

# Stop Rain Dancing!

Five management habits for in-house lawyers

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# Introduction

You've all heard of rain dancing. It's an impressive and earnest activity that takes a lot of concentration, energy and skill. It's restricted to the elite, and the rain dancers truly believe they make a difference. Unfortunately, rain dancing has no influence on the weather.

Like rain dancers, sometimes we find ourselves working on tasks and in ways that have little or no influence on what matters to our organisation. This isn't from a lack of concentration, energy, skill or intelligence. It's probably related to giving too much attention to doing whatever work hits the desk and not enough attention to the following management habits.

## 1. Reporting to senior management

We underestimate the importance of good management reporting. Some of us never report because we don't have to, or because we assume senior management knows how much value we are adding. When we do report, we do so in ways that reflect how lawyers look at the world, rather than how senior managers look at the world. We don't discuss department management issues in reports. We don't include performance data in reports.

## 2. Solving top priorities

We allow our focus to be defined by whatever happens to hit the desk. We think we have to work on everything, rather than filtering out the things that don't deserve our attention. We're so busy that we don't look beyond whatever hits the desk for ways we can contribute to solving the things that matter most to our employer (especially things that have no obvious legal dimension).

## 3. Developing systems

We miss easy opportunities to introduce more leverage, consistency and order into our practice. We do repetitive tasks by hand from scratch, rather than developing systems to handle them. We try to keep the way important things are done in our heads rather than documenting them so they can be done by others when we're not there.

## 4. Gathering performance data

We think we know a lot about our practices, but we've got little or no data to prove it. We don't closely track where work comes from, where time goes or where money is spent.

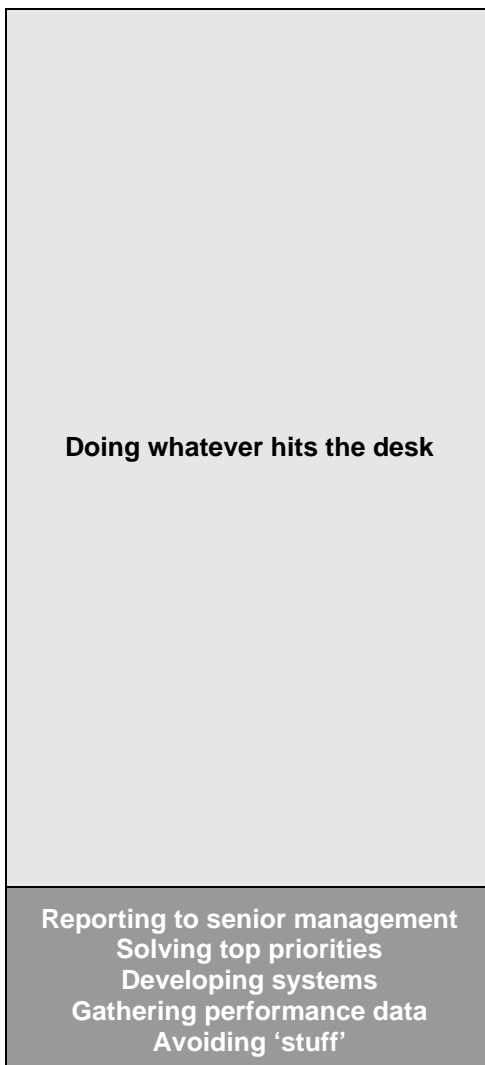
## 5. Avoiding 'stuff'

We get buried in low-level activities that prevent us getting to more important activities and having time to think. We don't plan uninterrupted blocks of time to think through complex issues.

