InfoPAK<sup>SM</sup>

Organizational Effectiveness: The New Imperative for Developing a World-Class Legal Department

Sponsored by:

Huron<sup>Legal</sup>
Organizational Effectiveness: The New Imperative for Developing a World-Class Legal Department

July 2011

Provided by the Association of Corporate Counsel
1025 Connecticut Avenue, NW, Suite 200
Washington, DC 20036 USA
tel +1 202.293.4103
fax +1 202.293.4107
www.acc.com

This InfoPAKSM examines the concept of organizational effectiveness and how corporate counsel can use its principles to effectively develop an international, “world-class” legal department. The InfoPAK focuses primarily on “soft” organizational development issues, including those relating to development of a shared vision and organizational culture for the legal department, and development of the people who make up the department. The InfoPAK begins with a discussion of the important foundational step of aligning the legal department’s priorities with the organization’s business strategy and developing a corresponding shared vision for the department. Discussions of successful management of client relationships and internal departmental issues including leadership issues and team management follow. Because change is the one constant in today’s legal department, the InfoPAK also discusses change management and creating a “one team” culture. Finally, it discusses metrics and measurement tools for managing organizational development.

The information in this InfoPAK should not be construed as legal advice or legal opinion on specific facts, and should not be considered representative of the views of Huron Consulting Group, or of ACC or any of its lawyers, unless so stated. Further, this InfoPAK is not intended as a definitive statement on the subject. Rather, this is intended to serve as a tool for readers, providing practical information to the in-house practitioner.

This material was compiled by Huron Legal, the 2011 Sponsor of the ACC Law Department Management Committee. For more information about Huron Legal, please visit its website at www.huronconsultinggroup.com/legal or see the “About the Authors” section of this document.

ACC wishes to thank the members of the Law Department Management Committee for their contributions to the development of this InfoPAK.
Contents

I. Introduction ...................................................................................................................................... 6

II. The Foundations of Organizational Effectiveness......................................................................... 6
   A. Aligning Priorities to Support Corporate Strategy ........................................................................ 6
   B. Creating a Shared Vision .................................................................................................................. 8

III. Managing Client Relationships ...................................................................................................... 10
   A. Relationship Building .................................................................................................................... 10
   B. Client Care Plans .............................................................................................................................. 11
      1. Client Care Plan ........................................................................................................................... 11
      2. Client Team .................................................................................................................................. 11
      3. Client Meetings ............................................................................................................................ 12
      4. Cross-Selling Strategy .................................................................................................................. 12
      5. Client Feedback ............................................................................................................................ 12

IV. Legal Department Leadership Issues ........................................................................................... 13
   A. Skills and Competencies .................................................................................................................. 13
   B. Self-Management ............................................................................................................................ 15
      1. Prioritization ................................................................................................................................. 15
      2. Goal Setting ................................................................................................................................. 16
      3. Time Management ....................................................................................................................... 17

V. Intradepartmental Communication ................................................................................................. 17
   A. Team Dynamics ............................................................................................................................... 18
      1. Cultural Differences ...................................................................................................................... 18
      2. Personality Differences ................................................................................................................. 19
      3. Changing Work Environment ....................................................................................................... 20
   B. Delegation ....................................................................................................................................... 20
      1. Identifying the Task ....................................................................................................................... 20

For more ACC InfoPAKs, please visit http://www.acc.com/infopaks
2. Matching and Briefing ................................................................. 21
3. Managing the Delegate ................................................................. 21

C. Influencing Behaviors .................................................................................. 22

VI. Rewards and Motivation .................................................................................. 23
A. Employee Engagement .................................................................................. 24
B. Feedback and Motivation ............................................................................... 25
C. Coaching ........................................................................................................ 26
D. Career Development ....................................................................................... 27

VII. Change Management .................................................................................... 28
A. Types of Change ............................................................................................. 29
B. Leading Change .............................................................................................. 29

VIII. Achieving a “One Team” Culture ............................................................... 31
A. Location Issues ............................................................................................. 32
   1. Global Hubs ................................................................................................. 32
   2. Overseas Offices ........................................................................................ 32
B. Cultural and Logistical Issues ......................................................................... 33
   1. Time Zones .................................................................................................. 33
   2. Culture ......................................................................................................... 33
   3. Language .................................................................................................... 33
C. Onboarding ..................................................................................................... 34

IX. Tools for Managing Organizational Effectiveness – Metrics and Measurement ........................................ 34

X. Conclusion .................................................................................................... 36

XI. About the Authors ......................................................................................... 37
A. About Huron Legal ........................................................................................ 37
B. About the Authors ........................................................................................ 37

XII. Sample Forms/Documents .............................................................................. 39
A. Goal Setting/Time Management Matrix ....................................................... 39
B. Delegation Checklist ....................................................................................... 41
C. Employee Motivation and Feedback Matrix/Tracking Tool ............................. 42
I. Introduction

Companies are expanding globally at a rapid rate, and their legal departments must keep up with this expansion. At the same time, legal departments face ongoing pressures to control costs and operate effectively while maximizing the department’s value to the company. Growth presents additional challenges to the organizational effectiveness of a legal department, and international expansion adds a level of complexity to these challenges.

In order to achieve organizational effectiveness that will withstand the challenges of growth, the legal department must align many facets of its organization and operations. True organizational effectiveness incorporates both so-called “hard” aspects (e.g., developing a department strategy, optimizing the organization structure, and establishing sourcing strategies) and “soft” aspects (e.g., establishing shared values, fostering key behaviors throughout the department, developing leadership skills, leading change, and focusing on employee development). While it is important to address both the “hard” and “soft” aspects of organizational development, legal departments that get the “soft” aspects of organizational development right will be better positioned to grow efficiently and minimize the people-related challenges that typically accompany corporate expansion and growth.

This InfoPAK begins with a brief discussion in Section II of the important foundational steps of aligning the legal department’s priorities with the organization’s business strategy and developing a corresponding shared vision for the department. Section III discusses successful management of client relationships. The succeeding sections turn to internal departmental issues, focusing first on leadership issues (Section IV) and then addressing team management issues including intradepartmental communication (Section V) and employee reward and motivation (Section VI). Because change is the one constant in today’s legal department, Sections VII and VIII discuss change management and creating a “one team” culture. Finally, Section IX discusses some tools for managing organizational development. At the end of the InfoPAK, we offer a few helpful forms and checklists.

II. The Foundations of Organizational Effectiveness

The cornerstone of developing a world-class legal department is ensuring that the legal department’s priorities, values, and key behaviors are aligned with and support the corporate strategy. That alignment provides the perspective that guides all aspects of the department’s organizational development—both the “hard” and “soft” aspects—and paves the way for a cohesive, holistic approach. Alignment of departmental priorities with corporate strategy also gives clarity to the process of developing a shared departmental vision.

A. Aligning Priorities to Support Corporate Strategy

Support of the company’s businesses is the reason for the legal department’s existence. It is therefore fundamental that members of the legal department, and especially its leaders, have strong understandings of the corporate strategy and business priorities. The legal department and
its leaders must have a grasp of the organization’s values and corporate culture, its competitive environment and business environment, and its key people and the business structure and processes, all of which are vital elements of the organization’s “brand.” This understanding allows the legal department to evaluate the work it does to make sure it is rendering the necessary services and to prioritize those services in alignment with the corporate strategy.

What Do You Know About Your Client?

Legal department services typically include business support and business protection functions. Business support functions include services such as:

- Advising on business structures;
- Advising on best practices for transactions and relationships with third parties, and on relationships with employees, owners/shareholders, and stakeholders;
- Serving as a negotiator on behalf of the company, sometimes with commercial responsibilities;
- Managing projects and people; and
- Leading the development of the provision of legal services.

Business protection functions include services such as:

- Educating business-side personnel to ensure that they are aware of, and have the tools to comply with, relevant laws and regulations, such as those relating to disclosure of interests and insider trading or those related to international transactions such as the FCPA or UK Bribery Act;
- Serving as the “conscience” of the company, ensuring that the company conducts its business ethically;
Record-keeping, such as maintaining corporate records as part of the corporate secretary function, compliance reporting, etc.;

Guiding corporate governance; and

Managing risk.

Legal activities that typically provide the highest level of support to the strategic plan include strategic activities and support, corporate governance, and risk management. For more information on aligning priorities and legal department strategic planning, please see the ACC InfoPAKs Strategic Planning: Why a Plan Is Needed and How to Develop One (September 2009) and Law Department Strategy: Balancing Immediate Cost Savings with Sustainable Results (September 2009).

With a clear understanding of the legal functions which are aligned to business strategy, the legal department can focus on the best way to provide those essential services, i.e., the “hard” aspects of organizational development, such as developing a department strategy, optimizing the organizational structure, establishing sourcing strategies, and managing outside counsel. For more information regarding those issues, please see the InfoPAKs referenced above, as well as the InfoPAK Global Law Department (June 2010) and ACC Primer, Using a Structured Process to Allocate Work: Optimizing Available Resources to Efficiently Provide Legal Services (November 2010).

B. Creating a Shared Vision

With a clear understanding of corporate strategy and how it relates to the legal department, the department leadership can begin to develop a shared vision. A lucid vision brings clarity to the team and its actions. It defines the department’s general direction and sheds light on any necessary change and the reasons for that change. According to the work of organizational change expert John Kotter, a productive vision is:

- **Imaginable** – Conveying a “picture” of what the future will look like;
- **Desirable** – Appealing to the long-term interests of department employees and other stakeholders;
- **Feasible** – Comprising realistic, attainable goals;
- **Focused** – Sufficiently clear to provide guidance in decision-making;
- **Flexible** – General enough to allow individual initiative and to adapt to changing conditions; and
- **Communicable** – Easy to communicate and successfully explicable in five minutes or less.
The departmental vision should align with the legal department’s strategy, providing the big picture that guides future action. The illustration below demonstrates that relationship between the vision and strategies that leadership creates and the execution of those strategies, which will be performed by other members of the department.


