

## Developing a High Performing and Change Resilient Legal Team

This is an account of how a newly appointed General Counsel took on an assignment to turn around the legal function in a company and did so with the help of a team and leadership development coach. It is also the story of a journey through some unexpected challenges and how a few guiding principles and a deliberate approach to leadership helped to overcome those challenges.

It is June 2003, and a new General Counsel has just joined the company in the head office in Copenhagen. The previous general counsel left in December 2002, and the gap has been filled by short term secondments. Legal services in the company are in chaos. The department's secretary is used to listening to clients demanding to know when their work will finally be done and in some cases even shouting at her. The files are stacked in piles on the floor and in closets. The only signs of order are the beginnings of a filing system designed and implemented by the secretary and a first year law student. The one lawyer left in the head office sees his role solely as that of a "post office" between business person and outside firm. When he is told that there will have to be changes in working patterns, his response is to consult the lawyers union.

Early 2004 and the legal department secretary can now comfortably hold the phone close to her ear without damaging her ear drum. In fact, those internal clients who have been coaxed back to the legal department have noticed a high degree of professionalism and have begun to comment favourably. Although the department is still overworked and unable to deal with the flow of work coming in this is seen as a sign of success. In the pre-2003 period managers went to great lengths to avoid sending anything into the department. Recruitments are in progress, though in some cases the progress is slow.

Between 2004 and July 2006 the department was growing and changing. Among other things, two lawyers were hired to work in the head office and the lawyer who had been there when the new general counsel took over left. A senior lawyer was hired in the Belgian office, as well as a secretary and secondments were used to fill the gaps. Other additions and moves were made. All of this added up to significant change, however it was mild compared to what was to be experienced over the next eighteen months.

In the middle of this period of growth and the building up of knowledge and institutional memory, the company announced it was going to move its head office without indicating the new location. After a few months, the move to Vienna was announced. There was a relatively long period between announcement and move which caused disruption in the entire head office and significant concern for the legal department. In fact the move to Austria precipitated the loss of almost all head office based legal and support staff. Due to family and language and financial issues, the only person making the move from Denmark to Austria was the general counsel herself. All head office functions suffered significant losses due to the move. In addition, a few months after the move took place the senior lawyer in Belgium also left to take up a position of general counsel at his former company; an offer he said he "could not refuse".

The move ultimately resulted in the loss of 85% of the legal team built up since June 2003. A priority during early 2006 therefore was recruitment of new lawyers to be located in the Vienna head office, as well as a massive handover effort by the outgoing team, already deluged with work and also without a secretary at this crucial moment.

By September 2006 the team consisted of twelve employed staff, a mixture of lawyers, paralegals (contract manager and company secretarial), a law student, ethics officer and support staff. The new legal team including staff now based in five different locations throughout Europe gathered for its first meeting in September 2006. A high level of goodwill and team spirit existed, despite the fact that during the last nine months many of the 'old' team had to be replaced and more posts added. During the transition period, staff who had already left came back for a day or two to help with the handover to their successors. Wherever possible, new team members flew to Copenhagen to meet the outgoing team members. This created a sense of continuity.

In addition to the challenges already recounted, this was always a diverse team, and by 2007 consisted of ten nationalities located in five different countries.

This is a department journey of growth, change, dissolution and rebirth. How did the general counsel manage to build up a small but high performance team so quickly between mid 2003 and end 2005 and how did the department recover so quickly from the move and loss of many of its key players in 2006? You might also ask how the general counsel kept her motivation during this period, where so much hard work could have been seen to be jeopardised by corporate decisions. This article will attempt to explore the answers to these questions.

Inside the legal profession it is widely acknowledged that lawyers and teamwork are sometimes mutually exclusive. In addition, law firms and in-house legal departments have not traditionally enjoyed a reputation for good people management. When the newly appointed general counsel took on the task of transforming this small, low perceived value add legal team in 2003, she was aware of this and realised that she was going to need support in accomplishing the transformation. Changing the perceptions of the legal department around the company would not be an easy task. To deliver real value to the organisation an expanded, cohesive and collaborative team across the different locations was required.

