



## **7 Strategies for Succeeding In-house**

### **Skills and Professional Development**



## Cheat Sheet

- **Embrace an open mindset.** Develop an open mindset to expand your skills and abilities and explore new perspectives.
- **Develop diverse relationships.** Curate your professional brand across your networks to enhance relationship building and novel knowledge sharing.
- **Enhance your self-management.** Improve your self-management by looking after yourself, both personally and professionally.
- **Be change ready.** Seek out indicators of change and be ready to adapt in the face of inevitable change.

In a world where the impacts of the COVID-19 pandemic and heightened geopolitical tensions act as a backdrop to market and social disruption, the life of an in-house counsel continues to evolve rapidly.

Legal operations, technology, and restructuring initiatives are seeking to amplify efficient and effective delivery of legal advice to company business units. With relatively flat departmental structures, competition for general counsel roles continues to be fierce.

Alternative and flexible working arrangements are enabling in-house counsel to make choices about when to work, but expectations of counsel being available 24/7 have nearly erased the line between work and personal life.

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To address these issues and take advantage of their opportunities for future career success, new and established in-house counsel can benefit from taking a proactive and adaptive stance to their roles and career management.

This article offers seven strategies that in-house counsel can use to underpin future career success. For each of the strategies, we will describe a strategic principle, offer guidance, and pose reflective questions that in-house counsel may wish to ask themselves to explore the strategy further.

## **1. Develop new abilities**

The core principle for this strategy is to develop new abilities and approaches, which complement your existing legal skills and practice, to facilitate the provision of company-aligned legal advice.

In-house counsel typically already possess great legal skills and abilities. The ability to absorb large quantities of information; cut through contextual noise; and construct robust and logical arguments, all underpin legal skills and abilities.

However, legal advice is not developed in a vacuum.

### **Refine your communication style**

Building upon existing legal abilities may involve three key points. First, develop the ability to identify, and adapt to, the differing communication style preferences of your company's business units and stakeholders.

Communication styles can vary considerably across large corporations and departments. This may manifest itself as a distinctive language in the form of jargon, three letter acronyms, abbreviations, and social norms about acceptable communication approaches.

Some new in-house counsel may need to hone their writing skills to clearly express opinions and recommendations in clear, simple language easily understood by decision-makers.

A key question to ask may be, "How can I successfully communicate my message and ideas in their language and preferred style?"

### **Invest in your company's culture**

Second, develop a deep understanding of your company's culture and how it operates and fulfills its mission, and the challenges it faces on operational and strategic levels.

This may involve learning how to read and gain insights from financial reports, strategic growth plans, market and geopolitical analyses, and competitor assessment reports.

Governmental in-house counsel may need to understand the political manifestos and ideologies of elected officials, policies regarding political committee audits and hearings, and demographic information of the relevant electorate(s).

### **Learn the new technology**

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Third, understand that the impact of new technology on legal operations will continue to challenge in-house counsel.

Key questions to ask may include: With everything I know about the company and its context, how can I develop my advice to support the overarching objectives? How can I use technology and other legal operations processes to develop and deliver advice effectively and efficiently? How can I develop new abilities to enhance my skills to provide contextually sensitive legal advice?

## **2. Embrace new perspectives**

The core principle for this strategy is to look at corporate situations through multiple lenses to facilitate the provision of strategic legal advice.

Looking at challenges through a legal lens is the core strength of an in-house counsel. However, an in-house counsel can enhance the value they offer to the company by looking at challenges through a number of lenses.

For instance, a corporation seeking to expand its services may seek advice and a decision on the regulatory framework for such a strategy. However, a single legal lens on legislation and regulations may miss key contextual perspectives such as social implications, strategic and operational commercial imperatives, activist shareholder resolutions, federal and local regulatory policy directions, and customer or electorate perspectives.

### **Account for biases**

A key ability for in-house counsel is to be aware of how bias, assumptions, and mental filters affect their own thinking and that of others.

One very common bias is confirmatory bias whereby individuals search for, perceive, and recall information which confirms their pre-existing frameworks of how they see the world and they believe the world works. Other information is disregarded as invalid. Inappropriate use of mental shortcuts, called heuristics, which are informed by biases, can hinder in-house counsel's ability to provide appropriate legal advice.

Key questions to ask may include: What have I missed? How are my biases and assumptions influencing my thinking? What if my assumptions are wrong? If I changed my mindset, what more could I see? If I stood in the other person's shoes, what would I see that I don't currently? How can I bridge 'my view' and 'your view' to create a new 'our view'?

## **3. Develop your personal brand**

The core principle for this strategy is to develop and manage your professional brand to support your career prospects and company utility.