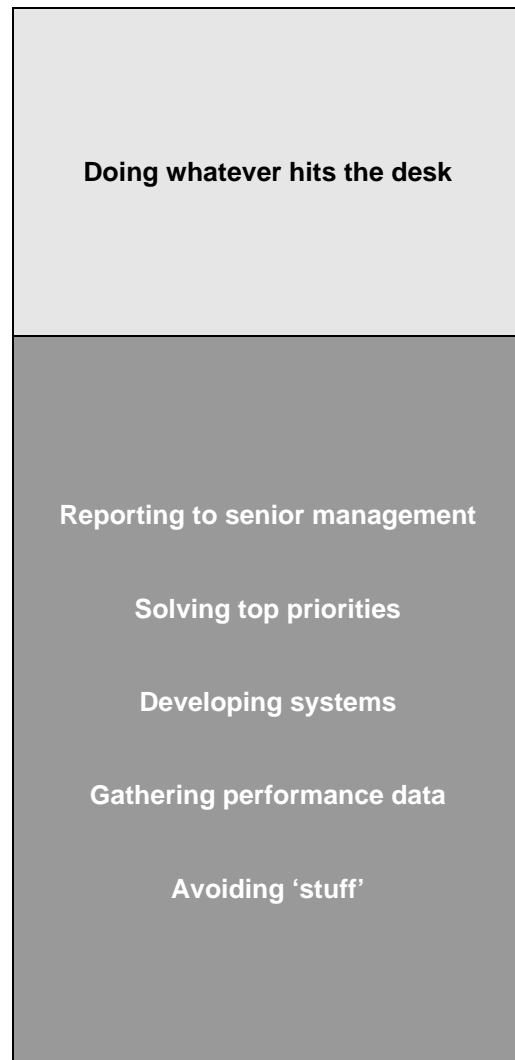
In a legal department, rain dancing is about that short-term buzz we get from being busy, ticking things off the to-do list, and working on tasks we know we can do easily. Even when we know there are more important things we could be doing, we think “What the hell, I’ll get to it after I do this one urgent / easy thing.”

If you’re a bit of a rain dancer, consider striking a better balance between doing whatever work hits the desk and the 5 management habits, as illustrated below.

## Rain Dancing



## Stop Rain Dancing!



# Summary of the 5 habits

## 1. Reporting to management

- Don't assume the value of your work speaks for itself.
- Report regularly to senior management on what you've achieved.
- Structure your reports around the organisation's top priorities, rather than legalistic headings.
- Describe the systems and documentation you're putting in place in the legal department.
- Include performance data to illustrate where your work comes from, where your time goes and where you spend money.

## 2. Solving top priorities

- Don't assume that everything hitting your desk is worth your attention.
- Don't assume all the important projects in the company are hitting your desk.
- Focus your greatest efforts on unearthing and understanding your organisation's top priorities, helping solve them (even if there are no immediate or obvious legal dimensions) and reporting on your contribution.

## 3. Developing systems

- Don't try to keep everything in your head. Document the way you do activities that need doing on a regular basis, or that are very important for the running of your legal department.
- Use systems and documentation to handle the burden of recurrent tasks and to achieve leverage for your efforts (i.e. do more with less).

## 4. Gathering performance data

- Don't assume you know where your work comes from, where your time goes and where you spend money. Gather data about these things. Use it to improve your work practices and prove your value.

