

Top 10 Habits of Successful Corporate Counsel: #3 Trust, Cheetos, and How Breaking Vases Will Take You Places

Career Development



Banner artwork by Nok Lek Travel Lifestyle / *Shutterstock.com*

Party A and Party B were in intense negotiations. There was tremendous tension between the parties. Neither side trusted each other. The stakes were high. Slowly, but surely, a mediator brought each side closer and closer to the point that they thought a deal was close. In a private meeting with Party A, the mediator outlined final terms X, Y, and Z. Party A agreed to those final terms. The mediator then took those same final terms to Party B in a separate private meeting. Party B agreed to the same terms.

The mediator was pleased with their work. They had a deal. The mediator went to tell Party A that Party B had also accepted the terms X, Y, and Z. To their utter dismay, Party A told the mediator that they could not agree to those terms and that they needed term K as well. The mediator was distraught. They knew that Party B would never agree to that additional term. The mediator unsuccessfully tried to persuade Party A to agree to the original terms X, Y, and Z. The mediator tried every argument and angle, but Party A would not budge. Term K must be included. The deal had fallen apart.

The mediator exited the conference room with the representatives of Party A and went out to the hallway. In the hallway outside the conference room, the mediator saw a vase in a display case. In frustration*, the mediator picked up the vase and smashed it on the floor*. As the mediator looked down at the pieces of the vase on the floor, Party A called the mediator back into the conference

room. Party A informed the mediator that they would accept the original terms of X, Y, and Z – no longer needing term K.

This story brings me to my #3 habit of successful corporate counsel in my series of articles.

#3. You are genuine and trusted.


Being credible and genuine is key to ensuring your legal advice is accepted. Jirapong Manustrong / *Shutterstock.com*

When we provide legal judgment, the acceptance or rejection of that advice will be largely dependent on how genuine and trusted you are within the organization. Providing legal advice is a deeply personal experience. It is *your* judgment about what the company should do when there are no clear or easy answers. It is *your* view on why a particular solution is the right one even when others are advocating for the opposite point of view. It is based on *your* experience, education, and gut. Your legal advice is all tied up in the makeup of who you are, how you have gotten where you are, and your moral and legal compass.

Given how personal legal advice can be, it is no surprise that the trust in that person is critical to whether the advice will be accepted or not. Senior executives will scrutinize your advice to ensure its correctness, but also to determine whether it has any other influence or motivation. Is it truly what they believe is best for the company? Is it the safe road for them versus what is best for the company

despite the risks? Are there any biases or personal reasons (such as playing corporate politics) that are at play? These are just a few of the questions that will be asked every time you provide legal advice on a critical issue. You must be trusted and genuine to navigate these questions effectively.

That is why Party A accepted the deal when the mediator smashed the vase. It was at that moment that Party A knew that the mediator was being genuine, and that Party A could trust that they got everything they could out of the mediator and Party B. It was emotive. It was real. It was authentic.

I am not suggesting that you go around smashing company property to make your points. That would be what they call poor career and legal advice. But what I do recommend is that you carry this story around with you as I do when providing legal advice to the company. You should find ways to show that your advice is genuine and can be trusted as what is best for the company and *not* what is best for you, your perspective, or your team. I call them “smashing vase” moments and here are three ways to incorporate them into your legal advice.

> You should find ways to show that your advice is genuine and can be trusted as what is best for the company and *not* what is best for you, your perspective, or your team.

1. Acknowledge your own stake in the issue and forsake it.

We are all human. You can acknowledge when an outcome will be better for your situation. Name it and disclaim it. You could say: “While option A would be easiest for me and my team, it is not the right outcome and here is why.” That is as transparent as it is genuine. If you are recommending the option that happens to also be best for your interests, you can also call it out and demonstrate that you are not recommending it for that reason. It works both ways.

2. Be you as you give advice.

If you show your values of integrity and trust, and *why* you have them, you will be more trusted in the legal advice you give. My parents, who are both lawyers, instilled a strong sense of justice and doing what is right in me. When my colleagues hear me talk about the importance of doing the right thing, they know that it has been with me from my upbringing. You should share your values, and why you have those values, so you provide more value to the company.

3. Earn a reputation for being utterly objective.

When you see the merits of competing sides, it shows that you have been thoughtful of both approaches. If you use logic each time without a pattern of picking what is best for you, your career,

or your team, your advice will become more and more trusted. Be objective to be effective.

Early in my GSK career, I had to roll out an Early Case Assessment (ECA) program. As you know, ECAs are initial steers to the company on potential litigation risks. The point is to get out ahead of litigation to try to prevent it from happening or shape it into a better position if it does come. Some concerns were expressed about the ECA program from colleagues outside the litigation function and whether it was overstepping our role. There was an understandable perception that litigation would "take over" issues through an ECA that were otherwise being handled properly.

As I rolled out training on this program, I wanted a way to show that I was being genuine in how we were going to be a collaborative partner and that this was not a "take over." I needed a "smash the vase" moment.

I told the story of my daughter, Gabi, and her Cheetos question. Gabi, who was in middle school at the time, was eating Cheetos – the crunchy, cheese snack that gets cheese powder all over your fingers. She reached into the bag and pulled a deformed and manufacturing mistake of a Cheeto. She made the poor decision to eat it and filmed her ingestion. Predictably, it went poorly and she was laughing hysterically as she spit it out into the trash and explained the experience on video.

Having filmed this encounter, she wanted to post the video to social media. She decided to call me first. She asked me if she could get in trouble with the manufacturer of Cheetos, Frito Lay, if she posted the video. I asked her a few questions.

Did she manipulate the Cheeto in any way or did she pull it out exactly as she filmed it? She assured me that she did not alter the Cheeto.

When she filmed the video, was her reaction genuine and the words she used truthful about what she experienced? She again assured me that she told the truth and was being genuine. My advice to her was that she could post the video (as her lawyer, not her father) and she should not get in trouble.

My point of telling this story as part of ECA training was that I wanted my colleagues to know that this is how I wanted ECAs to work. I wanted us to partner collaboratively, not confrontationally. I wanted to engage only in key moments, the example in this case being right before the video was posted, to be able to get ahead of risk. No one was trying to do the job of another. By giving them this example, I hoped to gain their trust in ways that platitudes on a PowerPoint could not. If you smash some of your own vases, you will go places in your career.

Join ACC

Disclaimer: The information in any resource in this website should not be construed as legal advice or as a legal opinion on specific facts, and should not be considered representing the views of its authors, its authors' employers, its sponsors, and/or ACC. These resources are not intended as a definitive statement on the subject addressed. Rather, they are intended to serve as a tool providing

practical guidance and references for the busy in-house practitioner and other readers.

Brennan Torregrossa



Senior Vice President, Litigation, Investigations, Digital, and Privacy

GSK

Brennan Torregrossa is senior vice president at GSK, a global biopharma company with a purpose to unite

science, technology, and talent to get ahead of disease together. Before GSK, Torregrossa was a partner at Dechert LLP in the product liability and government investigation departments. Torregrossa has over 25 years of experience advising Fortune 500 pharmaceutical companies on complex legal, risk, and compliance challenges. At GSK, he leads a team of litigation, investigation, digital, privacy, and cyber attorneys and professionals at GSK.