

Don't Just Mow the Grass

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Don't Just Mow the Grass

I used to have a blog, which I wrote to help in-house lawyers think like entrepreneurs. I called it "Don't Just Mow the Grass". I ran it for a few years, until I'd said most of what I'd wanted to say. This is a copy of the blog (in case you didn't read it along the way!).

Who am I? I started my career at a law firm in Melbourne (Dunhill Madden Butler, now Deacons), where I became a partner in the commercial section. I then worked for a pharmaceutical company (Glaxo Wellcome, now Glaxo SmithKline) as the Legal and Corporate Services Manager and then as the Director of Business Development. I left in 1997 to start my own software and consulting company, Lex Australia Pty Ltd (www.lex.com.au). My brother Richard joined the business in 2001, after careers in the financial services industry as a consultant and Business Development Manager.

I started the company to help other in-house lawyers find easier ways to manage their practices. Having been an in-house lawyer, I was sure there had to be better ways that people weren't telling us about.

During some consulting projects, I got annoyed that my clients had to put up with rude, complicated and expensive software to manage their practices, their contracts and their intellectual property portfolios. Once more, I was so sure there had to be a better way that I set out to create it.

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Introduction

Hello!

By way of background, my brother (Richard Hansen) and I are building a software company (Lex Australia). We have database products to help people like:

- in-house lawyers,
- contract managers, and
- intellectual property managers.

This is what we do for a living, and it is also something we really enjoy.

This blog is not about our software as such. It's about trying to help in-house lawyers (and other in-house professionals) think like entrepreneurs. It's about helping them develop an entrepreneurial mindset. Why?

I used to be an in-house lawyer with a large pharmaceutical company. That was about 10 years ago now. Now, as I build the software business, I read and think about lots of things that I wish I had known then. I can see now that an entrepreneurial mindset would have been of great assistance back then. (Isn't hindsight a wonderful thing?).

I don't know why exactly it is, but I want to share these ideas with people who are still in-house lawyers (and other types of in-house professionals). Perhaps it's because I wish someone had shared these things with me when I was in those shoes. Perhaps it's because I hope it will make a difference to people I can relate to.

Oh, why is the blog called Don't Just Mow the Grass? This is a phrase I sometimes use to encourage myself and others to do more than just the work hitting one's desk. "Mowing the grass" means you just do what is there, the way you've always done it. Problem is that the grass grows back, and you have to keep mowing. By the end of the year, all you have to show for your efforts is a pile of grass clippings and a patch that still needs mowing.

Doing more than just mowing the grass is the essence of an entrepreneurial mindset. Let's see how I go getting the message across. Please join in the conversation, and make this about more than just my thoughts.

PS. If you like the blog, you'll love the software - check it out at www.lex.com.au.



Being connected

I've been reading on the Fusion Brand blog (<http://fusionbrand.blogs.com>) about an ANA study (http://www.ana.net/news/2004/10_11_04.cfm) concerning Chief Marketing Officers (CMOs) in the USA. It seems some CMOs are regularly becoming corporate road-kill (my phrase) and stalling in their careers. I think there are a lot of lessons in-house lawyers can learn from the study (things I wish someone had pointed out to me).

Extrapolating from the CMO to the in-house lawyer (and borrowing language from the report), I think there are three key messages.

The legal department is increasingly important to corporate success but it is disconnected from the CEO agenda

In legal departments where people just mow the grass (see my previous post), the focus is on doing the work that hits the desk. The CEO's agenda is of no great relevance. In legal departments where they don't just mow the grass, the focus is on understanding the CEO agenda and doing work that is connected with it.

What can in-house lawyers do to be connected with the CEO agenda?

- First, make themselves aware of the CEO agenda.
- Avoid "stuff" where possible (i.e. things not at all connected with the CEO agenda).
- Use systems and processes to handle "stuff" that cannot be avoided.
- Get involved in (or even initiate) more projects closely related to the CEO agenda.
- Before starting any work, first "connect the dots" between the work and the CEO agenda (if there is no connection, it is "stuff").
- Regularly report on their activities using the CEO agenda as the headings (not "area of law" headings).

The bottom line - just because you are doing all the tasks hitting your desk doesn't automatically make your work relevant or connected with the CEO agenda.

Measurable outcomes are expected of the legal department but metrics are poor (or non existent)

In legal departments where people just mow the grass (see my previous post), the focus is on doing the work that hits the desk. Performance metric (especially time recording) are of no great relevance. In legal departments where they don't just mow the



grass, the focus is on gathering performance metrics (especially time recording) to understand and prove how the department is connected with the CEO agenda.

What can in-house lawyers do to gather these metrics?

- "Connect the dots" between where their time goes and the CEO agenda (yes, this requires some time recording!)
- Regularly report on where their time has gone. A report might look like this "Over the past 12 months, my time has gone as follows: CEO agenda item 1 (30%), CEO agenda item 2 (20%), etc".

Regarding metrics, there are 5 stages (going from bad to best):

1. I cannot prove where time has gone
2. I track my time according to type of work (e.g. litigation, contracts etc.)
3. I track my time according to client (e.g. Marketing department, Production department)
4. I track my time according to CEO agenda (e.g. customer retention, controlling costs, new product launches etc.)
5. I do 2, 3 and 4.

The bottom line - just because you are working hard and well, doesn't automatically mean you are working on the most important things, or that anyone else has an idea of how connected you are to the CEO agenda. The value of your work doesn't necessarily speak for itself.

The role of the in-house lawyer is still undefined

In legal departments where people just mow the grass (see my previous post), lawyers are seen as providers of legal services (or perhaps as advisers on legal services). In legal departments where they don't just mow the grass, lawyers are seen as drivers of organisational growth (where growth means achievement of the organisations priorities).

What can in-house lawyers do to be seen as drivers, and not just providers or advisers?

- Generate debate about the roles. Perhaps the roles of in-house lawyers fall into categories (drawing on the above report) such as:
 1. Legal Services Provider (e.g. doing all the work; like an in-sourced external lawyer; seen as a cheaper way to get the legal work done)
 2. Legal Services Adviser (e.g. does some of the work; gateway to external firms; oversight role; etc. etc.)
 3. Driver of Growth (much more than the traditional in-house lawyer; this would be an exciting role).
- Debate their role with the CEO, and where the role can go.



- Give themselves something to strive for / get excited about (e.g. moving from Provider to Adviser to Driver).

Moving between the various roles ties in with the points above concerning "connection" and "metrics". A person content to be a Provider might not care about connection and metrics, but someone wanting to move to Adviser or Driver would.

Summary

I think the study is an important one for in-house lawyers (and other in-house professionals) to read. I think it provides them with a clear path from a traditional, technical mindset towards an entrepreneurial mindset.



Less “stuff” and more “flow”

Two valuable lessons I've learned are less stuff and more flow.

- I think these lessons are keys to making the shift from a traditional legal mindset to an entrepreneurial mindset.
- I think these lessons are keys to escaping a life of just mowing the grass.

I learned about 'stuff' from the books of Dan Sullivan (<http://www.strategiccoach.com>). I learned about 'flow' from author Mihaly Csikszentmihalyi.

In his books, Dan talks about focussing on one's greatest results-generating activities (not 'stuff'). For example:

- Distinguish between your three most important results-generating activities and everything that gets in the way of those activities.
- Continually delegate everything else to superb support staff.
- Your most important asset is your creative focus time (so protect and expand it).
- Your best results-generating activities will always involve creativity and relationships (so free yourself from everything else).
- Eliminate stuff and messes from your life that interfere with productivity, increase your concentration on your most important results-generating relationships and centres of influence, and dramatically increase free time for personal relationships, health and other interests.

Often during my careers I've felt that at the end of a very busy week I haven't had the chance to get to the really important work. I've sometimes felt like a magnet for 'stuff'. I sometimes haven't had enough time to just think. Keeping Dan's points in mind has helped me change this.

Below are examples of how two people work. The first person avoids stuff and makes time to think, whereas the second person is buried in stuff and has no time to think. Some people I've shared these examples with keep them by their desks to remind them about less stuff and more flow.



Time to think

08:00		Plan the day and the next week
09:00		Answer emails and messages
10:00	}	Uninterrupted time on major priority
11:00		
12:00		
01:00		Lunch hour
02:00	}	Various meetings and matters
03:00		
04:00	}	Uninterrupted time on major priority
05:00		
06:00		

No time to think

07:00	}		
08:00			
09:00			
10:00			
11:00			250 emails
12:00			10 meetings
01:00			20 phone calls
02:00			15 unexpected visitors
03:00			1 major crisis
04:00			No breaks
05:00			
06:00			
07:00			
08:00			

Making time to think is about ensuring you have blocks of uninterrupted time in your day, when you can think deeply about the top priorities. It's about freeing yourself from stuff, such as the low-value things that clutter your office, your schedule and



your mind. It's about avoiding useless meetings, constant interruptions and distracting piles of paper in your office.

Here are some tips I've shared with in-house lawyers about keeping the stuff away and having more time to think.

- Decide that you don't have to do everything that hits your desk.
- Don't expect to give immediate service to every client that appears at your door.
- Assume that you have the power to choose what you work on.
- Get over the tendency to think that work is a popularity contest.
- Close the office door (if you have one).
- Avoid useless meetings.
- Divert the phone and turn off your email.
- Work away from the office occasionally.
- Cull those unread notes and journals that clutter your office and mind. (Ask yourself what will happen if I throw this out. If you can't get rid of it, store it.)
- If it's low-value work, ask yourself if you can train the client or someone else to do it.
- Once you have identified something as stuff, invest the time to ensure you never get that sort of work again.

Making a serious contribution to your organisation takes a lot of uninterrupted thought and concentration. One of the biggest problems with 'stuff' is that it breaks people's concentration so they never get into a state of 'flow'.

Flow is that incredibly productive time when you put your head down to do something, and when you lift it up 2 hours have gone. It's the time when you're most likely to make significant progress with solving top priorities.

It takes 15 minutes to get into a state of flow, but only a few seconds to lose it. Block out time for flow and refuse to let low-level activities push into this time.

If you never experience flow during normal business hours, you are in serious danger of just mowing the grass.



How to report to others

I often talk about the benefits of in-house lawyers reporting to clients using **business-priority headings** rather than using **legal headings** (e.g. areas of law). I think this is a more effective way to communicate with business people. Business people don't see the world as divided into areas of law, like we lawyers do.

People wonder if this change is just window dressing. A book I've been reading (*Reckoning With Risk* by Gerd Gigerenzer) illustrates the importance of the way something is represented.

Bottom line: *the same message, represented in different ways, can be significantly more or less understandable to a reader.*

The lesson for in-house lawyers: strive to represent what you do in terms that make sense to your clients. This applies to written management reports, and even verbal explanations. It's about *connecting the dots* for the reader.

If you don't connect the dots, chances are the reader will either not bother doing it (and assume the worst), or try to do it and get it wrong. Here's one example from the book.

A woman of age 40 has a positive mammogram. She wonders what it means. The doctor has given her a leaflet with the following information.

The probability that a woman of age 40 has breast cancer is about 1 percent. If she has breast cancer, the probability that she will test positive on a screening mammogram is 90 percent. If she doesn't have breast cancer, the probability that she nevertheless tests positive is 9 percent.

Given this information, what is the woman (who has tested positive) to think about her chances of actually having breast cancer? Try working it out before reading any further.

