

The Best Strategy is to Have One: A Practical Approach to Strategic Planning

Law Department Management





The one constant in our lives — business and personal — is change. Most in-house lawyers are not used to navigating significant change in their practices, not to mention rethinking their strategy for the future, so they keep on doing the work they've always done, with a few tweaks. But no strategy.

If you'd like to develop a strategic change plan and also to identify projects and tactics to realize a stated strategic goal, there are a lot of great resources available. Many require a long and involved process, and presume the participation of a large and active supporting cast of characters to keep the process on track. While there is no way to make strategic planning easy or painless, it can be scaled to match your capacity and the urgency of your needs. A complicated planning process could be the enemy if it's keeping you from getting started.

Stages of a strategic change process:

1. **Gain insights:** Talk to your team, collect stakeholder perspectives, and collect data.
2. **Focus on priorities and competitive advantage:** Focus on what the legal department wants to be known for, and prioritize goals.
3. **Align your strategy with your client's and your team's goals:** If your primary stakeholders aren't on board, your plans will fizzle.
4. **Execute:** Create an implementation plan with actionable tactics and metrics.
5. **Revisit and re-evaluate:** Commit to continuous improvement, especially since significant change projects require course corrections as they unfold.

Here are some ways to get started with a more scalable, compact, strategic change process. I'm going to focus on the first and second stages, because once you've got this process on rails, you'll know what to do to align, execute, and continuously improve your plan and process.

Stage 1: Gain insights

While you may want to move directly to the discussion of high-visibility projects, you need to start your sprint by stopping to listen to others and collect data that will inform your process. Invest time in the necessary pre-work of gathering broader perspectives at the front end.

Talk to your team

Since culture eats strategy in most organizations, it's important to talk to your team members to find out what they're thinking. If they aren't on board with the concepts, you can craft the most beautiful plan in the world and it will still fail because no one will actually change what they do.

Develop early buy-in around the concept of updating what the department does and how it works, even if there's no consensus yet on exactly what will change. Because you likely can't involve everyone in every aspect of the process, use this early opportunity to communicate that everyone has a stake in this initiative, that there's no mystery agenda, and there's an open and inclusive discussion of ideas and options.

One effective exercise is to ask your practice groups and individual team members to envision what they see as their "highest use" in advancing the clients' interests. This is an exercise for everyone: lawyers, allied professionals, and staff members. Engaging in this process is particularly helpful when the time comes to talk about right-sourcing legal services your teams are currently delivering.

Talk to your customers

When discussing changes to how lawyers work, collect perspectives from folks who aren't lawyers, and especially those on the receiving end of the service as the law department's customers. Talk to

clients, staff members, and corporate function leaders (such as the CEO, CFO, CTO, and the head of HR).

When you ask people about how you can improve, you not only gain insights, but you also signal your interest in better alignment. You can survey electronically and use in-person interviews to dive deeper with leaders in critical positions.

Gain insights from data

Objective data is critical to crafting a new narrative for your legal department. You need answers to your questions validated by not only the subjective perspectives of others, but by data on actual performance. Ask your team leaders to provide what data you do have, and identify data they'd most like to have, so that you can make its collection and forward-assessment a priority project once your strategy is in place.

At this point, you've collected a wide range of ideas and now you're equipped to move more confidently and quickly to set your strategy, talk about relevant tactical options, and get rolling. Now is the time to sprint.

Stage 2: Focus on priorities and competitive advantage

Prioritize

It's time to identify priorities and higher-value work based on what you've heard during the data collection stage. Your objective is to build a plan around how you'll address those core items first. Other work that is necessary, but lower value/lower use, should be placed into a "parking lot" to be addressed later. Be aggressive with this. Lower value work is not your competitive advantage. Period.

At this point, I often use an exercise that helps teams visualize and debate the prioritization of the department's entire workload by plotting them as dots on a four-quadrant value matrix. You can create a matrix for current work and then one for the future, plotting higher priority current work, emerging priorities, or the important projects that never get done in the daily press of more urgent matters. Defining the path to get from the first matrix to the second is how you set your strategy.

There are countless ways you can collaborate to identify priorities and what it will take to accomplish them. Remember that the goal is to establish a consensus about the proper balance of legal and business priorities, lawyer and client needs. Be prepared to calm the waters as people ascribe "winners" and "losers" in the prioritization process.

Finding your North Star

Strategic planning experts define the process of setting a strategy as an exercise in defining your competitive advantage in delivering or selling your product or service to your customers. In the legal context, this translates into the questions: "What do you want to be known for in your company?" and "What is your distinguishing value (as opposed to the value that other people or systems can bring)?" Your resulting one-sentence strategy should articulate the department's higher use, and the focus they will adopt to deliver specific (and measurable) results.

After you set your own strategy to deliver your higher value work, then it's time to tackle the practicalities of addressing the lower-value needs. If you want to re-tool your team to deliver on the higher value work, and also spend the bulk of your capacity delivering it, you'll have to free up time previously spent on lower-value tasks. The cost of not providing the higher level service is far greater than the price of properly re-assigning or relegating the lower value projects.

> **Change initiative strategy sample**
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> The X Law Department will leverage its team's deep understanding of the company's operations and their industry expertise and judgment to help the company successfully navigate a path toward new and emerging markets; we will do so by focusing on building stronger intra-corporate collaboration, improving our use of data analytics and technology, and offering quantifiable risk assessments of the challenges we face.

Final thoughts

Strategy first: Alignment, execution, tactics, and metrics next

Be careful not to confuse your strategy with the kinds of plans, projects, goals, and tactics you'll use to deliver them. Strategy is a long-term guiding principle; plans, goals, and tactics address the decisions, actions and resources necessary to deliver on the strategy on an ongoing basis.

You're never done

Change is an iterative process. You set goals in 2020, and by 2021 you could be looking at a whole new ball game. If you've chosen your strategy well, it will remain relevant, even as your projects may shift. Regularly testing your ongoing presumptions is a necessary tenet of agility.

At the beginning of this article, I suggested that you can make your strategic change planning process simpler and more scalable, but this still requires commitment and involves making tough decisions, especially as you level-set clients' priorities against lawyers' sacred cows.

The early-stage work of collecting relevant data, completing surveys and interviews, and talking with your teams and leadership can take a month (or more). But the strategy sessions that lead to decisions can be completed in a one- or two-day sprint meeting with key team members. You'll be ready to delegate responsibility for tactical planning and implementation across teams and functions. After that, it's not about setting strategy, it's about applying it to the execution of your strategic change plans.

But whether you go big or scale smaller, have outside help or not, make it your goal to develop a thoughtful plan based on the engagement and support of your team and your clients. All you really need is the resolve to ride the tides of change toward a future that is well-informed, well-defined, and well-directed.

This article originally appeared in ACC Legal Ops Observer's October newsletter.

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Hackett a recognized leader in building smarter legal practices, with close to three decades of experience helping law departments (and those who serve them) deliver distinguishing value and improve the way they work. She helps her clients develop and implement change strategies for the future, improve operational processes, drive demonstrable client results, and move confidently from traditional practice toward legal executive leadership.