concept to apply it in practice. You need comprehensive frameworks as explained in the last chapter
- misunderstand the T-Shaped Lawyer concept and the detail of how it can and should be applied in practice. Hopefully, they will change their view if they take the time to read my comments above and other books in the series.

To summarise, I am proposing the T-Shaped Lawyer - as shown below - as the new vision for all corporate lawyers and will refer to it as such from this point on in this book and others in the series. This vision can apply to all corporate lawyers however, as I mentioned earlier, how it will be applied will obviously vary depending on a variety of factors including your role, the stage of your career and your company or firm.

The T-Shaped Lawyer

A Legal Expert Business Generalist



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4. THE BUSINESSPERSON MINDSET™

Businessperson mindset is a trademark of Peter Connor

The starting point for a corporate lawyer to realise the vision of a T-Shaped Lawyer is for you to stop thinking of yourself as 'just' a lawyer and to start thinking of yourself also as a businessperson. The necessity to have what I refer to as a *businessperson mindset* applies especially to lawyers working in-house. It also applies to lawyers working in a firm, but it manifests itself in slightly different ways as I shall explain below.

What is a Businessperson Mindset?

In simple terms, switching from what I refer to as a *just-a-lawyer mindset* to a businessperson mindset is like taking off one pair of glasses, with a narrow angle that only allows you to see legal issues, and replacing them with another pair of glasses, with a wider angle that allows you to see a broader perspective also including business issues.

I have developed an assessment tool to help lawyers assess whether they have a businessperson mindset or not. An assessment can be important because, often, people believe that they have a particular mindset, but the results of an objective assessment suggest otherwise. However, for present purposes, the following explanation should provide you with a general idea of the concept of a businessperson mindset.

In-house lawyers

As an in-house lawyer, you will have a businessperson mindset if you think of yourself as part of the management team of the company- not just the legal department - whether you are or not. That management team may be the executive management team of the entire company, or it may be a management team of a business unit, product group or geographic region if you support that team or your work relates primarily to that team. The point is that you do not think of yourself as just a member of the legal department but, rather, think of yourself also as an owner or leader of the company. This applies as much to junior lawyers as it does to senior lawyers.

Below are some quotes from prominent former general counsel describing their view of what is required of in-house lawyers:

- *'We are not lawyers. We are business people, with legal training forged into a cohesive team committed to the success of FMC.'* Jeff Carr, when he was General Counsel of FMC Technologies.
- *'(you) need to be a business person first and a lawyer second - not a lawyer that understands the business, but a business person that happens to be a lawyer.'* Marla Persky when she was General Counsel of Boehringer Ingelheim.

As another example, the CEO of DXC (the merged CSC and HP Enterprise Division) said he sees DXC lawyers as *'business and tech-knowledgeable resources with legal expertise.'*

Having a businessperson mindset means that, while performing your work, you will constantly think about the business. You will take time to follow macro-economic, social, and political trends and consider their impact on the business. You will keep up to date on the dynamics of your industry. You will be hungry for information about the business, read relevant internal communications and regularly speak to colleagues in a range of functions. You will be curious about the business and ask questions especially if anything does not make sense to you. You will look out for business problems, even before they materialise, and ponder why these problems arise. You will constantly consider ways to solve business problems and to improve the business. You will get involved even if it is beyond the traditional areas of responsibility for the legal department.

By contrast, if you have a just-a-lawyer mindset, you will think of yourself as a lawyer who works for the legal department. It means you will focus on doing your traditional daily tasks, spotting legal issues, and advising on legal risk. You will develop an understanding of the business but only to the extent necessary to do your work, and not more. You will not be curious about the business, and you will be too busy with your legal work to find the time to develop networks of contacts throughout the organisation. If there is a problem outside the legal department's area of responsibility, you will think that this is someone else's problem to fix, and you will not get involved.

Law firm lawyers

As a lawyer working in a firm, you will have a businessperson mindset if you think of yourself as a partner in the firm whether you are or not and, at least for your primary clients, you will think of yourself as an extended member of their legal and/or business team.

Having a businessperson mindset means that while doing your work, you will think about the business of the firm and how you might be able to help. You will also think about the challenges facing your clients and whether there are ways that the firm might be able to assist. You will be curious about the changes happening in the legal industry and consider what the firm might proactively do to not only survive but thrive in the future. You will understand that your in-house lawyer clients may also be aiming to be T-Shaped Lawyers and that this may result in a wider variety of ways that you, and the firm, might be able to assist them.

By contrast, if you have a just-a-lawyer mindset, you will think of yourself as a legal specialist and your professional development will focus exclusively on enhancing your understanding of the law and your legal skills. You will place a premium on the quality of your legal advice and consider it less important to deliver your advice in simple terms that the business clients can easily understand and act upon. You will be too busy doing legal work to worry about the operational challenges and opportunities of the firm or your clients, preferring to leave that to others. For a similar reason, you will also not take much of an interest in the changes happening in the legal industry or take much time to consider what the firm might do to maintain or enhance its competitive position.

Can you change your mindset?

Mindsets are just beliefs in your mind, and you can change your mind. Neuroscience shows us that our brains continue to develop and change even as adults. The brain is like plastic, and can be reshaped over time, forming new neural pathways. Neuroscientists call this tendency neuroplasticity. These neural pathways are developed by doing or thinking things. The things that we do or say more often become hard-wired into our brains as habits. These form defined 'routes' in our brain, which become easier to use over time.

As a prominent social psychologist states, based on extensive research, *'mindsets can be changed, and that significant changes in attitudes and behaviour can occur as a result. In other*

*words, our mindset is discretionary. It's something we have the power to revise if we want to—when we become aware of what our mindset is.*¹⁰⁷

There are various techniques that can be used to change your mindset that I intend to explain in a later book in the series.

What are some obstacles for lawyers to adopt a businessperson mindset?

One of the biggest obstacles to thinking of yourself as a businessperson is the time, effort, and money you have invested in becoming a lawyer and the common perception that adopting a businessperson mindset would mean throwing all that investment away. You have done well to get into law school and even better to graduate. You may have spent years developing your legal knowledge and skills. You are proud of being a lawyer and being a member of the exclusive 'club' of legal professionals. Being a lawyer may be a huge part of your identity.