Most people have no idea what to do with the above percentages to get an answer. Many people say it is 90 percent. To a statistician the answer may be perfectly clear; to the lay reader, it is confusing and potentially misleading.

Now imagine if instead the leaflet had said the following.

Think of 100 women. One has breast cancer, and she will probably test positive. Of the 99 who don't have breast cancer, 9 will also test positive. Thus, a total of 10 women will test positive, but only one of these will actually have breast cancer.

Logically, the two versions are identical. It's just that the first is expressed in **percentages** and the second in **natural frequencies**. And it is this change in representation that makes all the difference in helping the reader extract the key messages.

With the second version, now it's easy to see that only 1 woman out of the 10 who test positive actually has breast cancer. This is a chance of 10 percent, not 90 percent. A positive mammogram is



not good news, but when given the relevant information in terms that make sense to the patient, one can see that the majority of women who test positive in screening do not really have breast cancer.

To quote the author:

The key role of **representation** in thinking is often downplayed because of an ideal of rationality that whenever two statements are mathematically or logically the same, representing them in different forms should not matter. Evidence that it does matter is regarded as a sign of human irrationality. This view ignores the fact that finding a good representation is an indispensable part of problem solving and that playing with different representations is a tool of creative thinking.

The bottom line again: *the same message, represented in different ways, can be significantly more or less understandable to a reader.*

Statisticians think in terms of percentages; lay people think in terms of natural frequencies. Lawyers think in terms of areas of law; business people think in terms of business priorities.

If your monthly report to business clients classifies your activities under legal headings, it's like the man talking to his dog in the classic Larson cartoon:

What we say to dogs: *Okay, Ginger! I've had it! You stay out of the garbage! Understand, Ginger? Stay out of the garbage, or else!*

What they hear: *blah blah Ginger blah blah blah blah blah blah blah Ginger blah blah blah blah blah blah ...*

So, classifying your activities under business-priority headings in monthly reports helps communicate with business people. But there are other benefits in representing your work in terms that reflect what matters most to clients (i.e. along lines of business priorities).

- This new focus can provide a powerful vision for the department (we're here to help solve top priorities; we're not just reacting to whatever comes in).
- You will soon see if there are business priorities where you are not spending a lot of time, and can then think creatively about ways to get involved.
- You can involve your external legal advisers in the hunt for ways to help solve those top priorities (rather than just responding to work hitting the desk).
- You'll have more of a sense of the whole, of context and of the bigger picture (so that work is no longer just an endless series of unconnected transactions).



- It helps you define what work is important and what work is just 'stuff' (and therefore can be killed or, more likely, systematised).

People with an **entrepreneurial mindset** would never dream of forcing their clients to shift their world-view. The entrepreneur would seek to understand and tap into the clients' world-view.

Give it a go. Try seeing the world through your clients' eyes.



Innovation lessons from McDonald's

A while ago I read a book about McDonald's (*McDonald's: Behind the Arches*). There are a couple of reasons I mention it here.

- It is an amazing story of **business innovation**, with lessons for entrepreneurs in any field. There are plenty of examples of innovations that we now take for granted, and that seem obvious in hindsight. I think even in-house lawyers should be inspired by it.
- It is an example of the changes that can be brought to an industry by people coming from **outside the industry** (see The Medici Effect (<http://www.themedicieffect.com>) for a discussion of what can flow from the intersection of disparate fields). The McDonald's book is an inspiring story about the ability of people involved to see beyond industry-thinking.

Here are some aspects of the story that struck me.

The first store

The story starts with one store being run by the McDonald brothers (who came initially from outside the food service business). They built a successful standard drive-in food business, and were making good money but decided to reinvent it into a revolutionary fast-food factory.

Once they opened the revised store, there was nothing in the food service business that remotely resembled it. Unlike the industry norm at the time, their concept was based on **speed, lower prices** and **volume**.

- They wanted food served fast (rather than people having to wait around).
- They set a limited, fixed menu (rather than a full menu and allowing choice).
- Food was prepared in advance (rather than made to order by an experienced cook).
- They targeted families, especially children who liked placing their own orders (rather than making it a typical teenager hang-out).
- They created new equipment and a new kitchen layout to enable speedy service (e.g. the griller; the utensils; the devices to dress the burgers).
- They broke down the food preparation process into simple steps that could be learned quickly by novices (rather than rely on skilled cooks).
- They trained a crack team each focussed on specific tasks - grill men, shake men, fry men, dressers, counter men (rather than one skilled person to do everything).



- They relied on walk-up self service (rather than waiter service to people parked in cars).
- The food was wrapped in paper (rather than put on a plate, which broke, and which had to be collected).
- The kitchen was so clean it was on display (rather than dirty and hidden away).

Compared with other operations, the brothers' business produced stunning levels of **customers, sales and profit** (the brothers couldn't spend all the money they were making), with **one-third the capital investment** and at **one-third the prices**. People came from all over to see what they were doing, and to copy it. The brothers even tried franchising their system, but were not skilled enough or consumed by the idea of franchising, and couldn't get it right.

Enter Ray Kroc

Kroc was one of the people who saw the brothers' business. He saw the massive potential in this new fast-food format, even more than the brothers.

- In his own various business ventures, he was experiencing first-hand the market shifts that were creating an enormous opportunity for a new, convenient food service catering to automobile-oriented suburban families.
- He saw that the concept filled a huge void in the food service market (perfect for franchising, and aimed at families).
- He had travelled to lots of cities, and envisaged identical stores in each of them serving the same quality meal the same way.

Kroc obtained the franchising rights, and later bought out the brothers completely.

To make the shift to such a wide market, Kroc and his team (and with ideas from their franchisees) did even more innovation. They challenged all the industry norms - they tried lots of ways to make their system better, they dug into everything, ignored accepted practices, involved people from diverse fields not blinded by conventional wisdom in the food service industry. They set new standards in many areas.

(a) Product innovation

- **Fries.** To produce the perfect fry every time, they reinvented the raw materials (planting and fertilizing, storage by the processor, curing process) and the frying process (2 step frying, beef-fat based shortening, temperature control).
- **Shakes.** To produce the perfect shake every time, they reinvented the machines, ingredients, delivery timing, delivery size, thickness etc.



- **Burgers.** To produce the perfect burger every time, they reinvented the meat quality, no additives, testing of raw materials, and supplier inspections.
- **Buildings and equipment.** They innovated in areas such as store design and construction, drink dispensers, grills, air conditioning, toasters, and fry scoops.

(b) Process innovation

They made a science out of the preparation of the one restaurant meal that has mass appeal.

- They created a Hamburger University to train franchisees.
- They required strict uniformity with their way (but without stifling creativity by franchisees).
- They set operating standards (rather than just collect franchise fees and let stores do their own thing).
- They set cleanliness standards.
- They monitored, supervised and graded stores (via field service operations).

(c) Supplier innovation

They reinvented supplier relations (making it more like a partnership; loyalty to small providers prepared to do it the McDonald's way, making the suppliers very wealthy). They used central control of purchasing.

(d) Licensing innovation

Most importantly, Kroc saw that the standard franchise approach at the time contained a number of fundamental, fatal weaknesses.

- **Control.** Loss of central control over standards and uniformity caused by the sale of large territories for high fees to mega-corporations.
- **Finances.** The franchisor was not financially motivated to make franchisees successful because the franchisor made most of its money before the franchisee's restaurant even opened and therefore was less dependent on that restaurant's success for profits (e.g. franchisors made margins on the supply of equipment to franchisees, high royalties on franchisee sales, and took kickbacks from third party suppliers to the franchisees).

So Kroc and his team did things differently:

- **Control.** They kept control of franchisees (they granted one store at a time; they made a licence of more stores reliant on performance; they licensed to small business people motivated to do things their way).
- **Finances.** They ensured they were financially motivated to make franchisees successful e.g. they aligned the interests of the company with making the franchisee successful (they didn't charge big up-front licence fees; they didn't make



money on supplying equipment to franchisees; they charged only a modest 1.9% royalty on sales; they took no kickbacks on third party supplies to franchisees). Instead, they made their money mainly from rent of property to the licensees (the rent was based on % of sales once sales reached a certain point). This new approach ensured that McDonald's interests were aligned with the franchisee - the more successful the franchisee, the higher the rent and the more that McDonald's makes. By refusing to profit at the expense of its franchisees, McDonald's was putting the franchisees' financial position ahead of its own. McDonald's succeeded by helping its franchisees succeed. This was seen as the least offensive way for the franchisor to make money.

Conclusion

I hope this inspires you to get beyond **traditional ways of thinking** and doing things. Just because something has been done a certain way for a long time doesn't mean it cannot be improved (perhaps radically).

As someone once wrote (it might have been Tom Peters), I'm constantly amazed at the **depth of the ruts my thinking falls into**. I have to be constantly alert to complacency and comfortable thinking. To combat this I read things of no apparent relevance (and always learn something new), and get feedback from fresh sets of eyes (they point out things I would never have spotted). Give it a go.



The nature of success

I really enjoyed this story on Evelyn Rodriguez's Crossroads Dispatch blog (<http://evelynrodriguez.typepad.com>).

An American executive had just sold his business and was taking some time to think about his next business opportunity. He decided to head south, and spend the season in a coastal Mexican village. One day, he was standing at the pier, thinking about his next business move, when a small boat with just one fisherman aboard docked at the pier. Inside the small boat were several large yellow fin tuna.

The American complimented the Mexican on the quality of his fish and asked how long it took to catch them.

The Mexican replied it was only a little while.

The American then asked why he didn't stay out longer and catch more fish.

The Mexican said he had enough to support his family's immediate needs.

The American asked, "But what do you do with the rest of your time?"

The fisherman said, "I sleep late, fish a little, play with my children, take a siesta with my wife, Maria, then stroll into the village each evening where I sip wine and play guitar with my amigos...I have a full and busy life, señor."

The American scoffed, "I am a Harvard MBA, I've just sold my company for millions, and I can help you. You should spend more time fishing and, with the proceeds, buy a bigger boat. With the proceeds of the bigger boat, you could buy several boats, until eventually you would have a fleet of fishing boats. Instead of selling your catch to a middleman, you would sell directly to the processor, eventually opening up your own cannery. You would control the product, processing, and distribution. You would need to leave this small coastal fishing village and move to Mexico City, then Los Angeles, and eventually New York City, where you would run your expanding enterprise."

"But señor, how long will all this take?"

"Not long. Maybe 15 to 20 years."

"But what then, señor?"

The American laughed and said, "That's the best part. When the time is right, you announce an IPO, sell your company stock to the public, and become very rich. You would make millions."

"Millions, señor? Then what?"



"Then you would retire and move to a small coastal fishing village where you would sleep late, fish a little, play with your kids, take siesta with your wife, then stroll to the village in the evenings where you could sip wine and play guitar with your amigos."

It's a timely reminder that sometimes we need to think about **what's important to us** rather than **what everyone else is doing**, and to recognise when things are good.

Along these lines, I can recommend also the last section of an article by Jim Collins (look for it on the web at <http://www.inc.com/magazine/19971001/1335.html>, and find the heading "\$200 million and Five Years to Live"). What would you do **more of** and **less of** if you had \$200 million in the bank and 5 years to live? Since reading this article in 1997 I've been asking myself this question regularly, and acting on the answer. It's a great exercise in focussing on what matters most, and in highlighting what is just "stuff".

The distinction between "what's important" and "what's stuff" is like a personal Signal-to-Noise ratio. Here are a few thoughts on that.

