

Overview

It's difficult to find a management consultant article that doesn't reference the importance of being agile during this crisis – and by this, they typically mean an organization's ability to quickly pivot the focus of the business, the allocation of resource and the allocation of budget to the challenges (and opportunities) at hand. It might be relatively easy for all of us to recognize the importance of being agile at this time, but identifying and executing quick pivots may be a challenge for many. Two former General Counsel share their views on quick pivots legal leaders may wish to consider at this time.

Five quick pivots for the legal function

1. Prioritization
2. Risk review
3. Empowerment and delegation
4. Doing more with less
5. Leading and influencing

1. Prioritization

It should be pretty clear where your pressure points are right now as a result of the crisis. If it's not – then immediately implement a method of tracking all work requests e.g. via a single group email address if you don't have the technology available for anything more sophisticated.

Review the work requests to identify themes and then also consider some of the scenarios your organization could face in the next 12 months based on what you know about the organization's current thinking, financial resilience and culture. Share your thoughts and insights with other business stakeholders, and together define what your team's priorities should be moving forward (see our toolkit on scenario planning for ideas as well as tools to help with prioritization).

Beyond charting legal challenges, leadership and ethics should also be front and center for GCs. GCs are a compass for the company and can accordingly strongly influence C Suite and Board discussions and decisions at this time.

Once you know what your priorities are – make sure you quickly align resource and protocols to address the new dynamic. Communicate simply and clearly what the priorities are and ensure your wider business stakeholders and team understand the plan.

2. Empowerment & delegation

This period is all about change – so consider how you might empower your team and business stakeholders at this time. Try to avoid defining people and their skills by their current roles, and think laterally about the skills the team (and business stakeholders) have that you could optimize. For example, which team members are good at explaining change? This skill will be much needed as you pivot the activities your team undertakes and need to explain to the business the change in focus or change in allocation of responsibilities and tasks. Along with change management and communication skills, which of your team is a natural project manager? Or is there a project manager within a

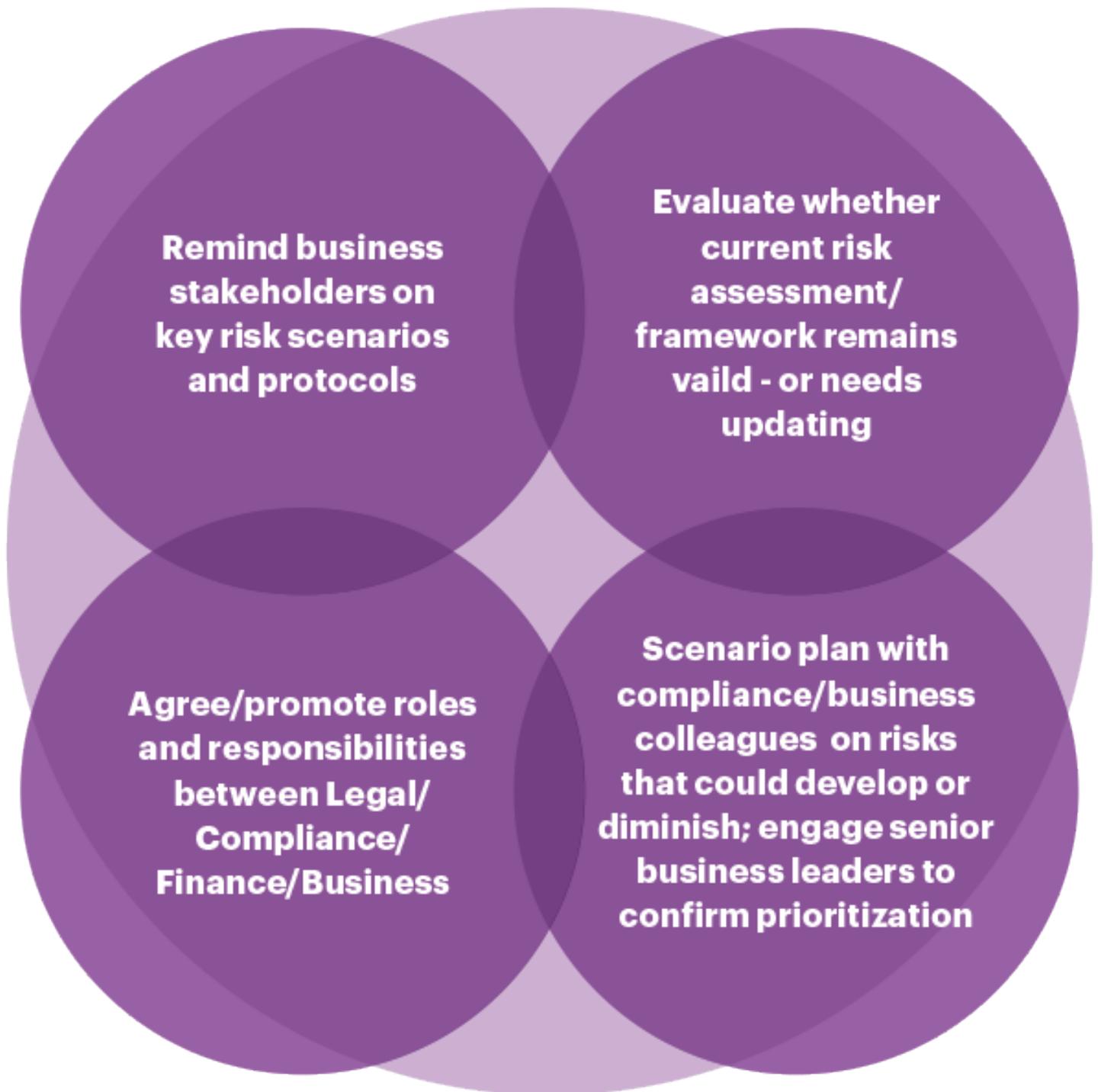
business unit that could help you at this time? Central to empowerment is a delegation mindset. Encourage your team to delegate to business units where possible. Further, can you empower your team to implement new protocols and approaches without your involvement? Can you empower business stakeholders to take decisions without the involvement of your team (within parameters) – for example, can they negotiate contracts on their own without your engagement – unless they want to change certain provisions like indemnification or term of the contract? Now is the time to explore the skills of your team and others throughout the organization to identify how they can be optimized to enable your organization to not only survive, but thrive.