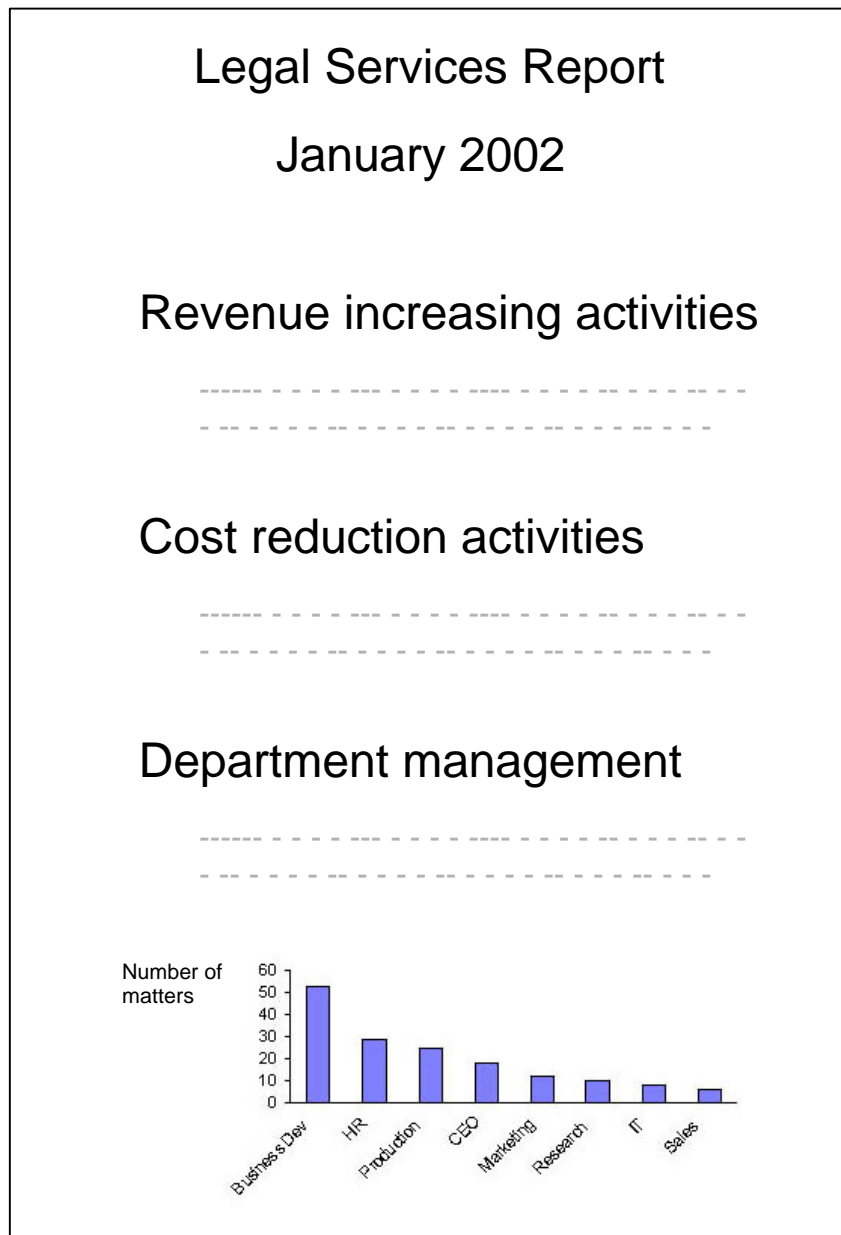
## 5. Avoiding 'stuff'

- Avoid doing anything that is just low-level 'stuff'.
- Structure your day so you have blocks of uninterrupted time.

# 1. Reporting to management

You can't assume that senior management understands the value you contribute to the organisation. You'd be surprised how few senior managers understand much about what in-house lawyers really do.

This is why reporting is so important. Here's an outline of a good report from a legal department.



The example report does 3 important things very well.

## 1. The headings reflect the organisation's top priorities

- The most common (and worst) sort of reporting is *legal-centric reporting*. These reports are structured around the way lawyers look at the world. They use headings like Current Litigation, Commercial Transactions and Employment Law issues. This isn't how other people look at the world.
- Almost as bad is *function-centric reporting*. These reports are structured around the way the company is structured. They use headings like Marketing, Production and HR Department.
- The best reports are *priority-centric*. They are structured around the issues of most importance to the organisation, even if there are no obvious legal dimensions. They use headings like Revenue Generation Initiatives, Expense Reduction Initiatives, Launching New Products, Union Relations and Raising Cash. These reports reflect what's on the minds of senior management. Habit 2 talks more about top priorities.
- The priority-centric structure shows senior management that the things keeping them awake at night are the things occupying the minds of the in-house lawyers. If you can't frame what you do in the context of the organisation's top priorities, perhaps you should review what you are working on.

