



# START ME UP!

A stellar cast of in-house counsel dealt with the topic of setting up and managing the in-house legal function at the annual panel discussion for in-house practitioners, held at Blackhall Place. **Lorcan Roche** reports

LORCAN ROCHE IS AN AWARD-WINNING JOURNALIST

Ongoing commitment to the in-house sector's expanding needs was underlined by the president of the Law Society at a recent seminar at Blackhall Place on 4 May. Stuart Gilhooly pointed out that in-house and public sector solicitors, combined, make up nearly 20% of the profession. The Law Society has become increasingly aware, not just of the "explosion" in numbers, but of the breadth of the work being undertaken by the sector. Real efforts were being made to make the Society

more relevant to this "vital sector", he said.

Brian Connolly, chairman of the In-House and Public Sector Committee, outlined how the functions of this 'sleeping giant' of the legal community had expanded: corporate governance, risk management, public affairs, employee matters, pension matters – these and other areas were now part of the in-house solicitor's daily brief. "We are increasingly being asked to be business managers. You can either see it as a problem or an opportunity, but it is important to understand that the

growing demand for our services is a testament to the value of the legal function."

Richard O'Sullivan (general counsel, Global Shares Plc, and former head of legal affairs at the Health Information and Quality Authority) delivered a ten-point bulletin on 'What he wished he had known before he moved from the private to the in-house sector' (an article on this topic will follow in the July *Gazette*).

O'Sullivan concluded with a 'half tip, half plea': "It is lonely out there as an in-house practitioner. I realised very quickly I didn't have colleagues down the corridor. As in-house lawyers, we are not in competition. So remember to reach out for support and to stay in touch. And be open about taking cold calls from other lawyers."

## Networking solutions

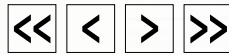
Una Butler, director of legal services at the Competition and Consumer Protection Commission agreed that the in-house role can be isolating, but said that the solution lay in networking. Butler, who previously worked for Philip Lee and McCann FitzGerald, believes the biggest difference between working in-house and out is the multifaceted nature of the role. But the upshot of this is that you can "carve out your own role".

She stressed the need to be able to "roll with the punches, and to be able to embrace change".

"Your clients are no longer at the end of the phone. They are walking by, they are on the stairs, in the canteen – they are everywhere. While this is a big change from



Robert Heron, Caroline Dee Brown, Mark Cockerill, Una Butler, Stuart Gilhooly (Law Society president), Brian Connolly (chairman, In-house and Public Sector Committee), Louise Campbell, Ronan Davy, Rachael Hession, Richard O'Sullivan and Marlene Connolly



EMBRACE ALL ASPECTS OF CHANGE – EVEN DIMINISHED BUDGETS. OVER TEN YEARS, HER COMPANY HAD THREE CEOS, FIVE GENERAL COUNSELS, THREE OWNERS, ACQUIRED TWO SIGNIFICANT COMPANIES, AND CHANGED ITS NAME

private practice, the advantage is that you become much more attuned to the needs of the business and, hopefully, learn how to anticipate issues before they arise.”

When attempting to build or expand a team, she urged practitioners “to think carefully about what your goals are, carve out time to plan the future of your team, and be aware that the team will want and will deserve certainty about their roles. She further advised: “Don’t be in private practice mode – always responding to the client. You need to find time for planning.”

It is her belief that in-house solicitors have wider responsibilities: “My very, very strong opinion is that, as informed and experienced purchasers of legal services, we can be drivers of change by pushing external

legal services providers – barristers and solicitors – to deliver services in a better way, to offer more creative models, and to be more flexible around fees.”

Ronan Davy (director of legal and assistant general counsel at Etsy, which he described as “eBay for handmade and vintage items”) explained that his organisation has 28 million customers in almost every country in the world, and offices in 11 different countries.

The biggest challenge is the fact that most of his company’s US-based business partners are blissfully unaware of how complex the legal landscape in Europe is. “Relative to the US, Europe is still very heavily regulated. Something that is easy to roll out in the US can become very complex in Europe.”

In addition to the EU being a much

more heavily regulated market, he said that this challenge is compounded by both a lack of harmonisation of many laws across the EU, and differences in interpretation and enforcement of such laws. He gave specific examples of recent in-house employment law issues, for example, working from home, gender-equal childcare leave policies, and the rolling out of ‘dogs to work’. He asked the audience to imagine the various interpretations and applications that might have to be countenanced across the EU in dealing with these topics.

