

10 Insights In-house Counsel Learned in 2020

Employment and Labor





ACC has seen a lot of changes in the past year. To adapt to the COVID-19 pandemic, not only did we have our first virtual-only Annual Meeting, but we also transitioned from printing the ACC Docket to publishing content exclusively online, as most ACC members' offices have been closed since the outbreak began.

Regardless of the format, we are committed to delivering quality articles to inform in-house counsel of the changes in this evolving industry. Next year, ACC will debut a redesigned *ACCDocket.com* site that will herald a new era for the magazine.

Before the new site launches, *ACC Docket* is flipping (and clicking) through this year's past issues for the most indispensable pieces of advice in the print magazine. Here are the top 10 insights from this 2020's feature stories.

Jan./Feb. 2020: Ethics & Compliance

"Start with the most legally contentious items to lead internal discussions toward potential stopgap provisions. Since the greatest legal risks are associated with the unknown, certain provisions, including liability, indemnification, and compliance will likely be at the forefront of these discussions."

"Business Decision Expedition: Don't Get Turned Around During Contract Negotiations" by Jane Kelly and Felipe Jaramillo

March 2020: Law Department Management

"Companies don't have legal issues; they have a business to run. Understanding the business means that lawyers need to better understand how their companies make money. To be seen as business enablers rather than a box that needs to be ticked, lawyers should assess the complexity of each issue, its contribution to profitability, the potential lost opportunity costs, and the level of expertise needed before starting to work on any matter or request."

"Understanding the Business Means Knowing How Your Company Makes Money" by Vincent Cordo, Jaap Bosman, and Jim Merklinger

April 2020: HR & Employment

"Thus, notwithstanding a departing individual's contracts, sincere goodbyes, and assurances that all confidential and proprietary information has remained in place, the ease by which information can be removed from a business today necessitates no less than 'trust but verify' suspicion."

"How Employers Can Stop Trade Secret Misuse Before It Happens" by Jeffrey D. Feldman and Warren Jay Stamm

May 2020: Litigation

"Focus on messaging from the start and continue messaging throughout. What story are you telling? Typical litigators are focused on motion practice and going to war. You know your company and have industry knowledge. Work with your litigators to set the narrative."

"You Have Been Served... Now What? 81 Tips to Successfully Manage Litigation" by Frank Fletcher

June 2020: Cross borders

“Both sides of the ‘v’ should be concerned. The eyes of discovery have recently focused on cloud-based social media accounts. At the same time, large data holders now face private equity-funded opposing counsel with refreshed resources to comb through documents using sophisticated artificial intelligence technology and brute force human document review.”

“5 Tips for Protecting Legal Privilege During Global Litigation” by Laura Kibbe, Amy Sellars, Patrick Oot, and Jeremy Wikler

July/Aug. 2020: Career

“The pandemic has created a new world for all individuals at a global level. It can be hard to see a silver lining while many of us try to put out multiple spot fires. But the silver lining is there: a routine disrupted. Not for a day or two. But for a prolonged — and undetermined — period of time. And as we all have come to accept, disruption yields newness.”

“Leveraging Silver Linings” by Jorden Lam

Sept. 2020: Technology & IP

“IP assets in a portfolio should not be static, but rather track closely the development and movement in the underlying business to which they are tied.”

“Maximizing Intellectual Property Portfolios in Challenging Times” by Charlie San Miguel, Dr. Tom Lovett, and Sean Collin

Oct. 2020: Leading Practices

“Many in-house lawyers have an early seat at the table when thinking about company design, new acquisitions, or acquiring new office space. Each of these activities provides a real opportunity to be an advocate for diversity and inclusion. Leveraging strategic planning skills, customary positioning in the C-suite and close proximity to the CEO affords in-house counsel the opportunity to use their insight, respect, and influence to build the cornerstones of diversity and inclusion within their organizations.”

“The Time is Now: 10 Ways In-house Counsel Can Advocate for Change” by Jennifer Deitloff, Shawntal M. Smith, and Caren Ulrich Stacy

Nov. 2020: Environment & Energy

“What is different is the fast-rising prominence of the ‘E’ and ‘S’ issues and the role GCs are positioned to play in propelling ESG programs. The situation is heightened in small- and mid-cap companies that face this challenge without the dedicated sustainability groups that most large-cap

companies have."

"The GC Role in ESG? Leader" by Jeff Levinson

Dec. 2020: Risk Mitigation

"As the COVID-19 pandemic continues to impact businesses, demonstrating the ramifications of a global crisis, companies need to identify new and creative tactics to stay ahead of the next catastrophe. Anticipatory strategies help a business not only foresee a crisis, but to achieve the optimal goal of successful crisis management: avoiding the crisis altogether."

"How In-house Counsel Can Assess Risks and Red Team Global Organizational Threats" by Christine Lozier, Kaitlyn E. Stone, and Michael C. Zogby

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