Unfortunately, some in-house legal departments have the brand of being seen as the "department of no." This brand can ripple down from the department level to the individual in-house

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counsel, harming career prospects and counsel's ability to engage with business unit colleagues. An in-house counsel who struggles with an unhelpful personal brand may be confronted by colleagues avoiding them, disregarding advice provided, and being openly critical regarding the quality of advice provided.

Essentially, an in-house counsel's brand describes how others perceive that counsel. The brand may include how easy it is to work with that counsel.

Highly successful in-house counsel manage their brand and reputation very carefully. Counsel may see value in developing and managing a personal brand espousing a professional approach analogous to being a legal business partner.

Key questions to ask may include: How would I describe the perfect lawyer who is successful in this company? If I took my key client's perspective, how would they see me, and how would they want me to improve? If I changed the labels that I attach to myself, how would that change my brand for the better? How would I be perceived if I always took a solution-focused approach? What doors would open for me if I was perceived as a legal business partner, rather than a lawyer? Who could act as a role model for the changes I want to make?

## **4. Network, network, network**

The core principle for this strategy is to carefully curate your professional and social networks to facilitate knowledge, resources, and sharing of support.

Typically, an individual's networks involve a group of close connections potentially comprising of family, close friends, and advisors. Surrounding this close group is a periphery group of other friends, acquaintances, known people, and other networks accessed through these individuals.

Carefully curated social and professional networks benefit an in-house counsel by providing access to resources such as novel information, contextual intelligence, access to other networks, and emotional and professional support.

### **Map your network**

The first step is to review and map your network to identify those connections who are providing you with access to diverse information and perspectives. If you identify that your network of advisors and support is predominantly made up of people like you, you may be sitting in a form of echo chamber where all your advisors are providing you with the same information and perspectives. Identifying gaps in your network will indicate where new connections can be formed to close gaps in knowledge, connections, and resource provision.

The second step is to develop and maintain the connections within your network that are of current use, and which may be of use in the future. Connections with previous employers, friends, and ex-colleagues could be invaluable in sourcing new work or resources.

### **Diversify your network**

The third step is to diversify your network. A larger network is not necessarily better – your energy

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and effort will be diluted if you simply seek to build a larger network.

A more effective strategy is to develop a diverse network with connections offering you different perspectives. Within your company, develop connections with colleagues in different business units or departments such as finance, commercial, communications, marketing, or technology to enhance your awareness of the operational environment within which your company.

For instance, if appropriate, develop connections with counsel in other corporations such as your competitors, with specialists in legal service providers, technologists, entrepreneurs, trade associations, chambers of commerce, or unions. The aim is to develop a network which will give you a range of new perspectives, new information, new opportunities, and new insights.

Key questions to ask may include: What gaps do I have in my network? What other perspectives do I need to provide the best possible legal advice to my colleagues? How can I increase the diversity of individuals and perspectives within my network?

## **5. Use a coaching mindset**

The core principle for this strategy is to use a coaching mindset to promote relationship building, enhance communications, and enable positive self-reflection.

A coaching mindset is described as a mindset embracing openness, curiosity, and flexibility to create the conditions for superior self-awareness, self-regulation, and relationship building. This mindset holds lightly to any preconceptions as to the “truth” of a situation and appreciates that there are many alternative viewpoints on a situation, all of which may be useful to consider.

An in-house counsel using a coaching mindset is open to new perspectives, new understanding, new insights, new thinking, and challenges to potentially outdated assumptions or knowledge.

Such counsel use open-ended questions (how, what, why) to explore the context, the challenges, and the client’s desired outcomes. They use true active listening, whereby they are entirely focused on the client (rather any internal dialogue) and are listening to the words, body language, tone, etc. being used to convey any message.

The use of paraphrasing, reframing, and confirming understanding builds rapport, trust, and credibility, while also challenging any underlying assumptions. Through these coaching mindset practices, in-house counsel can gain insights, co-develop informed approaches and goals with the client, and enhance their knowledge of the corporation.

A coaching mindset can assist you to look at events and undertake effective reflective practice to explore what worked well, what could have been improved, and what other lessons could be learned. By being willing to assess your performance and learn lessons about yourself, your clients, and the context, counsel can radically enhance their ability to enhance the development and provision of legal advice, the manner in which they engage, and promote their branding.

Key questions to ask may include: How can I be more open to new perspectives? How can I ask more powerful questions? How can I be a better listener? If I learn lessons about how I achieved success, can I have a better sense of how to leverage my strengths?

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## 6. Look after yourself

The core principle for this strategy is to protect your mental, physical, and emotional health to support sustainable, high-end performance.