Feeling that, as a lawyer, you are special is understandable, especially if you have worked daily in a law firm together with other equally smart and impressive lawyers. Often, when a lawyer moves from working in a firm to an in-house job, they think that their non-legal colleagues are not as intelligent as them and, in extreme cases, this can lead to a sense of superiority, disrespect and a 'them and us' mentality.

If you do think of yourself as special or superior, then this mindset will make it difficult to adopt a businessperson mindset. It will be an impediment to you engaging effectively with business clients if you work in a firm and it will be an impediment to you becoming successful in an in-house role.

When I started my first in-house role at Sun Microsystems in California, I soon realised that no matter what I might have thought about myself and my fellow lawyers, it was the engineers that were considered special and certainly not the lawyers. I quickly learned that whatever I might have thought about my non-legal colleagues, in my case a regional sales, service and marketing team, the best way for me to be successful was to become part of that team. Thinking of yourself as a team player, as you would in a team sport, may be a helpful analogy for you in adopting the

¹⁰⁷ Dr. Jacob Towery, adjunct clinical instructor in the department of psychiatry at Stanford University

businessperson mindset. Your 'legal smarts' will be appreciated but no more so than the smarts that your fellow team members bring to the team. Over time, with a businessperson mindset, you will develop your own level of 'business smarts' and you will soon realise that it is these smarts that are generally valued more than your legal smarts.

Remember, adopting a businessperson mindset it is not about giving anything up. It is not about losing anything but, rather, adding something. It is about building on that base of being a lawyer, and a part of the legal department, and becoming more than just a lawyer, and a part of a business team. Having a businessperson mindset is a key enabler to becoming a T-Shaped Lawyer and to do business work. The following chapters will explore a few key skills that can enable you as a lawyer to work in new ways and to do various kinds of business work.

5. BUSINESS PARTNERING

If being a businessperson, not just a lawyer, is the key to being a T-Shaped Lawyer and working in new ways, then the single most important non-legal skill for a lawyer must be what I refer to as business partnering.

I started advocating business partnering in 2004, when I wrote an article on the topic for in-house lawyers published in the Association of Corporate Counsel's Docket Magazine¹⁰⁸. Since then, I have talked to thousands of in-house and law firm lawyers around the world about business partnering and their reactions are many and varied, including those who:

- have never heard of the expression and who are often hesitant to do it
- mistakenly confuse it with being a business partner and, sometimes as a result, don't like the expression
- rate it as the top priority for themselves and for other lawyers in their team/firm.

What is business partnering?

Most lawyers, and most commentators, refer to business partnering as '*understanding the business and developing strong working relationships with our business clients*'.

Is that business partnering? No. That could be a definition of being a business partner or, as some like to call it, a trusted advisor. But business partner is a noun, business partnering is a verb.

Business partnering is something you do, not something you are.

You can be a business partner, as many in-house lawyers are, but not engage in business partnering at all. To put it another way, if you are business partner it means you probably have a 'seat at the table'¹⁰⁹ but business partnering focuses on what you do when you are at 'the table'.

Being a business partner is a necessary, but not sufficient, condition to engage in business partnering.

¹⁰⁸ <https://www.acc.com/resource-library/if-other-hat-fits-wear-it-guide-effective-business-partnering>

¹⁰⁹ This is an expression sometimes used to describe a situation where you are considered part of the business team on an informal if not a formal basis

Business partnering applies to in-house lawyers and to lawyers working in firms, but it applies in different ways, primarily because of the relative proximity to those working in the business of the corporation. I will try to indicate when a comment applies to one group but not the other.

So, what do I mean by business partnering?

Helping your clients¹¹⁰ to solve/prevent business problems and to create/implement business opportunities by providing business advice or input

There are several points that I want to highlight to explain this idea in more detail:

- business partnering involves providing business input, advice or support. Examples of business input or advice include:
 - decision support
 - clarifying the business objectives
 - commenting on a business discussion in a meeting or by email
 - raising potential business issues with a proposal
 - suggesting alternative ways to achieve a better business outcome
 - pointing out non-legal risks especially reputational risks
 - identifying a business opportunity
 - anticipating a business problem
 - referring to another analogous situation
 - connecting one colleague with another who has relevant input
 - highlighting a personnel, resource, or process problem
 - recommending a course of action
- the business input or advice may be, and typically is, provided in conjunction with legal advice. In fact, it may be difficult to separate the two. However, if you have business input to offer, you can and should do so even if there is no legal issue involved
- usually, this kind of business input or advice can be done without taking much, if any, additional time on your part. You can do it while you are in that meeting, on that conference call or in that email exchange

¹¹⁰ Clients for an in-house lawyer refers to your business and functional colleagues. Clients for a law firm lawyer refers to those who work in the business and to those in the in-house legal department if there is one.

- efforts to help your clients with business problems and opportunities that do involve considerable time on your part I tend to categorise as business work and, as such, may fall under the category of business leadership as explained in the next chapter
- business partnering involves providing business input and advice, it does not involve you making a business decision. Keeping this in mind provides a 'safe harbour' for you to engage in business partnering and addresses many of the perceived issues or concerns with it
- providing business-oriented, pragmatic legal advice is something you want to do as a lawyer but, to avoid confusion, it is better to reserve the expression business partnering only to situations involving business input or advice
- as an in-house lawyer, when you engage in business partnering, you work together with one or more of your work colleagues from other functions such as sales, finance engineering and human resources. As such, the concept of partnering is appropriate because, although you all work for the same organisation, you are in different functions and have different roles. However, when business partnering works best is where you engage with your colleagues as equals, a position that typically you will need to earn through your words and actions and not demand as a right
- business input may be provided in many different forms - it could be as simple as asking a question, making a suggestion, highlighting some consequences or it could involve a specific recommendation
- deciding when, where and how to communicate business input is something that should be adapted to the context and your circumstances
- business input or advice can be strategic, but it often is tactical and operational especially when you first start focussing on it
- lawyers often think, and speak, of themselves as problem solvers which of course is admirable. But business partnering involves more than that. It involves a focus on preventing not just solving, problems. It also involves a focus on opportunities. Not just implementing opportunities but also help in identifying, creating, and optimising them.