Producing the vision requires foresight and imagination, supported by team input. To establish a new departmental vision or evaluate the clarity and relevance of an existing vision, consideration should be given to how the legal department leaders and team members, clients, and outside counsel firms would describe the legal department today. That present impression should then be compared to how the department would like to be described in three to five years. Team input is very valuable, as department leaders examine the path from existing perceptions to the aspirational target. From the starting point of this comparison between present and future images, the legal department can build a vision statement and associated goals. Factors that may impact the vision include the changing global economy, changes in the overall practice of law, advances in technology, the vision and growth plans of the business, and more. It is important to “think big” when developing the vision. When there is team input during the formation stages and effective communication of the final vision to the entire team, it becomes a shared vision that is part of the department ethos.

For example, one legal department with which the authors worked developed such a clear vision that it was able to articulate it in a simple line drawing, which it then replicated on mouse pads, wall posters etc., throughout the department. At first glance the drawing looked childish, but it was in fact incredibly powerful. It communicated the vision—to develop a world-class legal department—and how the department was going to realize that vision with remarkable clarity and precision. Other departments we have worked with spell out the key elements of their vision on pocket cards. We have also seen the vision articulated using a variety of schematics and other visuals. By contrast, other departments claim to have visions, but no one seems to know what they are and oftentimes they must refer to documents to remind themselves what their visions are.
A clear, shared vision has many benefits. With a clear vision, questions will be resolved about where the department is going or whether change is necessary. The vision will motivate people to take action that contributes to realizing the vision because they understand the desired outcome. A clear, shared vision also helps to coordinate the actions of different people in a fast and efficient way, since they will all be working toward the same, mutual goal. Finally, the vision will simplify decision-making about new or existing initiatives and about many more detailed issues, simply by triggering the threshold question of whether the proposed course of action is consistent with the vision.4

III. Managing Client Relationships

The legal department’s most fundamental relationships are with its internal, business-side clients—those who perform the business operations that are supported by the legal department. Once clarity exists regarding the business strategy and, accordingly, regarding the priority of services provided by the legal department, the department must focus on keeping clients satisfied with those services. World-class legal departments ensure client satisfaction by managing client relationships in manners that encourage trust and open communication. Successful client relationship management includes both “soft” relationship management (establishing and maintaining individual relationships with business-side clients) and formal management (developing and following a plan for client care).

A. Relationship Building

Forging individual relationships with clients is crucial because it establishes an atmosphere of trust in which an optimal environment to deliver real value can thrive. In other words, by building close working relationships with clients, counsel is demonstrating that he or she cares about them and is mindful of their concerns, often proactively anticipating their needs and being a wise advisor. This in turn leads clients to trust the judgment and integrity of counsel such that counsel will begin to be the go-to advisor on a range of matters, resulting in better understanding and communication. These client relationships are critical at all levels of the legal department, from the top down. For example, the department leadership should have a good relationship with the company leadership and the general counsel should get to know the CEO and develop good relationships with the board, communicating with board members regularly and effectively. Moreover, if possible, every director should have a “client manager” — a senior member of the legal department who serves as the point person for communications with that director in the period between board meetings.

There are two schools of thought as to whether the general counsel should actually be a member of the board. One approach is that the general counsel is part of the senior business leadership team and that it is, therefore, essential that he or she has a seat at the board and is part of the business’s decision-making process at the highest level. The contrary view is that the general counsel has a special role as “conscience of the company” and therefore needs to have some distance from the board so as to enable him to give objective and independent advice. In this case, it is essential that the general counsel have a place “at” the board even if he or she is not “on” the board. Whichever view is taken, the general counsel, and therefore the entire legal department, needs to be an
integral part of and contributor to board discussions and board meetings.

Similarly, attorneys at other levels in the legal department should develop relationships with their business-side clients. Opportunities to develop these relationships may include:

- Formal or informal gatherings allowing lawyers to meet and get to know people on the business side;
- Seminars and training sessions;
- Inter-departmental secondments;
- Publications, targeted to clients, containing useful information on topics such as relevant legislation or cases; and
- Regular meetings.

B. Client Care Plans

The most successful client relationships are based not only on individual connections, but also on structured client care plans and procedures. There are five basic steps to success:

1. Completing a client care plan;
2. Establishing a viable client team;
3. Developing a “cross-selling” plan;
4. Holding regular client meetings; and
5. Receiving regular feedback from the client.

I. Client Care Plan

A client care plan describes how a particular client group should be cared for. It should lay out parameters for responding to the client’s needs, and may include, for example, details of a communication strategy (e.g., answering emails within a certain time period), precedents regarding timeframes for completing certain types of work, or agreements regarding legal department attendance at certain client business meetings. After completing a client care plan, it is helpful for the legal department to report on its progress to both the team and the client. The client care plan can be used in appraisals and for setting objectives for the team members, thus ensuring that team members take it seriously.

2. Client Team

It is helpful if a specific legal department team is assigned to each client for whom work is routinely done. Established client teams clarify roles and responsibilities for dealing with specific clients. Choosing the right people for the right clients on the basis of skill set and rapport will make the team more effective, as will choosing the right assistants, who can be the keys to good
communication since they are often the points of first contact in both directions.

3. Client Meetings

It is very important to hold regular team meetings. Ideally, the department should meet once a month to discuss the needs of the client. These meetings should be non-negotiable in terms of required attendance, since issues such as miscommunication, duplication of effort, or incorrect assumptions about deadlines or who is performing a task inevitably occur when someone is out of the loop. Although the meetings will sometimes be very short, they are always important. While not required, it is good practice for the client to attend some or all of these meetings.

4. Cross-Selling Strategy

The more the client relies on the legal department for essential services, the stronger the relationship becomes and, as a corollary, the better the service the department can provide because of its understanding of the broader picture. Where appropriate, the legal department can “cross-sell” its services to client groups to further cement the relationship. For example, members of the legal department team providing labor and employment services to a client division might identify a potential need for intellectual property services. Opportunities for cross-selling can be identified through the client care program and discussed among the department leadership to formulate a plan for how to present the proposed additional services to the client. A firmly-scheduled meeting with the client, no matter how far in the future, will ensure that the cross-selling idea does not lose impetus. Legal departments that have successful client service delivery and related key performance indicators as part of the performance review process will encourage cross-selling and experience stronger client relationships.

5. Client Feedback

While some clients may occasionally provide informal feedback, relying exclusively on such feedback can be a very inconsistent and unreliable way of evaluating how the relationship is working. Formal client interviews are important tools in managing the client relationship. Legal department leadership should hold regular feedback meetings with clients at least once a year. If desired, written client satisfaction surveys may be used to supplement the in-person meetings or obtain feedback between meetings.

Lawyers will make their clients happy if they perform quality, timely research, effectively follow up on issues, listen to the clients, and recognize that every member of the team counts. By ensuring that the client relies on the legal department for a diverse array of services and acting as trusted business advisor to the client, the in-house lawyer will solidify the relationship for the future, making life easier for both sides.
IV. Legal Department Leadership Issues

Internal departmental leadership issues are as important to the organizational effectiveness of world-class legal departments as the management of outside relationships, and are particularly important in growing or globally dispersed departments. The challenges faced by today’s global legal departments—rapid-paced change including changes in team members, cost control pressures, increased regulatory scrutiny domestically and abroad, and more—necessitate the best possible departmental leadership. Strong leaders have the necessary skills and competencies to lead today’s evolving teams and to manage themselves wisely.

A. Skills and Competencies

Contrary to what some people believe, leadership is not necessarily an innate quality that individuals are born with. Although some individuals have innate leadership qualities, effective leadership is a set of skills that can be taught, learned, and refined over time.

While there are many important skills for a leader to possess or master, perhaps the most important skill is well-developed emotional intelligence. Emotional intelligence is “a type of social intelligence that involves the ability to monitor one’s own and others’ emotions, to discriminate among them, and to use the information to guide one’s thinking and actions.” The mastery of emotional intelligence can be challenging for leaders in the legal industry, as it typically does not become a focus until late in their careers. Throughout a lawyer’s training, emphasis is typically placed on acquiring “non-emotional” intelligence, entailing a focus on one’s intellectual development rather than one’s emotional aptitude. This focus on using one’s intellect continues to be emphasized in a lawyer’s early years in practice. As lawyers transition into increasingly senior leadership roles, however, acquiring a well-grounded emotional intelligence becomes more and more important. Emotional intelligence is a skill that must be honed over time and is achieved through the development of self-awareness and awareness of others.

Daniel Goleman, a pioneer in the field of emotional intelligence, applies the concept to business leadership in his 1998 Harvard Business Review article, “What Makes a Leader?”. Goleman identifies the following components of emotional intelligence in a work environment:

- **Self-Awareness** — The ability to recognize and understand one’s moods, emotions and drives, as well as their impact on others;
- **Self-Regulation** — The ability to control or redirect disruptive impulses and moods, and the propensity to think before acting;
- **Motivation** — A passion to work for reasons that go beyond money or status and a propensity to pursue goals with energy and persistence;
- **Empathy** — The ability to understand the emotional makeup of other people and skill in treating people according to their emotional reactions; and
- **Social Skill** — Proficiency in managing relationships and building networks, and the ability to find common ground and build rapport.6
Goleman also describes the following identifiers of these components:

- **Self-Awareness**—Self-confidence, realistic self-assessment, and a self-deprecating sense of humor;
- **Self-Regulation**—Trustworthiness and integrity, comfort with ambiguity, and openness to change;
- **Motivation**—A strong drive to achieve, showing of optimism even in the face of failure, and organizational commitment;
- **Empathy**—Cross-cultural sensitivity, service to clients, and expertise in building and retaining talent; and
- **Social Skill**—Effectiveness in leading change and in persuading and influencing others.\(^7\)

Often, as lawyers in senior leadership roles begin to focus on developing their emotional intelligence, they find that they are better able to serve their clients and lead their teams because they have increased appreciation for how to understand, support, and effectively influence others.

