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10 Skills Today’s In-house Counsel Need

Skills and Professional Development





The legal profession has changed significantly over the past decade. We are finely attuned to the news headlines of the latest corporate scandals and how our jobs are on the line. We are often the last line of defense for corporate reputation and protecting the interests of employees, shareholders,

and the public.

So, how exactly have things changed in terms of the skills, knowledge, and abilities we need to be effective? What attributes are needed now that weren't on the table 10 years ago? Recently, I presented a masterclass to ACC members, "How Promotable Are You? Using the 5 Key Elements of Promotability," which details career development strategies for corporate attorneys. Below is a list of additional attributes that all modern in-house counsel should possess.

10. A VUCA mindset

We live in a VUCA (Volatile, Uncertain, Complex, and Ambiguous) world. New risks constantly pop up and keeping track feels like a game of whack-a-mole. Consider the last decade's worth of entrants to the pageant of legal challenges: COVID-19, social media use, artificial intelligence, data privacy, #MeToo, cybersecurity, and gender identity awareness, to name a few. And threats will continue to shift and evolve every year.

To stay ahead of newly surfacing risks, in-house counsel need to cultivate a VUCA mindset and help their business partners do the same. They must be ready to build or buy subject matter expertise for emergent threats affecting their organizations.

Forging intra-organizational partnerships and working cooperatively on a coordinated communications strategy are critical to having this mindset. These collaborations provide an effective foundation for disclosure of possible risks to the board and investors, while simultaneously demonstrating cohesive corporate culture and mission.

9. Financial acumen

In-house counsel should be able to digest their company's profit and loss statement for two reasons:

- It enables you to "follow the money" and intelligently scan for where your legal risk factors live (e.g., fraud, pressure to sell, incentives, and other leading indicators), and
- It's required business acumen in order to participate equally and be respected as a business partner on your executive team.

To familiarize yourself with your company's finances, read *ACC Docket*'s March 2020 cover story "Understanding the Business Means Knowing How Your Company Makes Money," which details how law departments can help drive your company's bottom line.

8. Records and Information Management (RIM)

No matter who's responsible for records management — legal or another department — effective RIM underpins all other risk types. Attorneys need to be conversant in RIM best practices and aware of how this is managed in their organization.

7. Adult learning theory

The law department is often responsible for a substantial portion of required employee training. In highly regulated industries, employees can spend 40 hours a year — an entire workweek — on

required training.

Thankfully, there is an entire professional field dedicated to adult learning theory and instructional design. Keep this in mind and ensure company training materials are built using the best practices, tools, and resources chosen from this field. While our legal training needs to work, it also needs to be something that our employees want to do — and can do with relative ease.

6. Project management skills

As attorneys, we are often leading the creation of new products or services to effectively meet the goals of our legal and regulatory mandates. Recognizing when an activity is actually a “project” is in itself important, so you can properly apply sound project management practices to initiate, plan, execute, control, and close out the work to achieve your goals and meet your success criteria at the specified due date.

All projects are constrained by scope, time, money, and quality, so the primary challenge of project management is to achieve all the project goals within the given constraints. Understanding the interdependencies of these variables — and how to manage them — can be crucial to the effective delivery and functioning of your ongoing legal and regulatory infrastructure.

5. Executive presence

In-house counsel need this trait in spades to be taken seriously and have a seat at the table. Executive presence is 70 percent presentation skills, 20 percent gravitas (grace under pressure), and 10 percent appearance (good grooming and a wardrobe that fits your company culture). Ignore at your peril.

4. Change management expertise

Organizations, like people, have a natural tendency to resist change. This homeostasis is a constant challenge for counsel. By the very nature of our jobs, we are charged with giving legal advice that may trigger operational changes to stay ahead of the risk curve.

Change management, a critical discipline based on behavioral psychology principles as applied to industrial organizations, equips counsel to meet this natural resistance strategically and thoughtfully so that our advice is adopted and implemented by clients. The five change management principles are:

- Establish urgency;
- Create the guiding coalition;
- Communicate your vision and strategy;
- Empower employees and generate short term gains; and
- Sustain the change.

If a major operational change is poorly managed, your recommendations may be rejected or only partially adopted.

3. Influencing skills

Some might refer to this as political savvy, emotional intelligence, or good negotiation skills. No matter what you call it, with limited resources and the heavy responsibility of managing all of the company's risk, attorneys need to influence and leverage other executives, departments, and ultimately all employees to "get stuff done" and meet their mandate.

If you want to influence people, they need to trust you. And to trust you, people need to believe two things: (1) that you care about them, and (2) that you are open to their influence. For in-house counsel, good listening skills, empathy, and curiosity are key to gaining organizational influence.

2. Courage

In-house counsel are the unsung heroes of all organizations: the first to be blamed, take the fall, and suffer sleepless nights, yet often the last to have a seat at the business table.

Nevertheless, counsel must be willing to take a stand on challenging issues, deliver bad news to powerful people, and, after fighting the good fight, ultimately be willing to walk if the organization is unprincipled. This requires strong moral character, grit, and courage.

1. Humility

The best leaders understand that there is always more to learn. They adopt a growth mindset, continually learning new substantive skills, and cultivating an awareness of how they show up and how their actions impact others. Leaders who view mistakes as a learning opportunity and feedback as a gift can inspire and motivate entire organizations.

As a leader, you need an endless feedback loop from your boss, key stakeholders, and your team so that you have a clear understanding of your leadership traits. Not knowing is a blind spot that undermines everything you and your team try to achieve.

Knowing empowers you to leverage your strengths, mitigate your weaknesses, and help you change, putting you on the path to owning your career and success. More importantly, you'll be demonstrating the kind of leadership that creates healthy, profitable, sustainable workplaces while inspiring a culture that makes the world a better place.

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