That is why from the beginning, the general counsel decided to bring in a team and leadership development coach as a consultant on an occasional basis. She discussed this with the chief financial officer to whom she reported at the time, and he was supportive. Prior to joining the company, she had attended workshops conducted by a coach who specialised in working with teams based upon a particular approach which she was interested in using, so she invited him to work with her and he accepted.

Despite the move induced staff turnover, the benefits of the work done to develop this department into a cohesive and resilient team which we will share with you

shortly, were evident. In May 2006 the final team meeting prior to the move took place. All team members participated, including eight who would be leaving. Yet it was noticed by the team itself that despite all the changes, tensions, challenges and overwork of the last six months what an incredible team spirit, atmosphere of cooperation and desire to do what was right and needed for the department existed. As the general counsel commented at the time that would not have been possible except for all the development work with the team over the preceding three years. So what was it that helped create a multi-location yet cohesive and high performing team despite all the changes over this period?

You may be thinking that this is not your typical experience for a legal team. Although obviously an extreme situation, we would argue that corporate dislocations are becoming increasingly common, and therefore lessons can be learned from this experience. In any event, legal departments usually are under-resourced, and so many of the issues found here will often be present. The turmoil brought on by the move is only part of the story.

The team was able to provide a service and value to the organisation with a department which was small as compared to peers. During the initial three year period, and in addition to the normal consistently high workload, the team developed a comprehensive legal department Strategy document and its first five year business plan. It carried out a robust programme of preventive lawyering, including the development of templates and conducting of training sessions on a variety of subjects. During the same period it accomplished the sale of one of the company's plants – a major transaction. In addition, it drove a complete revision of the existing ethics policy, including initial research, a total redraft, and the development of an implementation plan which included preparing translations into 8 languages, training materials and presentations. This new policy is now considered as best practice by experts in the area and was developed at a fraction of the cost incurred by other companies with no additional full time equivalents (FTEs).

The development of a strong aligned team was integral to these results. To create them, regular off-site team meetings were held. These meetings included experiential individual and team development exercises tailored to the business and development needs and challenges faced by the team. The exercises to be used were assessed by the team development coach with input from the general counsel and team members.

Initial steps were taken to build trust within the group and to assist the team members to get to know each other. In order to do this a safe, non-threatening environment had to be created. Then, various “learnings” could be introduced through the exercises which helped the team interact in an open manner. The introduction of a simple approach to explain how our minds work as it relates to improved relationships and performance was also included. The approach helps individuals consistently be at their best and to develop personal resilience to challenging events (and people) around them. It also helps in prevention and reduction of the negative effects of stress. These qualities and abilities were fundamental to creating the cohesion and resilience seen in the team during these challenging years.

The approach is founded upon a simple philosophy and framework shared by the team development coach and the general counsel. It identifies three principles and how they interact to create our experience of life. They are the interaction of our different states of MIND; the process and nature of THOUGHT and the role of our awareness or CONSCIOUSNESS of what is happening around us. Rather than work with specific thoughts such as limiting beliefs as focused upon by other approaches, this works at a more fundamental level of understanding. It focuses on the nature and process of thought. Our thoughts create our perceptions and colour our experience of life. This in turn leads to behaviours which determine the reactions and the results we get.

By understanding and becoming more conscious of the state of mind we are in, the thoughts on our mind and how these shape our individual “perception” of the world we are less likely to get caught up in our thinking. This also provides an understanding and awareness of how and when our perceptions may be distorted. This gives greater perspective on events and lessens the likelihood of being reactive to them with potentially negative results.

