



Legal Departments of the Future: Evolving Beyond Business Partnering to Value Creation

GC AdvantageSM Webinar

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GC AdvantageSM

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Questions & Answers



Submit questions to panelists at any time throughout the presentation via the Zoom **Q&A feature**.

Featured Speakers



Marla Persky

Strategic Advisor & Executive Coach — **BarkerGilmore**
Former SVP, General Counsel, and Corporate Secretary —
Boehringer Ingelheim Corporation
Former Acting General Counsel & Corporate Secretary —
Baxter International Inc.



Audrey Rubin

Strategic Advisor & Executive Coach — **BarkerGilmore**
Former VP and COO of the Global Law and Compliance
Department — **Aon Corporation**
Former Chief Legal Officer and Acting Chief Human
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Former VP & General Counsel, Chief Human Resources
Officer, and Corporate Secretary — **Apollo Travel Services**



Tim Fraser

VP, Chief Legal Officer, and Corporate Secretary —
Toshiba America

Future of the In-House Legal Department

Legal Department is Recognized as a Driver of Significant Business Value

Legal is uniquely capable of enabling and creating value because of its background, training, and visibility into the entire business.

Challenges and Their Root Causes



- **Legal Operates at Limit**
 - Demand continually outstrips resources
- **Legal Unable to Maximize Value**
 - Demand for legal support is often not aligned with highest organizational value
- **Viewed as Cost Center**
 - Clients view legal as transactional rather than strategic
- **Viewed as Risk Averse vs. Business Enabling**



- **Undertakes work that others can (and should) perform**
- **Perceptions of Legal perpetuate the challenge**
- **Legal-centric rather than business mindset**
- **Structural rigidity/hierarchy**
- **Insufficient investment in technology and process**

Understanding root causes of department challenges is critical to develop and implement effective strategy

Value Creation is the “Silver Bullet”



Radical Alignment

Legal must fully align itself with business goals and objectives:

- Value Alignment – Define, understand and focus on achieving business outcomes
- Risk Alignment – Establish common understanding of risk tolerances
- Operational Alignment – Optimize Legal’s limited resources

Transformation of Legal

Radical Alignment and Legal Technology will enable Legal to maximize its ability to create business value.

- Value Alignment & Risk Alignment ensure Legal understands and delivers business value
- Operational Alignment ensures that Legal maximizes value creation
- Once a driver of value, Business will engage earlier, creating new opportunities for value creation.

Legal Technology

- GenAI – Working smarter, faster, more economically
- Technology frees up attorney time to focus on more strategic matters

Professional Judgment

- Technology never supersedes professional judgment
- Business and legal establish culture of compliance and define ethical expectations

Legal transformation is an imperative

Step 1: Identify Strategic Transformational Goals



Legal workload is manageable

- Reasonable work/life balance
- Able to work on complex, high-risk matters
- Able to work on elective projects of interest
- Time to invest in own professional development

Legal is a valued business partner

- Legal works on strategic matters
- Business sees legal as equal partner in goal achievement
- Legal creates greater business value

Legal is viewed as creating ROI

- Business understands the value created by Legal
- Legal has adequate resources to meet Business demand
- Legal is viewed as creating value in excess of its cost
- Business and Legal aligned re: resource allocation & risk tolerance

Legal Team

Company

Solutions are within Legal's control

Step 2: Establish Strong Business-Minded Culture



“What creates the most business value?”

- Alignment with business goals and objectives
- Understands the business as well as it does its business clients
- Balances risk and opportunity
- Optimizes legal resources and operations
- Cultivates responsible financial stewardship

Asking the right question leads to the right answers

Culture Transformation Pathway

Typical Legal Mindset:

- Attorneys are trained to rely on precedent.
- Attorneys are trained to identify & minimize risk.
- Attorneys are trained to devise best legal solution.
- Attorneys tend to see guardian role as protecting company from its employees.

“Culture eats strategy for breakfast”
(attributed to Peter Drucker)

Legal Culture Transformation		
Teamwork	➡	Teamwork
Client Focused	➡	Business Focused
Risk Avoidance	➡	Risk Enabled
Legal Perfection	➡	Business Excellence

