

**UPCOMING MEMBER EVENTS\***

Throughout the year, ACC Georgia offers a variety of programs, including opportunities for CLE credit. Monthly luncheon programs are typically on the second Tuesday of every month.

**December 15, 2021**

Women's Initiative – End-of-Year Gathering  
Sponsored by Eversheds Sutherland (US) LLP, Fisher Phillips LLP, Ogletree Deakins Nash Smoak & Stewart P.C. and Taylor English Duma LLP

**February 8, 2022**

Luncheon  
Sponsored by Squire Patton Boggs

**March 8, 2022**

Luncheon  
Sponsored by Willenken LLP

*\*Programming subject to change as a result of the COVID-19 pandemic.*

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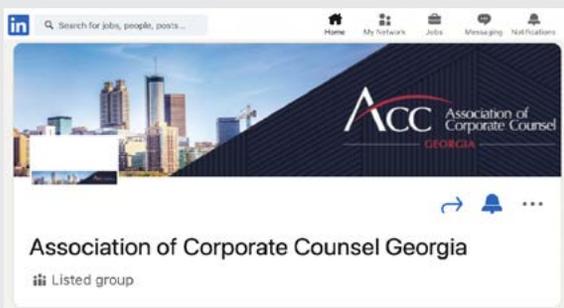
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**Join Your ACC Georgia Colleagues on LinkedIn**

Without a doubt, one of the most popular benefits of being an ACC Georgia member is the professional networking. There's an easy way you can show your online network that you're a member – join the ACC Georgia LinkedIn group. We've launched a new group to allow in-house counsel to network with colleagues and stay up to date on chapter news.

Log in to LinkedIn and type "[Association of Corporate Counsel Georgia Chapter](#)" in the search bar to submit a request to join our exclusive group.

By joining the group, you'll add our ACC Georgia badge to your LinkedIn profile, and you'll have something in common to connect with other in-house attorneys. We look forward to connecting with you online!



**DEAR ACC GEORGIA MEMBERS:**



*Melloney Douce  
ACC Georgia President*

As I end a term that started in January 2020, I must acknowledge that I became ACC Georgia's "COVID president."

We were so full of hope nearly two years ago, and although the time didn't go as we expected, it was no less an honor to serve this wonderful organization and community.

I want to thank the board of directors, who juggled their work for their global and national companies, their home lives and their volunteer efforts amid constantly changing plans due to the pandemic.

We've seen a lot in these two years. Besides the virus, we experienced a resurgence in advocacy for social justice, particularly as it affects Black, Asian-Pacific and women's issues. We've also addressed these matters in our jobs and working with employees, and I found our online town halls discussing some of these things particularly rewarding.

We'll keep some web programming because we discovered how well it helps connect people who can't make it to in-person events for any reason. But I also hope we'll see each other more in real life too.

I was proud of our work with partner organizations such as the Georgia Association of Women Lawyers (GAWL) and the Georgia Asian Pacific Bar Association.

And I want to thank our sponsors and the Atlanta Business Chronicle, without whom we couldn't have had the in-person events we managed to have in the past two years.

I'm also grateful to the companies that brought back our legal internship program in 2021, after we had to cancel it due to the pandemic a year earlier. Three first-year law students spent five weeks each in the legal departments of these great companies.

Our next president will be Kathryn Hutton. I'm delighted she'll be taking the helm, as I've seen first-hand the great ideas and passion she has for ACC Georgia.

I look forward to more great things from ACC Georgia.

**Melloney Douce**  
ACC Georgia President

**OUR GRATITUDE**

We wish to thank all of our sponsors from the 2020-2021 term:

- |  |  |
|--|--|
| • Berman Fink Van Horn P.C.                                | • Ogletree Deakins Nash Smoak & Stewart P.C. |
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| • Cyber Leadership and Strategy Solutions, LLC (CLASS-LLC) | • Poston Communications                      |
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| • Jackson Lewis P.C.                                       | • The Partners Group                         |
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**Platinum Sponsor**  
Eversheds Sutherland (US) LLP

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We also wish to thank the companies that revived our legal internship program after its cancellation in 2020 due to the pandemic:

