

Superpowers Every In-House Counsel Needs: What's in Your Quiver?

Rhonda Joy McLean

Thank you so much to Miya Owens for inviting me and to Naomi Hills for that wonderful introduction. I am honored to participate in this NYSBA Corporate Counsel Institute and am learning right alongside you from all of the amazing speakers today.

When I was asked to speak with you, I spent some time thinking about the wide spectrum of challenges, responsibilities and opportunities facing corporate counsel during these tumultuous times. As the former Deputy General Counsel of Time Inc. with over 200 clients, and management responsibility for one-third of our law department, I certainly empathize with you, as I have definitely been where you are. I realize that our audience is diverse, so whether you are in-house counsel, outside counsel, government attorneys, solo practitioners, or operating in other legal practice areas, I hope my words will be helpful for you.

These days, no matter what our actual titles are, we are all called upon to be counselors of law, business partners, strategic planners, financial wizards, therapists, magicians, soothsayers, advocates, managers, mediators, career coaches, expert administrators and much more. Sometimes I believe that our clients expect us to know all, see all, advise upon all and do all. That is a LOT of "all"!

Since our technological devices make us more available to our clients and colleagues, we may feel obligated to meet our clients' expectations to be available 24/7, and solve all problems or answer every question immediately, no matter the complexity of the issues to be addressed. I believe that we are actually "Super Lawyers" with "Superpowers," or at least that is how we are perceived. With that perception in place, what are the "Superpowers" each of us needs to have in our quiver in order to stay sane and serve our clients well?

SUPERPOWER #1: EMOTIONAL INTELLIGENCE

Although there are many attorneys I have worked with who think of emotional intelligence as a "soft skill," I fervently disagree with them, and believe that it is the most important skill a good attorney needs to have in her toolbox. Rather than assuming that you know what your clients are thinking or that they have told you everything you need to know about a situation, LISTEN to what they



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do NOT say and pay attention to other signals they are sending to you. Probe deeply to encourage them to give you both the facts and the context surrounding those facts before you begin to strategize about how to approach a problem. Even where the situation appears to be an urgent one and immediate action is urged, take a moment to breathe and step back from the situation to view the entire picture before taking any action, and encourage your clients to do the same.

I grew up in a small town and my mother's family lived far away from us. We would travel every summer to visit them, and when we were together, we were so excited to see one another that we would all talk at the same time. We thought we were listening, but what we were really doing was "waiting to speak," which is not the same thing at all.

As attorneys and advisors, it is vital that we listen efficiently and effectively and invite our clients to trust us implicitly, so that they share with us all of the information we need, even facts that may feel like "bad facts" to them, in order to serve them well. We need to refrain from judging our clients and model emotional restraint.

I have worked as an associate in a law firm, helped to manage an in-house law department within a global corporation and served as the deputy director in the regional office of a federal agency. In each of those settings it was always important to move cases and other matters forward at a brisk pace, and not have our department become known to clients or constituents as the "place where cases or questions go to die." Still, we must have the courage to press the "pause" button—to be the voice of reason—and risk the wrath (or at least impatience) of our clients to stop and think before taking any actions. In these days of urgency, I have still not found any strategy that beats taking time to think, even when you think you cannot. You will not regret it.

SUPERPOWER #2: "ARTIFICIAL INTELLIGENCE" INTELLIGENCE

Don't be blindsided by the changes artificial intelligence is making in our world. We already realize, or we

certainly should, that we are in the midst of a technological revolution that equals or surpasses, both in impact and in speed, the changes that the Industrial Revolution brought to our world and our workplaces.

Rather than being terrorized by the harsh predictions we have heard about how robots, drones, virtual reality machines and other “smart science” devices will take away all our jobs, we must find ways to incorporate the changes that make sense for us into our modes of work. I believe that our humanity and ingenuity, which led to the creation of artificial intelligence, is still needed, particularly in the legal world, where subtleties, nuances and interpretations can be the arbiters of our success and that of our clients.

Although outsourcing is not the same as artificial intelligence, too often in-house lawyers are being pushed to reduce costs by sending out routine contracts or low-level agreements for clearance by legal or paralegal professionals who may not be familiar with the business contexts and corporate cultures that govern the transactions to be reviewed. In my opinion, cutting in-house legal budgets in the short-term may not always work, since poor judgment calls made by people who may not understand our business customs and mores may cost us more in the long run.