3. Risk review

If your organization is undergoing change, then your risk profile is also likely to be changing. Unite with other business stakeholders (Legal/Compliance/ Finance/Tech/others) to review how you might adapt your organization's Risk Management Framework to help you quickly identify where the risk dynamic is changing – and who has ownership for that risk. For example, remote-working might heighten the potential for a cyber-security incident. Who and how is this being managed? Is your IP being impacted by this crisis? How are you ensuring your supply chain's resilience (see supply chain resilience toolkit)? Senior management should convene to discuss the risks that are increasing or diminishing and to confirm prioritization and response.

In any crisis, communication is key. In the business's enthusiasm to be agile and pivot quickly, do they have enough awareness about the legal/compliance/ commercial risks to avoid at this time? If not, perhaps consider communicating a risk checklist, reminders and/or webinars. And, train your constituents on compliance and proper documentation. Standards change rapidly in this environment so you need to contemporaneously document what you did; why you did it; and that it was best practice at the time. This is because in any future litigation, you will be judged three years down the line when memories are blurred.

Enterprise Risk Management



4. Doing more with less

There are very few businesses and sectors that have been untouched by COVID-19. So, it's likely that you, like most, are needing to manage budgets down at this time. What can you do quickly to cut costs? Some options to consider:

1. Assess the priorities of the legal team, and how they dovetail with your organization's imperatives; spend time and money on what counts.
2. Establish financial/risk thresholds regarding what the department should be engaged with.
3. If you do not have a panel of outside law firms, look to establish one. To speed things up, suggest to law firms a charging structure you would like them to follow – in exchange for predictable volumes of work/loyalty.

4. Set up a self-serve system to automate key legal documents for business stakeholders to use without intervention from the legal team.
5. Train business stakeholders on common legal risks and pitfalls – so they can appraise the basics of a situation– and in turn, be more self-sufficient.
6. Explore the value of your intellectual property. Could you generate revenue by reviewing your IP portfolio for licensing or sale opportunities?
7. Other revenue stream opportunities might arise at this time by reviewing insurance policies to see what recoveries might be available as result of this pandemic.

5. Leading & influencing

Strong leadership is vital at this time – as we explore in our toolkit on leading your in-house legal team. Of all the skills good leaders present, meaningfully connecting with team members, the C-Suite and Board is critical. As you address challenges, keep your team engaged in your decision making and problem solving. Communicate often and be as inclusive as you can be. Reach out beyond your obvious circle of reference to challenge your understanding and perspective and to discuss the obstacles they are facing and observing. This will strengthen your problem-solving abilities. And use COVID-19 to re-establish (if need be) the legal team’s role and purpose and influence. This crisis plays to a lawyer’s skill set – communication, strategy, risk assessment and compliance – and as such provides GCs with a platform to influence and lead like no other. GCs can direct the re-examination of risks and the realignment of the corporate strategy, partnering with others in the C-Suite.

This is a time for agility, creative thought and problem solving. Leaders create change, they do not simply react to it. As such, this new dynamic, while bringing uncertainty, can also bring opportunity for legal functions to redefine their skills, purpose and contribution to their organization.

About the authors:

This toolkit was written by Judith Prime, Dentons Global Client Development Director under the direction of two former GCs that are part of the Dentons Nextlaw In-House Solutions team. Both Gail and Mary Ann frequently leverage their deep experience to help mentor current GCs with a wide range of challenges. Contact them directly if you are interested in accessing their perspective on a challenge you are facing now.

Gail Lione

Gail Lione served as General Counsel of three companies in three different industries: global marketing /manufacturing; publishing, printing and digital imaging; and insurance banking and financial services. Her most fun assignment was Executive Vice President, General Counsel, Secretary and Chief Compliance Officer of Harley-Davidson, Inc., where she also served as President of The Harley-Davidson Foundation. In addition to her work at Dentons, Gail currently is an adjunct professor of intellectual property law at Georgetown University Law School, a Senior Fellow of the ESG Center of the Conference Board and a director of two corporations.

Mary Ann Hynes

Known for her many firsts in the industry, Mary Ann was the first female general counsel for a Fortune 500 company while at CCH Inc., she was also the first female officer of Sundstrand Corporation, the first female member of the North Shore General Counsel Association and the first female officer of the Chicago Crime Commission. In her career, she has served as general counsel of five global companies in various industries including big data, aerospace, mining, agriculture and food & beverage.