- |                          |                                   |
|--------------------------|-----------------------------------|
| • Beazer Homes           | • LexisNexis Risk Solutions Group |
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| • Harry Norman, REALTORS | • Novelis                         |

## MEMBER SPOTLIGHT

### Randi Warren

Corporate Transactions Senior Counsel, Aflac



#### Q. How'd you decide to become a lawyer?

Growing up, I wanted to be Clair Huxtable, the mom from "The Cosby Show" who was a lawyer. She was pretty, smart, fashionable, and she always had a briefcase in tow. I kept that excitement through my matriculation at my mother's alma mater, Spelman College, and later as a file clerk and paralegal for an Atlanta mid-sized firm. Two years later, I went to Mercer Law School.

#### Q. How'd you come to work at Aflac?

After graduating from Mercer, I spent almost six years in civil litigation. The unexpected loss of my mother prompted me to re-evaluate my next steps. Through this reflection process, I desired more fulfilling work and a company that places as much value in their employees, as it does in its customers. I liked Aflac's incredible brand, familial culture, commitment to corporate social responsibility, and their approach to work-life balance.



#### Q. What are your duties at Aflac?

Seriously, what aren't my duties! As in-house counsel, we wear many hats. We are business partners to external and internal stakeholders. I provide legal advice and support on large, enterprise-wide projects as a technology transactional attorney and corporate generalist. I provide guidance on complex legal issues impacting IT agreements and suppliers. I negotiate multimillion dollar agreements, in addition to handling litigation matters and special projects. I leverage the cross-training that our department does, which aids in my resolving inquiries on matters that sometimes are out of my scope. We also mitigate risk around the company while making sure we are not "The Department of No." Instead, we focus on how we can get to "Yes."

#### Q. You also lead Aflac's legal diversity initiative. Tell us about that.

Aflac Legal made a renewed commitment to diversity, equity, and inclusion through our initiative, which aims to partner with law firms that value and engage in intentional diversity and inclusion practices. My colleague, Joan Clarke-Narcisse, and I formed a Legal Diversity Committee that is focused on developing a framework to foster a more diverse, inclusive, and equitable legal department.

We created the Diversity Continuing Legal Education (CLE) Series. Through this series, we bring in diverse attorneys from firms to present on various topics. This introduces diverse attorneys to our department, so that the legal team can be knowledgeable of the practice areas of the attorneys when looking to retain diverse talent to handle our legal matters. We have hosted six CLEs, with one more planned for the year.

We also focused on increasing the pipeline of diverse and inclusive legal talent by partnering with law schools to increase the pool of candidates for legal externship and internship programs.

For the first time, we established metrics to track and measure the percentage of a legal department's budget on diverse attorneys and solo practitioners.

Because of the work and commitment placed into our Diversity and Inclusion Strategy, Aflac U.S. Legal was selected as a finalist for the Legalweek Leaders in Tech Law in the In-House Innovations in Diversity and Inclusion.

#### Q. What advice do you have for outside counsel trying to get work with Aflac or a similar type of company?

You need to learn the company's culture and business and decide whether your values align with our values. We'll want to know that you can make our lives in the in-house legal department easier because you can deliver work that we can trust.

We want to know how your firm works—who gets origination credit for our matters, how your succession plan works and how you'll get the best, brightest and most diverse legal talent staffed on our matters.

#### Q. When you're not practicing law, you are teaching ballet, right?

At the age of three, I began learning ballet and jazz, and later I advanced to study pointe. Full circle moment, I am now an Adjunct Dance Instructor at Columbus State University's Youth Dance Conservatory, where I teach ballet to my students ages 12-16.

When the pandemic began, I received so many calls for private lessons that I turned my garage into a ballet studio. That is how I started The Graceful Pivot, LLC, where I offer ballet to little ballerinas and to adults who want to channel their inner ballerina. Learning to pivot has been instrumental in my dance life, as well as my professional and personal life.