- **Signal and Noise.** The Signal is the good part, the message, what's important. The Noise is the part you don't want, the stuff, the interference.
- **It's different for each person.** What is Signal and what is Noise is different for each person. One person's Signal is another person's Noise, so don't look to what other people are using as their Signals.
- **It can change over time.** What is Signal and what is Noise can change for a person over time, as circumstances change, so ask yourself the question regularly.
- **Use mechanisms to work out what is Signal.** Another section of the Jim Collins article discusses the concept of mechanisms. This is a great tool. Put in place a mechanism to ensure you know what, for you, is Signal and what is Noise.
- **Some Signals can co-exist.** You can have a portfolio of Signals, not just one. Many can co-exist, although some are inconsistent and detract from each other. Best if you have a portfolio of mutually reinforcing Signals.
- **Noise outnumbers Signal.** There is a lot of Noise out there - other people's expectations; advertising; comparing ourselves to others. Amongst all that Noise it can be hard to spot the Signal. This makes the exercise even more important.



Fresh eyes

I've just finished a 12 month process of updating the web versions of LEX, our applications for managing legal departments, contract portfolios and intellectual property portfolios. The process was a great lesson in the benefits of **fresh eyes** on a subject.

I've been working on the design of our products for over 7 years, going from version to version. Some ideas come from clients; others from within the company. For this new version, we thought we'd get some input from a local interaction designer. What was supposed to be just a few comments sparked us into a major redesign.

It was great to spend time **challenging** and **changing** the way we had done certain things for years. Looking back, I can see that, on our own, we would never have seen the better way of doing things.

So now I'm always on the lookout for ways to get **fresh eyes** involved in all our projects.

I think the lesson applies to in-house lawyers as well. If you've been in your role for **more than a few years**, now might be the time for some fresh eyes on your department. Give it a go.



Look beyond the task

As an in-house lawyer, you might see the work on your desk like this:

- confidentiality agreement to review,
- marketing material to review,
- compliance programme to draft,
- litigation to manage.

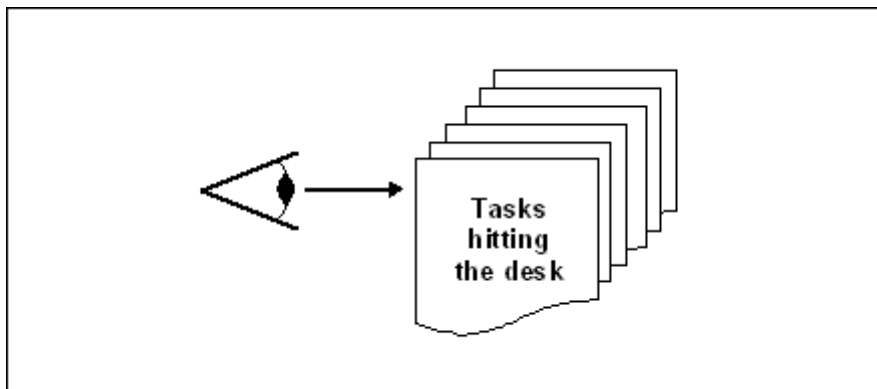
Yet each of those tasks relates (I hope) to something your organisation wants to achieve. Now imagine if when you look at your desk you don't see the tasks from a lawyer's perspective, but from the organisation's perspective.

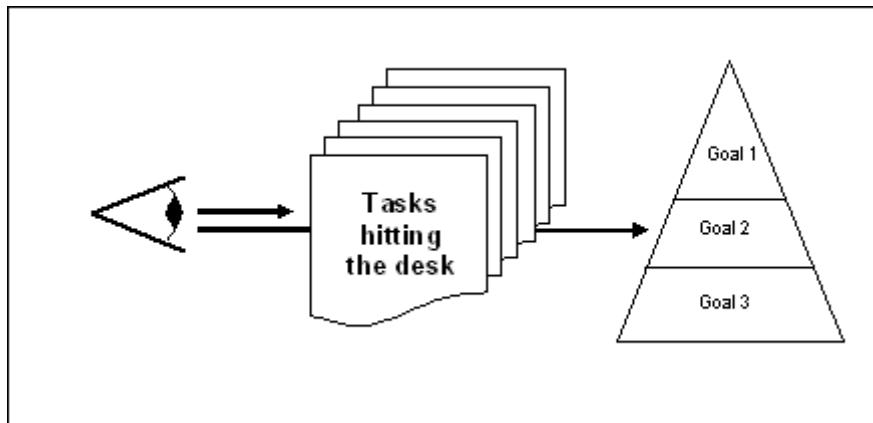
For example, you might see the 4 tasks above like this:

- start of a major acquisition that will **increase our market share**,
- initiative to stop a competitor **taking our market share**,
- programme to retain **investor confidence in us**,
- debt recovery to **increase cash flow**.

This **mind-shift** is an exercise in **looking beyond the task**, to see its connection with underlying organisational priorities.

These two illustrations show the difference.





Here are a few thoughts about **looking beyond the task**.

- A task might relate to more than one organisational priority. The more the merrier.
- You might have trouble connecting some tasks to priorities. This might tell you the task is "stuff", and should be avoided.
- Having to make this sort of connection encourages you to make sure you know about current and emerging priorities.
- Ask the person sending the task to you to help make the connection between the task and a priority - don't just accept tasks at face value.
- When you report on your activities, use the priorities as headings, rather than the areas of law. "Join the dots", for the reader, between what you're doing and what matters to them.

Seeing through tasks to the underlying goals is like solving a **Magic Eye 3D puzzle** (i.e. where you have to focus your eyes beyond the page to see a hidden image). This is an example of paying attention to what's on the surface **and** being aware of what's beyond. It's about seeing what's obvious / visible **and** what's hidden.

To give another example, even **karate beginners** can break a board with their bare hands without hurting themselves. What counts is hitting the board at maximum speed. How do they do it? Well, to maximise the impact speed, the person focuses on hitting **beyond the board**, so he or she is still **accelerating** at the point of impact. If the person focussed on hitting the **surface** of the board, he or she would be **decelerating** at the point of impact. Use this as encouragement to look beyond the tasks that are hitting your desk. Don't stop at what's on the surface.

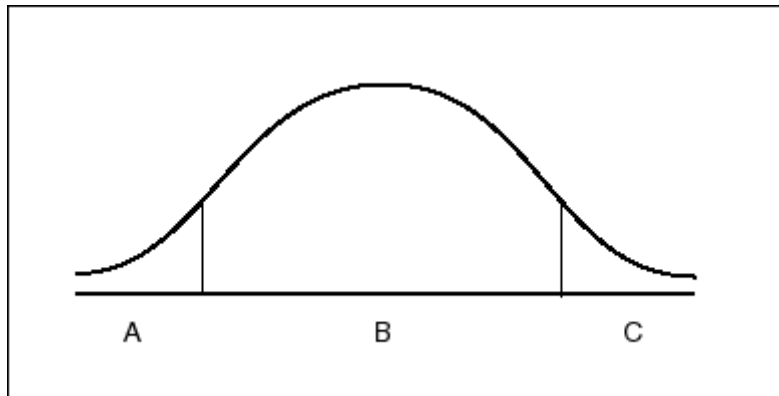
Finally, think about **catching fish**. The person who focuses on the water surface will throw her line anywhere in the hope that a fish is underneath. The person who looks beyond the surface (e.g. using a fish-finder or polarised sunglasses) will see where the fish are and throws the line there. Much easier.



Bell-shaped curve of in-house lawyers

I've just read a fascinating article in the New Yorker (http://newyorker.com/printable/?fact/041206fa_fact) I saw mentioned by the consultant Tom Peters about the Bell curve of outcomes across doctors and hospitals. It got me thinking about the Bell curve of outcomes across **in-house lawyers**.

I think of sports like tennis and golf - there are stars, hacks, and "the rest of us" (i.e. just average). Like in the following diagram - the hacks are the As, the average people are the Bs, and the stars are the Cs (let's not get too fixed on the relative proportions).



Let's assume that the spectrum of in-house lawyers is similar. In their case, "outcomes" are the value they add for the organisation they work for.

- A few **stars** are adding enormous amounts of value.
- A few **hacks** are adding hardly any value.
- The **rest of us** are doing OK in terms of value-added.

Even if the proportions are not as above, it must be the case that some in-house lawyers add much more value than others.

I suspect what separates the various categories of in-house lawyers is **not** mainly about what you'd normally expect - things like **technical legal skill**, and **hard work**. In other words, increasing technical skill or working harder will not necessarily move a person up a category.

I suspect what separates the categories are "softer" skills, which were never taught to us in law school. For example, I think we'd find the stars spend more time than the others on things like the following. (These are certainly the things I'd be focussing on if I ever found myself back being an in-house lawyer, knowing what I now know about business.)

1. Unearthing the organisation's top current and emerging priorities.

- Gaining a deep understanding of the priorities and their context.
- Visiting and listening to the organisation's customers.



- Attending industry conferences.
- Conversations on non-legal subjects with senior management.
- Never start a project unless they're sure they are aware of the priorities.

2. Repelling "stuff" from their practices and offices.

- Stuff is anything that distracts from working on priorities.
- Stuff includes physical and mental clutter in the practice.
- Stars are like Teflon when it comes to stuff - nothing sticks.
- See stuff as sucking time that could go on being creative.

3. Gathering in more work closely connected with the above priorities.

- Not relying on just what hits the desk.
- Not assuming that relevant work will necessarily find its way to them.
- Initiating projects where possible.
- Actively seeking out projects closely connected to the above priorities.
- Defining all existing projects according to their connection with the priorities.

4. Gaining leverage through systems, processes and mechanisms.

- Not trying to do everything by hand, from scratch each time.
- Enable others (including clients) to do the work themselves.
- Capturing collective wisdom in documents and processes.
- Relentlessly simplifying existing processes.
- Setting things up so they work even when the stars are away.

5. Gathering and examining performance data.

- Track where work comes from, types of work, and where time goes.
- Never assume they know intuitively where work comes from and time goes.
- Examine metrics regularly, and take early corrective action.
- Share results with clients and senior management.
- Always alert for ways to do things better.
- Measure value-added by time spent on priority-related projects.



6. Regular reporting to senior management on value added.

- Don't assume the value of the work speaks for itself.
- Define "value" according to contribution to achieving above priorities.
- Draw connections between work done and above priorities.
- Use the priorities as the context, as the focus, and the headings.
- Include performance data in the reports.

The good news is that these "softer" skills are the essence of the **entrepreneurial mindset**. These skills are useful for people not just in their current legal roles, but in future jobs, and even in their own businesses. I can't imagine why in-house lawyers wouldn't want to start developing these skills immediately.

Conclusion

Here's a quote from the article I mentioned above (my emphasis added).

We are used to thinking that a doctor's ability depends mainly on **science** and **skill**. The lesson from Minneapolis is that these may be the easiest parts of care. **Even doctors with great knowledge and technical skill can have mediocre results;** more nebulous factors like **aggressiveness** and **consistency** and **ingenuity** can matter enormously. In Cincinnati and in Minneapolis, the doctors are equally capable and well versed in the data on CF. But if Annie Page—who has had no breathing problems or major setbacks—were in Minneapolis she would almost certainly have had a feeding tube in her stomach and Warwick's team hounding her to figure out ways to make her breathing even better than normal.