## 2. There is a section on department management activities

- This shows senior management that the in-house lawyers are working 'on' the legal department and not just 'in' the legal department.
- Part of department management is developing systems and documenting the way things are done. These are the signs of a professional and well-organised department. They are important for preserving knowledge about the way things are done in the department, and for gaining leverage in the department. We talk more about developing systems in habit 3.

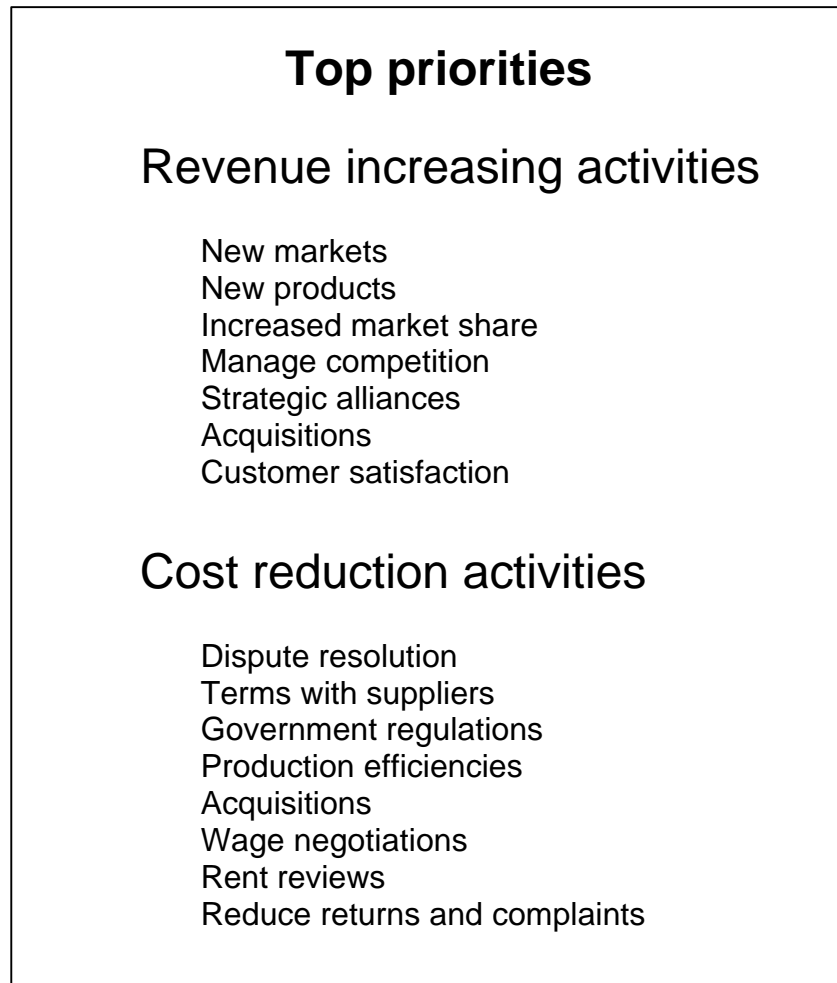
## 3. It includes performance data

- In the example report, the performance data relates to where work is coming from, but it could also relate to where time is going and where money is being spent.
- Performance data shows senior management exactly what has been going on in the legal department. It shows senior management that people in the department are professional enough to monitor where work comes from, where time goes and where money goes. We talk more about performance data in habit 4.

## 2. Solving top priorities

Do you know what your organisation's top 3 priorities are? If you don't, then you need to find out quickly. If you do know, ensure you are actively involved in helping the organisation make these priorities happen. Make these priorities your focus.

Below are some examples of what these top priorities might be.



Ask yourself whether that next thing on your to-do list will actually help achieve something on your organisation's priority list. This habit is about aligning yourself with the things that matter most to your organisation and not just doing whatever hits your desk.