#### Q. What would you like to share about your family?

My angel mother, Linda Warren, is my biggest role model. As an educator who touched the lives of many, my mother gave me a toolbox filled with faith, good character, resilience, strength, resourcefulness, style and grace. And that toolbox helped me and my big brother, Chris, to reluctantly, but gracefully, accept the loss and grow through grief. Grief happens to all of us, forcing us to choose to succumb to it or grow through it. If you choose

## THANK YOU TO OUR SPONSORS

The Association of Corporate Counsel Georgia Chapter would like to thank our 2020-2021 event sponsors. Without their contributions, we would not be able to deliver the quality events that our chapter members have come to enjoy. We deeply appreciate their generous support.

**September 22 – International Webinar** – Kilpatrick Townsend & Stockton LLP

**September 30 – Women's Initiative** – Eversheds Sutherland (US) LLP, Fisher Phillips LLP, Ogletree Deakins Nash Smoak & Stewart P.C. and Taylor English Duma LLP

**October 12 – Luncheon** – Squire Patton Boggs

**October 19 – Leadership Series Event** – "From Expert to Catalyst: Building Leadership Agility in Today's Complex World" – Smith Gambrell & Russell

**October 27 – Deep Dive** – "What Non-IP In-House Counsel Need to Know" – Fish & Richardson

**December 3 – Deep Dive** – "Employer Non-Competes and Other Restrictive Covenants: Trends, Traps and Hot Topics" – Berman Fink Van Horn P.C.

**December 7 – PBPA Legal Checkup** – Legal Checkup of Nonprofits – Eversheds Sutherland

Also, ACC Georgia extends a special thank you to Poston Communications for production of our newsletter, public relations and other activities.

### How You Can Sponsor an Event

ACC Georgia welcomes your sponsorship. Sponsors have the opportunity to showcase their expertise and experience to our members in exchange for providing support for substantive programs involving CLE credit. Costs paid by sponsors provide funding for luncheons and special programs, as well as ACC Georgia's community outreach programs that include providing minority internships for deserving law students.

For more information, go to:  
<https://www.acc.com/chapters-networks/chapters/georgia/sponsorship-information>.

## MEMBER SPOTLIGHT

### Haniyah J. Miller

Senior Corporate Counsel, The Home Depot



#### Q. What have been the most challenging aspects of the pandemic? What have been your guideposts?

The most challenging aspects have been the shift to working from home and managing client relationships in a virtual environment. Pre-COVID, in-house counsel spent a great deal of time meeting with clients in person and fostering those relationships while in the same building. Virtual meeting has now become the norm. There are no more impromptu water cooler meetings. We've had to adapt and be more intentional with our time and schedule regular times to touch base with clients.

#### Q. What attracted you to the type of law you practice?

I am a construction lawyer by trade. My current role at The Home Depot involves working with the attorneys for the home installation, HD Rental, and Pro businesses. I enjoy the permanency of construction. Knowing I have a hand in creating, renovating, or maintaining permanent structures that will live long after we are here provides me with a sense of fostering our infrastructure.

#### Q. How did you go about building your personal brand?

On a micro level, I build my personal brand through each interaction. In my role, I interact with a variety of internal clients, from store associates to vice presidents. I treat everyone the same, with the dignity and respect that we all deserve as team members. My brand is what people perceive it to be, not what I want it to be.

On a macro level, through my work ethic and desire to resolve my clients' problems. I want my clients to see me as a confidant and a supporter. Someone who helps them achieve their visions in a way that limits liability, not someone who says "no."

#### Q. What do you like about working at your company?

The Home Depot is truly an amazing company to work for. The way we care for associates and the community is paramount to who we are. Our values are not just words—each associate knows them and lives them each day, hopefully off and on the clock. Through its foundation, The Home Depot doesn't just donate money, but time. Associates take the time to rebuild their communities through their own sweat equity, which means more than money. We've seen the smiles on the faces of veterans after we've helped them rebuild their homes or clean up their communities. This company is built on giving back.

#### Q. What keeps you up at night?

The Home Depot holds general contractor's licenses that allow us to perform services in the United States. My number one goal as an attorney for services is protecting those licenses—that is what keeps me up at night. To protect those licenses, we manage a variety of issues, from contractual obligations to service providers and manufacturers to pre-litigated customer claims.