Similarly:

- We are used to thinking that an in-house lawyer's ability depends mainly on **legal expertise** and **hard work**.
- My thesis is that even hard-working in-house lawyers with excellent legal expertise can add **mediocre** value for their clients ("value" being measured not by the difficulty or technical brilliance of an outcome, but by its contribution to the organisation's priorities).
- I agree that more **nebulous factors** can matter enormously. The above article uses the words "aggressiveness", "consistency" and "ingenuity". Fantastic! I think these character traits are very important when it comes to my 6 factors.

In other words, the star in-house lawyers may be those that are aggressive, consistent and ingenious in:

- unearthing organisational priorities,



- eliminating "stuff",
- gathering more priority-related work,
- gaining leverage through systems and processes,
- gathering performance data, and
- reporting regularly to prove their value.

These non-legal activities are not easy. They may not come naturally to in-house lawyers. It takes a certain amount of aggressiveness, consistency and ingenuity to achieve them. Basically, it takes guts.

- It's about being **relentless**.
- It's about learning and adapting fast.
- These activities demand a large measure of persistence and creativity.
- They are not about head-in-the-books.
- They are not about a popularity contest.
- It is easy to give up, and slip back into doing whatever hits your desk.
- It's easy to settle for just mowing the grass.
- They are about developing relationships and being creative.

But what an exciting challenge for any professional who wants to get really serious about **making a difference**.



Don't Just Mow the Grass

An odd-spot article from a Melbourne newspaper captures the spirit of this blog.

The Italian town of Treviso, fed up with paying 100,000 euros a year to cut grass along its roads with tractor-mowers, has given the job to six donkeys it bought for just over 2000 euros.

Do you feel you're doing too much **donkey's work** or "**stuff**" (i.e. work that isn't very important to your organisation; work that can be done by someone else; work that can be handled by a system)? If so, here are the six steps to consider.

- What in your practice is just "stuff"?
- Does the stuff really need doing at all?
- If you can't just ignore the stuff, is there a person or system you can send it to?
- Can you track down more important work to fill up your time?
- How does your time divide between stuff and important work?
- Have you told senior management about your efforts to spend less time on stuff and more time on important work?

These are the lessons my brother Richard and I have been sharing with people in our articles and speaking engagements for years now. We saw the need to encourage people to spend more time thinking about these issues, rather than just busying themselves with all the stuff hitting their desks.

It is also the thinking behind the web-based and desktop-based LEX software products Richard and I have created for in-house lawyers, contract managers and intellectual property managers. We had an idea of creating well-designed software to shoulder the burden of repetitive and mechanical work (e.g. data capture, regular reporting), leaving the in-house professional with more scope to think about and contribute to the things that matter most in an organisation.



Proving your Value

LEX was mentioned by John Lambrick (General Counsel of RMIT University in Melbourne) in an article in the December 2004 journal of the Australian Corporate Lawyers Association (not available online).

John discusses how he analyses **department statistics** in an **annual report** to prove how his department **adds value**.

This is a great example of the **entrepreneurial mindset** I think all in-house lawyers need to develop. If I was ever an in-house lawyer again, I'd copy John's approach. I'd make it one of my personal objectives to gather detailed department metrics and present them in an annual report to prove the value the department has been adding. Anything else would be just mowing the grass.

As John discusses in the article:

- I'd create an entry in my management system for **each new matter** (categorising it by the source of the work, the type of work, the importance of the work etc.).
- I'd add **brief notes** against the matter each time something significant happens (so I could produce status reports easily).
- I'd record **time** against matters (e.g. in blocks of an hour or half hour).
- I'd record **money spent externally** against the matters.

This approach would give me all the statistics and metrics I'd need to analyse:

- the number of matters opened, time spent internally, and money spent externally,
- by categories such as source of the work, type of work, and importance of work,
- for the current year and in comparison to previous years.

I can think of dozens of ways I could use this information to prove my value. John discusses some of them in the article.

As I've said many times, running a legal department without gathering such metrics is as smart as playing cards without looking at the numbers. You just wouldn't do it. The absence of department metrics is a sure sign that someone is **just mowing the grass**.



Do what's truly important

Something to think about, from a recent post by Evelyn Rodriguez (who was caught in the tsunami) on her Crossroads Dispatches blog.

*People ask me what are the lessons I take away from this - it's just too soon to have integrated all this into my life. Of course nothing will be normal again. There is more of a sense of urgency to do what's **truly important and purposeful** and **cut through the clutter**.*

Thanks Evelyn. A reminder that, whether in life or in work, "don't just mow the grass".



Great hackers

For all you in-house lawyers, I loved the podcast by Paul Graham on IT conversations (<http://www.itconversations.com>) called *Great Hackers* (i.e. really good computer programmers). I heard a lot of messages that apply to you, as well.

If I ever found myself back leading a small in-house legal department, I'd send this list to my boss on day one. (The list is based on the messages in Paul's entertaining talk.)

What I Need From You to Help Me Do My Best

I need really good tools. This includes both technical legal resources and computer resources (a fast machine; a big, flat monitor; and great software, like LEX!).

I need a cosy office. That means a door, a sofa and fresh flowers. It must be quiet, with no distractions. It must promote focus and concentration, rather than detract from these things (otherwise, how do you expect me to do great work?). That's where I'll be, whilst everyone else is in meetings, corporate retreats and team-building exercises.

I need really interesting projects. I want to be involved in projects that pose novel technical challenges. I want to see how good I can be. I don't want any nasty little problems ("the death of a thousand cuts") where I learn nothing and become stupid.

If you insist on sending me nasty little problems, I need the time and resources to create "tools" for others to use so they can handle these problems instead. There's no way I'm going to look after these problems directly, by hand, from scratch each time.

I need no micro-management. If you give me the things I'm asking for, I'm practically self-managing.

I want you to inspire me. I want it to be like Steve Jobs redefining a problem for his team as "make one that's beautiful". I want you to do this for me. I want you to be the most demanding user of my services, pushing me to greater achievements. And if you have really good taste, you can, as Steve Jobs does, make satisfying you the kind of problem that I most like to work on.



Yak shaving

I learned the term "yak shaving" reading a recent post on Seth Godin's blog (<http://sethgodin.typepad.com>). Brilliant!

Definition (see <http://www.catb.org/~esr/jargon/html/Y/yak-shaving.html>): any seemingly pointless activity which is actually necessary to solve a problem which solves a problem which, several levels of recursion later, solves the real problem you're working on.

Example (from Seth's post): I need to clean my car, which means I'll need a new hose, which means I'll have to go to the store, which means using the tollway, which means borrowing my neighbour's toll pass, which means first returning that special pillow my son borrowed from him, which means replacing the stuffing that has fallen out, which means finding some yak hair. As Seth says, before you know it, you're at the zoo shaving a yak so you can clean your car.

Thankfully, I don't find myself doing much "yak shaving" anymore. Why? First, ours is a small business, which we own and run. Second, we're acutely aware of the need to avoid yak shaving, which we do by keeping our focus and by using systems wherever possible.

But I'm sure there was plenty of yak shaving going on when I was an in-house lawyer. Not always through my own fault (but that doesn't make it any more productive). For example, I needed to chase this person, to give me this advice, so I could fill in that form, to get this system in place, to meet this deadline, to respond to this obligation, that someone had put on me (and probably doesn't care about anymore anyway). Not just yak shaving, but a complete waste of time. If I had my time again

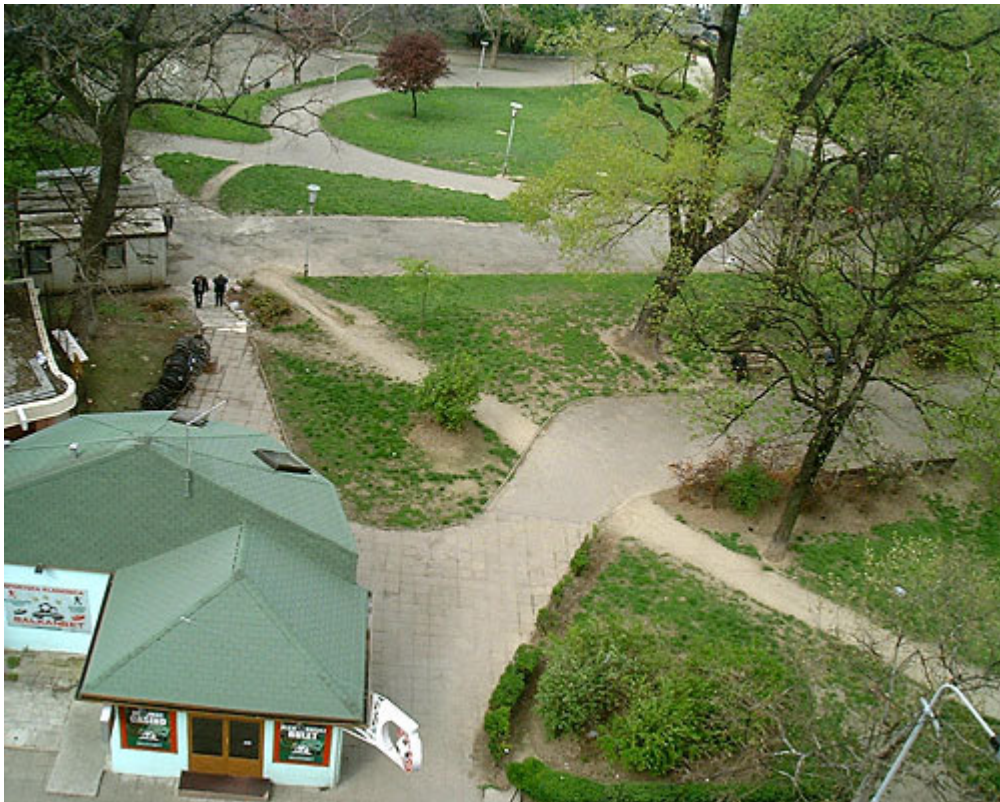


Desire lines

I'm fascinated by "desire lines". You've seen plenty of them, and I think they've got implications for you in-house lawyers.

Definition (see <http://www.wordspy.com/words/desireline.asp>): an informal path that pedestrians prefer to take to get from one location to another rather than using a sidewalk or other official route.

Example: see below.



Notice two things about the picture.

- How the designers of the park laid out concrete paths along the routes that they thought people wanted to go (or along the paths they wanted people to go).
- How pedestrians regularly ignored the paths, and made their own routes.

The picture is a vivid reminder that designers sometimes "get it wrong", in where they think people want to go, or in trying to force people into a particular path.

What does this have to do with your work as an in-house lawyer? Plenty!

I'll bet that you've crafted beautiful policies, procedures and documents to be followed by people in your organisation. Maybe you tried to take account of their needs when you designed the process. Or maybe you ignored their needs, and dictated to them how things were to be done. I'll bet that your "users" are tramping



off the intended paths, even as you read this. They're creating their own favourite shortcuts, work-arounds and customisations, whether you like it or not. They're even telling each other about them!

I'll bet none of your "landscape designs" remains intact once real people start using it. This is the case with your designs for things like contract approval, risk management, contract management, use of trade marks, confidentiality agreements, complaint handling, employee relations, careful writing etc etc. Anything you've mandated or recommended will have "desire lines" all over it. People adapt your designs to their preferences, whether you like it or not.

Some lessons?

- Maybe you need to do a bit more user research before you issue a policy as a "final version". Let a few people use it, and get feedback on their desire lines.
- If something simply must be done a certain way, you might need to put up fences to stop people going off-track.
- Don't assume that your "users" are following the path you so-neatly crafted. Check occasionally to see what is really happening.