Business partnering for in-house lawyers

Obviously as an in-house lawyer you have an advantage over lawyers who work in a firm when it comes to helping the business. There are a few reasons for this. First, you have more regular

contact with a wider group of business and functional colleagues. Secondly, in the course of your work, you often have a visibility to all parts of the business. Thirdly, it is easier for you to develop a deep understanding of the business. The chance to engage more often in business partnering is one of the primary reasons that lawyers move from a firm to work in-house.

Ben Heineman, the eminent former general counsel of General Electric, summed it up nicely when he said *'(the in-house role) involves not just dealing with past problems, but charting future courses; not just playing defence, but playing offense; not just providing legal advice, but being part of the business team'*¹¹¹.

Business partnering for lawyers working in a firm

If you are a lawyer working in a firm, you may not have the opportunity to engage in business partnering with the business as frequently as an in-house lawyer. However, when you do have that opportunity, you can and should do so, as outlined above, whenever appropriate. You may not be specifically asked to do so but usually the business, and even the in-house lawyer, client will appreciate it if you have some useful business input. Indeed, a common complaint from in-house lawyers is that the advice they receive from law firms is too legalistic, not commercial and does not include a recommended course of action.

Business partnering for government lawyers

Typically, government lawyers do not support a commercial business but rather the business of running a government department. In this case, the concept of business partnering can still be applied quite literally to supporting that business. This would include decision support and other ways to solve/prevent problems and create and implement opportunities for the department by offering input and advice that extends beyond legal advice.

What are some concerns or issues that you may have with business partnering?

Whenever I talk to lawyers about business partnering there are typically a few concerns or issues that are regularly raised as potential problems or obstacles. I have already addressed the concern

¹¹¹ <https://corpgov.law.harvard.edu/2010/09/05/the-general-counsel-as-lawyer-statesman/>

of not enough time and the fact that clients don't ask for it. Below are some other common concerns together with a brief response to each point:

- *inadequate 'business' subject matter expertise* - you do not need to be an expert in, for example, marketing, sales, procurement, or product development to offer business input into a discussion on these areas. Your initial 'edge', an ability to offer a unique perspective, derives not from your expertise in these areas but rather from what I refer to as your existing business partnering assets. You have developed these assets from your legal studies and work. You use these for legal work, but they can be repurposed for business partnering. The assets include your:
 - credibility as a lawyer
 - common sense
 - independence
 - attention to detail and to distinguish between fact and opinion
 - analytical skills to identify root cause
 - interviewing/questioning skills
 - communication skills
 - risk assessment
 - ability to facilitate agreement and negotiate favourable outcomes
 - creativity in developing alternative solutions
- *too junior or too new* - to start with, your input may consist of nothing more than asking astute questions or 'connecting the dots' between your colleague and others who can provide relevant input. However, over time and with practice at business partnering, your level of knowledge of the business will develop to a point where you can make more substantive input and even offer business advice and make business recommendations
- *clients don't like you doing it* - it is true that sometimes providing business input may be perceived by some as 'treading on their patch'. In my experience this rarely happens and is often a question of how you provide your input and when you do it. You can, in some cases, choose not to provide business input unless you really need to do so
- *you could be responsible for a bad business decision* - while this may be a risk in theory, in my experience it never arises in practice. I have never heard of a lawyer who suffered any consequences simply because they provided business advice in relation to a matter where

the business outcome was suboptimal. The reason for that should be obvious. As a lawyer you are never making a business decision, only offering input or advice. The decision is made by the business client. Typically, you do not want to highlight this fact to your business client because it might hinder the development of your relationship with them. However, in some cases - where for example you are concerned about the outcome or where the client is just looking for 'legal sign off' so that they can escape responsibility - it may be necessary to do so

- *professional indemnity insurance does not cover business advice* - a related concern for law firm lawyers is that any professional indemnity insurance for legal services may not extend to business advice or services. In addition to the comments made above about the minimal practical risks involved, it would be an extremely rare case where your business advice could be said to have caused damage or loss to your client. Many lawyers do provide business advice and typically insurance policies do have a broad definition of legal services that would extend to business advice if it were something that lawyers ordinarily do. In fact, there is arguably a higher risk of a claim from a client if you do not raise an obvious business issue with a transaction or matter.
- *compromises independence* - there are of course a few headline cases where a general counsel failed to call out illegal or unethical conduct on the part of their business colleagues. However, the fact that a few lawyers have done the wrong thing a few times does not mean that every in-house lawyer should never engage in business partnering. Many lawyers, including myself, engaged for many years in business partnering without falling into that trap. Ironically, the more effective you are at business partnering the more opportunity, at an early stage, for you to influence ethically and legally sound business outcomes and the more your relationships with your business colleagues can withstand the exceptional times when you do need to raise concerns
- *jeopardises legal professional privilege* - in countries that recognise legal professional privilege you may be worried that it will be compromised by business partnering. In my career this risk never arose in practice. If it does arise for you in a particular situation, then you can clearly separate your business advice from your legal advice or, if you are an in-house lawyer, engage external counsel to provide the legal advice
- love the concept, don't love the name - often, those that raise this point, do not like the name 'business partner' because of its potentially misleading association with other

functions in the company that use the business partner title in a different context. I am not suggesting that you use the expression business partner as a noun to describe yourself. Rather, I believe business partnering is the best expression to use to describe the activities I am talking about. It captures the key word - business - and the idea of partnering with, or helping, the business. It is also widely, if not universally, known and used throughout the legal world. But if you prefer to use a different name that is fine too.

After many years of working with thousands of lawyers throughout the world, I have not encountered a concern or issue that meant that a corporate lawyer could never engage in business partnering. The over-arching comment to any concern about business partnering is to remember that it is a flexible concept. You can do it in many ways, and dial it up or dial it down, depending on the circumstances.

How can you improve your business partnering?

Many lawyers do engage in some business partnering from time to time. You may therefore ask why the need to highlight business partnering as a skill, to define it so precisely and to spend time trying to be better at doing it in your work.

In all my years of working with lawyers all over the world, I have only met a few who do it often and well. Most of you will do it incidentally, less often than you think and on a subconscious basis. Many will do it rarely, if at all. If you accept that business partnering is critical, and you are serious about it becoming a core part of your way of working - and not something you do occasionally 'on the side' - then it is important for you, and your lawyer colleagues, to do it in a more conscious and deliberate way and to try to get better at it.