#### Q. What is your biggest legal challenge?

I am one of the attorneys for The Home Depot's Installation Services division. We enter people's homes and perform approximately 8,000 installations a week. During COVID, we must balance providing customers with a safe experience within the color of the law, managing co-employment issues with service providers and complying with local and state regulations.

#### Q. What is your best advice for outside lawyers?

Be flexible. In-house attorneys have a different challenge than outside counsel. We are not only responsible for protecting our companies from liabilities, but also helping them make money. In order to help them make money, we need to be creative and flexible. Find ways to say "yes" and be creative in how you attack issues with corporate clients.

#### Q. What are you most proud of?

My family. I am married over 20 years with two children, 22 and 18.

#### Q. Who is a mentor or a personal hero?

My current boss, the assistant general counsel for services at The Home Depot, Tanya Hairston-Whitner, is my mentor. She's a brilliant attorney but beyond that, she is truly invested in me and my career and seeing me thrive as an attorney, personally and professionally.

#### Q. What keeps you busy outside of work?

My family and I own a very successful fur business selling real fur coats and apparel during fall and winter. As a girl who grew up in New York, I love cold weather fashion.

Although I am a corporate attorney, I am fascinated by criminal law. I regularly appear as a legal analyst on TVOne cable channel's documentary series about true life crime stories called "Fatal Attraction."

#### Q. What is your last book read, interesting article read or movie seen?

I'm a bit of a fantasy buff. My favorite book of all times is "Lord of the Rings." The last book I read was "Rhythm of War," by one of my favorite authors, Brandon Sanderson. The last movie I saw was "Dune," which was fantastic!

#### Q. What would you like to share about your family?

My family is amazing. I attended law school at the age of 35. I already had a family and a career. My family sacrificed for me to be able to live my dream of becoming an attorney. I am eternally grateful for them.

## WELCOME THE NEWEST MEMBERS OF ACC GEORGIA!

Marian Adeimy  
George Bara  
Darrel Begnaud  
Jennifer Blasco  
Scott Brown  
Marta Brown  
Nick Carden  
Kasey Chow  
Brian Cohen  
Nicholas Cooper  
Michael Deaton  
Bettina Dennis  
Uche Eronini  
Amber Hall  
Nicolle Holt  
Paige Honeycutt

Michael Jones  
Kim Joye  
Andrew King  
Steve Kwon  
Lauren LaFleur  
Lauren Loeb  
Alphonse Lucette  
Chris Moussally  
William Newell  
Meryl Roper  
Michael Selvester  
Stephen Sencer  
Mandy Sweeney  
Michelle Tanen  
Kristen Wang

### Get Involved with ACC Georgia

Want to get involved in the in-house counsel community? Joining an ACC Georgia committee is the best way to start. For more information, go to <https://www.acc.com/chapters-networks/chapters/georgia/chapter-committees>.

## FROM OUR EVENT SPONSORS

### One is the Loneliest Number: Apportionment After *Hatcher*

By Brannon J. Arnold, Matthew Marrone and William D. Ortiz, attorneys at Weinberg, Wheeler, Hudgins, Gunn & Dial

Georgia appellate courts have recently removed several arrows from the quiver of the last remaining defendant in a civil case. On August 10, 2021, the Supreme Court of Georgia held that under Georgia's Apportionment Statute, O.C.G.A. § 51-12-33, no allocation of fault or apportionment of damages to non-parties will be permitted where the action is "brought against" only one named defendant. See *Alston & Bird, LLP v. Hatcher Mgmt. Holdings, LLC*, 862 S.E.2d 295 (2021). On November 1, 2021, the Court of Appeals of Georgia further limited the Apportionment Statute's application and held that *Hatcher's* preclusion on apportionment didn't just apply to actions initially "brought against" one defendant, but also applied to cases with only one named defendant "in the case by the time the case proceed[s] to trial." See *Georgia CVS Pharmacy, LLC v. Carmichael*, A21A0677, at 25 (Ga. App.) (Nov. 1, 2021).