Don't ignore a top organisational priority just because it doesn't seem to have an obvious legal dimension. Habit 2 is about not confining yourself to applying legal skills to solving issues with an obvious legal dimension. There is considerable scope for in-house lawyers to apply a broader set of skills to solving a broader range of business issues.

Here are 3 things you can do to graduate from the traditional role of an in-house lawyer to a broader and more valuable role.

## **1. Unearth your organisation's top priorities**

- Have an open-ended conversation with your CEO and division heads about the top priorities facing the organisation. Don't ask them how you can help (because they won't know). Instead, ask them "What can you tell me about the top three priorities facing the organisation now and over the next five years?"
- Be innovative in how you gain a deep understanding of those priorities. Get out on the road with sales reps. Have conversations with real customers of your organisation. Read industry magazines and business books, especially those the CEO reads. Go to industry and sales conferences. Instigate an internal secondment.

## **2. Help achieve the priorities**

- Open a file on each of the organisation's top priorities, even if you can't see how you can help. Assign responsibility for tracking each priority to someone in the legal department. Discuss the priorities at the start of each department meeting and department retreat.
- Ask your external legal advisers to suggest creative ways you can help achieve the priorities. They might know of interesting ways to use freedom of information laws, court procedures, negotiation tactics etc.
- Ask other internal service functions in your organization what they are doing to help achieve the top priorities. They might have novel insights you can use.

## **3. Report on your contribution to the priorities**

- In meetings and reports, show that you understand and are focused on the organisation's top priorities.
- Structure your reports around these priorities (see habit 1), by using them as the headings. This shows senior management you are focused on achieving the priorities, and that you take a broader view of your role in the organisation.
- In your reports to and discussion with senior management, list everything you are doing to help achieve the top priorities, even if you are yet to produce any results. It might be that you've asked an interesting question or highlighted a new angle. The very fact that you are making an effort in that direction is worth noting.

## 3. Developing systems

There are many repetitive tasks that get done in legal departments. Often these tasks can be simplified or largely replaced by a simple process or system that will save you lots of valuable time and effort.

Here's a list of some systems and procedures we've seen used in legal departments. Next time you do something more than once, or something that other people might find useful, see if you can capture your technique in a system.

### Department systems

#### Systems used internally

- How we use law firms
- Reporting to senior management
- How we open and manage matters
- How we manage documents
- Contract management procedures
- Checklist for business sales / acquisitions
- Checklist for contract negotiations

#### Systems used by clients

- Legal induction guide for new staff
- Checklist for advertising clearance
- Guidelines for handling complaints
- Checklist for confidentiality agreements
- Checklist for marketing managers
- Checklist for sales representatives
- Checklist for setting prices
- Checklist for director's duties

Get out of the habit of believing that everything you do is a 'one-off' and that it can't be documented. Stop thinking that the best place for all your knowledge is in your head, rather than embedded in a system or process. Don't think you will be giving up power by recording how you do things.

If you don't get out of these habits, your current sense of security and importance may be replaced soon with the burden of having to always be involved in everything, no matter how trivial.

Here are a few reasons why systems and documentation can be one of your greatest allies, and some tips for developing systems.

## **1. Benefits of systems and procedures**

- They enable greater consistency in how work is done within the legal department.
- They reduce reliance on a few key individuals who can be away, busy doing other things or have left the organisation.
- They make it easier to pass responsibility onto someone else to help get the job done (e.g. an assistant, lower-level lawyer, or even a client).
- By freeing yourself from the grind of low-value, repetitive work you can get involved in more strategic issues important to your organisation.
- Clients can work out the answer themselves or get the answer without having to wait in line to speak to you.

## **2. Tips for developing systems**

- Look for high-volume, repetitive work. The exact nature of this repetitive work will differ from place to place, but it's always there.
- Start seeing your most important work as the creation of a whole way of providing services in your organisation that works whether you are around or not.
- Focus more on creating tools that other people can use to solve legal issues for themselves.
- Include goals about designing and building systems in your job description, performance indicators and résumé.
- Aim to make your current job redundant within two years by systematising most tasks and then designing a more exciting role for yourself.
- Obsess about making life easier for your successors.