Other than doing it more often on a conscious basis, there are a range of different things you can do to enhance your ability to engage in business partnering and the quality of your legal advice. In broad terms, the primary objective is to grow your understanding of the business and to develop a network of contacts inside and outside the company. This is obviously easier for in-house lawyers but also possible for those working in a firm at least for their most important clients. Here are some simple steps you can take to achieve this objective:

- listen, read, and observe when you are at a meeting, on a conference call or looking at office communications. Follow and participate in the business conversation. Do not 'tune out' and start thinking about your tasks to be done. Listen. Observe. Notice how people talk, present and act
- if the goal is to be a businessperson, not just a lawyer, then you should communicate like one. Use the language of the business, not 'legalese', when you are talking, writing, and presenting. Keep things simple. Get to the point quickly. Use numbers, data, and visuals rather than just words. Offer solutions, not just identify problems. Be positive, practical, and pragmatic
- actively build networks within and outside the company. That will help you to learn new things and provide potential contacts for help from time to time
- learn about the business in general and in particular;
 - relevant industry/sector and the competitive/political landscape
 - products and/or services supplied
 - strategies, plans, priorities, goals, and initiatives
 - problems and challenges encountered now and in future
 - state of the business and trends from a financial perspective
 - major organisational and personnel changes
 - key corporate policies and procedures.

The more you engage in business partnering, the better you become at it. The better you become at it, the more your clients will seek you out for your view on business problems and opportunities, not just your legal advice. This will help you to develop your relationships with those clients and your understanding of the business. As a result, you will become even better at business partnering and before long it will become the way that you naturally work.

Why is business partnering such an important skill?

When you think about it, companies do not have legal problems. They have business problems and legal considerations may be more or less important depending on the specific circumstances. What this means is that if you limit yourself to legal problems then you also limit the extent to which you can help your clients. Lawyers who do limit their scope in this way tend to be on the periphery of the corporations that they support. If you want to be more central or important, then it is crucial to expand your scope beyond just legal issues or matters.

Business partnering – helping your clients to solve/prevent business problems and to create/ implement business opportunities – is how you can expand that scope. It is an easy way for you to change your work to add more value for your clients and, thereby, to become more valued by them. As mentioned earlier in the book, doing new things to add more value for clients is the ultimate objective of transforming your work. Rarely will clients specifically ask you to engage in business partnering, possibly because many would not expect you to do it. However, when you do it well, they will often value your business partnering contributions as much as, if not more so than, your legal advice.

For in-house lawyers, there is also an additional reason why business partnering is so important. If you do it well, and often, it will help you provide better and more timely legal advice. In my experience the business is more likely to share more information with you about their plans, and at an earlier stage, if they see you as a ‘member’ of the business team and if they value your business input and advice. As a result, you often have an opportunity to spot any legal or ethical issues and, because of your enhanced relationship with the business, influence the decision before it is too late. Business partnering really is a win/win skill.

Business partnering, as outlined earlier, typically involves business input or advice that does not involve much, if any, additional time for you. However, if you wish to add even more value for your organisation then sometimes it may be necessary to do business work that does involve more of a time commitment on your part. Business leadership, primarily for in-house lawyers, and business development, primarily for law firm lawyers are key skills that enable this type of business work. The next two chapters briefly outline these two skills and the impact on your work.

6. BUSINESS LEADERSHIP

In the process of being interviewed for the Sun Microsystems Business Leadership award, the company's executive management made it very clear what they wanted from their lawyers. Being a competent lawyer was a given and nothing more than an 'admission ticket' to work for the company. They told me that they wanted someone who was also able *'to identify a business problem or opportunity and willing to do something about it, even if it was outside their job description'*. I am certain that the senior management of any company that you work with, or for, would have a very similar view.

Does that view of business leadership sounds familiar? Remember that the experts who wrote the Deloitte Insights article 'What is work' and 'Redefining work for value creation' stated that the objective of work should be *identifying and addressing unforeseen problems and opportunities*. In other words, what might qualify as leadership today, because it is rarely done on a regular basis, may, in the future, just become the way we all work.

If you are an in-house lawyer, usually you are uniquely placed to work in precisely this way for a few reasons:

- your work means that you have a broad and deep visibility across the company in a way that your non-legal colleagues, and even senior management, do not
- unlike your non-legal colleagues, you do not have a specific deliverable. As such you are not burdened by the expectation of doing specific work and are generally free to redefine your work. As I say to my in-house clients, your only limitation on working in new ways is the way things have always been done and your imagination!

As a lawyer working in a firm, you do not usually enjoy the above advantages. However, like in-house lawyers, you are well trained to anticipate problems and opportunities that others may not see. Unlike in-house lawyers, you have the advantage that you, or your law firm colleagues, may

well see similar problems and opportunities for other clients. Drawing on that experience, combined with resources that are often available to firms but not to in-house teams, may enable you to identify, and in some cases help design and/or implement, solutions for business clients to these unforeseen problems and opportunities.

There is also a second strand of business leadership available for lawyers working in firms - helping in-house lawyers with the business of running their department. Legal departments have lots of needs over and above the need for legal advice. Indeed, general counsel and the leadership team often spend as much, if not more time, dealing with these business issues as they do giving legal advice to their clients.

Below are some examples of ways in which firms might be able to assist legal departments with their common business issues. As a lawyer in a firm, you may not be the person who provides this help yourself, but you can connect the appropriate resource in the firm to provide this help:

- facilitating hiring, retention, and development of the legal department
- arranging for back up human resources on an as needed basis
- assisting process improvement and project management
- offering technology solutions or advice on technology
- providing pro-active help with cost management
- planning for how to address major challenges and priorities
- anticipating regulatory development impact and suggesting action

It is surprising to me how rarely firms think about how to help their legal clients in these areas even though firms are often better resourced than their clients in many of these areas. What better way to add more value to your clients and, typically, to differentiate yourself from other firms. Hopefully you can see that there is scope for you, as a law firm lawyer, to add value for your clients by working in this new way. Just remember that the focus is on business problems and opportunities, not just legal problems and opportunities. The scope in relation to business clients may not be as great as that available for in-house lawyers and so the rest of the discussion on business leadership is primarily referring to in-house lawyers. However, understanding how this skill applies in an in-house context can give rise to ideas about how you, as a law firm lawyer,

might be able to help your in-house clients be better at business leadership for their business clients.