Brannon J. Arnold

#### How Were Fault Allocated and Damages Apportioned Before *Hatcher*?

Prior to *Hatcher*, once a defendant's liability was established and the plaintiff's damages calculated, the jury could then assess the relative fault of all those who contributed to the plaintiff's injury—including the plaintiff—and apportion damages based on this assessment of relative fault. For example, in a negligent security case, in which the defendant is the owner of the premises where a shooting

occurred, the owner could request that the non-party shooter be listed on the verdict form. This allowed the jury to allocate fault to the non-party shooter which would proportionately reduce the amount of fault allocated to the owner. However, *Hatcher* changed the game.



Matthew Marrone

#### How did *Hatcher* Change Fault Allocation and Damages Apportionment?

Now, damages cannot be apportioned in single-defendant cases, even where a jury expressly determines that a non-party to the case was also at fault. In practical terms, single defendants in Georgia may now be obligated to cover the entirety of a damage award, minus any proportion attributable to the plaintiff's fault, regardless of a non-party's liability. The Supreme Court's landmark ruling stemmed from a legal

malpractice case against *Alston & Bird*, where a non-party individual engaged the firm to form and represent a holding company for the individual's family's assets. The individual subsequently served as the holding company's manager and embezzled substantial amounts of company funds. Following the embezzlement, the plaintiff holding company sued the defendant law firm for legal malpractice and breach of fiduciary duty. At trial, the jury awarded the plaintiff \$2 million but found that the plaintiff was 8% at fault and that the non-party individual was 60% at fault. So, the trial court proportionally reduced the amount of damages awarded by 68%. Prior to *Hatcher*, this allocation of fault and apportionment of damages occurred in almost every action taken to trial. However, the Georgia Supreme Court, applying a strict textualist interpretation of the Apportionment Statute, held that fault allocation did not apply to this case, as it applies "in cases brought against more than one person, not in single-defendant lawsuits like this one."

#### How did *Hatcher* Change Fault Allocation and Damages Apportionment?

To prevent apportionment arguments, plaintiffs are already electing to file multiple individual lawsuits with single defendants instead of single cases with multiple defendants. In these scenarios, corporate counsel will need to consider consolidating cases when necessary to preserve these apportionment rights. Further, dismissals of settling co-defendants will no longer be as simple as they have ordinarily been. Often, a remaining defendant would agree to dismissal of a settling co-defendant with the caveat that the remaining defendant could argue allocation of fault at trial as to the settling defendant. Under the Georgia Supreme Court's new framework, a single remaining defendant should now object to the dismissal of a settling defendant if that remaining defendant wants to argue for the allocation of fault to the settling defendant – or to any non-party for that matter.



William D. Ortiz

#### What Can Corporate Defendants Do Now In Lieu of Apportionment?

While *Hatcher* and *Carmichael* have stripped lone defendants of many of the apportionment arguments and strategies that they enjoyed in Georgia for decades, such defendants are not totally without recourse. Notably, these decisions do not appear to have disturbed apportionment for the plaintiff's fault, nor do they seem to eliminate the argument that a non-party is liable to some extent. Defendants can

still argue the "empty chair" defense at trial, or adamantly pursue a causation defense that a non-party's superseding and intervening act was the cause of the plaintiff's injuries and damages. Also, defendants may still be able to pursue a right of contribution against a non-party under certain circumstances. As litigants and trial courts grapple with the unintended consequences of these new rulings, many questions remain unanswered. However, one conclusion is clear: legislative action is required to bring any semblance of certainty back to fault allocation in Georgia. Until that occurs, corporations and their counsel should be prepared to address this uncertain landscape.

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### MEMBER NEWS & UPDATES

We want to celebrate our ACC Georgia members on LinkedIn and beyond! ACC Georgia recognizes that our community of in-house counsel is more than just the outstanding work they do every day, and we want to acknowledge those personal milestones and achievements.

From birth announcements to volunteer recognitions, if you have news to share, we invite you to email [georgia@accglobal.com](mailto:georgia@accglobal.com) so we can celebrate you.

# ACC NEWSROOM: ACC BENCHMARKING SURVEY RESULTS

## Survey provides essential financial and operational benchmarking data to assist legal departments in establishing baselines for performance improvement.