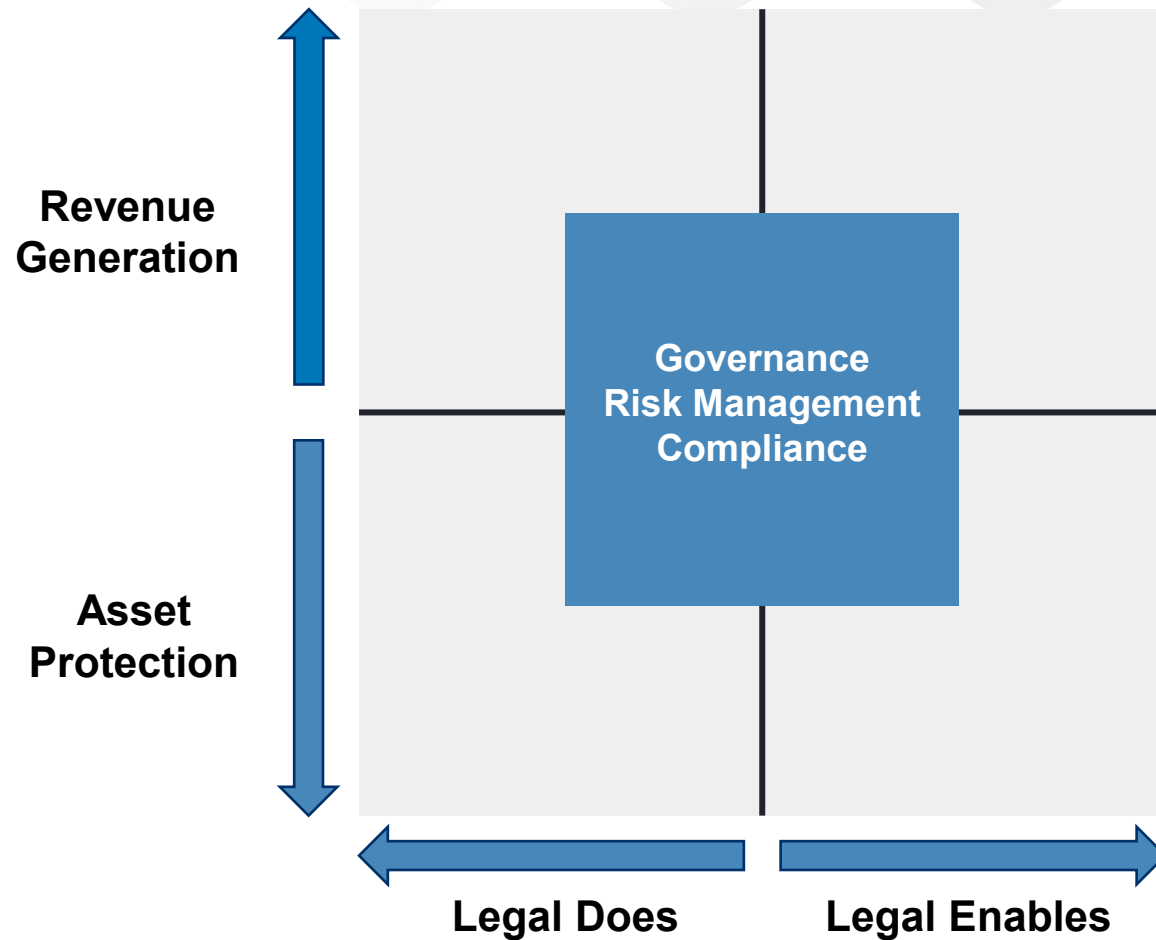
“Success is a team sport”
(Simon Sinek)

Target Legal Culture:

- Devising new solutions to problems.
- Balancing risk and opportunity aligned with business tolerances.
- Driving growth and profitability consistent with values.
- Relentless pursuit of continuous improvement and excellence.

Legal sees itself (and is seen) as business leaders

Step 3: Identify Value Creation Levers



Legal has full range of value creation levers

Step 4: Continuous Communication with the Business



Legal must actively engage Business to understand needs, expectations and risk tolerance to achieve alignment on goals and objectives

- Gaining clear understanding of and alignment on business goals
- Seeking feedback from business on level of risk in reaching goals
- Defining risk tolerance
- Joint definition of success

Quarterly Business Reviews:

- Goal is transparency and alignment
 - Communicate value delivered
 - Discuss outside counsel fees
 - Verify Legal is aligned with business priorities
- Invite difficult discussions
- Review priorities and resources

Transaction/Litigation Post-Mortems

Transparency & Alignment

Metrics

“What gets measured gets managed”

(attributed to Peter Drucker)

Legal must quantify its value.

- Must communicate on similar terms as Business.
- Necessary in order to have discussion re: ROI.
- Legal tracks both money made & money saved by the department

Failure to do so renders Legal a “black box” that is valued by cost and a subjective assessment of responsiveness.

Metrics should be in terms of business outcomes in addition to number of tasks completed or time spent. For example:

- In addition to number of employees who complete training, also measure the impact on behavior.
- In addition to amount of time taken to draft a contract, measure the period of time it takes to execute a contract.

Data and Metrics are the language of Business

Step 5: Optimize Operations

Legal must question everything

Should legal be doing the work?



Legal should not perform low-value work, rather provide Business with appropriate guidance, resources and controls.

Should the work be automated?



Legal should automate work to the greatest extent possible based on risk.

Should someone else within Legal be doing the work?



Work should be performed by most cost-effective resource (ex: paralegals vs attorneys).

Can Legal deliver new or greater value?



Legal should improve speed, enhance CX, and/or leverage data, AI, and expertise to create new insights or other value.

**To maximize capability for value creation,
Legal must reimagine how it delivers legal services**

Clarify Legal Department Scope



	Low Risk **	High Risk **
High Value *	Leverage technology and develop robust processes to deliver value efficiently	Core Priority
Low Value *	Provide guidance, resources, and controls for Business to manage risk	Support Business in its assessment and mitigation of risk

- Value = Extent to which Legal can provide unique value
- Risk = Potential impact to the company

Legal's limited resources should be focused where they can have the greatest impact

Step 6: AI & Data & Technology



Legal has large repositories of data that have tremendous value for the Legal Team and Business that are grossly under-utilized.

AI will enable Legal to unlock the potential of that data – powering legal operations and insights and enabling the creation of new value for Business.

Use of other technologies to improve speed, agility, and responsiveness.

- **Need to coordinate and intersect with other company technology platforms.**

Data is key to successful transformation of Legal

Project Management and Process Improvement are Key



Need to establish timelines, measures & ownership responsibility for Departmental changes

Gain Senior Management “Sponsors” besides the CLO/GC for Business support and alignment

Capture and publicize early wins

Align individual annual goals to departmental goals for Value Creation

Focus on continuous improvement

QUESTIONS?

Thank you for attending.



Please let us know how BarkerGilmore can help
you succeed.

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