Next time you're in a park, check out the desire lines, and imagine the frustrated park designer. But don't laugh, because the same thing is happening to you.



Skate to where the puck is going

"Skate to where the puck is going, not where it's been." (Hockey great Wayne Gretzky). This quote is very relevant for in-house lawyers.

By the time something hits your desk and you respond, the "puck" has already gone.

Your organisation's top priorities can move quickly. To stay with (or ahead of) the game, you can't rely on just what hits your desk. That's like driving by looking in the rear-vision mirror. Instead, get out of your office; understand the trajectory of the organisation's priorities. Anticipate the organisation's needs, and gear up to meet them in advance.

It's like reporting to senior management about what you've been doing. You could wait to be asked, and then respond. Or you could send reports before they've been requested, to anticipate what people might want to know. The latter approach might seem wasteful ("Why answer a question that hasn't been asked, when I've got plenty to do already?"). However, it is the **smart approach**. Get on the front foot by answering the questions that are forming in their minds, before they get to ask them. They don't even have time to think that they want something from you, because it's already there.



Don't Just Do It

If I was ever an in-house lawyer again, I would never just do work that hit my desk.

For work hitting the desk, I would only do it after establishing a reasonable connection with one of the organisation's top priorities. If I couldn't establish a connection, I'd try to get the person to handle it themselves, or I'd kill it or I'd outsource it.

Also, I'd go hunting for projects not hitting my desk that nevertheless were ones where I could contribute and that had a close connection with one of the organisation's top priorities.

Here are some steps to this result.

- Unearth the organisation's top priorities (current and emerging).
- Open a file on each of these priorities, and research them.
- When work hits the desk, discuss how it connects with one of the priorities. If it doesn't, is it an early warning signal of a new priority? Or is it just "stuff"?
- If it's just stuff, can it be handled by the person who sent it? Can it be handled by a simple system instead of me? Can it be avoided altogether? Can it be outsourced?
- Use my feet to get out of the office and track down other projects that connect with priorities.

It's all about establishing that connection. If there isn't a connection, then why bother doing it?

I'd apply the same approach to my career.

- Does it connect with my broader objectives?
- What are my broader objectives?
- If the career doesn't connect with these objectives, then why am I doing it?
- Am I doing it just because I'm good at it?
- Am I doing it just because I trained at it?
- Am I doing it just because I was doing it yesterday, and the day before that?
- Am I doing it just because that's what other people expect of me?



The Contented Boss

You're an in-house lawyer. You want to have a "contented boss" (i.e. CEO). An "excited boss" would be nicer, but let's start with "contented" for the time being.

This might be your current mental model of how to make the boss content.

- **Ready.** You wait for work to arrive (like a taxi at a rank).
- **Set.** The work hits your desk, from people across the organisation.
- **Go.** You do the work, as well and quickly as you can.
- **Repeat.** Start over again.

This is a reasonable mental map. After all, it worked for you in school (where you were one of the smartest in the class), at university (where you did well) and in that law firm where you used to work (where you kept getting pay rises). Also, your boss seems reasonably content with you, even though you don't get much feedback ("No news is goods news", right?).

If this is working for you, great! However, it may not be working for you as well as you think.

- Have you hit a sort of career plateau?
- Is there still plenty of challenge in what you do each day (other than the challenge of keeping up your enthusiasm)?
- Have you been as "successful" as you'd hoped to be?
- Do you scan the job ads in the hope of seeing something "just right" for you?
- Do you wonder why you stay doing your job (apart from "I'm good at it")?
- Is it easier not to think of these things, because it only frustrates you?
- If your boss moved companies, would he or she take you too?
- Is the boss really contented, or just has no idea what you really do?

Maybe it's time for a new mental model. The good news is that you can give it a go without upsetting the status quo, and you've got nothing to lose. It goes something like this (which will be of no surprise to you if you've read the other entries in this blog).

1. Unearth the boss's priorities.

I'm assuming you already want to spend most of your time on tasks that relate reasonably closely to the things that matter most in your organisation (i.e. the top priorities)? Well, do you know what those priorities are? Or do you just assume that everything



that hits your desk must be somehow connected with a priority? Don't assume this! In fact, go out of your way to unearth from the boss what he or she sees as the top 3 priorities facing the organisation (i.e. the things that keep the boss awake at night). Then open a file on each of the priorities, and research them in depth.

2. Focus on tasks closely connected with those priorities.

Having worked out what really matters, the next step is to ensure that what you work on actually connects with those priorities. Don't leave this to chance. First step is to stop "stuff" hitting your desk (i.e. things unconnected with the priorities). There are plenty of suggestions elsewhere in this blog for achieving this. Next step is to actively find other projects that do closely connect with the top priorities. Even ask your external lawyers to think creatively about ways to achieve the top priorities (e.g. how they've done the same for other clients). A great exercise is to, before starting any piece of work, explain to yourself how it connects with the top priorities.

3. Use systems to give you greater leverage.

By developing some simple systems, you can gain enormous leverage and save yourself a lot of time. Create standard forms and standard answers to send out to people, or to have on the intranet. Create an instruction sheet (in which you ask people to explain how the task connects with one of the top priorities). Create a whole way of doing the work, that can be passed on to others if and when you leave. In fact, see your most important role as not doing legal work, but as creating a smoothly operating system that can handle the work itself.

4. Gather performance metrics.

Track where your work comes from, where the money goes, and where your time goes. Track these things according to the type of work, the internal client group, and the importance of the work. Track these things over subsequent years, for comparison. For example, you should know that this year you're spending 70% of your time on work related to top priorities compared with 45% last year. You should know that this year external legal spending for the Marketing Department is down 15% from last year. Working without gathering this sort of data is as smart of playing cards without looking at the numbers.

5. Report to the boss using the priorities as headings.

The final step in the new mental model is to report back to the boss about what you've been doing, in a way that matches how he or she sees the world. You've already worked out what is keeping him or her awake at night, so use those things as the headings in your report. For example, don't group your activities under headings that reflect your world-view (e.g. "Litigation", "Commercial relationships", "Compliance", "Intellectual property"). Group your activities under headings that reflect the boss's world



view (e.g. "Increase turnover by 25%", "Halt customer defection to competition", "Launch new product by middle of year"). Also, include charts and numbers in your report (because that is another way that the boss looks at the world). Also, mention all the work you've done on developing systems, so the department can work more efficiently (even if you're not around). Also, mention that you're keeping an eye on a number of emerging priorities, and that you want to have another "unearthing priorities" meeting with the boss soon to keep on top of things.

There you have it! A new mental model to try, in order to create a contented boss. But there's more.

With any luck, the new model will create a contented boss in the short term. It might also make you more content in the short term, because you will be working on better projects, more efficiently, knowing that you are adding value. It might help you get a bit more money, or a slightly better job. But what about the medium and long terms?

Well, don't worry too much about what would make the boss content in the medium and long terms; most bosses don't think that far ahead. But you do need to think about keeping yourself content in the medium and long terms. Again, this is not something that you can completely leave to chance. This can take a lot of thinking and action.

Too often I see people with an "inactive" strategy for their medium and long term happiness. Some assume that things will look after themselves, yet find themselves "corporate road kill" in restructures or down-sizing. Some assume there will be time in the future to develop some new skills, which is like taking out car insurance after you've had a smash. Better to think that "now" is the time to start thinking about these things, and to start preparing yourself for other options.



You don't eat just what the advertisers tell you

In-house lawyers, is your portfolio of work based on "What hits the desk" (i.e. what people throughout the organisation send you)? If so, this is about as smart as basing your diet on what television advertisers tell you to eat and drink.

Imagine that work never hit your desk, and that the only work you did was what you went out and found. Like a hunter-gatherer, rather than a modern day consumer. You'd be forced to think about what sort of work was really worth doing, and then go and find it. If this happened, I bet the "quality" of your portfolio of work would increase significantly.

But many of us choose to become in-house lawyers because we didn't like having to find work and then charge for it. By nature we're task-loving people; we love having tasks just come to us, so we can do a good job and move onto the next one. Whilst it takes talent to complete the tasks, the rest of the process is rather passive and reactive.

By leaving your mix of work to whatever hits your desk, you're giving up the ability to set the quality of your mix of work. It becomes totally reliant on whatever people (who have no regard for your best interests) are inclined to send you. You might never get sent the work out there that would:

- really interest you;
- give you a chance to contribute massively to the success of your organisation;
- touch on the top priorities of the organisation (rather than "rats and mice");
- really stretch and develop your legal skills; or
- make you more likely to be promoted or head-hunted.

Falling into a passive approach to your work portfolio is a bit like eating lots of sugar. It gives you a quick rush; you can keep on coming back for more; but in the end it's not good for you.

We've all seen in-house lawyers who've lived on "sugar" (i.e. whatever work hits the desk) and ultimately suffer the consequences. They get over-looked for more senior roles; they plateau in their careers; they become dissatisfied with their jobs; they major in minor things; and they wish they could get further (but can't).

So, just as you resolve to wean yourself off junk food, resolve to wean yourself off the junk work that hits your desk each day.

- Get out of the office and unearth work that closely relates to what really matters to your organisation.
- Develop systems to handle the easy, recurrent activities, so you can focus on the more skill-intensive work.



- Develop new skills, as insurance for the time that will come when you need to move jobs (or maybe even start your own business).
- Constantly reflect on what you really should be doing with your work life, just in case it isn't what you're currently doing.



Tag your work by the priorities it relates to

In-house lawyers, imagine these are a few of your file names:

- Investigation by licensing authority **(Rep)**
- Lease of new premises **(NY)**
- Review of competitor's advertisement **(Comp)**

Let's also imagine that the current top priorities of your organisation include the following:

- Maintain good corporate reputation, especially with relevant authorities.
- Establish New York office before end of year.
- Meet competition from current number 2 product.

