Exponential Change Requires Continuous Learning

Law Department Management

Technology, Privacy, and eCommerce

One of my mantras is: “Never skimp on technology or education.” If you want your team to do exceptional things, you simply have to provide the tools. As I have moved from being a general counsel to heading up technology, I now clearly see the transformation of our businesses and professions. MassMutual is a technology company that focuses on insurance. And the practice of law is simply the application of analysis and judgement to available knowledge.

First, let’s discuss technology. Mobility has to be enabled. We require technology that allows us to be efficient everywhere, anytime. Individual work styles need to be considered, but laptops, tablets, and mobile phones are a must; as is high-speed connectivity to data, documents, and external resources. For hardware at a fixed location, every professional needs multiple monitors. The cost of a second or third screen is minimal, and it will be paid for in the first month due to the efficiency of not having to click between documents. I have found it astonishing that organizations often pay attorneys US$200,000 or more a year (that equals nearly US$100 every hour) and then don’t provide the basic available technology to save hours of time each week!

In the future, the relative importance of IQ and knowledge, even for lawyers, will decrease because it will be readily available to all. As knowledge becomes more widespread, emotional intelligence, the ability to analyze information/data, and judgement will increase in relative value. When I started my practice, I dragged around form files and notes that made me especially valuable to my clients. That is all gone now, with knowledge, forms, and multiple best practice documents readily accessible. An overall information management plan is a must. We need to find ways to efficiently save and store critical information and make it available to the entire law department.

In addition, for the corporation as a whole, the law department will increasingly find itself driving solutions at the juncture of information and records management with electronic discovery. In the

corporate secretaries' office, all the key governance material, board information, and minutes must be stored, searchable, and available to various constituencies with appropriate levels of access.

Continuous education is the other subject of my mantra. Don't underestimate the value of learning new areas or issues. Obtaining new skills is intellectually rewarding, expands our abilities, and keeps us all fresh and adding new perspectives valuable to different members of our team or practice areas. Find and encourage your team to attend and participate in CLEs, subject matter conferences, or other programs that can help improve their technical skills. In addition, since in-house practice is so much a part of the business, core business skills are critical, as well as an understanding of basic accounting, finance, and economics.

Getting together with other in-house practitioners is valuable. Our teams do not have visibility to everything that happens in our practice areas. If you are in, or close to, a major metropolitan area, find a way to connect with other similar practitioners. Locally, I still have regular dinners with the former and current general counsel of The Hartford, Cigna, and Aetna. All the insurance company general counsel in our region are also invited quarterly to a dinner in New York. It is invaluable to share challenges, ask, and learn from each other.

An internal program, where we learn together, is one of the best team-building events. Often we will have a daylong program of development for our attorneys/professionals and then debrief and network over wine and beer. In our education segment, we have covered topics that are valuable to the entire department, such as negotiations, judgement, and clarity in writing/communication. Bryan Garner and Ross Guberman provide excellent and engaging programs, tailored to your team to assist in communication and writing skills. We all can communicate better, whether in contracts or to other counsel, tribunals, or clients. And each audience needs to be addressed clearly and differently. One of our most important skills is to take complex legal issues and make them comprehensible so our clients can make decisions. Likewise, we need to take complex business issues and make them clear and understandable in contracts or to tribunals and external counsel. As one of my fellow executives chided me: "Bring this down to ducks and bunnies!"

There is significant value in learning data and data analytics. This is an area we all must understand. I used to ask my team, as part of their annual objectives, to identify and implement three processes improvements. The future will be to identify and implement three algorithms — even for us lawyers.

Often based on human resources policies or requirements, we spend a ton of time trying to make the non-performers average. This is upside down. We should spend more of our time making stars into superstars! Truly step back and ask yourself if you are spending as much, or more, time making your performers even better. That is where the true power of any organization is.

I look for specific events or programs to help our stars perform even better. I am a true believer in conducting assessments and 360s to identify gaps with these high potential individuals and work to improve them. Also, there are great leadership programs available, such as at the Center for Creative Leadership and many others at several high profile universities. I have now had company sponsored MBAs provided to five attorneys at renown business schools such as Kellogg and Wharton. In addition, many programs will allow your performers to interact with other significant leaders and expand their horizons. I have sent stars to programs offered by the Mentor Group in Europe, where they have a chance to interact with global legal leaders and justices, including members of the US Supreme Court. I have also utilized the Singularity University executive program, where one would argue what is presented isn't even relevant to what they do but provides them with insights into the fast-changing world around us (nanotechnology, genomics, quantum computing, data analytics,

robotics, etc.) It expands their perspectives and encourages them to look for innovative new ideas to address our legal and business challenges.

Since the only constant now is change, and the pace of change is exponential, the most critical skill set of the future will not be medicine, accounting, or law, but continuous learning. So, as I always say, never skimp on technology or education.

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