Examples of business leadership

Below are just a few examples of business leadership by in-house lawyers to give you a better idea of what I mean by this idea;

- Deal Management Process (DMP) - When Sun Microsystems broke the company up into various business units, initially the sales groups for each unit did not coordinate their activities very well. One unit would often agree business terms with a key strategic customer that would be indirectly, or in some cases directly, disadvantageous to the other units and the company. My team and I took the initiative in our region to establish a process, and to create and lead a cross business unit/functional team, to review deals with key customers *before* terms were agreed with the customer. This approach was then adopted by others and expanded worldwide throughout the company
- DRAM EU Anti-dumping duty- Sun, and other buyers of DRAM from Korean and Taiwanese suppliers, were surprised to discover that they had a significant residual duty liability because of dumping practices of those suppliers. I formed and lead a cross-functional and global team to resolve the duty issues in each EU Member State and to change our supply chain processes to ensure this would not happen again. I also jointly lead a cross industry coalition to lobby for changes in the laws that gave rise to this rather peculiar exposure. In the process, I established the first European Government Affairs function for the company to work on a range of public policy issues
- Patents - My U.S colleagues at Citrix took the initiative to create a Patent Steering Committee and a process to review inventions against a set of criteria to determine whether and where patent applications should be filed. Prior to that, Legal would apply for a patent whenever a product development team requested it so whether that was appropriate or not. My colleagues then went one step further and initiated a plan to increase fees from licensing the patent portfolio to others.

Adjacency

One thing you might notice about these examples is that they are adjacent to traditional legal work. In other words, usually the areas of opportunity for business leadership for you will have some connection to the traditional legal work that you currently do rather than be something completely unrelated. The key to spotting these opportunities is to have the businessperson mindset and focus that I described in an earlier chapter.

Fertile ground for you to look for business leadership opportunities include:

- Data Governance, Cyber security and Privacy
- Enterprise Risk Management (ERM)
- Government Relations/Public Affairs/Lobbying
- Governance Risk Compliance (GRC)
- Protecting, enforcing, and commercialising intellectual property
- Environmental, Social and Governance (ESG)
- Sustainability
- Corporate Culture - ethics
- Innovation
- New product and geographic markets

The other thing to note about many business leadership opportunities is that your work can benefit both the legal department and the company. For example, often you can use a business leadership project to influence the allocation of appropriate non-legal resources to an area so that, going forward, lawyers are only involved to the extent that they should be. A true win/win scenario!

Richard Susskind, in the latest version of his book *'Tomorrow's Lawyers'*¹¹², suggests that firms and legal departments should adopt a mission and strategies to design processes and systems to replace current ways of working by lawyers. He also lists a series of roles to achieve this aim such

¹¹² OUP Oxford, 3rd Edition, February 7, 2023

as legal design thinking, legal process analyst, legal no coder, legal data scientist and legal project manager. There are a few things I would say in this context about this idea:

- this work is another example of business work that lawyers could do with appropriate training, although that work can also be done by others
- if this work involves taking advantage of opportunities to enable the business, as it should, then it qualifies as business leadership
- to the extent that this work also frees up your time as a lawyer to do other types of business leadership work, it is a part of what I refer to as work management – a topic I cover in more detail in later books in the series

How is business leadership different to business partnering?

The main differences between a typical business partnering and a typical business leadership activity are summarised in the table below.

BUSINESS PARTNERING	BUSINESS LEADERSHIP
Business input and advice	Business work
No extra time required	Can involve significant time
Reactive	Proactive
One-on-one	Collaborating with many
Common sense paramount	Various non-traditional capabilities
Tactical/transaction focus	Strategic/not transaction specific
Some impact	Significant impact
Leadership not essential	Leadership critical

You could say that business partnering, and business leadership are just two ends of a spectrum of different ways that lawyers can work to add more value for clients.

At one end of the spectrum is business partnering that can be easily incorporated into your current way of working by providing business input, with little to no additional time required. It can be done during an interaction with one of your clients and you can largely rely on your common sense and your existing business partnering assets. As such, even the most junior lawyer or one who has joined recently can engage in business partnering immediately.

At the other end of the spectrum, business leadership can involve a significant amount of extra work and time on your part. The good news is that there are ways to manage your involvement in a particular project by breaking business leadership down into generic stages as set out below.

Stages of Business Leadership

1. Identify and escalate a business problem or opportunity
2. Suggest either a solution or a process to follow to identify a solution.
3. Influence others to support the solution or the process/project to find a solution
4. Lead efforts to implement the solution or to form a project team to find a solution
5. Lead the project or step back into project member role

If you are just starting your career, or you have not offloaded other types of work that add less value, it may be that you have limited time to engage in business leadership. However, even if you only have time to go to the first stage above, identifying and escalating a business problem or opportunity, that represents business leadership. The more time you can devote to business leadership, the further down the above list you can go, the more you can say that you have transformed yourself and your work to add more value.

I use the expression Business Leadership to describe this skill because, unlike business partnering, one of the essential requirements as you progress into the later stages of the cycle is leadership. You want to be able to influence others, who typically are not lawyers and do not report to you, to support your initiative and ideas. However, business leadership is different to general leadership. It is not about leading the legal department, it is about leading the business and making a significant impact on the business. The more you understand the business, the more you will identify business leadership opportunities and the more you will be able to contribute.

How can you become better at business leadership?

In addition to the ways previously mentioned to improve business partnering, it is essential for you to create time by reducing or eliminating other types of work that add less value. That time then can be reinvested in pursuing business leadership opportunities and in developing an understanding of some key non-legal skills and capabilities and how to apply them in different situations. Whilst business leadership offers you excellent opportunities to learn or develop these skills, you will be much better equipped if you at least understand these skills first.

A book that is worth reading to help you to be better at business leadership is *Upstream:How to Solve Problems Before They Happen*¹¹³. The central idea in the book is that you want to try to avoid doing downstream work - reacting to problems - and, instead, do more upstream work - trying to solve problems before they arise. This is precisely the kind of work I am talking about when I refer to identifying and addressing unseen problems and opportunities. The book proposes some specific ideas for how to stop being dragged downstream - something many lawyers will relate to - and how to do upstream work.