## 4. Gathering performance data

Do you know the status of all your open matters, where your work is coming from, where your time is going and where you are spending money? If you don't, then who is really running the legal department?

Below are examples of performance data collected by a legal department. It shows where work is coming from, where time is going, and where money is being spent.

	By client group	By work type																																				
Number of matters	<table border="1"> <caption>Number of matters by client group</caption> <thead> <tr> <th>Client Group</th> <th>Number of matters</th> </tr> </thead> <tbody> <tr><td>Business Dev</td><td>450</td></tr> <tr><td>HR</td><td>350</td></tr> <tr><td>Production</td><td>220</td></tr> <tr><td>IT</td><td>100</td></tr> <tr><td>Marketing</td><td>80</td></tr> <tr><td>CEO</td><td>70</td></tr> <tr><td>Sales</td><td>50</td></tr> <tr><td>Research</td><td>40</td></tr> </tbody> </table>	Client Group	Number of matters	Business Dev	450	HR	350	Production	220	IT	100	Marketing	80	CEO	70	Sales	50	Research	40	<table border="1"> <caption>Number of matters by work type</caption> <thead> <tr> <th>Work Type</th> <th>Number of matters</th> </tr> </thead> <tbody> <tr><td>General</td><td>220</td></tr> <tr><td>Leases</td><td>160</td></tr> <tr><td>Acquisition</td><td>140</td></tr> <tr><td>Environment</td><td>130</td></tr> <tr><td>Corporate</td><td>110</td></tr> <tr><td>Regulatory</td><td>80</td></tr> <tr><td>Compliance</td><td>50</td></tr> <tr><td>Restructure</td><td>30</td></tr> </tbody> </table>	Work Type	Number of matters	General	220	Leases	160	Acquisition	140	Environment	130	Corporate	110	Regulatory	80	Compliance	50	Restructure	30
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We find many legal departments have the capacity to track their matters by volume, work type and client. We also find that most legal departments can produce basic reports about external spending. However, two important components commonly not recorded are time and importance.

It is critical that you know how much time has been spent with each client department, on what type of work and its importance. The discipline of assigning a level of importance (e.g. High, Normal, Low) to each matter you

open makes you constantly check whether you are doing the work in line with the organisation's top priorities.

A good data collection tool can make it easy for all your staff to keep track of their daily work. It can also produce a number of insightful management reports like the example above.

Below are three reasons why collecting this sort of data is valuable.

### **1. Your intuition isn't always right**

- Intuition is often inaccurate and misleading. At the end of the week it's very hard to remember where all your time has gone.
- You may feel your time has been spent on seemingly urgent issues, but have they actually been important?
- Working without gathering performance data is like flying a plane without navigational instruments. You might be OK for a while, but what happens when the clouds roll in?

### **2. The data gives you management insights**

- It can be very difficult to gain agreement for changes to the legal department without performance data at hand.
- Until you can present performance data to your clients it can be very difficult to successfully delegate (or never get) their low-value work.
- You will be able to better manage the services provided by external law firms.
- Capturing information in an electronic system will provide you with a valuable knowledge base.

### **3. You can include the data in reports to senior management**

- Reporting is easy when performance data is at your fingertips.
- Senior management will appreciate you are in control.
- Staff reviews will be much simpler and more accurate with performance data.
- Even though you may not have been asked to collect performance data, there will come a time when hard questions will be asked and you will want to be prepared.

## 5. Avoiding 'stuff'

Do you ever feel that at the end of a very busy week you haven't had the chance to get to the really important work? Are you a magnet for 'stuff'? Do you have enough time to just think?

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.