Research has shown that, aside from emotional intelligence, the most sought-after leadership qualities are:\(^8\)

- Honesty
- Ability to be forward-looking
- Ability to be inspiring
- Competence
- Fair-mindedness
- Supportiveness
- Broad-mindedness
- Intelligence
- Straightforwardness
- Dependability

Many of these characteristics are closely tied to emotional intelligence. They relate to the leader’s ability to build trust, which is an offshoot of emotional intelligence and another critical leadership skill. Within a legal department, the leader must build trust with his or her team, as well as with his or her key internal business clients. Building trust is something that requires a leader to invest a significant amount of time and is earned by demonstrating reliability, credibility and trustworthiness over the course of time.\(^9\)
B. Self-Management

While developing and managing employees is a key component of any leader’s role, being able to effectively manage oneself and one’s time is equally important. Like leaders in any profession, lawyers often find self-management to be a challenge. With ever-changing client demands and increasing pressures to do more with less, it is easy for legal department leaders to adopt a reactionary mindset whereby their day-to-day work is dictated by whatever emergencies arise throughout the course of the day. An increased focus on effective self-management can help leaders transition from being reactive to being proactive in terms of how they spend their time, interact with their clients, and manage their teams.

1. Prioritization

“Urgent” matters are those that require paying immediate attention to an emergency, whereas “important” matters are those that are related to moving the department in the desired strategic direction. Lawyers and other managers often tend to focus excessively on urgent tasks. They place insufficient emphasis on important but non-urgent tasks, mentally shelving these issues for consideration at a “later” time. The result is that the lawyer is engaged in constant “firefighting” and fails to proactively deal with matters that are important to the realization of the departmental visions.

For this reason, it can be very helpful to assess tasks using a time management matrix similar to the one below\(^1\) to determine both their relative importance and urgency. The key to shifting from a reactive “firefighting” mode to a more proactive mode is shifting one’s focus over time from urgent activities to activities that are important, but not necessarily urgent. The successful manager does this by planning proactively, which entails shifting less important tasks to other team members and scheduling tasks that are important, but not urgent, in advance.

<table>
<thead>
<tr>
<th>Urgent</th>
<th>Not Urgent</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Important</strong></td>
<td><strong>Tackle important activities, but try to avoid being reactive</strong></td>
</tr>
<tr>
<td><strong>Not Important</strong></td>
<td><strong>Minimize time spent on these activities through delegation</strong></td>
</tr>
</tbody>
</table>

In order to effectively assess what to focus on in the short term, it is essential to begin with a personal vision that establishes what matters most in the long term. The leader’s vision should closely align with the overall vision for the department. Establishing a personal vision will facilitate a leader’s self-management by simplifying the process of prioritizing tasks and activities that arise on a day-to-day basis. Whenever a new request or task arises, it can be evaluated against the leader’s vision. Requests or tasks that are closely aligned with the long-term objectives of the

For more ACC InfoPAKs, please visit http://www.acc.com/infopaks
vision should receive the greatest focus and effort. While urgent/important requests must be dealt with in the short term, the goal is to schedule time for activities with long-term importance and to fit other urgent requests around these scheduled activities.

In a corporate legal department, long-term objectives typically revolve around providing proactive legal support to the business. A typical time management matrix for a legal department leader may look something like the one shown below, with the proactive, long-term goals and objectives falling in the upper-right quadrant:

<table>
<thead>
<tr>
<th>Urgent</th>
<th>Not Urgent</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Important</strong></td>
<td><strong>Not Important</strong></td>
</tr>
<tr>
<td>• Reacting to client emergencies or lawsuits</td>
<td>• Building relationships with key clients and outside counsel</td>
</tr>
<tr>
<td>• Working on matters with pressing deadlines</td>
<td>• Proactively managing legal risk for the company</td>
</tr>
<tr>
<td>• Fulfilling corporate responsibilities, such as budgeting</td>
<td>• Providing client training</td>
</tr>
<tr>
<td>• Fulfilling corporate responsibilities, such as budgeting</td>
<td>• Managing and developing staff</td>
</tr>
<tr>
<td>• Building relationships with key clients and outside counsel</td>
<td>• Understanding industry trends</td>
</tr>
<tr>
<td>• Proactively managing legal risk for the company</td>
<td></td>
</tr>
<tr>
<td>• Providing client training</td>
<td></td>
</tr>
<tr>
<td>• Managing and developing staff</td>
<td></td>
</tr>
<tr>
<td>• Understanding industry trends</td>
<td></td>
</tr>
<tr>
<td>• Fulfilling corporate responsibilities, such as budgeting</td>
<td></td>
</tr>
<tr>
<td>• Building relationships with key clients and outside counsel</td>
<td></td>
</tr>
<tr>
<td>• Proactively managing legal risk for the company</td>
<td></td>
</tr>
<tr>
<td>• Providing client training</td>
<td></td>
</tr>
<tr>
<td>• Managing and developing staff</td>
<td></td>
</tr>
<tr>
<td>• Understanding industry trends</td>
<td></td>
</tr>
<tr>
<td>• Fulfilling corporate responsibilities, such as budgeting</td>
<td></td>
</tr>
</tbody>
</table>

The authors’ experience is that spending some time using a simple time management matrix can transform the way senior lawyers approach their time management. Senior lawyers are often shocked at how little time they proactively allocate to important, but non-urgent, matters, and how much time they spend firefighting or otherwise waste dealing with matters that could be delegated.

2. Goal Setting

Another important component of effective self-management is goal setting. Goal setting can also help in the prioritization process by establishing short-term objectives consistent with the leader’s long-term vision. While vision is often the key driver for prioritization, having shorter-term goals and objectives aligned to the vision allows for new tasks to be more quickly evaluated and prioritized as they arise.

Often, the first step in goal setting is identifying the multiple roles that the leader plays. A legal department leader’s roles may include those of business client advisor, practice group leader, people manager, risk manager, and others. Identifying the leader’s roles ensures the goal setting process is comprehensive of all of his responsibilities. The leader’s goals as a business client advisor, for example, will be very different than his goals as a people manager. Goals should be relatively short-term so that action can be taken quickly and progress can be seen within a short period of time. To the extent possible, short-term goals should reflect some of the proactive, value-adding activities that the leader is striving to focus on in the long term. Short-term goal setting will help the leader take small yet measurable steps toward achieving his long-term vision. Goals should be reassessed and updated periodically as tasks are accomplished. Additionally, leaders
should periodically reassess their roles to evaluate whether they have taken on additional roles or have passed on roles to other individuals. Reassessing the roles one performs on a periodic basis will ensure that short-term role-based goal setting continues to be a meaningful exercise.

3. Time Management

Once the leader’s vision, goals, and priorities have been established, time management becomes a matter of executing according to these guiding principles. In order to do this, the leader must become adept at saying “no” to tasks or projects that are not aligned with his goals and vision. Because the corporate legal department is ultimately a client service function within the organization, the legal department leader must be pragmatic when it comes to saying “no,” as saying it too often can give the legal department a reputation of being unsupportive of client initiatives. Sometimes, delegating the task of getting to “yes” is a more appropriate response than saying “no.”

Delegation is a key time management tool because it allows the leader to free up the time they spend on tasks that can be assigned to others and to spend that time on more valuable, appropriate tasks. While delegation can require the leader to initially invest time in training the delegate and providing supervision/support, in the long term it allows the leader to develop the skills and abilities of his team members while still meeting the needs of the department’s clients and constituents. Effective delegation involves having the leader set clear expectations for the end result and for how success will be evaluated, while leaving the delegate with the latitude to determine how best to approach and complete the task to achieve the desired result. See Section V.B. below for a discussion of delegation.

In our technology-driven society, leaders experience constantly increasing pressure to be accessible around the clock and to respond to emails, phone calls, or other requests very quickly. These expectations make it difficult to be proactive and intentional. Another effective time management technique is responding to emails and phone calls during certain time windows throughout the day, as opposed to responding to them as they come up. While this may be impractical in some corporate cultures, to the extent it is possible, it allows leaders to be less reactive and more intentional in their interactions with clients, team members, and other constituents.

Effective time management requires the leader to proactively determine what his top priorities are and to set boundaries to ensure that these priorities receive the most attention. While this approach may not always be popular, it will allow the leader to manage his time according to his priorities, which will prevent burnout in the long run. Priorities will shift over time, so it is likely that there will be peaks and valleys in workload intensity for each individual, but managing priorities will help to ensure that the leader is “putting first things first” and being proactive in his approach to work and leadership. A sample goal setting/time management matrix can be found in Section XII.

V. Intradepartmental Communication

Clear communication skills and the ability to promote and facilitate communication among team members are critical to effective leadership of the legal department. Fundamental to good
communication is an understanding of the dynamics of how the legal department team reacts to events and changes and interacts on a personal level with other legal department team members. Communication in today’s global legal departments is further complicated by cultural and international issues, changes in the way people work, and technological developments as discussed below.

A. Team Dynamics

Legal departments, like all other teams, are composed of diverse groups of people. There may be cultural differences, and there will certainly be personality differences, among team members. These differences will affect the dynamics of the team as a whole and how the team members interact. It can be helpful for leaders to understand these factors in order to facilitate better team communication, which in turn will lead to improved team efficiency and performance.

1. Cultural Differences

Global legal departments invariably include individuals from a variety of cultural backgrounds. In some of the departments the authors work with, there is a “United Nations” feel to the department, with individuals working in the same office but originating from all over the world. It is easy to underestimate the cultural differences in a department and to assume that all of the individuals have been acculturated as lawyers. The authors’ experience show that there is a multitude of cultural differences that come into play, ranging from issues involving personal space (some cultures, such as classically ‘individualistic’ cultures like the U.S., favor more personal space, while others favor less) to issues involving communication style and approach (for example, the authors’ experience suggests that some cultures—in particular those with French cultural heritages—prefer more theory-based approaches to lawyering).

Developing a coherent, world-class legal department does not entail obliterating cultural differences. On the contrary, cultural diversity is always to be celebrated. However, it does involve understanding the wide range of cultural differences and ensuring that there is a degree of basic alignment in how things are done in the department, including how advice is delivered and how lawyers in the department communicate with internal clients.