Washington (June 23, 2021) – The Association of Corporate Counsel (ACC) and Major, Lindsey & Africa (MLA) announced today the results of their annual legal benchmarking survey. The survey found that just 29 percent of companies that track internal diversity – and of those that do, 47 percent have a formal strategy to improve in this area. Additionally, despite the growing popularity of ALSPs, just 12 percent of companies increased their usage of these providers in 2020. The legal benchmarking survey was conducted between March and May of 2021 and had a total of 493 legal departments in 24 industries in 30 countries participate. The executive summary provides high-level survey results on legal department structure, work allocation, law firm usage, and staffing, spending and diversity metrics.

“The ACC/MLA Law Department Management Benchmarking Report is a top-tier resource for the in-house counsel community to track and measure progress on numerous metrics,” said Veta T. Richardson, president & CEO of ACC. “The report gives law department leaders a wealth of data for peer comparisons and benchmarking across a variety of metrics in order to assess performance, results, and efficiency and take a data-driven approach to charting the legal operational and managerial goals to be achieved.” “Since its inception in 2019, this report sets the industry standard for structuring and maintaining a high-performance legal department,” said Greg Richter, VP, Retained Search and Advisory Services for MLA. For the first time this year we asked companies about their Diversity and Inclusion efforts, which is becoming an increasingly important metric within organizations.

### Tracking Diversity Remains a Challenge

Overall, 29 percent of survey participants reported tracking internal diversity metrics, though with considerable variation across company sizes. Among companies that track internal diversity, 47 percent have a formal strategy to improve in this area with actionable measures and tangible consequences.

With respect to the legal department’s outside counsel, 18 percent of participants reported tracking diversity metrics. The report also shows that the vast majority (74 percent) specifically measure the diversity of the teams that handle their matters. Additionally, it breaks down the extent to which legal departments analyze diversity within the firms they engage (beyond their own matters), including by:

- Measuring matter leaders or responsible partners (49%)
- Promotions to partner (25%)
- The composition of leadership in the firm (22%)

In contrast to the action-orientation of internal diversity tracking, among those that track outside counsel diversity only a quarter also reported having a formal strategy with tangible consequences to improve the diversity metrics of the law firms they engage (vs. nearly half of those that track internal diversity).

### Cost Per Lawyer and Use of ALSPs Remain Relatively Consistent

Differences in spend are substantial across company sizes. Legal departments in small organizations record a median total legal spend of US \$1.2 million, while those in mid-sized organizations report a value of US \$8.4 million, and larger legal departments report a median of US \$64 million in total legal spend.

One metric that is relatively consistent across company size is cost per lawyer hour. This cost was calculated by dividing total lawyer compensation spend by the number of lawyers in the legal department and further divided by the industry standard of 1,800 hours of work per year. The results across company sizes are similar, with the median values set at US \$113, \$131, and \$123 for small, mid-size, and large companies, respectively.

Legal technology expense percentages were also found to be minimally affected by the size of the company. All companies regardless of size report the median value of two percent of total spend is allocated to technology solutions in the legal department. Departments are spending the most on contract management technology, with almost one-in-four legal departments reporting contract technology expenses, and 42 percent of those selected it among their top three areas in terms of technology-related spend.

Company revenue size shows large differences when reviewing the number of law firms and alternative legal service providers that participating organizations engage. On average, participants engaged 36 law firms and around 2 alternative legal service providers in 2020. Small companies relied on the services of 10 law firms and 0.5 ALSPs, medium companies engaged, respectively, 36 law firms and 2 ALSPs, and large organizations counted on 158 law firms and 5.4 ALSPs, on average. Despite the growing focus on ALSPs, only 12 percent reported engaging more ALSPs in 2020, compared to 29 percent reporting an increase in law firms used.

### Legal Department Structure and Scope

Results show that in 80 percent of departments, the CLO reports directly to the organization’s chief executive officer. In 92 percent of companies with over \$10 billion in revenue, CLOs reported directly to the CEO. CLOs in all participating pharmaceutical companies report directly to the CEO, followed by finance and banking (88.9 percent) and energy (86.7 percent).