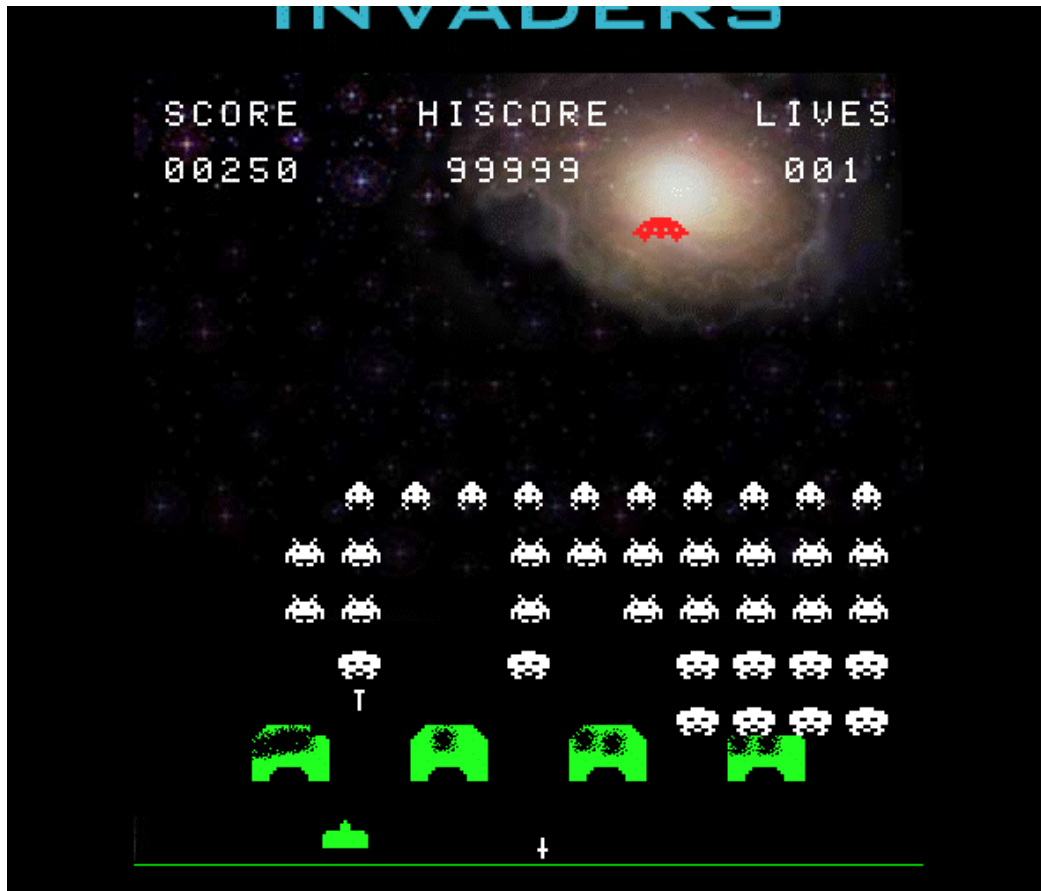
You might see now that the file names end with a notation for one of the current top priorities. Why bother doing this, and what are some of the issues?

- **It makes you think.** These notations make you think, at the time you open the file, how the task relates to one of the organisation's top priorities. If you cannot find a connection, then you might react differently to the task (i.e. give it less attention). If you don't already know the organisation's top priorities, this will force you to unearth them, and to keep aware as they change.
- **Missing notation.** If you see a file name without one of these notations, then you know that it is currently unconnected with an organisational priority. This should raise a flag in your mind. Either work out the connection, or treat the task with the attention it deserves (i.e. maybe not much).
- **Track volume and time using the notations.** Amongst other things, use the notations to measure the tasks in your portfolio, and where your time goes. For example, it should be helpful to know that you've got 25 tasks related to the "Rep" priority but only 1 related to the "Comp" priority. Also, it should be helpful to know that you've spent only 50% of your time this month on tasks that have a notation.
- **Report using the notations.** When you report to senior management about what you've been doing, group your activities by their notations. Don't group your tasks according to areas of law, or by the divisions sending you the work.



Like Space Invaders

Think of being an in-house lawyer as like playing Space Invaders.



You spend most of your time trying to kill the little white invaders and repel their missiles. But over the top go these red things, and if you hit them you get heaps of points.

Moral of the story - if you want a high score, don't just go for the white ones; go for the red ones as well. In other words, don't just do whatever hits your desk; unearth some more projects that are so closely connected with the organisation's top priorities that you score huge points.



They're clueless

You're an in-house lawyer. For your own sake, you need to assume that (until proven otherwise) people sending the work that hits your desk are **clueless** about:

- what matters most to the organisation; and
- what you, as a lawyer, are capable of contributing.

People who don't make this assumption risk becoming corporate road-kill.

Clueless about what matters most

For example, consider:

- the marketing manager who keeps sending you draft ads for comments, or
- the research manager who involves you in lots of meetings about potential projects.

This work might be interesting to you, and will be important to the person in question, but might have little or no connection with any of the top three priorities facing your organisation at the moment (i.e. the things keeping the CEO awake at night).

Counter this by:

- making yourself aware of the things that matter most; and
- refusing to spend too much time on work without a close connection to what really matters

Clueless about how you can contribute

You're a lawyer, so you know what lawyers can do. You're buddies in the law firm where lawyers, so they knew it as well. But the CFO, CEO, people in Marketing etc, aren't lawyers, so have partial or incorrect ideas of what lawyers can do. So they only send you things that have very obvious legal dimensions. You don't get to see lot of work where you can make a big difference.

Trust me: you think other people know what you are capable of, but they don't. They don't know this any more than you really know what a CFO gets up to, or the head of Production.

Counter this by:

- making yourself aware of the things that matter most; and
- tracking down work related to these things where you know you can make a difference (i.e. don't wait for the work to come to you).

Summary

As an in-house lawyer:



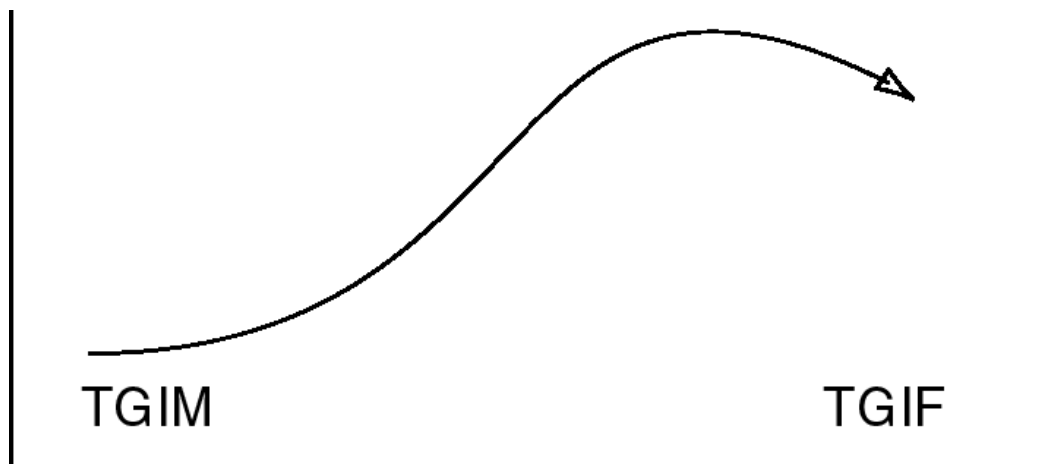
- Assume lots of the work hitting your desk is unconnected with what really matters in your organisation. Doing too much of this work is bad for you.
- Assume there's lots of work that will never hit your desk yet is closely connected with what matters most in your organisation, and is work where you could make a big contribution. Not getting your hands on this work is bad for you.
- Assume that a direct route to becoming corporate road-kill is to confine yourself to doing the work that hits your desk.
- Assume that a direct route to making a difference is to understand what matters most to your organisation, cull work that isn't connected with what matters most, and gathering in work that is closely connected with what matters most.



If I was an in-house lawyer again ...

If I was in-house again as a lawyer, I'd immediately start thinking about **my next career or job**. Why?

Many in-house lawyers get stuck in a job that has passed its due date for them. It's like in the following diagram; they've gone from thinking "Thank God it's Monday" to "Thank God it's Friday". For them, the job has passed its peak, and it's all downhill from then on. They have a hard time finding another job, partly because they've peaked and partly because they haven't really thought about what they want out of their next job.

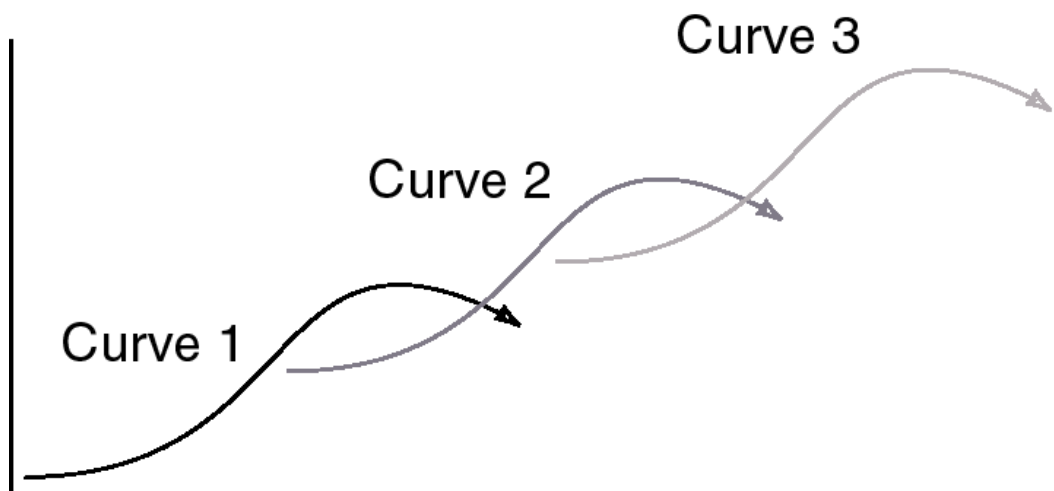


Perhaps these people have been spending so much time focussed on doing the stuff hitting their desks, that they haven't given any thought to their next move until it's too late. They're not doing themselves any favours in the long run by burning themselves out on tasks when there are bigger issues to think about.

I think I'd owe it to myself and my family to be ready for that next move, and to be the instigator of that move.

- Being prepared for the next move means that I could make it **at a time of my choosing**, rather than when an employer decided I wasn't needed any more.
- Being prepared for the next move means that I'd have a very good idea of **what I wanted to do next**, rather than having to settle for the same sort of job for a different organisation for a bit more money.

I like my career transitions to look more like the next diagram. Jumping from curve to curve, before each peaks and starts to fade.



If this makes sense to you, it's never too early to start thinking about the next move. Just because I'd be thinking about it doesn't mean I'd be leaving in the next couple of months. It would just mean that I'd start preparing myself.

It's like playing chess. You don't just think one move ahead. And you don't assume that your next move is going to be your last (unless it's check mate). Yet many in-house lawyers don't think ahead to their next job until the one they're in has gone stale. It's much easier getting your next job before you've gone stale in the current one, which is why I'd leave the job whilst I was still on the upswing.

It's like surfing. You don't ride each wave right into the beach. You catch it as it's building momentum, ride it hard whilst it's strong, exit before it peters out, paddle back out and tackle a bigger wave. Sure, there's a bit of a lull in between the two waves, but that's all part of the process.

Throughout my career I've made my next move whilst I was still on an upswing, and having thought long and hard about what I really wanted from my next "curve".

- I left the law firm (after I'd been a partner for just a year and with my practice still on the rise), because I was ready to jump into an in-house role.
- I left my in-house law role (when it was still exciting, with a merger on the go) because I was ready to jump into a commercial role.
- I left my commercial role (when I was about to move into a marketing role in London) because I was ready to jump into my own consulting business.
- I changed from the consulting business (when there was still plenty of work coming in) when I realised having a software business would be more fun and satisfaction.
- I've taken the software business through a number of its own curves, from Access-based products, to web-based products, to a hosted web-based service.



Finally here are a few other thoughts on this new mindset.

- Adjust your mindset. It's not one job for life, or even for very long.
- Assume you will make a next move. Start planning now.
- There's no excuse for getting the shove. You should be leaving well before things get to that.
- We've been taught to study hard, get a good job, and keep it. In fact, the reverse is true. Staying in a job too long is risky; leaving (and leaving early) is often the safe option.
- Start preparing now. This mainly means thinking about what you like and don't like in your current job, with a view to moving to one that has more of what you like and less of what you don't. Are you keeping a list of the things you like and don't like about your job (you should be!).
- What would you look for in a job if you had \$200 million in the bank and 5 years to live?
- Don't fuss about getting your next move perfect; better to just make one, and then another. The more moves you make, the more you find out about yourself, and the closer you get to something you'd be happy doing if you had \$200 million in the bank and 5 years to live.
- Err on side of moving too early. Better too early than too late.
- You know it's already beyond the time you should have moved if you start thinking "Thank God it's Friday". The closer you get to something you really like doing, the more it will be like "Thank God it's Monday".