The authors have encountered many corporate legal departments that have struggled in this regard, especially where offices are geographically spread out and “local” lawyers do not report directly to “head office” general counsel, but rather to their local business units. Geographic distance is often coupled with cultural differences. For example, in one organization, a London-based general counsel struggled to manage lawyers based in various Caribbean islands who each ran what they regarded as private fiefdoms. These local lawyers greatly resented interference from London, and the general counsel encountered considerable resistance in implementing a series of changes. In this scenario, there was interplay between geographical distance coupled with cultural differences, which is frequently the case in this context (not necessarily unique to the Caribbean). It is particularly important in such situations to spend “face time” with the individuals concerned, to establish clear ground rules for the relationship with the “head office,” and to articulate the “win-win” gains that can be attained by having more functional, less siloed relationships. Please see Section VIII for more about building a “one team” culture.
2. Personality Differences

People are true to their unique natures and don’t change much over time, and this impacts how they interact within team settings. Each person is motivated differently from others, thinks differently from others, and relates to others in his or her own way. Inherently, teams are comprised of individuals who need to be managed and communicated with in different ways. For example, instead of always trying to improve someone’s perceived weaknesses, it can sometimes be more productive to manage and communicate with him or her in a way that capitalizes on his or her strengths and natural preferences. Good leaders and managers will encourage team members to enhance their natural abilities while looking for ways to mitigate areas of weaknesses.\(^{12}\)

The key to successfully working with a diverse team is an understanding of individual personality differences. Good managers and leaders often acquire intuitive understandings of these individual differences and learn how to manage them. It is often helpful to use a commercially available tool to better understand personality differences or to validate one’s existing understanding of these differences. The Myers Briggs Type Indicator™ (MBTI), for example, is a readily understandable and highly practical tool that analyzes an individual’s preference for introversion or extraversion, how they take in information (with a preference either for detail or for the “big picture”), how individuals make decisions, and the extent to which an individual favors a structured approach or prefers greater flexibility.\(^{13}\)

By using an instrument such as the MBTI with a team of lawyers (for example in a workshop setting), the individual lawyers acquire clearer understandings of their own personality preferences, as well as those of their colleagues. This can unlock many issues and resolve many frustrations. For example, better understanding a highly inspirational leader who struggles with detail can result in a more appropriate assignment of team roles to the extent that the inspirational leader works more closely with someone who prefers to focus on detail and can implement the heady ideas the leader has previously failed to operationalize. The authors have worked with numerous clients whose participation in workshop sessions on personality difference has led to a series of “light bulb” moments entailing colleagues’ sudden understanding of why their counterparts have behaved in particular ways. In practical terms, this means that they can, and probably will, work more effectively together in the future by capitalizing on their individual strengths, rather than being pulled apart by their individual differences.

Understanding intradepartmental differences is vital to creating a highly functional, world-class team. The assignment of team roles inevitably entails the assignment of key roles to those best suited to them. There are many commercially available tools, such as the Belbin Team Inventory and TMSDI, which analyze the preferences of individual team members and compare these with the key roles in a high functioning team.\(^{14}\) Using such an instrument or instruments will highlight gaps in key team roles and help the leader to assign appropriate roles to team members. For example, it often turns out that the quiet, undervalued team member can play a highly valuable role in policing and enforcing the implementation of policies, procedures, knowledge management systems, and the like. Too often, in the authors’ experience, important skills of team members are underutilized or overlooked.

A real understanding of personality differences can result in team transformation. It can also minimize unhealthy conflict, as team members understand each other better and learn to embrace difference rather than being pulled apart by it.
3. Changing Work Environment

Technology has changed the way we communicate. Email and other digital communication methods have become commonplace and have made communication across offices, geographic regions, and time zones faster and easier, facilitating new methods of working. It is now possible to work remotely from almost anywhere without disadvantaging the client in any way. Many legal departments offer team members varieties of flexible work options, such as part-time employment and telecommuting on a full or part-time basis.

Speed and ease of communication, however, have created their own issues, which need to be managed carefully. There is constant pressure to respond quickly, which can lead to hasty and careless or ill-advised communication. In addition, email is often used as a means of avoiding vital face-to-face communication and can allow problems to fester for lengthy periods without being properly addressed. New methods of working, such as flex- and part-time, may also create pressures related to perceived unavailability and the incompletion of tasks. There can be less personal interaction among team members, leading to distance and misunderstandings. In addition, those working full-time may resent their part-time colleagues without having any real appreciation of what part-time or flex-time work comprises. World-class legal departments acknowledge these mixed blessings and take formal steps to ensure department-wide communication remains open through regular interpersonal contact. Some worldwide legal departments facilitate better interpersonal communication by using regularly scheduled department-wide or team-wide conference calls or teleconferences, thus using technology to bridge the same gaps that it creates.

B. Delegation

Leaders of today’s growing legal departments have expanding responsibilities and limited time to fulfill them. As highlighted in section IV, the ability to delegate well is a crucial time management skill. Effective delegation involves the following basic steps: identifying the task; matching the task to the appropriate delegate; briefing the delegate; and managing the task and delegate.

I. Identifying the Task

Today’s legal managers have a variety of responsibilities, which include leading the department, making strategic decisions, working with key clients or on key transactions, assessing results and conducting reviews, developing communication strategies, policies and operations, and performing risk management, and addressing personnel matters. Choosing what to delegate can be difficult. An effective method of identifying an overloaded leader’s or manager’s delegable tasks is to analyze the tasks to be done and the leader’s available time, balanced against the tasks’ relative priorities. The task list should include all tasks that should be performed, including any tasks that are sometimes overlooked, as well as an estimate of the time required to complete them. The leader should then prioritize the tasks. Delegation choices are best based on an assessment of the relative priorities. It is the authors’ experience that legal department leaders are best served when they delegate tasks such as administrative responsibilities or specific client responsibility while retaining higher level strategic responsibilities, such as those involving overall departmental direction.
2. Matching and Briefing

Once the task to be delegated has been identified, it is time to select the right person for the task and brief that individual regarding the task. Best practices dictate that the appropriate individual will be more junior or, alternatively, more qualified for the task, and able to perform the task effectively. Choice of delegate can be based in part on the business and personal objectives to be achieved as well as on the level of authority required for the task.

Three points are crucial to effective delegation, both from the perspective of the leader delegating the task and the delegate who is asked to perform the task:

- Clear communication regarding the delegation and involvement of the delegate in those communications;
- Clear definition of the task; and
- Provision to the delegate of appropriate resources and flexibility to perform the task.

When briefing the delegate, the leader should clearly outline the objectives, state the level of authority the delegate is being given to perform the task, and agree on the resources to be used. Many managers find it helpful to use a checklist when briefing the delegate. Once the task and its parameters have been clearly defined, it is also important to allow the delegate to have an appropriate level of flexibility to complete the task. Involving the delegate up-front in the task assignment will ensure that the delegate is likely to truly understand the delegated task and to perform it appropriately.

3. Managing the Delegate

The management process includes:

- Coaching (or supervising) the delegate when necessary;
- Assisting the delegate by clearly identifying priorities;
- Avoiding interference in how the delegate performs the task;
- Monitoring and appraising the delegate’s performance; and
- Working with the delegate on development plans for the future.

In most cases, coaching is more appropriate than supervising. Supervision is appropriate when the delegate is a more junior member of the legal department, and will often involve more prescriptive, closely managed delegation, such as being very specific about the task, giving very clear guidelines, and carefully scrutinizing the work output. For more senior delegates, it is more appropriate to use a coaching approach to managing the delegation. This includes asking the right questions to help the delegate think about whether she has used the right approach, what she could have done differently, and what lessons she can carry forward to future work. A coaching approach is much more likely than a supervising approach to help the individual achieve her full potential. When senior management uses a coaching approach, it helps to foster a culture in which...
the legal department serves as a “learning organization” in which every team member learns from her mistakes and continually strives to improve individual and departmental results. A sample delegation checklist outlining the key considerations when delegating tasks can be found in Section XII.

If, after taking these steps, a leader finds that the delegation appears to have been unsuccessful, the leader should analyze the situation and look internally before leaping to blame the delegate. Unsuccessful delegations may be caused by personal barriers that interfere with leaders’ abilities to delegate or prevent them from doing so effectively, or by conduct that defeats the effectiveness of the delegation. Personal barriers can include:

- Being too busy;
- Being afraid of delegating;
- Being insecure;
- Being suspicious of the delegate; and
- Lacking trust.

Counter-productive conduct can include:

- Failing to let go of the delegated task;
- Overburdening others;
- Losing control of tasks by failing to monitor and appraise performance; and
- Failing to clearly communicate the desired outcome or necessary details (sometimes perceived as the belief that others can “mind-read”).

C. Influencing Behaviors

Delegation can help a leader control and complete a wide range of tasks, particularly when the leader has license to delegate by virtue of a reporting relationship. Outside direct reporting relationships, the ability to influence others is a crucial skill for getting things accomplished. The ability to effectively influence others is a vital skill for all leaders. In legal departments, influencing behaviors are important in general leadership and management roles and the effective provision of legal services. There are many ways to influence others, ranging from persuasion and negotiation to use of authority to require others to act.

Influencing skills are needed to ensure workplace harmony, resolve issues, obtain permission for actions and/or get others to accept one’s views or ideas. Within the legal department, these influencing skills are relevant to interacting with one’s peers, direct reports, clients, outside counsel, and others. In conceptual terms, influencing skills can be divided into “push” skills and “pull” skills.

“Push” skills are generally about affirmatively pushing or forcing people to change, rather than
motivating them to want to make the change themselves. Push styles tend to involve logical reasoning, threatening punishment, or offering rewards or incentives. They seek to increase the “forces” and rationale for change. Often referred to as the “carrot and stick” approach, push styles can be effective in achieving compliance and may achieve quick results, but may not achieve long-term commitment.

Lawyers are often adept at using “push” skills. It is probably unsurprising that, in the authors’ experience, litigators are particularly adept at using “push” skills. However, in the authors’ experience, it is not just litigators who rely heavily on “push” skills. Because a lawyer’s training typically emphasizes the importance of logic and reasoning skills, often to the exclusion of emotional and other “softer” factors, lawyers in all practice areas often rely on “push” skills, for example, when negotiating deals or attempting to persuade clients that a particular course of conduct is appropriate.

By contrast, “pull” skills are about motivating the individual to want to change. They tend to show the possibilities that will result from change, are more likely to rely on emotional rapport or appeal, and tend to focus on decreasing the forces or rationale against change. If used in an insincere way, the “pull” style can be seen as manipulative or dishonest. Used sincerely and appropriately, however, the “pull” style is more likely to gain commitment and long-term buy-in, although it will typically take longer to start achieving results.