The first key step is to advocate that your employer is providing sufficient resources, whether internally or externally, for you to achieve a level of work and life balance.

Internal resources may include sufficient counsel with the required experience and skills, new technology which overcomes the challenges of legacy technology, effective and efficient processes, and sufficient development opportunities for in-house lawyers to grow and develop their skills and careers.

External resources may include a suitable budget for law firms and legal service provider support, such as flexible resourcing, document management specialists, and technologists.

In order to manage expectations, it is important for in-house counsel to look after themselves professionally. This includes understanding how their performance will be measured, which key performance indicators or metrics will be used, how will I be rewarded? For an in-house counsel coming from a billable hours environment, this may be challenging and even unnerving.

There are key steps that counsel can take to protect physical, mental, and emotional health.

### Protect your physical health

Maintaining physical health is facilitated by a combination of positive steps such as reducing sleep deprivation by balancing intense periods of work with recovery periods; generally making healthy choices on nutritional aspects and avoiding excess caffeine, sugar, and alcohol; taking regular short breaks from work; and ensuring that your working environment — whether at home or in the office — such as your desk set-up, lighting, chair, and other environmental conditions support your posture and ability to manage complex workloads.

### Protect your mental and emotional health

Positive coping mechanisms empower you to maintain higher intensity periods of work, plus support your recovery. Such mechanisms may include appropriate and regular exercise; creating calm moments in order to reset your thinking perhaps through meditation or breathing exercises (such as breathing in for four counts, holding your breath for four counts, breathe out for four counts); experiencing nature in parks, forests, or at the beach; and seeing large vistas simulating awe and perspective.

Key questions to ask may include: How can I look after myself so I can be more emotionally, mentally, and physically healthy? Am I clear about how my performance as an in-house counsel will be assessed? What does success look like in this job?

## 7. Prepare for change

The core principle for this strategy is to assess continually the available contextual information and

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determine how you can prepare for any anticipated change.

Corporations and their operational and strategic contexts often feel as if they are in the process of continual change with new markets opening up, customer expectations pivoting, amended regulatory frameworks, case decisions, and process or system upgrades.

Some of these changes may appear to be innocuous and inconsequential. However, changes may be indicative of a deeper shift in markets, customers, or operating models. Stories about the “latest hot thing” could be the result of early adopters identifying societal and industry changes and adopting new actions and approaches ahead of the general learning curve.

Examples may include customers beginning to drift to competitors due to changes in social expectations; shareholder activists demanding that your company establishes a net-zero climate change policy; or a groundswell of change in electorate sentiment that signposts a future change in government.

Not all indications will become significant changes immediately. Some will disappear into obscurity, some may take a long time to eventuate, and some will appear to be background noise until they suddenly achieve a tipping point and become everyday reality. Classic examples are the early reports of a viral outbreak developing into a pandemic within months, or the release of a new social media platform that attracts millions of users within the first year.

In-house counsel can use their diverse networks, their contacts, and their traditional observational skills to undertake horizon scanning to attempt to anticipate how social and other changes may impact the advice they provide to the business. One contemporary example is where a new industry operates for a period without regulation, but subject to social and electorate pressure over months or years for action, political decision-makers introduce regulation.

Where in-house counsel are willing to be open and embrace new perspectives, counsel will have the opportunity to identify and consider early indications of potential forthcoming changes. In-house counsel could identify social or industry demands for change and anticipate that those demands could result in, for example, regulatory change, or boycotts of a company’s product or services.

And while many counsel may focus on formal regulatory law, high performing in-house counsel can look beyond those boundaries and identify how changes to codes of practice, industry best practice, and compliance guidance may signal future changes in regulation.

In an informed manner, in-house counsel could include such awareness and knowledge in their consideration and development of legal advice.

Key questions to ask may include: What changes am I seeing occurring in my company, my industry, and more broadly, that indicate I may benefit from making personal or professional changes? Within my network, who might have more information on the drivers and anticipated outcomes of the changes? How am I working my networks so that I can keep aware of new trends? How will I assess early indications of change, and how will I focus my efforts on tracking potential significant changes?

## **One final question**



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This article offers seven principles, sets of guidance, and reflective questions for in-house counsel to consider when assessing how they can build upon their existing legal skills and create the conditions for their future career success.

If you have reached this point in the article, you may be asking yourself: Where am I going to find time to adopt these strategies? Yes, we understand that in-house counsel are almost invariably time poor. But many of the strategies we have outlined above are not particularly time consuming to implement.

In closing, we would like to ask *you* a question: Can you really afford not to somehow find the time to incorporate at least some of these strategies into your daily routines to enhance your future career prospects?

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