If you had \$200m and 5 years to live

In an earlier post, I recommended reading the last section of an article by Jim Collins (look for the heading "\$200 million and Five Years to Live"). It poses a great question. What would you do **more of** and **less of** if you had \$200 million in the bank and 5 years to live? I also asked this question in yesterday's post.

The typical answer to such a question might be that you'd throw in your job, travel around the world, and sit on exotic beaches. The trouble with this answer is that, whilst it would be fun for a while, it would soon lose its appeal. I've seen people retire early with substantial wealth, only to yearn for a serious project to sink their teeth into.

This brings me back to one of my favourite concepts and books, namely 'Flow' from Mihaly Csikszentmihalyi. To quote from the book (with my emphasis):

"Contrary to what we usually believe, ... the **best moments in our lives** are not the passive, receptive, relaxing times ... The best moments usually occur when a person's body or mind is **stretched to its limits** in a voluntary effort to accomplish something difficult and **worthwhile**."

Bringing the discussion back to in-house lawyers, I think an important part of maintaining momentum in your role is to define it as something more than just working through the tasks that hit the desk. If I was there again, I'd redefine the role as one of **creating** a department that can continue to deliver results even when I was no longer there.

This is fundamentally different from just doing the work that hits the desk. It's a huge challenge, and hopefully something "difficult and worthwhile" that you can sink your teeth into. It's a "big, hairy, audacious goal", that would take all my skill and energy to achieve.

One problem with defining your role as just doing what hits the desk is that it is never "done". That's why I call that mindset "mowing the grass"; no sooner have you finished mowing it once, than you need to start again, and it's never actually done. On the other hand, if you define your role as creating a department that continues to deliver results even when you're not there, then you have something that might one day be "done".

How does one go about creating a department that can continue to produce results on its own?

- This doesn't mean that staff aren't needed, but rather than increasingly there are **systems** in place to handle the recurrent tasks (like copy clearance, training, CDAs etc.).
- It means that **mechanisms** are in place to make sure that things happen, without needing to rely on people's memories or on people having a good day.



- The mechanisms need to ensure that the department isn't swamped with low-level work, to the detriment of focussing on more important work.
- It means that people throughout the organisation are increasingly able to **serve themselves**, rather than having to wait for a lawyer to find time to consider their problems.

In such a department, I'd expect to see things like the following.

- A department **operations manual**.
- A format for **departmental reporting**, including an analysis of sources and types of work.
- A suite of **standard PDFs** that can be emailed out by an admin person in the legal department (e.g. advice on common issues).
- A presence on the organisation's intranet.
- Written guidelines for how the legal department is to be used (or not used!).

I think tackling something **architectural** like this would be much more engaging than just facing up to work hitting the desk day after day. That's it! Think about behaving more like an architect, and less like a labourer.

If this sort of thing isn't engaging enough for you if you had \$200m in the bank and 5 years to live, then I highly encourage you to find something that is. And I bet you that "something" isn't just lying on a beach.



Architect or labourer?

In my post yesterday, I distinguished between in-house lawyers being like **architects** and like **labourers**.

To summarise, the "labourer" focuses on doing the work hitting the desk, whereas the "architect" focuses on putting **systems and mechanisms** into place that look after the work. The "architect" is higher in the corporate food chain than the "labourer".

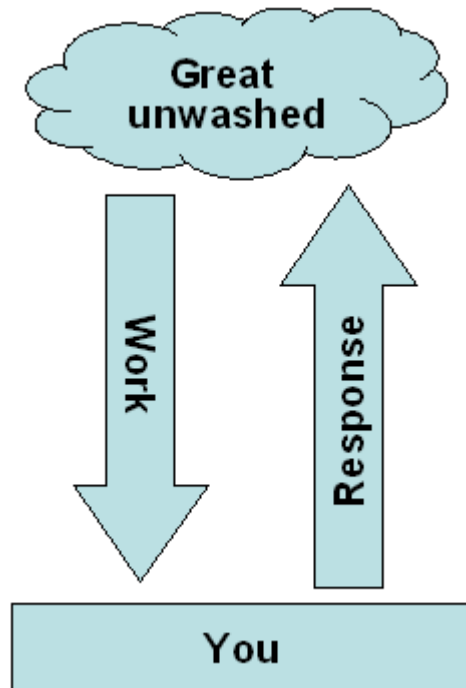
I suggested adopting the architect mindset because it is more **fun and satisfying**. Here's another reason. It sets you apart from your **competition**. There will always be smarter and more energetic lawyers coming through corporations and law firms ready to take your place. They may have the technical chops, but chances are they won't have an architectural approach to work.



Six stages of a legal department

The other day I was sitting down with an in-house lawyer who wanted the high-points of the things I talk about. So I sketched out 6 simple diagrams to illustrate my points. Here they are, in case they help you understand the messages any better (some people think in diagrams, like me). I said to think of the development of an in-house legal department in 6 stages.

Stage 1



This is the traditional approach.

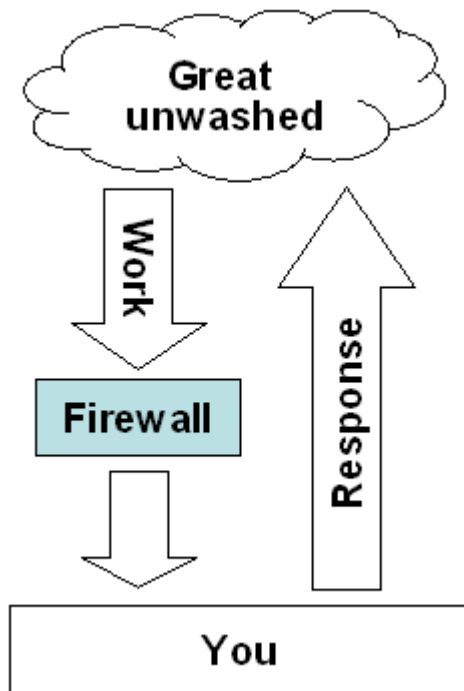
First there's the "Great Unwashed" (i.e. anyone around the organisation who wants to send you work, and even people outside the organisation who send stuff to you such as law firms and people acting for the other side).

Work comes in to you from the Great Unwashed, you do it yourself, and you send back a response. The cycle repeats, over and over. This is why I call it Mowing the Grass (you just have to keep on doing it, and it never gets any easier, and it's of relatively low value).

Any new graduate could do this sort of thing (maybe not as well as you initially, but they'd catch up pretty quickly). This is why you sometimes find 40 year old in-house lawyers reporting to 30 year old in-house lawyers. The 40 year old has been "mowing the grass", and has been overtaken.



Stage 2



In this stage, you insert a "firewall" between yourself and the Great Unwashed.

It's like the firewall that sits on your computer network, protecting the people inside from anything outside you don't want to come in. The computer firewall is set up with definitions of what is allowed in, and everything else gets repelled.

Doing this is like having a big "No Junk Mail" sign on your door. In this stage, you need to think about the sorts of things you'll allow in, and set up mechanisms to stop other stuff getting in.

Most in-house lawyers say to the Great Unwashed "send me things early; and get me involved in anything". This is like hooking a web server up to the internet without a firewall. Very dangerous. Here are some thoughts on what a legal department's firewall might look like.

"Dear Great Unwashed. We in the Legal Department really want to help you. But we want to be left to focus on the things that matter most. So here are some rules before sending stuff to us.

- * Before dumping it on us, really think about it yourself and give us your opinion.
- * Don't send us stuff just because you're too lazy to read it or form an opinion.
- * Correct the grammar and the spelling (we're not your English teacher).
- * Make sure it's really important and concerns the company (i.e. not your husband's car accident).
- * Have we already answered a question just like that?



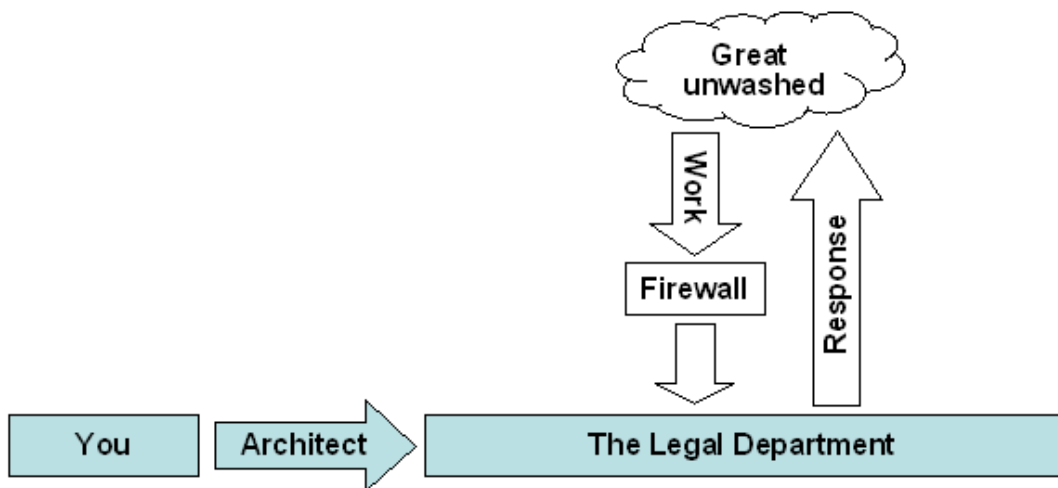
- * Have you checked the standard forms and FAQs on our intranet site?
- * Have we already said you can go straight to a law firm with this sort of thing?
- * Should it really go to another department?
- * Do we really need to be in the meeting you're organising?"

Once the firewall is stopping junk coming in, think about culling the junk already in your department (piles of stuff lying around; unorganised bits; old files; old books; clutter; work you've been meaning to get to). Then have an assistant scan new work coming in, and decide whether it can be sent back or directed elsewhere. Basically, you need to claw back some uninterrupted "think time", to get into some sort of flow (which is where you'll do your best thinking).

For many in-house lawyers, it's hard getting their heads around the idea of not accepting any work that comes in. "What if I miss something that leads to trouble", they think. The problem is that whilst they're being everyone's best friend (without a firewall), there are lots of important projects around the organisation getting no legal input at all. This is a greater disservice to the organisation. The "right thing" is not to work on everything that anyone wants to send in.

Stop thinking like Velcro, and start thinking like Teflon.

Stage 3



In this stage, you think of the legal department and yourself as separate entities. Do this even if you are a one-person legal department.

Remember how a corporation is a "separate legal entity"? Well, think of your department in the same way. You are not the legal department, even if you are the only person in it. I'll say that again: "You are not the legal department, even if you are the only person in it."



Your greatest contribution is not to act as the legal department, but to create a legal department that can function even when you're not there. I'll say that again as well: "Your greatest contribution is not to act as the legal department, but to create a legal department that can function even when you're not there."