In our experience, lawyers often undervalue the “pull” approach. They often believe that if an argument is well-conceived and logical, it should, and therefore will, be accepted. This mentality chronically underestimates the importance of winning the hearts and minds of employees. Both when influencing other lawyers, and when influencing internal clients and support staff, it is vitally important to use a full palette of influencing skills—of the “push” variety where appropriate and of the “pull” variety where more applicable. An example of “pull” would be helping a junior colleague to understand the benefits of mutual team working rather than “chastising” the colleague or “pushing” the colleague to become more of a team player. An example of appropriate “push” would be gently pushing a reluctant junior colleague to make a presentation in circumstances where he or she is clearly up to it but needs a push to get out of the comfort zone.

In many legal departments, particularly those with a global matrix structure (organized by some combination of geography, business served, and/or practice area), senior lawyers struggle to influence their constituents in the absence of direct reporting relationships. Practicing and refining a range of influential skills can be invaluable to achieving effective results.

VI. Rewards and Motivation

The most effective legal department team members are individuals who are motivated and feel appropriately rewarded for good performance. Keeping employees engaged and motivated is especially important in corporate legal departments, where there are fewer opportunities for career advancement internally. It is important for legal department leaders to understand what motivates each of their team members and how to most effectively reward them to keep employees satisfied and engaged.

For more ACC InfoPAKs, please visit http://www.acc.com/infopaks
A. Employee Engagement

An extensive study by the Gallup organization showed that employee satisfaction and engagement are the two main factors that drive performance and retention. Satisfied employees are content with most or all aspects of their current work situation, including pay, work/life balance, performance expectations, etc. Satisfied employees who are happy with the status quo may not be willing to go above and beyond the expected level of effort. Engaged employees, on the other hand, feel a personal investment in the success of the department. Because of their vested interest in the team or the organization, they are eager to go the extra mile by participating in special projects or outperforming the standard expectation of performance. The goal is to have employees who are both satisfied and engaged to the extent that they are satisfied with their current job but actively seeking opportunities to do more because they feel invested in the success of the team. While the cited study regarding employee engagement and satisfaction are based on broad employee groups, it is the authors’ experience that the principles apply at least as strongly to legal department team members.

Research has shown a strong correlation between highly engaged employees and positive affirmation of the following statements (listed in order of significance):  

- Employees in my department consistently put in extra effort beyond what is expected;
- Employees in my department are highly motivated to contribute to the success of the organization;
- Employees in my department consistently look for more efficient and effective ways of getting the job done;
- Employees in my department have strong senses of personal accomplishment from their work;
- Employees in my department understand how their roles help the organization meet its goals; and
- Employees in my department always have positive attitudes when performing their duties at work.

It is important for legal department leaders to be aware of these behaviors and recognize/reward employees who demonstrate them. Doing this will reinforce the behaviors that result in high employee satisfaction and, over time, will help to build a culture in which employees are engaged in their day to day work and willing to go the extra mile for the team or the organization.

Communication about what is going on in the department is of critical importance to employee engagement because it contributes to employees’ understanding of how their roles contribute. In a legal department—especially in one that has offices in different geographic regions or is compartmentalized by practice area—regular communication may be difficult unless it is made routine within the department. Making concerted efforts to establish a culture in which open, two-way communication is valued and encouraged will help to ensure that employees feel connected to the department and their fellow team members and are engaged in the work that is taking place.
B. Feedback and Motivation

Feedback and positive motivation are important to fostering team member development and improvement, as well as to retaining key team members. Unfortunately, providing negative feedback is not typically a problem for many lawyers, but some lack the time or impetus to provide positive feedback and motivation. It inevitably takes longer to give a blend of positive and negative feedback—it takes time to give feedback sensitively rather than simply giving blunt negative feedback.

Leaders can build employee engagement by answering three of the most common questions people ask, either consciously or unconsciously, about their work environment:

- What really matters here?
- How can I contribute?
- How will what I do impact me and my career?

The first two questions are answered in part by the legal department vision and related strategic plan, as well as through open communication. The third question is paramount to the motivation of the legal department team members—ultimately, people make decisions that lead to the most desirable outcomes for themselves. Building a culture that effectively motivates employees is dependent on rewarding people for performing tasks that are valuable to the team/organization and that help them achieve their personal goals. Motivating employees through recognition hastens both individual and company progress toward mutual success.

The leader's ability to recognize the performance of individual team members is important to establishing a culture in which employees are highly motivated. While performance recognition is often thought of as rewarding employees financially through compensation and bonuses, this is only one component of effective employee recognition. Building a culture of recognition involves acknowledging and appreciating the contributions team members make on an ongoing basis and making efforts to reward those contributions in ways that are meaningful to individual employees. Ongoing recognition and reward of employee contributions is especially critical in the corporate legal department, where promotion opportunities are more limited and the potential for large annual bonuses may be less in some companies. In their book, *The Carrot Principle: How the Best Managers Use Recognition to Engage Their People, Retain Talent, and Accelerate Performance*, Adrian Gostick and Chester Elton identified the following motivational techniques as the “building blocks” for a culture of employee recognition:

- **Day-to-Day Recognition** – Utilizing methods such as pats on the back, handwritten notes, team lunches, spot award certificates, etc. to regularly express praise and gratitude to employees. Day-to-day recognition should be frequent, specific, and timely.

- **Above and Beyond Recognition** – Providing special recognition for employees who go above and beyond their normal duties to complete tasks that directly support the company's core values or business goals. “Above and beyond” recognition should focus on what the individual did to support and further the corporate goals and values and the reward or recognition received should be commensurate with the impact of the
individual’s contribution, as well as being suited to the person being recognized.

- **Career Recognition** – Recognizing employees for their cumulative contributions to the organization at significant career milestones (i.e., five- or ten-year anniversary of hire, significant promotions). Since the majority of employee turnover happens between 18 months and three years of employment, however, conversations about an employee’s contributions should begin early in their tenure so they feel valued by and committed to the organization.

- **Celebration Events** – Using special events to reinforce appreciation for employees and to celebrate key accomplishments such as the successful completion of a major project or case, achievement of record results, etc. Celebrating important milestones or achievements for the company or department helps build employee commitment, loyalty, and camaraderie, and helps focus employees on working toward the next achievement. It helps employees feel like they are part of something bigger than themselves and are helping their team or company move toward a better future.

While at first glance these “building blocks” may appear trite, too puerile for lawyers, or too time-consuming for a busy legal department, they are as applicable in a sophisticated legal department as in any other organization. For example, day-to-day recognition is easy to forget, but greatly appreciated at all levels of the organization. As many people stay in legal departments for long periods of time, finding ways to recognize career milestones within the department, in addition to recognizing what is done at the corporate level, will help team members feel valued and appreciated. Closing of major deals, completion of major litigation, and other major accomplishments provide excellent opportunities to celebrate and recognize the entire team’s contribution to the endeavor. A sample employee motivation and feedback matrix/tracking tool, which can be used to keep track of individual’s performance drivers and feedback preferences, can be found in Section XII.

There are, however, some caveats. Leaders of today’s global and highly diverse legal departments should be attuned to cultural differences and even individual preferences that can affect the appropriateness of some forms of recognition. There are some cultures in which singling an individual out for public recognition may be inappropriate, and some individuals may not appreciate all forms of recognition. Indeed, the skillful leader will find out what particularly motivates each individual and reward each team member in a way that is meaningful to him or her. For some, money is the key motivator; for others, personal recognition is a more important motivator.

### C. Coaching

Coaching is a very effective tool for developing employees and can be used to keep employees engaged while, at the same time, helping them grow in their careers. Coaching differs from simply supervising/overseeing employees or mentoring employees in that coaching seeks a specific solution or outcome to further the employee’s professional development, while supervising/overseeing and mentoring are less solution- or outcome-based techniques for developing employees. Sample roles and responsibilities for both coaching and mentoring can be found in Section XII.
The specific development needs of the individual will determine the type of coaching needed, which may sometimes be provided by expert external coaches. Some of the more common types of coaching are:

- **Behavioral Coaching** – Behavioral coaching entails identifying key behaviors that an individual needs to change and structuring a program of coaching that will implement the identified behavioral changes. Types of behaviors that can be addressed via behavioral coaching include poor time management, lack of confidence, stress and anxiety, and other “blockers and derailers” that might keep the employee from reaching his or her full potential in the organization or in his or her career.

- **Performance Coaching** – Performance coaching involves identifying key goals for improved performance and creating a program of coaching to achieve the desired goals. Performance coaching can be used to help employees to increase their productivity, focus on task accomplishment, and become more responsive to clients’ needs.

- **Transition Coaching** – Transition coaching focuses on assisting an individual through a career transition and involves structuring a program of coaching that facilitates key decision-making and helps the individual through the process of change. Coaching sessions typically focus on analyzing the transition and identifying potential enablers, blockers, and resistance to change. This type of coaching is most appropriate for individuals who are being promoted within the department, typically from non-management to management positions, as their roles and responsibilities will change.

- **Career Development** – Career development coaching focuses on analyzing the coachee’s current career situation, career path (actual and desired), setting clear developmental goals, and analyzing potential blockers and “derailers.”

When coaching employees toward specific outcomes or results, regardless of the type of coaching, it is generally best to use a non-directive style to help them work through the career issues they are facing. A non-directive style is one that focuses on listening and asking probing questions to get the coachee to dig deeper and think about the issues he or she is facing through a new perspective. While it is often tempting for the coach to want to solve the problem of his or her coachee or dictate how a specific goal should be accomplished, this approach would defeat the purpose of coaching. In a coaching relationship, the coach must guide the coachee to discover the appropriate answers for him- or herself, rather than dictating the answers.

For coaching to work effectively, there must be a high level of trust between the coach and coachee. The coachee must trust that the coach will maintain confidentiality with anything discussed and also believe that the coach has the coachee’s best interests in mind. It can sometimes be challenging for leaders to fill this role—especially for individuals who are their direct reports—because what is discussed can be quite personal in nature. In situations where the leader cannot provide the coachee with the necessary level of trust for an effective coaching relationship, it may be wise to consider bringing in an external coach for the individual.