How do you know when you are successful at business leadership and business partnering? One of the best compliments I ever received during my career as an in-house lawyer was when my primary senior business contact told me that he would have me on his management team even if I was not a member of the legal department and even if he had to pay for it out of his own budget. Perhaps this is the ultimate goal for business partnering and business leadership if you do support a team or department.

That goal is not realistic for a lawyer working in a firm. However, an analogous goal for a law firm lawyer that is worth pursuing, at least for your key clients, is to become a trusted advisor. We will discuss this idea further in the next chapter on business development.

¹¹³ Dan Heath, Avid Reader Press/Simon and Schuster, 3 March 2020

7. BUSINESS DEVELOPMENT

This chapter is intended to highlight that business development is yet another example, this time primarily for law firm lawyers, of how important it is for you to develop non-legal skills and knowledge so that you can do business work. For a more detailed analysis of business development, I suggest that you refer to the many resources available on this topic¹¹⁴.

Just as business leadership is a topic of primary, but not exclusive, relevance to in-house lawyers, so business development is a topic of primary, but not exclusive, relevance to lawyers working in firms.

The reason that business development is of some relevance to in-house lawyers is that the business we are talking about in this context is a firm's business with you and your in-house colleagues. As an in-house lawyer, you can and should influence the business development activities of law firms although you probably rarely do that. In-house lawyers regularly express their disappointment to me that law firm business development typically consists of just an invitation to lunch or the standard notification of a legal update. You are the buyer, and as such, you can and should be more creative and direct about what you would like to receive from the firms that you use or are thinking about using. Firms are willing to go to great lengths to offer 'free' or so called 'value add' products or services under the umbrella of business development. For example, firms have been known to host hackathons or to collaborate on various projects. Bear that in mind when you read the rest of this chapter on business development.

Also, as we discussed in the last few chapters, helping to identify, create and implement business opportunities is what business partnering and business leadership is all about. Isn't that a form of business development for the company that you work for? In-house lawyers have not historically

¹¹⁴ See for example <https://www.globelawandbusiness.com/books/business-development-a-practical-handbook-for-lawyers-second-edition>, <https://www.sage.exchange/blog> and <https://www.amazon.com.au/Business-Development-Lawyers-Strategies-Getting/dp/1588521362>

thought of business development as relevant to them¹¹⁵. However, that may change if you accept and embrace the T-Shaped Lawyer vision that I am advocating.

If you work in a firm, or for another legal service provider, then providing excellent legal advice to clients is obviously important. However, that alone will rarely lead to a successful career in a firm. Business development skills are, arguably, as critical to your success.

What is business development and why is it important?

Business development is the ability to create long term value for your firm by identifying and executing business enhancement opportunities. The most obvious form of business development in a firm is the ability to attract new clients and/or new legal work from existing clients.

But there are other new, and less obvious, forms of business development. The business of firms was once limited to providing legal advice and doing legal work. Now, progressive firms are starting to provide a range of business services - such as legal operations consulting and managed services - and products to clients. That is because clients do not just have legal problems, they have business problems. As such, business development is now as much about identifying new and different ways to help clients with their business as it is about expanding the provision of legal services.

The ultimate goal of business development for lawyers in firms is to become a trusted advisor to, at least, your most important clients. If you have succeeded in becoming a trusted advisor, then your client will see you as a 'go-to' resource not just for legal counsel but for input on a range of business issues. Attaining a trusted advisor status entrenches your relationship with your client and often allows you to identify new revenue streams. You do not usually become a trusted advisor purely based on the quality and responsiveness of your legal services. Rather, you earn that status if you have business smarts and if can provide sound business input in addition to legal advice.

Also, there are other aspects to running and growing the business of a firm that require varied business, not just legal, skills. This includes attracting and retaining the best talent, increasing

¹¹⁵ An exception to this is where a few legal departments have tried to convert themselves from pure cost centres to profit centres. In most cases this will not be appropriate, but I mention it only as one specific example of business development.

lawyer utilisation and profitability, identifying strategic partnerships and new revenue streams, and expanding into new geographic and practise areas. Larger firms often retain a range of specialists to help them in these areas. However, at least the partners of a firm should understand and be able to lead the development of the business in these areas.

For all the above reasons, business development is yet another example of non-legal skills that you can utilise to do business work as a T-Shaped Lawyer.

8. THE T-SHAPED LAWYER FRAMEWORKS - TURNING THE VISION INTO REALITY

To summarise, the earlier chapters in the book have:

- provided an overview of the changes happening in the world that are relevant to you as a corporate lawyer and your work. These changes provide context for you to consider what changes you may wish to make for yourself and your work - two things that you have some control over
- made the case for why you may wish to transform yourself and your work to become a different lawyer; not just improve to be a better lawyer. While each of you may have unique reasons to change, the underlying reason for transformation for all lawyers is so that you can add more value for your clients
- explained that the key to addressing these reasons for change - and in particular to add more value for your clients - is to transform to become a businessperson, not just a lawyer, and to provide business input and do business work, not just legal work
- proposed a new vision - The T-Shaped Lawyer (or if you prefer, the Legal Expert Business Generalist) - that best embodies this specific transformation
- fleshed out this vision by outlining what it means to be a businessperson and what it means to provide business input and do business work.

The 'Less Law More Business' Pivot

The transformation to a T-Shaped Lawyer involves a lot of different things. However, if I had to summarise what is required to turn the vision into reality into a few words, this would be my response:

LESS LAW MORE BUSINESS

What I mean by this tagline is that you need to think about yourself less as a lawyer and more as a businessperson; you need to spend less time developing your legal skills/knowledge and more

time developing your business capabilities; and you need to do less 'legal work' (or at least work that you have traditionally done) and do more business work. It does not mean that you need to be any less of a lawyer, or that you need to become lawless or 'go native'¹¹⁶ with the business. Every lawyer that aspires to transform in the way suggested needs to make this fundamental pivot. This pivot applies to your mindset, your skillsets, your knowledge, your role, your professional development, and your actual work.

If you are persuaded to embrace this T-Shaped Lawyer vision for yourself, your legal department, or your firm, how do you turn this vision into reality? How can you make this pivot?