Working on this basis during team meetings (which occurred approximately four times a year) these principles were explained and explored further with the team by way of discussions, reading materials, and various “exercises”. Other experiential learning exercises were also designed to illustrate various points. One such area was the importance of teamwork and the elements of high quality teamwork. Learning by experience is a far more effective technique than listening to power point presentations. As one would expect from a group of lawyers, there was some initial scepticism; however, quite quickly the understanding and activities were embraced and appreciated. Anonymous feedback forms were filled out after every meeting and the comments were consistently positive. Often the team itself would recognise a need and request to do more of this type of work in future meetings.

Another cornerstone of developing the cohesive team was developing a Team Charter containing acceptable values and behaviours or ways of working together. Once agreement was reached on the Charter a document was produced and displayed as a reminder and compass for the team. The concepts contained in the Charter applied whether working together as a team, as individuals or within meetings and with others in the organisation. If it was later detected that the norms agreed upon by the team in the Charter were not being followed it was possible for any member of the team to point out this shortcoming and request improvement.

One of the “side effects” of this work was the team’s ability to quickly absorb and incorporate new team members. By being explicit about the “rules of the road” no one had to guess what was ok and what was not. Another, more fundamental reason was that the quality of communication improved considerably. The potential for friction growing out of misunderstandings was reduced as a result of the understanding explained above. This was crucial to the team’s success during the highly changeable situation it experienced.

A decisive factor in the success of this team was the general counsel’s realisation at the outset of her need to improve her own people management skills. Her

willingness to show her own vulnerability in front of the team was also a prerequisite for overall improvement in the team. Examples of this were being seen not having all the answers or being willing to make mistakes in the development exercises and learn from them. By doing so she “allowed” the others to admit their own weaknesses and receive assistance in dealing with them. A leader creates the permission, safety and space (or not) for their team to work and explore within. One of the exercises illustrates this point. The team was taught to juggle three balls by the coach. The main purpose of the exercise was to help the team members understand their own learning style preferences and the steps necessary to learning quickly and effectively. It also highlighted the point that sometimes one can only really learn by “failing”.

No doubt you can imagine the scene – balls rolling all over the room as people struggled to master the skills; some succeeding more than others. The general counsel was comfortable to be seen struggling along with everyone else which helped them know it was ok to not be perfect. This is an example of how of a leader influences what is and is not acceptable through their own behaviour.

Other exercises were to illustrate the power of creative team work; to show that seemingly impossible tasks could be accomplished by working together; to emphasise the importance of communication; to deepen listening skills and to become quiet to allow creativity to surface, etc. In addition to the practical learning achieved during these exercises the mere fact of having fun together enhanced the team’s spirit and sense of belonging. The results were visible and tangible and with perseverance carried over into many aspects of the team’s functioning.

Within the department, there were many “failures” and frustrations along the way. At times it seemed that little progress was being made. At such times, the general counsel and her coach would sit down, diagnose the issues and devise a plan to deal with them. Sometimes the cause of the problem was some behaviour of the general counsel herself, other situations were caused by the personalities of members of the team. In each case and whatever the reason, a deliberate attempt was made to accept the sometimes “hard facts” and learn from what ever came up in order to improve.

Another crucial skill brought into the team was how to transform what might have been a difficult and painful discussion (often avoided rather than faced) into a challenging but effective conversation. Subsequently, even the first year law student working with the team during the first two years felt comfortable enough to confront her senior colleagues when she felt that something was not being done properly. During the run up to the move, there were some tense discussions about work load and expectations. All of these were handled well by the team as they had a common vocabulary and an understanding that everyone was doing the best they could with the information they had at their disposal. This ability to see the separate perceptions and “realities” of the different members of the team meant that everyone felt respected and valued by their peers, even if they did not always agree with one another. This is one of the benefits of the foundation principles used with the team.