**D. Career Development**

The ability to develop subordinates in their careers is a critical skill for any leader to have, but it is
particularly important for leaders in the corporate legal department setting. Within most corporate legal departments, the opportunities to “move up the ladder” are limited. While some larger legal departments can offer opportunities for individuals to manage other attorneys or oversee practice groups as they progress in their careers, many legal departments do not have a wealth of positions available for individuals looking to move up. In order to retain top talent, it is critical for legal department leaders to find creative ways to keep employees engaged and help them develop in their careers. One of the best ways to help people continue to develop is to find ways for them to take on new, challenging assignments that are not necessarily tied to official promotions. This can be achieved by giving people assignments like the ones listed below:

- Transition to supporting a different business unit within the company than the one the individual currently supports;
- Short-term secondment to, or embedment within, the business unit the individual supports to promote a more in-depth understanding of the business;
- Short-term secondment to a partnering law firm, ideally as a part of a two-way secondment, where law firm resources are seconded to the department; or
- Leadership role in special department initiatives, such as implementing new systems or processes, creating training or on-boarding materials, etc.

There are many creative ways, aside from official promotions, to keep team members engaged in their careers and help them to develop new skills. The key to successfully keeping employees engaged is having an understanding of what motivates them and finding opportunities for them to do those types of things in the course of their work. It is important to note, however, that what motivates one person may not motivate the next person. The best way to find out what motivates any given team member and understand the types of projects he or she enjoys doing is to have candid, open conversations with him or her about it. Leaders who are able to have these conversations and use the information gleaned to identify opportunities to further develop their team members in their careers will be more able to retain staff members and keep employees engaged in their work.

VII. Change Management

If there is one constant in today’s legal departments, it is change. The change may be related to growth, the nature of relationships with outside counsel, systems and technology innovations, personnel adjustments, or even a vision shift from a reactive to proactive focus. Resistance to change is very common, and is frequently the result of being “stuck” in the current way of doing things. In order to promote the desired change, it is helpful for a leader to understand the types of change and the typical stages of the change process, as well as effective ways to drive change successfully.
A. Types of Change

There are numerous ways to analyze how to manage change. One theoretical approach suggests that there are two types of change: first order change and second order change. First order change involves changes within the system while the system itself remains unchanged (an analogy is driving a car in low gear to save fuel; this is changing how the car is used but does not involve changing the car itself). Second order change changes the system itself (in the car analogy, this would involve redesigning the car to move away from conventional fuel). Achieving second order change requires more than merely tinkering with the system.

Legal departments often use first order change techniques rather than second order change techniques, and thus remain “stuck” in old patterns. Several common patterns of thinking and behavior lead to “stuckness.” They include:

- “More of the same” philosophies (e.g., “This is the way we’ve always given advice”; “If it ain’t broke, don’t fix it.”);
- Broad simplifications (e.g., “The commercial guys don’t understand the legal issues.”); and
- Utopian syndrome (e.g., “Legal advice needs to cover all possible risks.”).

Second order change is not easy because first order change frequently appears to be based on common sense while second order change may seem unexpected or lacking in common sense. To achieve second order change, it is necessary to:

- Start with a clear and specific understanding of the current situation without trying to assign blame or searching too deeply in an effort to pinpoint all past causes;
- Fully investigate the solutions attempted so far (as they are likely to be a large part of what is maintaining the problem);
- Do not act until a clear definition of the concrete change to be achieved is agreed upon; and
- Formulate and implement a plan to produce change.

B. Leading Change

Driving change is a process. In order to effectively engage in and complete the process, leaders need to understand that change is similar to grief in that it manifests through several typical phases. These phases include anxiety, happiness, fear, threat, guilt, depression, gradual acceptance, and moving forward. Knowing the typical trajectory of a change process (the so-called “transition curve”) will help the leader to more effectively influence the change process.
Effective change requires leadership in addition to management. While management involves planning and budgeting, organizing, staffing, controlling, and problem-solving, leadership involves establishing direction, aligning people, motivating, and inspiring employees. Managing change is important, but only effective leadership can help to overcome all sources of corporate resistance.

According to Kotter’s *Leading Change*, there are several common errors that cause organizational change efforts to fail. These include:\(^\text{23}\)

- Allowing for too much complacency;
- Failing to create a sufficiently powerful guiding coalition;
- Underestimating the power of vision;
- Miscommunicating the vision;
- Permitting obstacles to block the new vision;
- Failing to create short-term wins;
- Declaring victory too soon; and
- Neglecting to anchor changes firmly in the corporate culture.

There can be a variety of adverse consequences from these errors. The following are some of these consequences:\(^\text{24}\)

- New strategies may not be implemented well;
- Acquisitions don’t achieve the expected synergies;
- Reengineering takes too long or costs too much;
- Downsizing doesn’t get costs under control; and
- Quality enhancement programs don’t deliver the hoped-for results.
After making the effort to design the change and attempting to implement it, no organization wants to see its efforts fail in this way or achieve only minimal results. As such, effective change leaders avoid these common errors and, instead, engage in these stages:

- Establishing a sense of urgency;
- Creating the guiding coalition;
- Developing a vision and strategy;
- Communicating the vision of change;
- Empowering broad-based action;
- Generating short-term wins;
- Uniting gains and producing more change; and
- Anchoring new approaches in the culture.\(^{25}\)

The common themes of these stages are:

- Having a clear vision of the change;\(^{26}\)
- Securing the commitment of senior management and ensuring that all involved are aware of that commitment;
- Effective and regular communication;
- Generating momentum and building on that momentum; and
- Ensuring overall consistency so that the changes become ingrained in the culture.

Effective change happens pursuant to clear leadership and is the result of a well-managed multi-step process that creates enough momentum and motivation to overcome all sources of resistance to change.\(^{27}\) Whenever the legal department embarks on a path of change—especially significant change such as developing and implementing a new outside counsel management program, facilitating mergers or acquisitions that involve cultural change and assimilation, or implementing new processes or technology tools—it will be most successful in implementing these changes and instilling them as part of the departmental culture if it develops and implements a change management plan from the outset.

VIII. Achieving a “One Team” Culture

According to a recent legal department survey, in 2009, just under half of the responding U.S. companies had at least one international location; this year, 56% have international facilities.\(^{28}\) The
geographic diversity of mid-sized companies (those with revenues of $100 to $999 million), in particular, is increasing. In 2009, one in eight mid-sized companies had facilities in more than ten countries; in 2010, that ratio had increased to one in five. As a company grows and expands into international markets, either through acquisition or organically, achieving a “one firm” culture is one of the major challenges that the legal department faces. With international growth, team members become more geographically dispersed, making it more difficult to create an environment in which they feel connected to leadership, understand what is expected of them and others, and generally feel like part of the team. Some of the issues that make a “one team” culture difficult to achieve include location issues, varying cultural norms, and the logistical issues that affect multiple global office locations. Proactively addressing these challenges and creating a comprehensive on-boarding process to assimilate new team members as they join the department will help to establish a department culture in which everyone feels like part of the team, regardless of where they are located.

A. Location Issues

Location-related issues are some of the primary challenges that a global legal department faces. Many of the challenges related to location issues can be mitigated through advance organizational planning and establishing a global legal department handbook to set common expectations for employees in various office locations.

1. Global Hubs

Establishing global hubs—“secondary headquarters” in several key locations round the world—is an effective way to help team members in remote office locations feel like they are integral parts of the department team. Global hubs allow the department to connect individuals in smaller offices with leaders in the global hub closest to them, as opposed to having all staff members report to leadership at the corporate headquarters, which may be on the opposite side of the globe. Establishing leadership at several global hubs also allows leaders to deal more effectively with any cultural issues that may arise. Leaders in a local hub location are typically perceived to be more empathetic to the concerns and challenges faced by local team members and are better-equipped to quickly solve problems as they arise.

2. Overseas Offices

One of the primary benefits of establishing an overseas office is to have in-house employees who are experts in local subject matter. This is important because laws and regulations vary so much from country to country; without local in-house expertise, it is not uncommon for well-intentioned in-house counsel to mishandle matters in a foreign jurisdiction because of lack of familiarity with the local laws.

However, there are many logistical challenges that arise when establishing overseas offices, some of which are described below. Creating a global legal department handbook to level-set with all legal department team members, as well as, where appropriate, with clients, can greatly help to preclude any confusion and issues. For example, a handbook could discuss cultural norms at various office locations (e.g., Middle Eastern countries in which the weekend consists of days other than Saturday and Sunday) and set expectations/protocol for all employees on how these
differences should be addressed.

Another primary decision the department must make when establishing overseas offices is whether most work will be insourced or outsourced. In locations where there are broad and significant business needs, it often makes sense to have a “critical mass” of in-house people to meet these business needs. In locations where business operations are less significant, many legal departments find it useful to employ few in-house resources who can act as generalists and to outsource, as needed, the majority of work to outside counsel firms with specific expertise. Leadership must assess how to most cost-effectively deliver the quality of services the business needs and expects.

B. Cultural and Logistical Issues

1. Time Zones

Time zone issues can be problematic. If a plan is not put in place to manage any time zone differences, these differences can lead to burnout for employees in multiple locations who are forced to work long hours to compensate for the time differences. When drastic time zone differences come into play, as much work as possible should be conducted via email. This allows team members in each region to work normal hours in their home countries while collaborating with colleagues around the world. For this to work effectively, it is important to set expectations for turnaround times, issue escalation, etc. up front. Otherwise, a lag in responsiveness may present a risk of serious delay or may jeopardize the success of the work.

Where necessary, phone meetings should be conducted. There should be an expectation that any late-night or early-morning phone conferences will be shared sacrifices, in that the same person should not always be asked or expected to put aside his or her plans or personal commitments to make a late evening or early morning conference call. Instead of continually placing the burden on one person, all parties should share equally in this sacrifice. This can help to ensure that team morale remains as high as possible by preventing interference with employees’ personal lives while ensuring that the work is completed correctly and in a timely manner.

2. Culture

There are many cultural differences to contend with when setting up a global legal department, ranging from differences in perceptions of personal space and communication style/approach, to differences in recognition of cultural holidays, differences in expectations about standard work schedules and work/life balance, or differences in cultural perceptions of what days comprise the weekend. Cultural differences should be celebrated, rather than lamented. However, it is important to set expectations in advance and clearly communicate to all team members how cultural differences should be handled so that no unnecessary conflict arises.