Just coming up with an ad hoc series of initiatives is not going to be sufficient. I frequently see lawyers, firms and departments randomly focussing on a few things like technology, design thinking or project management. This rarely results in any significant change for the lawyers, and it does not help them transform to become T-Shaped Lawyers.

To avoid this trap, and because there are many key components to achieving this vision, you need a comprehensive framework. The framework needs to be specifically designed to achieve the T-Shaped Lawyer vision and it should then be utilised to develop transformation plans. The framework and the plan should be applicable at an individual lawyer level and, ideally, there should also be an aligned framework and transformation plan for the products and services offered at a department or firm level.

In recent years there have been a few frameworks developed for lawyers that focus beyond the law and legal skills. The Delta Model¹¹⁷ was developed by a group of US academics and offers a comprehensive and useful framework for lawyers and non-legal professionals without steering them in any particular direction. It covers individual competency development. However, it is not designed to achieve the T-Shaped Lawyer vision and it does not attempt to provide a framework for the services offered by legal departments or law firms. The same applies to the O-Shaped

¹¹⁶ Going native is an expression sometimes used for an in-house lawyer who forgets that they are a lawyer and who fails to raise legal and ethical issues when these need to be raised

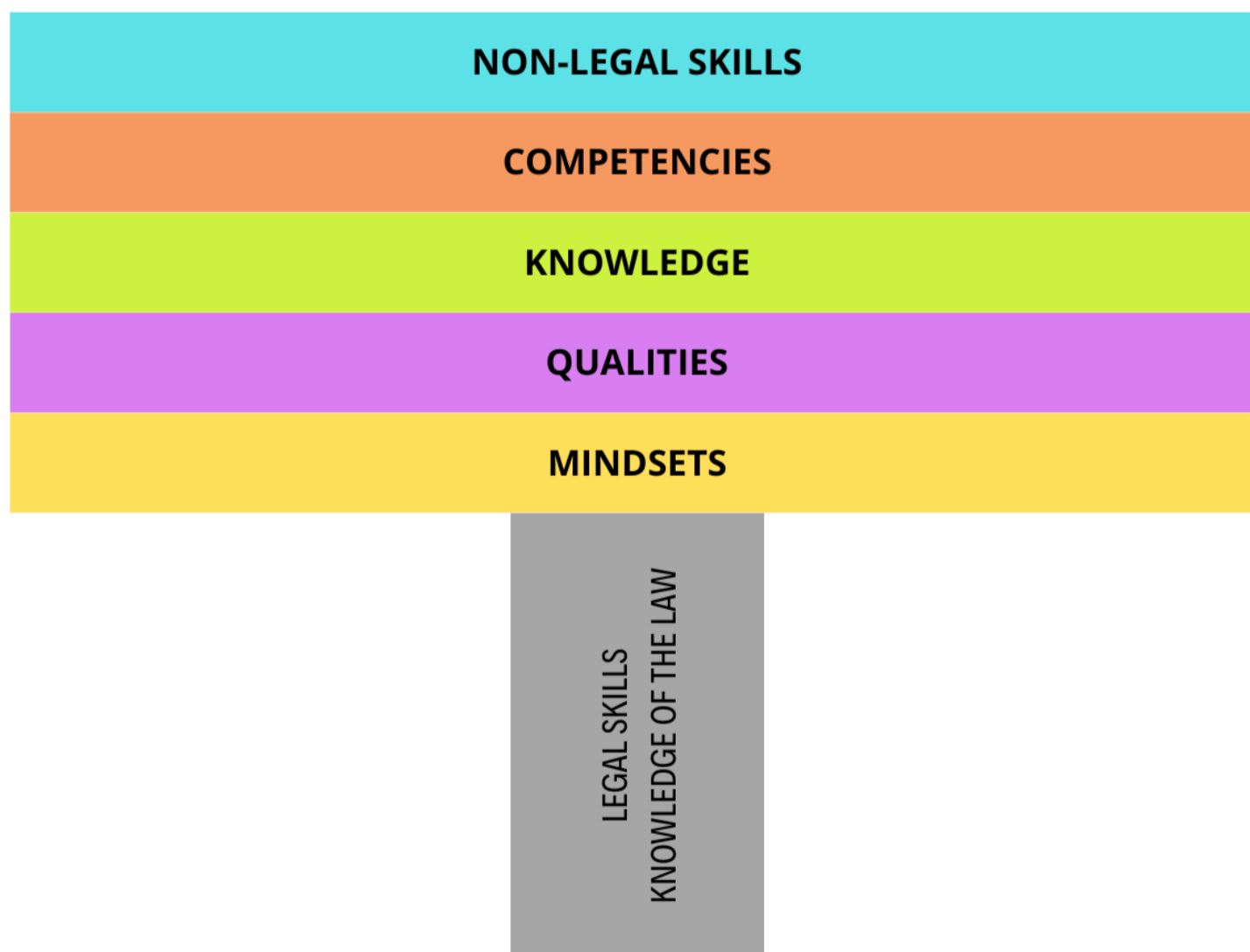
¹¹⁷ <https://www.alysoncarrel.com/delta-competency-model>

Lawyer Framework¹¹⁸ that has gained some traction in the UK. Its mantra is 'people first' and it has the highly laudable goal of encouraging the formation and development of rounded lawyers in a diverse, inclusive, and healthier environment.

If your objective is to achieve the T-Shaped Lawyer vision at the individual lawyer, legal department, or law firm level - for lawyers to be businesspeople not just lawyers and to provide business input and do business work, not just legal work so that you can add more value for your clients - then the T-Shaped Frameworks are specifically designed for that purpose. Below is a very high-level overview of the T-Shaped Lawyer Framework for individual lawyers.

The T-Shaped Lawyer FrameworkTM

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¹¹⁸ <https://www.oshapedlawyer.com/>

As I mentioned in the introduction, if there is sufficient interest in this book then I plan to publish follow on books in the series about these Frameworks:

- The T-shaped Lawyer Framework™ (for individuals)
- The T-shaped Team Framework™ (for legal departments) and
- The T-shaped Firm Framework™ (for law firms and other legal service providers)

All the frameworks are based on my own personal experience as a lawyer over many decades and have been tried, tested, and refined with lawyers, departments, and firms world-wide over the last seven years. They provide a comprehensive step-by-step structure, and they are aligned with each other to facilitate the implementation of the T-Shaped Lawyer or Legal Expert Business Generalist vision across the entire corporate legal industry.