Change is inevitable. We must welcome it, not be overwhelmed by it, and incorporate it into our workplaces in ways that will support and enhance our businesses.

SUPERPOWER #3: MANAGEMENT INTELLIGENCE—UP, DOWN, OVER AND OUT

If you have not already done so, I recommend that you audit your “management intelligence”—our ability to relay important messages and perceptions of yourself and your value up to your senior executives and board members (where appropriate), down to your direct reports, over to your colleagues, and out to your clients, vendors and others. With all the “noise” that is generated by hundreds of email messages, in-house media platforms, constant meetings, electronic presentations and more, it is vital that we make sure that we are able to communicate in ways that penetrate the fog that often permeates our working cultures.

Just as I believe that listening is not the same as “waiting to speak,” I have learned that managing is not the same as “watching while they work.” As a young manager (age 22), I thought that all I really had to do was stand over my direct reports while they went about their daily work and answer questions when they were asked, whether I knew the answers or not. I soon learned that micro-managing does everyone involved a gross disservice and leads to disgruntled employees and poor service delivery.

Instead, I have come to believe that managing effectively is based upon developing relationships with all those with whom you must interact in order to perform your duties and constantly maintaining those relationships, which requires time and effort. Not only must you provide top quality service at all times, you must also communicate your ability to do so and invite constant feedback of your performance.

This style of managing takes courage and some humor, as no matter how well we plan, unexpected occurrences will test our “management mettle.” Changes often occur at all levels of business, and the relationships we worked so hard to establish and nurture may be disrupted by organizational restructuring, abrupt departures of business leaders, acquisitions, divestitures and more. Even so, I recommend that you spend time cultivating relationships with your senior executives, colleagues, direct reports, clients, vendors and others. These relationships will often continue beyond workplace changes and can positively impact your career.

Even if time seems to work against your relationship-building efforts, note that ten minutes of real engagement can be more effective than hours of meaningless chatter. Don’t waste your time or others’, and make each contact count.

I have found that regular (or even irregular) meetings, even if short, help to maintain strong working relationships, particularly when those meetings serve the interests of the participants. Be sure to include time for listening, working on any urgent matters, ways you and your team can add value and specific action steps for each participant.

SUPERPOWER #4: FINANCIAL OVERSIGHT INTELLIGENCE

We are all being called upon to provide high quality services at lower cost points and must avoid finding quick short-term budget cuts that may lead to greater expenditures in the long run. Many of our clients have moved from expensive hourly rates for outside law firms and vendors to project-based pricing, and we may be encouraged to take “bids” on possible projects and choose the lowest bidder.

While we must certainly observe all financial protocols and procedures, we must also be sure to procure the best possible services for our clients. I have found that including clients in the review panels for competing service providers (including outside law firms and vendors) can lead to more transparent selection processes and customized services that benefit all concerned.

I have also invited mid-size and smaller law firms to conduct no-cost Continuing Legal Education programs (CLEs) to give those firms an opportunity to present to our corporate law department (and clients, where ap-

appropriate) in their areas of legal specialties. Those presentations sometimes led to the establishment of working relationships with the firms and exposed our colleagues and clients to firms they might not otherwise have known about.

We must be creative in the ways we provide top quality legal services to our clients while monitoring our costs.

SUPERPOWER #5: "OLD SCHOOL" INTELLIGENCE

I grew up in a small town in North Carolina, and my moral foundation was shaped by my parents, my teachers, my community and my experiences. Although I have had opportunities to work in some pretty grand places and spaces, I continue to rely on my early teachings and have found that they serve me well.

Having mentored many younger attorneys and clients over the years, I am appalled at how little "common sense" (or "horse sense," as they call it in North Carolina) they have or exhibit. All too often, we are called upon to ditch our "gut feelings" about a potential course of conduct when in fact, we should listen to our own feelings.

All traditions are not trash and need not be thrown out. If something does not sound or feel right to you, trust your instincts and check out your evaluation of the situation with someone whose opinion you can count on. Your "gut feelings" may move you to re-examine your own thoughts and actions, or to question possible strategies for moving forward on a matter in your workplace. I believe that you serve yourself best by honoring, not discounting, your own inner voice.