Compliance tops the list of functions handled directly by legal at 77 percent of departments. An additional 7 percent reported that compliance is a separate division within the company, but reports to legal, which means that 84 percent of departments in total oversee the compliance function. Privacy (62 percent) and ethics (59 percent) are the other two functions that are part of the legal department in most participating organizations.

### Staffing Metrics: Lawyer to Legal Operations Professional is 7 to 1

The report found departments tend to have at least one paralegal once there are three lawyers, an admin once there are five lawyers, and a legal-operations professional once there are seven lawyers. On average, two-thirds of legal department employees are lawyers, paralegals represent 12 percent, administrative and other staff account for eight percent each, and legal operations professionals represent six percent of total legal department employees.

Richardson continued, “With nearly 500 legal departments participating in the study, there is sufficient depth of data for law departments to engage in custom benchmarking against a defined peer group using their preferred combination of characteristics, including industry, revenue, and geographic footprint. We are grateful for MLA’s partnership to support the ACC research team to bring such a valuable report to today’s law department leaders.”

Full survey results, broken down further by company revenue, industry, legal department size, and company type, are available on ACC’s website.

For any questions, or to arrange spokesperson interviews, please contact Dan Weber (d.weber@acc.com) or Jennifer Silver (jesilver@mlaglobal.com)

**About ACC Research:** ACC Research provides data-driven insights through survey reports and white papers as well as benchmarking reports and advisory services to support informed decisions by in-house legal professionals.

**About ACC:** The Association of Corporate Counsel (ACC) is a global legal association that promotes the common professional and business interests of in-house counsel who work for corporations, associations and other organisations through information, education, networking, and advocacy. With more than 45,000 members in 85 countries employed by over 10,000 organisations, ACC connects its members to the people and resources necessary for both personal and professional growth. By in-house counsel, for in-house counsel.\* For more information, visit [www.acc.com](http://www.acc.com) and follow ACC on Twitter: @ACCinhouse.

### About Major, Lindsey & Africa

Major, Lindsey & Africa is the world’s leading legal search firm. The firm, founded in 1982, offers a range of specialized legal recruiting and advisory services to meet the ever-changing needs of law firms and legal departments and to support the career aspirations of talented lawyers and legal and compliance professionals. With more than 25 offices and 200-plus search consultants around the world, Major, Lindsey & Africa uses its market knowledge and experience to partner with organizations to fulfill their legal talent needs and provide solutions to increase team efficiency and effectiveness. Major, Lindsey & Africa is an Allegis Group company, the global leader in talent solutions. To learn more about Major, Lindsey & Africa, visit [www.mlaglobal.com](http://www.mlaglobal.com) and follow MLA on LinkedIn, Twitter, Facebook and Instagram.

# Building Leadership Agility in Today's Complex World

By Jodie Charlop, NCC, CMC



Jodie Charlop

The world is more volatile, uncertain, chaotic and ambiguous. Even before the pandemic, the rate of change challenged leaders and their teams to keep pace. To survive and thrive, leaders utilize multiple mindsets during the day to solve the complex problems of their businesses and organization. While drinking their morning coffee, they may be preventing and tackling problems and getting things done by relying on their knowledge and expertise. By lunchtime, they may have shifted to directing teams to achieve outcomes and very specific deliverables. If they can pull up from the work and problem-solving, they may be able to grab a moment to think about the future and what comes next. The pace and continuous mindset shift have led to more than 50% of leaders doubting their ability to manage organizational complexity, according to research showcased in an award-winning book, *Leadership Agility: Five Levels of Mastery for Anticipating and Initiating Change* by Bill Joiner and Stephen Josephs.

I recently had the opportunity to help leaders grow their confidence and thinking capabilities during a Leadership Series event sponsored by Smith Gambrell & Russell with the Georgia chapter of the Association of Corporate Counsel.

Here are highlights of what we discussed about how leaders can more effectively respond to their shifting demands.

