

5 Lessons Learned from 2020 ACC Virtual Annual Meeting

Career Development





1. Outside counsel v. In-house counsel: Differing yet similar priorities

Before the ACC Annual Meeting, I knew that in-house lawyers did not have to contend with the billable hour, but apart from this I had relatively little insight on their day-to-day operations and strategic priorities.

In-house counsel, as I learned, are more than pure legal personnel. They are strategic business advisors who also happen to be experts in diverse areas of the law. They must contend with the next litigation or investigation, but also need to think about managing their company's brand, advising the board of directors and other members of the C-suite, while fostering a compassionate and empathetic environment for others. They are leaders for the organization when it comes to topics like diversity and ESG factors that are crucial to the company's bottom line.

Outside counsel's role differs dramatically. While in-house counsel are the first line of defense for an organization, outside counsel are often called in to assist in-house counsel with certain issues. With outside counsel, partners and associates are concerned with doing their best work on the discrete matters that in-house counsel have given them and are focused on generating revenue. When not concerned with their existing engagements, outside counsel worry about what else clients may need today and attempt to predict where they will be tomorrow.

It is here where outside counsel have the expertise required to see further down the road and to alert the CLO, who in turn alerts the board, of issues on the horizon. In times of crisis, outside counsel are brought in, often as a second line of defense, to further assist CLOs and GCs in their response.

While outside counsel may not wear as many hats as in-house counsel, it is worth highlighting that firms are still paying attention to some of the same issues affecting company bottom lines. Outside counsel, in response to demands from those in-house and from the rest of the industry, are realizing that diversity and inclusion matter. It affects the bottom line at an AmLaw100 firm as it would at a Fortune 500 organization.

In response, many AmLaw100 firms have made a concerted effort, much like their in-house counterparts, to address issues of diversity and inclusion with initiatives like the Mansfield Rule. Outside counsel leaders (e.g.,firm managing partners and executive committees) are likewise concerned about issues like data protection. Firms are increasingly investing more in their own contingency plans and security.

2. To be successful, in-house requires more than just legal expertise

The roles and responsibilities of the CLOs, GCs, and in-house teams have grown over time. In-house counsel need to possess legal expertise, deep business acumen, and strong interpersonal skills to be successful.

Gone are the days where the GC and their team focused primarily on interpreting law, driving compliance, and addressing risk. And while true the GC was never solely focused on just those issues, they, along with their in-house departments, are now pulled in more directions than ever before.

Now, in-house legal lawyers must become a nimble, strategic asset to the C-suite. CLOs must be great communicators who are able to partner with directors both in good times and times of crisis. They need to anticipate and educate their boards of future threats and plan and carry out their strategy, all while communicating effectively to those outside of the board.

These skills are not taught in law school or in law firms. It is critical that in-house leaders continually hone these skills and work to actively fulfill the requirements of a modern CLO and GC.

3. Integrating a “new-to-in-house” member and thoughts for those seeking in-house positions

Just as I found myself in a new experience (and learning a great deal) during the Annual Meeting, newly minted in-house lawyers may find themselves in largely the same position. In-house leaders should take time and care to consider where new hires are coming from.

Often those selected for coveted in-house positions come from prestigious law firms, with several years of experience functioning as outside counsel devoted to focusing on select issues and tasks. Managers should invest in training new joiners so that they not only understand the workings of their institution, but also their overall industry. A part of this training also includes educating newcomers of the ever-broadening requirements of the in-house lawyer, as mentioned above.

For those looking to go in-house, candidates should consider the pressures that are placed on in-house leaders. Unlike outside counsel, in-house lawyers do not generate revenue for their companies. To paraphrase what ACC Deputy General Counsel Veronica Pastor once told me as my mentor during my ACC Fellowship: In-house lawyers are cost centers — they do not generate revenue for their companies. They must be quick and efficient, making the most of the time available, to justify their position. Each bit of time spent on a specific task means an opportunity cost elsewhere.

Undoubtedly, those who are qualified and ultimately selected for in-house positions are accustomed to being as thorough as possible to find the legal answers to problems they face. This, as it turns out, may not be the most efficient approach to filling the in-house lawyer role (there is always outside counsel for that!).

Additionally, given their responsibilities and need to leverage multiple sources of expertise, prospective in-house lawyers should consider taking business management courses to have a basic understanding of the fundamentals like accounting and brand management.

Candidates should also hone their verbal and written communications, as well as practice networking and collaborating with different people. I know personally this last part is hard; I found it difficult to network and genuinely connect with others, especially during the pandemic.

4. Mind your mental health

The legal profession is well aware of the importance of mental health and issues of burnout – we are told as much on day one of law school. Yet sometimes it is easy to forget to take a moment to check in and be compassionate to ourselves, especially during these stressful times.

Dr. Brown’s presentation provided some simple yet effective means, such as the 4x4 breathing exercises as well as creating space for negative urges and behaviors to manage anxiety and burnout. Likewise, Rudhir discussed the importance of being mindful of our thoughts and how they affect our physical beings.

In fact, I deliberately tested the 4x4 activity when writing this article and found it helpful in combating my anxiety and writer’s block. In addition, I sat with my discomfort and practiced compassion for myself. Instead of getting upset over my writer’s block, I acknowledged the temporary barrier. I sat with the discomfort and later reminded myself that this article was in fact doable! I highly recommend others in the legal industry try these and other mental health management techniques to stay above

the fray.

5. Crisis management may be distilled, but can never be ignored

Recurring themes from this year's keynotes on crisis management seem to be that companies must:

1. Have individualized plans for the worst and to test those arrangements;
2. Respond quickly and effectively in the face of adversity; and
3. Communicate succinctly with stakeholders and the public to control the narrative.

These key steps, although simplified here, must always be taken. These crucial steps must never be ignored. As Ivan Fong said, quoting Benjamin Franklin, during his keynote speech: "By failing to prepare, you are preparing to fail." Industries across the world were shaken by the pandemic, but with careful foresight, swift and effective leadership, and good communication, many have been able to tread water in this tumultuous economy.

Still, others have been able to thrive in this environment. Large law firms, for example, have quickly pivoted to respond to social distancing demands and transitioned to a remote work arrangement. But we also see where businesses that did not or could not afford to spend the time and resources to plan for the worst have suffered.

Conclusion

In a year like no other in living memory, the ACC Annual Meeting keynotes speakers discussed topics that are especially important now: leadership, crisis management, and mental health. These issues must be carefully considered and addressed. As we move forward into a new year, I hope that more in-house leaders heed these valuable lessons and come together. Well, at least virtually until the pandemic is over.

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