SUPERPOWER #6: GLOBAL INTELLIGENCE

These days it is not uncommon for us to work with a far-flung collage of colleagues who may be located in other cities, states and countries. It is important to embrace the strengths that different approaches to problem-solving can bring and to refine our abilities to work with people who may be very different from us.

I have found that diversity across all categories has led to stronger teams and better results. Even when I felt that I had nothing in common with a new client or colleague, I soon learned that sharing information about ourselves and our perceptions made it easier to build bridges across real or perceived differences.

Recently I helped the newly appointed general counsel of a global enterprise integrate three law departments from merging corporations into one. The experience taught me that open communications and "multi-cultural intelligence" are important to success in our changing workplaces. Giving lawyers the ability to share their legal expertise and participate in the process of workplace re-formation works to foster better, long-lasting relationships.

SUPERPOWER #7: DELEGATIONAL INTELLIGENCE

You really don't have to do it all yourself! As a Leo, a firstborn of a firstborn, and an older law school student (I worked for ten years after college and graduate school before going to law school), all too often I found myself reluctant to ask questions or seek help from others early in my career, even when I knew that they could help me. Somehow, I thought I would appear "weak" if I reached out for assistance or support. Not anymore. Just saying "I don't know," or "Let me check this out and get back to you" is not a crime.

In these times of rapid change, the emergence of new legal practice areas, regulation, de-regulation and economic turbulence, it is absolutely imperative that you surround yourself with people and resources to bolster your skill sets and help you make the soundest decisions possible. You cannot do everything yourself or you will imperil your health. Our profession is already considered a high-stress one, and trying to do everything yourself can only add to your already burdened schedule. Don't do it.

Know when to delegate small or repetitive tasks to others. Also consider re-creating the positions in your department to better reflect the changing work requirements of your clients. I have created new positions for myself and for others in my departments by examining the workflows and experimenting with new positions.

Perhaps an attorney can take a joint position in a business unit to better serve the clients. Perhaps a paralegal in your department is going to school at night and obtains a degree that makes her eligible to take on tasks that are overburdening your attorneys. Sometimes we need to step back, take a holistic view of our departments and re-imagine them in ways that better serve our clients.

Remember, you don't have to do it all by yourself.

SUPERPOWER #8: ANTICIPATIONAL INTELLIGENCE

What do your clients actually want or need from your law department? How do you know?

As a part of your strategic planning, you may already regularly meet with your clients to clarify their business goals and identify specific ways your law department can best help to meet them. I have found that sometimes those goals are set, agreed upon and then never revisited until either much time has passed or some catastrophe has occurred.

I believe that it is important to meet regularly with your clients to revisit goals, evaluate their usefulness and modify them as appropriate to make sure that the needs of the business are met and that the law department is comprised of the right mix of legal practitioners, administrators and support personnel. Laws and regulations change, and company policies and protocols must also

be regularly monitored to make sure that they are still compliant in all of the relevant jurisdictions.

Don't be afraid to ask for the information you need in order to serve your clients well. Asking for clear goals and objectives for your department may assist your clients in their own business planning.

SUPERPOWER #9: INCLUSION INTELLIGENCE

I believe it is important to make sure that all members of your team receive credit for the work they do, and that doing so will not take away from your professional reputation. In fact, shining a light on extraordinary accomplishments by your colleagues, direct reports and clients can also shine a light on you and your management style, "exposing" your generosity and professionalism.

When I began working in a corporate law department, it was considered normal to work with a client by sending him to one legal specialist at a time. After one of my colleagues had completed his meeting with a client, he would then send him to me so that I could share my expertise. It did not occur to any of us to meet with the client together.

These days I encourage collaborative client servicing, so that legal (including different practices areas), marketing, public relations, data security and other personnel may all be in a meeting (or on the phone) with a client at one time, to make sure that a multi-faceted approach to problem-solving is utilized. This strategy can save a lot of time and, by including multiple viewpoints, avoid embarrassing errors or omissions.

SUPERPOWER #10: OUR OWN INTELLIGENCE

Bet on yourself, your own abilities and experience. Be confident. Be willing to offer creative solutions to tricky challenges. Offer to do the unprecedented or unknown. Be willing to do that which no one else wants to do.

Blaze new trails. Set new policies. Pave new paths. Take advantage of the opportunity to display new skills that you have developed.

You know what I mean. Trust yourself. I am betting on you.

Display your "Superpowers" boldly!

Thank you for having me.

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