## Building leadership agility awareness

Leadership agility—or the ability to shift and pivot mindsets—is the master competency needed for sustained success in our fast-paced and complex business environment. In practice, leadership agility is what gives leaders the ability to lead effectively when rapid change and uncertainty are the norm and when success requires consideration of multiple views and priorities. It is much more than “learning agility,” which is based on the ability to adapt readily to new assignments. Based on research highlighted by Joiner and Josephs, leadership agility refers to the full set of mindsets and skill sets that differentiate leaders who are most effective in today’s rapidly changing environment.

Eighty percent of leaders still operate in a tactical or binary problem-solving mode. Most leaders believe their leadership success comes primarily from their expertise—they need to have the answers—or their ability to rally the group around specific goals. Complex environments create tensions, roadblocks and power struggles as there is no definitive way. To lead in complexity, leaders must lift up to a more systemic view and find ways to catalyze others to think and accomplish things at a more expansive level. As a leadership coach, I’ve noticed this dynamic especially in leaders in the legal field, who are hired and lauded initially for their expertise and knowledge to serve clients. When these individuals step across the line to become corporate counsel, they need to build more expansive leadership muscles, as they face complex problems across their organization with internal partners on their team and in service of the organization. These complex problems do not have simple, binary outcomes like a math equation. Instead, these problems appear more like a puzzle with multiple answers, which requires a more expansive leadership mindset to solve.

## Moving beyond the binary

With intention, leaders can build leadership agility and operate at the more expansive level. Someone that demonstrates effective leadership agility has built the capability to flex in the three mindset levels: expert, achiever and catalyst. Experts are focused on their knowledge and tactical, problem-solving work. Achievers arrange experts in teams to accomplish results based on team member skills and abilities. At the catalyst level, leaders step back, listen and focus on creating the kind of environment that motivates, inspires, and brings out the best in people. This, in turn, sets the stage for more powerful ideas and solutions. Even higher levels exist in co-creators and synergists with the rare ability to manage thoughts, feelings and assumptions that drive behavior – and a greater capacity to manage sticky challenges with both people and business results.

Our work is primarily focused on the first three mindsets—expert, achiever, and catalyst—as research shows only about 6% of leaders ever make it to the catalyst level of leadership agility. Most shift back and forth between expert and achiever. The good news is that for those willing to grow and learn, it is possible to expand and grow to new leadership levels required to thrive in complex environments.

Consider what the pandemic has taught us about leadership. Those leaders that relied on their ability to operate in the traditional mindset of expert and achiever have struggled. We are operating in uncertain times, where the answers are not always black and white. Think about the current debate around work from home versus in-office work. Some employees may never want to return to the office, whereas others may be highly motivated to come back. And other employees crave an arrangement somewhere in the middle. Satisfying all these varied work styles and preferences is a no-win situation, but effective leaders must be willing to learn, experiment and risk. The solution lives with those leaders that can demonstrate a more expansive, catalyst mindset to experiment, iterate and find new, more satisfying ways forward.

## Leading with curiosity

Solving the complex problems of our current world requires seeing leadership as curious exploration to problems versus commands, position or title. Leading should be an act intending to change something for the better. In the language of the agility model, any activity consistent with this description is a leadership initiative. Anyone can take leadership initiative, whether or not they have positional authority over those with whom they work, learning to flex the three leadership mindsets. We coach to build these leadership muscles while operating in the key action arenas – pivotal conversations, improving team performance and leading organizational change. Each arena requires its own leadership skillset. Leaders and teams can build these muscles through self-assessment, learning and practice. The work creates a more mature, capable and resilient team ready to face challenges with greater emotional agility, understanding and practical resilience.

If you are curious about how you or your team can lead more powerfully in complex times, we invite you to learn more by downloading “Creating a Culture of Agile Leaders” written by our learning partner Dr. Bill Joiner. Or reach out to me at [www.jodiecharlop.com/virtualcoffee](http://www.jodiecharlop.com/virtualcoffee) and I am happy to share how we are working with leaders and teams to prepare to thrive despite current and future complexities. It’s game-changing for business impact and life-changing for professionals who take the journey.

*Jodie Charlop, NCC, CMC, is Managing Partner & Founder of Exceleration Partners. She helps leaders grow into powerful executives and co-creates leaders and teams that are future fit.*

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