<b>Time to think</b>	
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	
05:00	} Uninterrupted time on major priority
06:00	

<b>No time to think</b>	
07:00	} 250 emails 10 meetings 20 phone calls 15 unexpected visitors 1 major crisis No breaks
08:00	
09:00	
10:00	
11:00	
12:00	
01:00	
02:00	
03:00	
04:00	
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 to help you keep the stuff away and to have more time to think.

## **1. Avoid 'stuff' at all costs**

- Say no! 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. Tell people you aren't to be interrupted, and 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.

## **2. Get into a state of 'flow'**

- Making a serious contribution to your organisation takes a lot of uninterrupted thought and concentration. One of the biggest problems we find 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. This is why we encourage you to 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 rain dancing.

# Conclusion – Stop Rain Dancing!

## What's in it for me?

- Feel more in control of your work and your career. Enjoy your work more.
- Stop feeling drawn in 100 different directions at the one time. Develop a sense of focus, structure, order, direction and strategy in your practice.
- Prepare for future roles as an in-house lawyer, both in your current organisation and elsewhere.
- Prepare for future careers. Through choice, company collapse or retrenchment, many in-house lawyers will find themselves in quasi-legal and non-legal careers.
- Learn skills that will be useful should you decide to set up your own business at some stage.
- Find ways to generate more results, with less effort, for more remuneration.
- Develop an exit strategy from your current position.
- Improve your CV

## How do I do it?

Don't just decide to change - do something about it. As with most things in life, the results don't start until you do. The 5 management habits we've synthesised might help.

- Report to senior management.
- Focus on achieving the strategic goals of your employer, even if there are no obvious legal dimensions.
- Develop systems and procedures for how you handle recurrent activities and important processes.
- Gather data about where work comes from, where time goes and where you spend money.
- Make time to think, schedule blocks of uninterrupted time and avoid stuff.

# Take the Rain Dancing Challenge

Your reports to senior management	Yes	No	If not, why not?
Do you report regularly?	<input type="checkbox"/>	<input type="checkbox"/>	
Priority-centric?	<input type="checkbox"/>	<input type="checkbox"/>	
Comment on department management?	<input type="checkbox"/>	<input type="checkbox"/>	
Include performance data?	<input type="checkbox"/>	<input type="checkbox"/>	

List your organisation's top priorities	Traditional ways you can help	Innovative ways you can help
1.		
2.		
3.		

The top 3 repetitive activities in your department	How much time does each take per year?	Discuss scope for systematising
1.		
2.		
3.		

Do you track these things	Yes	No	Describe how, or why not
1. Where work comes from	<input type="checkbox"/>	<input type="checkbox"/>	
2. Where your time goes	<input type="checkbox"/>	<input type="checkbox"/>	
3. Where you spend money	<input type="checkbox"/>	<input type="checkbox"/>	

Do you have ...	Yes	No	Describe how, or why not
1. Blocks of uninterrupted time	<input type="checkbox"/>	<input type="checkbox"/>	
2. Techniques to avoid 'stuff'	<input type="checkbox"/>	<input type="checkbox"/>	

# About us

I (Justin) started my career at a law firm in Melbourne, where I became a partner in the commercial section. I then worked for a pharmaceutical company as the Legal and Corporate Services Manager and then as the Director of Business Development. I left in 1997 to start my own company ([www.lex.com.au](http://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. In the search for 'the better way', I've synthesised ideas from many sources, including the following.

- Observations of the management practices of dozens of legal departments in Australia, New Zealand, Asia, England, USA and Canada.
- Magazines, journals, books and articles on a wide range of subjects.
- Reflections on my own time working in large organisations in a variety of roles, including an in-house legal role.
- Lessons I've learned from applying the 5 management habits daily in building my own businesses.
- Feedback from clients and seminars attendees about how they currently work, and what has changed after they've adopted some or all of the habits.

Along the way, I got annoyed that our clients had to put up with rude, complicated and expensive software to manage their practices, contracts and intellectual property portfolios. Once more I was so sure there had to be a better way that I taught myself to design and build software. As with our management habits, our software products have attracted a wide and loyal following.

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