3. Language

Language issues can be significant challenges for global legal departments. It is common for global legal departments to heavily rely on language translation services to help mitigate
language-related problems. For most departments, all global business is conducted in one language (typically English), unless a different language is required for court appearances, language-sensitive documents, etc. If the company faces a situation in which documents need to be prepared in a local language in a country where it does not have in-house legal resources, the most common solution is to rely on outside counsel to prepare the documents. Language differences can pose significant barriers to communication, but if a culture of proactive inter-location communication has been established where employees openly discuss and strategize on how to overcome these barriers, they will not prevent important work from being completed.

C. Onboarding

Creating an effective employee onboarding process is critical to establishing a “one team” culture in a global legal department, particularly in situations in which new employees are joining from acquired organizations. At a minimum, there should be a legal department handbook that concisely outlines any key department processes, systems, or tools that new employees will be expected to know. Ideally, new team members would be trained on important department processes, procedures, and systems in person. However, when new employees are in smaller, remote offices, or when entirely new offices in remote locations are brought on board through acquisitions, in-person training may not be possible. In this situation, the department handbook should, if possible, be supplemented by web-based video training.

When onboarding new employees who join as the result of an acquisition, it is a good idea for the general counsel or another member of the senior leadership team to “make the rounds” to all new offices. This allows new employees to put a face to a name for departmental leadership and helps them to feel more connected with, and included in, the department. Also, it is important to acknowledge new employees by “introducing” them to the entire department, which can be done through an all-department phone call or meeting. Depending on the number of new employees, it may be more realistic to introduce and welcome them as a group as opposed to individually. In addition, some departments may find it useful to match all new employees with a peer contact from the “legacy” department. These peer contacts are responsible for helping to acclimate new employees to the department, sharing information about departmental processes and procedures, and answering any questions about how things are done in the department.

IX. Tools for Managing Organizational Effectiveness – Metrics and Measurement

While development of “soft” skills, like leadership, change management, team development, and communication, is critical to keeping the team engaged and functioning at its peak, the value that these “soft” skill initiatives provide is more difficult to quantify than that of “hard” organizational development initiatives, such as reducing outside counsel spending or implementing alternative fee arrangements. Demonstrating that these initiatives are worthwhile is vital since these “soft” initiatives, discussed in the previous sections, significantly enhance the department by improving the corporate culture, engaging employees, and focusing on the development of team members.
Research has indicated that the impact of organizational development initiatives can be measured using a multi-level approach.\textsuperscript{30} A multi-level approach assesses the impact of these initiatives from a variety of angles to ensure that value is appropriately captured. The table below outlines the various levels of evaluation that can be used in combination to assess the value of organizational development initiatives.

<table>
<thead>
<tr>
<th>Level</th>
<th>Description of Evaluation Method</th>
</tr>
</thead>
<tbody>
<tr>
<td>Level 1 – Reaction and Planned Action</td>
<td>Measures participant’s reaction to the program and planned actions for application</td>
</tr>
<tr>
<td>Level 2 – Learning</td>
<td>Measures skill, knowledge or attitude changes</td>
</tr>
<tr>
<td>Level 3 – Job Applications</td>
<td>Measures changes in behavior on the job and specific application of learning</td>
</tr>
<tr>
<td>Level 4 – Business Impact</td>
<td>Measures business impact of the program</td>
</tr>
<tr>
<td>Level 5 – Return on Investment</td>
<td>Measures the monetary value of the results and costs for the program, usually expressed as percentages</td>
</tr>
</tbody>
</table>


It may not be practical to measure the impact of all programs using a full five-level evaluation approach. A comprehensive, multi-level evaluation approach should be used for significant organizational development initiatives or programs, while a one- or two-level evaluation approach should be used for smaller scale initiatives. Levels 1 and 2 should be used for all organizational development initiatives to ensure that participants are engaged and learning is occurring as anticipated. Feedback obtained through these two levels of evaluation can help to calibrate the material and/or approach if programs are to be repeated in the future. A sample Level 1 feedback form that could be utilized after a workshop or training session (for example) can be found in Section XII. Additionally, a sample 360-degree review form that could be utilized for a Level 3 assessment of on the job application following an organizational development initiative can be found in Section XII. While it is possible to quantify the return on investment using a Level 5 approach, it is often difficult to isolate the effects of organizational development initiatives, and even when effects can be isolated, it can be difficult to convert this data into monetary values. If, however, measuring a financial return on investment is important within the company’s culture, it is possible to quantify the impact of these initiatives.\textsuperscript{31}

Many legal departments choose to combine the metrics used to track the success or impact of organizational development initiatives with metrics they use to track other aspects of department
performance management. For example, organizational development metrics can be included within a departmental scorecard through measures such as employee turnover, retention of “high potential” employees, and reported employee satisfaction to help quantify the impact that organizational development initiatives have had on the department. While reducing employee turnover or increasing employee satisfaction typically cannot be attributed solely to organizational development initiatives, these and other metrics can help illustrate the intangible value that these initiatives provide. A sample department scorecard including organizational development related measures can be found in Section XII.

X. Conclusion

Historically, organizational development initiatives in most corporate legal departments have focused exclusively on the “hard” aspects of organizational development in order to improve efficiency. In recent years legal departments have focused intently on cost efficiency and, in fact, many corporate legal departments have been able to achieve significant cost savings by “right-sizing” their internal staffing to match workload, creating sourcing strategies, implementing outside counsel management programs, standardizing processes and technology systems, and optimizing their department organization structure. At the same time, these departments have focused considerably less on the “softer” aspects of organizational development discussed in detail in this InfoPAK, such as addressing leadership issues, understanding team dynamics, improving interdepartmental communication, and creating “one team” cultures. As corporate expansion continues to occur at a rapid pace, both in the US and overseas, it will become increasingly critical for the legal department to address these “soft” aspects of organizational development effectively in order to achieve efficient departmental growth. Addressing both the “hard” and “soft” aspects of organizational development will be important, but legal departments that get the “soft” aspects of organizational development right will be better positioned to minimize the personnel-related challenges that typically accompany corporate expansion and become world-class legal departments.
XI. About the Authors

A. About Huron Legal

Huron Legal provides advisory and business services to assist law departments and law firms to enhance organizational effectiveness and reduce legal spend.

Huron Legal advises on and implements strategy, organizational design and development, outside counsel management, operational efficiency, and discovery solutions, and provides services relating to the management of matters, contracts, documents, records, digital evidence and e-discovery.

Our team delivers results such as sustainable cost reductions ranging from 15 to 40 percent, process and technology assessments followed by successful implementations, and discovery cost savings of up to 60 percent.

Huron Legal has assisted over 275 general counsel at some of the world’s largest companies and has worked with most top tier national and international law firms. Our expertise is built upon years of experience gained from serving hundreds of clients on thousands of engagements. Our team of legal professionals, MBAs, business process experts, and technologists with deep industry experience helps clients solve challenges related to the business of law globally.

B. About the Authors

Julia Chain is a Managing Director at Huron Legal. She has over 25 years experience of legal and management roles in both private practice and industry. Formerly managing partner of Garretts (the Andersen’s associated law firm), Ms. Chain was the first UK woman managing partner of a top 100 law firm and an Andersen’s worldwide equity partner. In 1998, she joined the board of T-Mobile UK as GC and spent six years there building from scratch one of the UK’s top in-house legal departments. Having led her team in the acquisition of T-Mobile by Deutsche Telekom, she later served on the executive management committee charged with growing T-Mobile UK while integrating it into the European group. Ms. Chain formed The Kite Consultancy in 2005 to provide operational and strategic advice to in-house legal departments and law firms. In 2008 Kite merged with H4 Partners and, in 2010, H4 Partners was acquired by Huron Consulting Group, providing greater strength and depth to both practices. Recent projects have included strategic reviews of European legal teams with particular emphasis on managing external spend and implementing policies and procedures for panel management. Ms. Chain received her B.A. in Law and M.A. from Cambridge University. She is a Visiting Professor of Practice (legal practice management) at BPP University College, one of the UK’s leading providers of professional legal training.

Jonathan Middleburgh is a Director at Huron Legal. His background combines 12 years experience as a practicing Barrister with substantial retraining as an occupational psychologist and a wealth of experience assessing, developing and coaching senior lawyers and other senior executives. Mr. Middleburgh taught Law at the University of Chicago and Oxford University.
before embarking on a career at the commercial and employment Bar. He retrained as an occupational psychologist and most of his work consists of nurturing and developing senior lawyer talent. He has designed and delivered leadership development programs and interventions for a number of top 20 law firms and FTSE-100/250 in-house legal departments. Mr. Middleburgh received his law degree from Oxford University and his qualifications as a psychologist from the British Psychological Society.

Rachael Luthy is a Manager at Huron Legal. She is experienced at conducting legal department assessments, designing and implementing training programs, and developing leadership and organizational development initiatives for corporate legal departments and law firms. Additionally, she is experienced in facilitating overall change management for large-scale change initiatives. Ms. Luthy received her B.S. in Human and Organizational Development from Vanderbilt University, and her M.Ed. in Organizational Leadership from Peabody College at Vanderbilt University.
XII. Sample Forms/Documents

A. Goal Setting/Time Management Matrix

Roles & Short-Term Goals (by Role):

<table>
<thead>
<tr>
<th>Role 1</th>
<th>Role 2</th>
<th>Role 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Role 4</td>
<td>Role 5</td>
<td>Role 6</td>
</tr>
</tbody>
</table>

Most Important Tasks by Day:

<table>
<thead>
<tr>
<th>Sunday</th>
<th>Monday</th>
<th>Tuesday</th>
<th>Wednesday</th>
<th>Thursday</th>
<th>Friday</th>
<th>Saturday</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Time-bound commitments:

<table>
<thead>
<tr>
<th>Sunday</th>
<th>Monday</th>
<th>Tuesday</th>
<th>Wednesday</th>
<th>Thursday</th>
<th>Friday</th>
<th>Saturday</th>
</tr>
</thead>
<tbody>
<tr>
<td>8a</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>9a</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>10a</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>11a</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Tasks to Delegate