There is obviously a limit on my ability to share these frameworks through my workshops and consulting. The aim of this book, and others in the series, is to provide individual lawyers and leaders of legal departments and firms with sufficient guidance and inspiration to drive this transformation on their own. I hope it will help you find success and fulfilment in your careers and enhance the perception of corporate lawyers through the impact you make for your clients.

The books are my modest contribution in return for the wonderful opportunities and support provided to me by so many people over the years. In particular, I would like to call out Geoff Taperell, David Shannon and Ray Black during our time together at Baker McKenzie; Stephen Clayton, Rod Steedman, John Croll and Brian Martin during our time together at Sun Microsystems; and David Friedman and Tony Gomes during our time together at Citrix Systems. Last, but by no means least, my wife, Penny, who bore the brunt of endless geographic moves to support my career and who helps me run AlternativelyLegal.

ABOUT THE AUTHOR

Peter Connor is the Founder & CEO of AlternativelyLegal which he formed in 2015 to help corporate lawyers, in-house legal departments and law firms innovate and transform - not just improve - the way they work. He does that through a range of unique programs and frameworks that he has developed including:

- **T-shaped Lawyer Program™** designed for legal departments and firms to provide guidance and inspiration to individual lawyers on the T-Shaped Lawyer Framework™ - the subject of the second proposed book in this series - and how to utilise the framework to enhance their capabilities to become T-Shaped Lawyers so that they can do more meaningful and impactful business work, not just legal work.
- **T-shaped Team Program™** designed to provide guidance to legal departments on the T-Shaped Team Framework™ - the subject of the third proposed book in the series - and how to utilise the framework to transform the legal department into a team that provides not only legal services, but also business services and products.
- **T-shaped Firm Program™** designed to provide guidance to law firms on The T-Shaped Firm Framework™ - the subject of the fourth proposed book in the series - and how to utilise the framework to transform the firm into a business that provides a range of business services and products not just legal services.

Peter has conducted over 50 workshops around the world for the legal departments of a range of brand name companies including Google, HSBC, Pfizer, ANT Financial/Alibaba, Porsche, Coca Cola, Bayer and ANZ Bank. He has also worked with firms like Baker McKenzie, Minter Ellison, and Rajah Tann Asia.

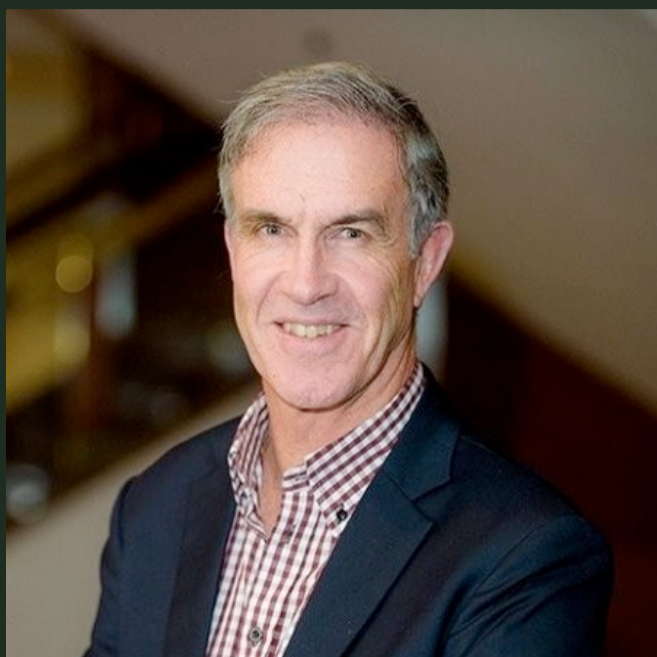
In Australia, Peter was retained by KPMG Law to help them conceive, develop, and deliver their New Law/ Legal Operations and Transformation Services product and service offerings for in-house legal departments.

Prior to starting AlternativelyLegal, he worked in a business role, as VP Tech Products, managing software development for the Hong Kong-based compliance firm, Red Flag Group.

Peter has had a diverse, global career as a lawyer for over 25 years. He has lived and worked in Silicon Valley California, Switzerland, England, Hong Kong, and Sydney in the following roles:

- European General Counsel and, later, as Head of Global Compliance for Citrix Systems
- APAC General Counsel, Head of Legal Shared Services, European General Counsel and Head of European Government Affairs for Sun Microsystems.
- Senior Associate at Baker McKenzie in Sydney and Hong Kong.

Peter is the recipient of the Citrix Design Thinking Hero Award and the Sun Microsystems CEO Business Leadership Award for his innovative contributions to the business. He is a widely-published author on legal innovation including his highly acclaimed articles, 'The T-shaped Lawyer' and "Will Law Firms become software companies". Legal Business World has recognised him as a global thought leader, and he regularly speaks at legal conferences around the world on legal innovation and transformation. He can be contacted at peter.connor@alternativelylegal.com or by connecting on LinkedIn.



This book is primarily for those who are interested in taking change in the legal industry to a new level. However, it is also written for those who may be oblivious to the changes happening in the industry and have not given much thought to why they might want, or need, to change and what they can change.

The focus of the book is on human transformation. By that I mean making significant changes in the work that lawyers do and in their capabilities to do this new

work. It might not attract the headlines of digital transformation, but it is at least, if not more, important for lawyers, legal departments, firms and especially clients.

In order to transform, not just improve, yourself and your work you need a clear picture of what that work could look like and understand why it might be in your interest to change. This book paints that picture in some detail for all corporate lawyers, legal departments, and firms.

I know from my work on transformation with lawyers all over the world that, for some, the proposed vision will be alarming and uncomfortable. For others it may seem like something that they already do. In fact, the vision calls out and spells out something that a few lawyers do sometimes on the side so that all lawyers can do it on a regular basis as a core component of their work.

For individuals this new vision offers a way to flourish and to reimagine your work so that it is more interesting and more valued by your clients. For legal departments and firms, it offers the promise of completely reimaging your offerings to clients and the way you organise and operate. If there is sufficient interest in the first book, I propose to publish follow up books in the series that provide more detail on how individuals, legal departments and firms can turn this vision into reality