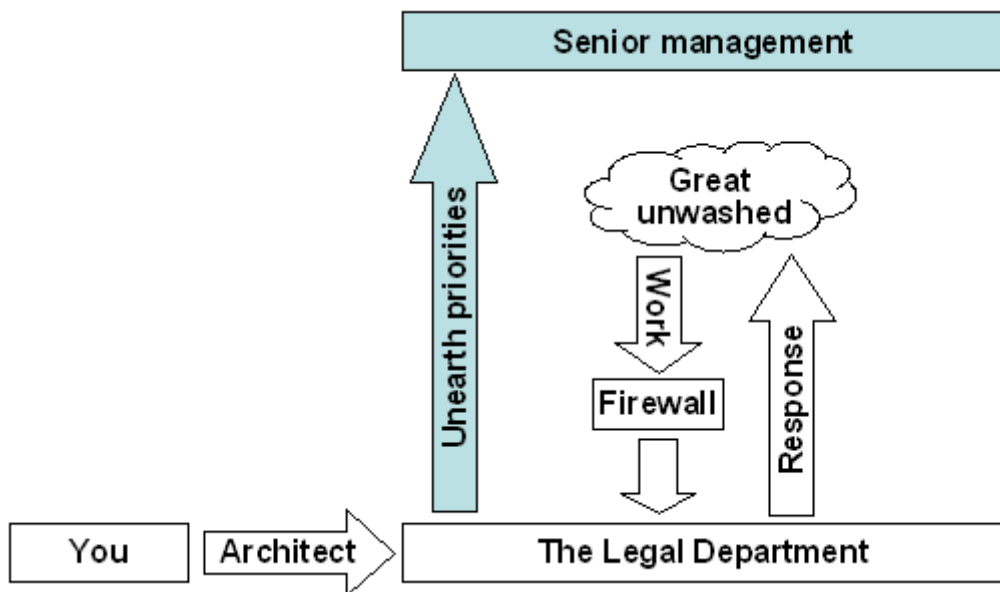
It's like being an architect, rather than a labourer.

This stage is about setting up systems and mechanisms. It's about documenting how things work, so that if you disappeared tomorrow a replacement could hit the ground running. It's about architecting the way things are supposed to happen, so things get easier and easier over time. If you keep everything in your head, and keep doing everything yourself, then you're being the labourer.

Again, many in-house lawyers have a hard time getting their heads around the notion of creating a system to handle the work, instead of doing it themselves. They think "how could a system do a better job than me". One problem with this approach is that it makes the organisation addicted to having you around; if you're not there, then nothing gets done. This is not the smartest way to go.

One of the mechanisms to set up in this stage is gathering metrics. This is very important. Set up systems to track where your work comes from, what types of work come in, how much time you're spending on various projects, and how much money is being spent on these things. You'll need this sort of information for later stages. Not gathering this information is about as smart as playing cards without looking at the numbers.

Stage 4



In the firewall stage, you defined the sort of work coming in that shouldn't be. In this stage, you do the reverse: you define the sort of work not coming in that should be.

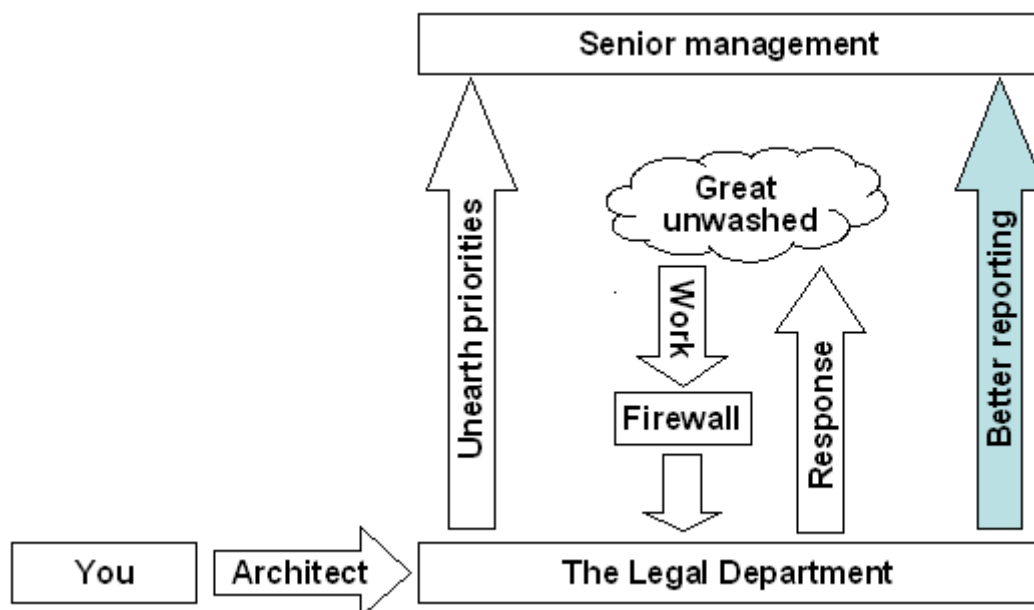


More work? You probably think that's the last thing you need. But it's not about more work; it's about "better work". In the firewall stage you got rid of the junk mail, and in this stage you gather in work more closely connected with the things that matter most in the organisation.

In this stage, you think beyond the work coming in from the Great Unwashed. You try to unearth the organisation's greatest priorities. Very occasionally, these priorities will already be obvious to all; more commonly they will be floating loosely around unformed in the minds of senior management. This is why I say you may need to "unearth" them. It's a bit like an archaeological dig.

Don't assume that just because something matters to the organisation you'll be sent work relating to that priority. This might not happen because management don't see any obvious legal dimensions to the issue, or because they don't think you can help. You need to go out and find this sort of work. It's critical that you do.

Stage 5



In this stage you report back to senior management about what you've been doing.

Unfortunately, the value of your work does not speak for itself; you need to explain this value regularly and explicitly. I'll say that again: "Unfortunately, the value of your work does not speak for itself; you need to explain this value regularly and explicitly."

Again, many in-house lawyers have a hard time getting their heads around this reality; they think their work is so good that anyone can see how valuable it is. But this isn't often true.

Here are a few tricks you can use when reporting to senior management.

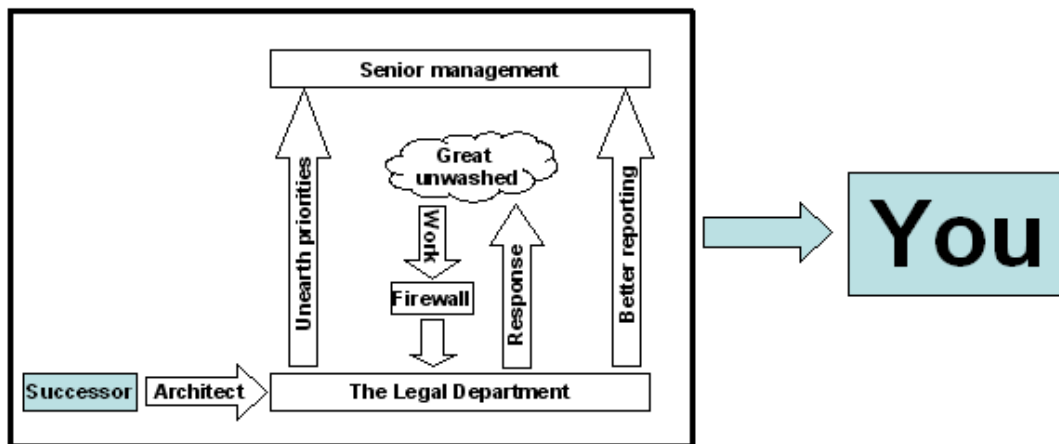


First, structure your report using headings that match the priorities you unearthed in stage 4. Doing this illustrates that you took the time to unearth what matters most, and that you've structured your work around those priorities. This sends a very strong message back to senior management that you're connected with their priorities. It helps them see you as business-focussed, rather than legal-focussed. It's all about you "connecting the dots" between what you do and what adds value. Whatever you do, don't structure your report to senior management using legal headings.

Second, include in the reports the metrics you gathered in stage 3. This is part of actually proving how you add value, rather than just claiming that you do. With metrics, you can show things such as these: your work is coming from business units in certain percentages; you are spending certain percentages of your time on projects of a particular type; where money is going on projects.

Third, report on the mechanisms and systems you've been putting into place as part of stages 2 and 3. Show how you've been insulating the legal department from "junk work", and how you've been setting up the department so it has an existence separate and apart from the people working in it for the time being.

Stage 6



In this stage, you appoint a successor and then you leave the department.

You can do this because of your work in the previous stages.

- You've put in place a **firewall** to stop the junk coming in or building up, thereby creating a much calmer and more focussed legal function.
- You've put in place **systems and mechanisms** so that the department has an existence apart from you, and has some longevity.
- You've focussed the department's efforts on finding ways to help with the **things that matter most** to the organisation



(rather than just what the Great Unwashed choose to send you).

- You've begun **proving** how the department adds value (with plenty of metrics).

Your job is now done. Your job was not to just turn the handle in the department (i.e. just mow the grass). Your job was architect things so that your experience was embedded in a smoothly operating machine. (You did make sure your position description reflected this sort of role, didn't you?).

The good news is that by taking the department through these stages, you've developed skills that aren't taught in law school. You've begun to think like an entrepreneur. These skills mean there are plenty of other things you can do besides labouring in a legal department. For example, you might want to architect another legal department. Or you might want to work in another sort of job. Or you might want to architect your own business (which I can thoroughly recommend).

Get in contact if you want some guidance on any of these stages. I'd be happy to chat them through with you.



Ask to be audited

In my last post I talked about the 6 stages of a legal office:

1. Traditional model
2. Add a firewall
3. Be an architect rather than a labourer
4. Unearth management's top priorities
5. Better management reporting
6. Leave!

An excellent way of pushing yourself through stages 2 - 5 is to invite someone to audit your performance against these stages.

The main benefit will come from your anticipation of the audit. Simply knowing that it is on the way will force you to get your act together, and work through the stages in ways you otherwise might not.

The auditor could be someone from your internal audit department. Or it could be an external auditor. Or it could be almost anyone whose opinion you value and who has a bit of management insight. Remember, the main benefit will come because you know the audit is about to happen (so anything the person has to say will be just icing on the cake).

For the terms of reference for the audit, point the person to my last post. Ask them to assess your performance in terms of:

- putting an **effective firewall** in front of the department;
- architecting the legal department as a **separate entity** from the people working in it (e.g. creating and documenting systems and procedures; putting mechanisms into place);
- unearthing and understanding the **top priorities** of senior management (both current and emerging priorities); and
- regular **reporting** to senior management from the legal department.

Simple.



Six stages revisited

A couple of posts ago I illustrated 6 stages of a legal department. Here are some more thoughts on two of those stages.

Firewall

Step 2 is about building a firewall in front of the legal department. In doing this, the question to think about is **what sort of stuff you won't do**.

- If you can't say what stuff you won't do, you don't have a firewall.
- If your answer is that you'll do anything that comes in, you'll soon be buried in "stuff".
- If you can list some stuff you won't do, can you also say where it is defined, documented, debated, discussed, enforced, measured and reported on? Otherwise, your "firewall" may as well not exist.

Architect

Step 3 is about considering yourself and the department as separate entities. In doing this, the question to ask is **how things are supposed to work around the department**.

- It's like having things so well thought out and documented that you're able to **franchise your legal department**. It's about having an operations manual you can put in someone else's hands so they can hit the ground running.
- If you can't say how things are supposed to work, then you and the department are not separate entities. You are the legal department, and everything is in your head. The department only works if you're there, and if you're having a good day.
- If you can describe how things are supposed to operate, can you also say where this is documented, discussed, shared and measured?