

To Be the Best Lawyer, Think Less Like a Lawyer

Career Development



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In-house counsel should embrace complementary subjects like leadership, design thinking, and behavioral economics to transform themselves from legal technicians into broad thinkers for their organizations.

You've heard the saying: "Law school teaches you the law, but it doesn't teach you how to be a lawyer." For in-house counsel, this challenge gets amplified by prior roles, often in law firms, that can prioritize technical legal mastery over pragmatism and partnership. One might perceive this as a flaw

in the system. Perhaps a better view is that there's simply no substitute for on-the-job training, and success in-house requires a commitment to lifelong learning.

But where should we focus our learning efforts? As expectations for in-house counsel continue to advance beyond the strictly legal, the most valuable skills will involve a blend of business and human savvy. They exist in places that probe people's behavior and motivations. They dig into the imaginative and the adaptive. This article explores five such lateral thinking skills that can help you master the tough job of advising organizations from the inside where no playbook gets built from prior experience.

1. Leadership

What exactly does it mean to be a leader? John Quincy Adams said, "If your actions inspire others to dream more, learn more, do more and become more, you are a leader." Former First Lady Rosalynn Carter said, "A leader takes people where they want to go. A great leader takes people where they don't necessarily want to go, but ought to be." Both definitions share a common thread: leadership requires envisioning a different future and the ability to guide others to it. Seeing leadership as Adams and Carter did — through the lens of change and influence — is what it means to have a leader's mindset.

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Beyond a leader's mindset, leadership requires discovering your values — your unique set of broad but fundamental principles that steer decisions and help you set priorities. Exercising leadership means sharing your values with those around you, through both word and deed. Leaders must also discover alignments between their values and those of their organization and colleagues. By sharing values and their alignment with others,' leaders build the trust necessary to inspire others to embrace that future where they ought to be.

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In his book *The 21 Irrefutable Laws of Leadership*, John C. Maxwell describes leadership as removing a lid on personal potential. Those without leadership can still have impact. Cultivating leadership, however, can open a one-way door to exponentially growing your impact. And the good news is you don't need the title of leader to remove the lid and unfasten your potential. To start being a leader, all you need to do is alter how you view your role, and specifically, frame each decision in terms of the change it creates and the steps you must take to bring others along with it.

If your current duties have you feeling like a lid's been placed on your potential, consider whether adopting a leader's mindset can help take you to where you aspire to be.

For further study:

The 21 Irrefutable Laws of Leadership**, John C. Maxwell**

***How Ike Led*, Susan Eisenhower**

2. Creativity

In his book *The Creative Act: A Way of Being*, author and music producer Rick Rubin is clear that creativity isn't just for artists. It's for anyone whose work involves bringing something new into existence. Whether writing a memo, constructing a contract, or designing an entire compliance program, creation is at the heart of in-house legal work. Given this, we should embrace the creative process as deliberately as would a painter, photographer, or musician.

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According to Rubin, creativity starts by "tuning in," which means cultivating a deeper, constant awareness of our surroundings. The world is full of amazing things, even in seemingly sterile settings. Your next big idea can come from nothing more than a quote on a billboard you pass everyday but have never noticed, or observing the "controlled chaos" at a busy airport for patterns and signs of order. Rubin also describes artistic awareness as looking for "seeds" — shorthand for interesting observations to collect, saving them to later grow and apply to our work.

Besides awareness, creativity thrives on experimentation, patience, and embracing uncertainty. It involves developing curiosity about what we encounter and looking for inspiration in diverse places. The solution you seek might appear unexpectedly, such as on a walk in the park or at a sporting event you haven't previously considered going to. Finally, creativity demands courage to take risks with both what you create and how you create it. Hard problems rarely get solved through conventional thinking; though the unconventional can be a hard sell to others. As Rubin notes, "The best art divides the audience. If everyone likes it, you probably haven't gone far enough."

For further study:

The Creative Act: A Way of Being, **Rick Rubin**

How to Write One Song, **Jeff Tweedy**

3. Design thinking

Traditional design focuses on the technical. When designing an airplane, the classical engineer

concentrates on making a vehicle that can produce lift, carry weight, and travel between two locations. Design thinking still demands the most capable aircraft; however, it puts the user at the forefront of any blueprint. Accordingly, the design thinker additionally asks how the aircraft can be built to allow the pilot to fly their most skillful flight, the crew to do their work efficiently, and the passenger to crave rather than dread the experience.

Design thinking further explores how people interact with their surroundings on an emotional, cognitive, and physical level. The design thinker imagines what feelings an encounter — such as a trip to the hospital — produces for a patient. They also ask how the patient will ultimately come to think about the encounter, and how they have to physically maneuver through the space.