As part of the process, an online team system diagnostic tool was used which highlights fourteen key elements of high performing teams. Seven of these relate to the productivity of a team. The other seven relate to the essential interpersonal elements which need developing. Three of these seven are critical to high performance teams (trust, respect and camaraderie). The report gives a snapshot of where the team perceives itself to be on the fourteen criteria (\* see end of article for details). It provides direction as to the elements needing the most attention. It also provides the ability to re-assess progress from time to time.

As time went on the coach joined the team less frequently. Coaching is not meant to develop dependency on the part of the “coached” and of course cost is a factor. Over time, the leader’s own skills will develop to a point where they can play the coaching role and lead the team more effectively. When this is achieved the coach might then be brought back selectively as changes in the team’s circumstances and challenges shift into new areas and the team needs additional support. In this case, the coach facilitated a joint workshop with the procurement department in order to bring about greater understanding and improve joint working capabilities. This was very successful.

One question raised at the beginning of this article and not yet addressed is how the general counsel remained motivated. Although it would be inaccurate to say that she did not experience a sense of loss and frustration at times, it is true that she was able to recover quickly and see the situation as an opportunity to learn from the mistakes made the first time around. The satisfaction of observing improvement in her leadership skills was a significant compensation. As an example she was able to better communicate her expectations of what was expected from members of the department when the “new” team gathered together for the first time in Vienna. Even greater satisfaction was derived from observing progress in the team.

A helpful “protection” against discouragement was the ability to become aware of and recognise negative thinking for what it is – just thought, and to be able to merely observe it and let it go. This helped counter any tendency towards an ever downwards spiral of mood and reduced effectiveness. This in turn assisted other members of the department to stay focused and positive during this period. This capability was a direct benefit from the foundational state of mind understanding and skills brought into the team early on.

Now in March 2008 the team consists of approximately eighteen people including secondments, and is facing as yet another challenge – a management diktat to reduce legal spend by 20% from a 2006 baseline, the year in which the head office move caused understaffing with some positions to be unfilled. We are confident that with the work done over the previous five years and the resilience it has helped it to achieve, the team will meet this challenge and continue to provide the company with high quality legal services.

In summary:

Deliberately starting out to develop a team, rather than leaving it to chance, greatly enhances the likelihood of success.

Unless the leader is skilled in team development, it can be beneficial to work with a team and leadership development coach, who not only provides support and assistance to the leader and the team but also an independent objective point of view.

The underlying philosophy and the exercises used with this department were aimed at developing greater awareness and skills to help everyone to be at their best individually and as a team.

This improved team functioning and resiliency directly resulted in more effective legal service being delivered to the business.

The steps taken to accomplish this (some of which were not discussed in the article due to space) can be summarised as follows:

- Get the whole team (including non-lawyers) together regularly.
- Help them get to know each other as individuals beyond their roles.
- Collectively develop a clearly articulated Team Charter or acceptable “Ways of Working Together” Guidelines.
- Design ways of communicating to keep everyone informed and up to date with what each is doing – for cross sharing of knowledge and seamless support to the business.
- Provide support and training to help individuals understand each other and their different styles of working and to develop effective communication, team working, coaching and feedback and collective problem solving skills.
- Balance development attention on all key factors of high performance teams\*\*.
- Assist team members to be more open to hearing others’ points of view and to be less reactive to the challenges around them.
- Develop and clearly articulate a team vision, values, team and individual goals and responsibilities – with single point accountabilities.
- Have a regular tracking process to keep track of projects and timelines. The legal department developed a line by line tracking document kept up to date by one of the support staff with a “traffic light” colour coding system for quick referencing of finished, in-process and late projects or action items.
- Have fun in the process!

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\* **“Productivity” Factors:** team leadership; resources; decision making; pro-activity; accountability; goals & strategies; alignment.

**“Positivity” or Inter-personal Factors:** trust; respect; camaraderie; communication; constructive interaction; values diversity; optimism

\*\* A sample report can be downloaded from [http://www.xcelldynamics.co.uk/peak\\_performance.html](http://www.xcelldynamics.co.uk/peak_performance.html)).