1.
2.
3.
4.
5.
B. Delegation Checklist

- Can this task be completed by someone with less experience than me?
- Is there someone with less experience available for me to delegate the task to?
- Does the delegate require any training from me to be able to perform the task competently?
- Have I provided all necessary information and tools for the delegate to perform the task?
- Have I clearly defined the desired outcome or end result?
- Have I communicated how success or performance will be evaluated?
- Have I allowed the delegate to ask any questions they may have about the task or how to execute it?
- Have I given the delegate latitude to determine how best to achieve the desired end result (as opposed to telling him or her exactly what to do and how to do it)?
- Have we mutually agreed on the format and frequency of any status updates between now and task completion?
- Have we discussed how and when any questions should be raised and addressed?
- Have we discussed the consequences/implications for not successfully completing the task?
### C. Employee Motivation and Feedback Matrix/Tracking Tool

<table>
<thead>
<tr>
<th>Employee 1</th>
<th>Employee 2</th>
<th>Employee 3</th>
<th>Employee 4</th>
<th>Employee 5</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Career aspiration</strong></td>
<td>Retire in 5 years</td>
<td>Take on management responsibilities within next 5 years</td>
<td>Move into an in-house leadership position, either here or somewhere else</td>
<td></td>
</tr>
<tr>
<td><strong>What is most important to this person?</strong></td>
<td>Work/life balance; providing quality service to clients and the company</td>
<td>Career development combined with work/life balance</td>
<td>The opportunity to step into a formal leadership role</td>
<td></td>
</tr>
<tr>
<td><strong>Strengths to develop</strong></td>
<td>Developing junior team members</td>
<td>Negotiation/ influencing skills</td>
<td>Decision making skills; client management skills</td>
<td></td>
</tr>
<tr>
<td><strong>What forms of recognition and awards does this person most value?</strong></td>
<td>One-to-one verbal affirmation; specific, personal written recognition for a job well done</td>
<td>Financial rewards; team celebrations at significant milestones or successes</td>
<td>Public recognition for successes</td>
<td></td>
</tr>
<tr>
<td><strong>Recognition ideas for....</strong></td>
<td>Take John to lunch periodically to recognize his performance and contributions to the team</td>
<td>Secure a spot bonus for her for “above and beyond” performances</td>
<td>Highlight significant successes at team meetings; allow him to take a more active leadership role on special projects (as appropriate)</td>
<td></td>
</tr>
</tbody>
</table>
D. Coaching vs. Mentoring Roles/Responsibilities

Coaching Role

The coach’s role is to work with the coachee in a non-directive manner to achieve a specific result or outcome. While there is a specific outcome in mind (e.g., behavioral change, performance improvement, etc.), the coach facilitates the coachee’s development and achievement of desired result without telling the coachee what to do or how to do it.

Coaching Responsibilities

- Establish the desired outcome or result at the outset;
- Focus on building trust with coachee;
- Meet with the coachee on a regular, periodic basis for a fixed period of time;
- Utilize a non-directive style by asking probing questions to help the coachee consider the career issues they are facing in a new way;
- Maintain complete confidentiality about anything discussed during coaching sessions; and
- Work with the coachee to determine practical ways to apply the learning or progress achieved during coaching sessions.

Mentoring Role

The mentor’s role is to provide ongoing career guidance and advice to the individual they are mentoring in both formal and informal ways. The mentor serves as a sounding board for issues or challenges that the individual is facing and provides wisdom and guidance as someone who has “been there” previously without a specific outcome or result in mind.

Mentoring Responsibilities

- Provide formal and informal guidance;
- Give advice and/or wisdom about how to handle specific situations or challenges;
- Discuss career goals and strategies for achieving them;
- Talk about both the “written” and “unwritten” norms in the organization;
- Speak from personal experience;
- Focus on holistic career development for the individual; and
- Build trust and maintain confidentiality.
E. Sample Feedback Survey

<table>
<thead>
<tr>
<th></th>
<th>Significantly Below Average</th>
<th>Below Average</th>
<th>Average</th>
<th>Above Average</th>
<th>Significantly Above Average</th>
</tr>
</thead>
<tbody>
<tr>
<td>Prior to this workshop/training, I would rate my level of knowledge about the subject matter as:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>After this workshop/training, I would rate my level of knowledge about the subject matter as:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Overall, the quality of information presented was:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>The facilitator’s knowledge of the subject matter and ability to engage participants was:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

As a result of the knowledge and/or skills you have gained, what steps or actions do you plan to take to apply your learning on the job?

What was the most valuable thing you learned as a result of this workshop/training?

How would you improve this workshop/training in the future?
F. **Sample Form to Gather 360-Degree Feedback for On-the-Job Application of Learning**

<table>
<thead>
<tr>
<th></th>
<th>Significantly Below Average</th>
<th>Below Average</th>
<th>Average</th>
<th>Above Average</th>
<th>Significantly Above Average</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
</tbody>
</table>

Prior to the workshop/training [Individual’s Name] attended, I would rate his/her proficiency at [Skill or Behavior addressed] as:

In the weeks since the workshop/training [Individual’s Name] attended, I would rate his/her proficiency at [Skill or Behavior addressed] as:

What examples can you provide of how [Individual’s Name] has demonstrated [Skill or Behavior addressed] on the job in the weeks since receiving training?

How would you describe [Individual’s Name] on [Skill or Behavior addressed] over the last few weeks?
Are there any areas where [Individual’s Name]’s skills in [Skill or Behavior addressed] need further improvement?

How has the change in [Individual’s Name]’s behavior impacted the team or department?
## G. Sample Department Scorecard

<table>
<thead>
<tr>
<th>Category/Measure</th>
<th>2010 Goal</th>
<th>YTD</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Client</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Obtain regular client feedback</td>
<td>Meet with key clients to discuss significant matters on a quarterly basis</td>
<td>On Target</td>
<td></td>
</tr>
<tr>
<td>Obtain Business Unit CEO feedback</td>
<td>GC meets with Business Unit CEOs on a quarterly basis to obtain feedback</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>Conduct Q3 and Q4 financial reviews with clients</td>
<td>Provide updated budget to actual estimates within month of the quarter end</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>Provide client training (i.e., litigation avoidance, witness prep, privacy, etc.)</td>
<td>Conduct 8 or more training sessions annually</td>
<td>Complete</td>
<td></td>
</tr>
<tr>
<td><strong>Financial</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Department Spend</td>
<td>Meet or beat budget of $45 M</td>
<td>$21M YTD</td>
<td></td>
</tr>
<tr>
<td>Outside Legal Spend</td>
<td>Meet or beat budget of $24 M</td>
<td>$11M YTD</td>
<td></td>
</tr>
<tr>
<td>Weighted average billing rate</td>
<td>Hold constant at $340 for Panel firms</td>
<td>$312</td>
<td></td>
</tr>
<tr>
<td>Fee/Expense Ratio</td>
<td>Expenses not to exceed 10% of total fees</td>
<td>2%</td>
<td></td>
</tr>
<tr>
<td><strong>Panel Firm Program</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Employee</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Performance Expectations/Annual Goal Form Completion</td>
<td>Performance Expectations/Annual Goals completed for all employees</td>
<td>98%</td>
<td></td>
</tr>
<tr>
<td>Mid-Year Performance Review Completion</td>
<td>Conduct mid-year reviews for all employees</td>
<td>On Target</td>
<td></td>
</tr>
<tr>
<td>Department Diversity</td>
<td>Meet or beat 2009 corporate diversity performance for women and minorities</td>
<td>40% Women, 18% Minorities</td>
<td>On Target</td>
</tr>
<tr>
<td><strong>Workforce Management</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Department participation on Employee Engagement Survey</td>
<td>Maintain Employee Engagement Survey participation rate of 92%</td>
<td>100%</td>
<td></td>
</tr>
<tr>
<td>Perceived fairness of recognition for employee's contribution</td>
<td>Meet or beat corporate performance of 55% on this measure</td>
<td>80%</td>
<td></td>
</tr>
<tr>
<td>Department-wide communications by leadership</td>
<td>Conduct quarterly Town Hall meetings</td>
<td>On Target</td>
<td></td>
</tr>
<tr>
<td>Voluntary turnover rate</td>
<td>Maintain or reduce turnover rate</td>
<td>4%</td>
<td></td>
</tr>
<tr>
<td><strong>Employee Engagement</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Maintenance of key lawyer skills</td>
<td>Meet CLE requirements for 2010</td>
<td>On Target</td>
<td></td>
</tr>
<tr>
<td>Leadership development</td>
<td>Maintain a high performer retention rate of 90%</td>
<td>100%</td>
<td></td>
</tr>
<tr>
<td>Succession planning</td>
<td>Successor candidates identified for all DGC and AGC positions</td>
<td>100%</td>
<td></td>
</tr>
<tr>
<td><strong>Employee Development</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Process</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Use of Process and Technology</td>
<td>Budgets created in compliance with outside counsel guidelines</td>
<td>100% compliance</td>
<td>N/A</td>
</tr>
<tr>
<td>Early case assessment completed in compliance with outside counsel guidelines</td>
<td>100% compliance</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>Timely and complete invoice review</td>
<td>Complete 80% of invoice reviews within 30-day window</td>
<td>95%</td>
<td></td>
</tr>
<tr>
<td><strong>Law Firm Engagement</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Use of alternative fee arrangements</td>
<td>20% of total outside counsel spend under alternative fee arrangements</td>
<td>29%</td>
<td></td>
</tr>
<tr>
<td>Use of Panel Firms</td>
<td>70% of total outside counsel spend with Panel firms</td>
<td>85%</td>
<td></td>
</tr>
</tbody>
</table>

For more ACC InfoPAKs, please visit http://www.acc.com/infopaks
XIII. Additional Resources

A. ACC Resources


B. Other Resources


XIV. Endnotes


4 Id. at 68-69.


7 Id.


16 Id. at 87.

17 Id. at 93.

18 Id. at 100-101.


20 Id.

21 Id.


23 Kotter, Leading Change at 16.

24 Id.


26 See section II above.

27 Kotter, Leading Change at 20.


29 Id.


31 For example, after a time management workshop, savings might be quantified based on the reduction in
time employees spend on tasks that are not important/urgent enabling them to spend more time on meaningful, substantive work (as self-reported by the employees). This time savings could then be multiplied by the average hourly rate paid to outside counsel for these tasks based on the premise that effective time management allows for greater insourcing of work from external law firms.