Design thinking isn't limited to regular "engineering" jobs, and can be applied in many in-house legal settings. For example, the design thinking in-house lawyer might insist on white space throughout a contract to break up text, rewriting clauses to be shorter and in plain English, and using catchy, informative sub-heads to draw in the reader. The design thinker recognizes that the most brilliant, well-intended clause has little value if it's hard to deconstruct from big blocks of dense, archaic text. The effects from this can range from fewer redlines in negotiations to a judge being more receptive to your intended meaning in litigation.



Design thinking further compels the practitioner to venture outside of their comfortable space. In an in-house setting, this could mean regularly shadowing the business teams you work with to observe how they navigate your advice and the processes you've created.

Finally, the design thinker dares to proclaim that there's always a better way to do something, so keep pushing towards to it. Our structures and procedures — like the contract management system you inherited — are artifacts from a different time, and likely are no longer befitting, if they ever were. When creating a contract review process, the design thinker engineers a system that's easy to use, minimizes mental load, and lessens decision fatigue along the way. The result helps ensure each user has a more positive emotional, cognitive, and physical encounter, boosting the chances it will advance from pilot project to trusted and operational.

For further study:

Change by Design, **Tim Brown**

4. Storytelling

Our ancestors developed storytelling around the fire as a more potent way to share information for survival. Stories made warnings about an approaching clan or descriptions of the best hunting grounds resonate. As humans evolved, our ability to conjure stories, and our responses to their elements, became an inherited part of our brain structure. In a sense, humans have become programmed to understand their environs through stories.

Stories use powerful elements like heroes, villains, struggle, adversity, contrast, journeys, and pronounced change. Storytelling is effective for drawing intrigue, engagement, motivation, concern, and inspiring others to act. Evocative stories allow our minds to construct vivid pictures of what's being told.

Supreme Court Justice Oliver Wendell Holmes Jr. and trial attorney Clarence Darrow rank high on America's list of great legal minds. Their success sprung in part from an uncanny ability to tell stories that transcended mere legal recitations. Holmes' famous quote that, "The life of the law has not been logic; it has been experience," reflects this grasp. Had either not found their calling in the law, it's easy to imagine them using the same talents to become great novelists of their time.

Ultimately, a storyteller knows that if you want your ideas to make an impression, it helps when they summon the visceral. And by using powerful storytelling, in-house counsel may find themselves recipients of one of the highest compliments available to them: "Funny, you don't sound like a lawyer."

For further study:

The Science of Storytelling, **Will Storr**

On Writing: A Memoir of the Craft, **Stephen King**

5. Behavioral economics

Behavioral economics explores the messy reality of human thinking. It involves grasping people's cognitive biases in decision making. It appreciates that smart, talented people can make irrational decisions, and in fact, often use their intellect to propel them to those erroneous conclusions. It recognizes that when asked, 75 percent of people will say they are in the top 50 percent of whatever it is they're doing (such as their law school class). Behavioral economics also means knowing that people will tend to take greater risks to avoid a loss than to gain a win, even where the risk-to-reward ratio favors the win.

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Once we appreciate the complexities and irrationalities of human decisions, we can deploy “nudges” — non-coercive but effective tactics to help steer others to a desired outcome. A nudge can be as simple as framing a decision in a way that’s more likely to appeal. For in-house lawyers, a nudge might involve setting up compliance systems where the default option is the least risky choice, requiring user effort they’ll resist exerting to pick a riskier alternative.

Perhaps most importantly, behavioral economics shows us that advising on the law often isn’t enough. To achieve the results to which our advice points, we must know how to traverse the obstacles created by human psychology. Behavioral economics can work hand-in-hand with design thinking and creativity to build innovative solutions. Leadership provides the courage to use these tools, and combined with storytelling, helps build the trust you’ll need for others to follow your new ideas.

For further study:

Thinking Fast and Slow, **Daniel Kahneman**

The Black Swan: The Impact of the Highly Improbable, **Nassim Nicholas Taleb**

Conclusion

Leadership, design thinking, creativity, storytelling, and behavioral economics are not the only lateral thinking skills to complement your legal expertise. There are many others awaiting discovery. Experiment to learn which works best for your practice and personality. Share them and ask others what they find helpful. None requires mastery, simply fluency to think beyond the traditional. With curiosity and practice, perhaps one day you’ll have developed a law school course on lateral thinking skills for lawyers and finally put the “they didn’t teach this in law school” phrase to rest.

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