Davy added, however, that such multi-jurisdictional issues also allowed him to justify resources. These “so called problems”, he said, become “opportunities” – not just in terms of hiring in or out, or in terms of



## Q QUESTIONS AND ANSWERS

**Q** As in-house counsel, how do you try to understand what the business does, in order to help pre-empt issues?

**A** The legal department should take over compliance and risk. Try to watch what is happening with complaints. Keep an error log. Hold risk meetings. The risks register should include legal risks. This all feeds in so you start seeing patterns and trends developing. You can then spot if there are a worrying number of risks, or strange risks, and what is being done about them. Alarm bells should ring if:

- There is a section of the business that claims to have no risk-and-compliance issues and does not maintain a register, or
- If they do have a register but the risks just sit on there and nothing is done about them. It's about 'horizon-scanning' and drawing up a list of legislation that applies to you, for instance, the **General Data Protection Regulation**, which will apply to all in-house lawyers in one way or another.

**Q** Sharing precedents among in-house colleagues would be very useful, but how can it be achieved?

**A** Mainly by establishing contacts and reaching out to colleagues for networking.

**Q** How can lawyers improve their management skills?

**A** Managing a team in an organisation is about recognising different personalities. You must adapt your style and the type of legal advice to the needs of the organisation, and to deliver advice in a way that resonates with those different personalities. Get enough information so that you can do your research and give advice. On the 'softer skills' side, there's a powerful tool called **'Insights'**, which gives each staff member a personality profile colour: red, yellow, green and blue, which can help in inter-office dynamics of how you deal with them. Try to find a mentor/coach who will help you, and who you can emulate. The better you get at your profession, the more quickly you'll become a manager. Look at other good managers who have productive teams and don't be afraid to go to them.

**Q** Will lawyers be replaced by artificial intelligence?

**A** It's an emerging trend. With more technology, production can be increased without increasing head count. It also frees us up to do other things, so should be embraced. Richard Susskind has written a book, **The Future of the Professions**. He predicts that artificial intelligence will replace repetitive jobs. Jobs that are complex but repetitively done will be taken over by computers.

**Q** What are the best networking opportunities for in-house practitioners?

**A** The Society has a new LinkedIn group specifically for in-house solicitors. Details are included in each Gazette. Law Society Professional Training and the In-house and Public Sector Committee organise specific events for in-house lawyers, around the country. The committees' section on the Society's website regularly provides guidance to queries received. Link in with the local bar associations around the country and attend the Law Society's cluster events. These enable in-house lawyers to meet up with their private practice colleagues. Public sector lawyers have their own forum, which is very helpful, through which they can attend events, network, socialise, and meet colleagues. The committee regularly provides guidance to queries received.



## IT IS EXCITING TO ALLOW FEAR, TO STEP INTO THE UNKNOWN. DOING THE SAME THING YOU ALWAYS DO PRECLUDES THE POSSIBILITY OF CHANGE

budgets, but because the client begins to need your input, daily.

He urged practitioners to be proactive in terms of fostering and maintaining relationships with key business partners. It was not enough to be part of virtual meetings or conference calls. There has to be serious commitment to one-to-one communication. He urged those present to explore the client's needs, enhance communication, know the product, know the market, know the players – and, slowly but surely, you enter into the desired role of 'trusted advisor'.

### Serenity prayer

Marlene Connolly (group counsel, Forcepoint) aroused immediate interest by invoking the St Francis of Assisi prayer – 'God, grant me the serenity to accept the things I cannot change, the courage to change the things I can, and the wisdom to know the difference'. As a model of how to approach the role of the in-house solicitor, and as a tool to use when facing into change, Connolly said the prayer offered wonderful possibilities, particularly the bit around 'courage'.


She stressed the need to embrace what was inevitable – change. "Embrace all aspects of change – even diminished budgets." Connolly, who knows more than most about the effects and the demands of change, explained that, over ten years, her company had three CEOs, five general counsel, three owners, acquired two significant companies, and changed its name. She had learned the hard way not to try and be all things to all people. She had stepped into her own authority and her own expertise.

She urged practitioners to be "diverse and open thinking" at all times, but especially when recruiting: "Be brave. Don't recruit 'onto' yourself. You don't want all the same types of people. Use the process of hiring and of change as an opportunity to gain vastly different perspectives and outlooks ... Don't fill the same positions in the same old-fashioned way. Take risks, leave gaps, fill in spaces lower down, allow things evolve and shift."

Gain overview, Marlene urged, in part by using technology: "Why speak to one sales person when you can use technology to speak to 250?"

Connolly – who admitted to having an image of actor [Robert Duvall](#) (the trusted

advisor or *consigliere* to the Corleone family of *Godfather* fame) as her screensaver – echoed O'Sullivan's point about not becoming a crutch. And she urged people to take risks, to "allow in new energy and even a bit of fear".

She explained: "It is exciting to allow fear, to step into the unknown. Doing the same thing you always do is not very exciting ... and precludes the possibility of change." She stressed the need, however, to do all of the above with "eyes wide open" – and without compromising one iota on integrity. 



**Get  
LinkedIn**

**In-house and public-sector solicitors are invited to join and participate in the Law Society's In-house LinkedIn Group, which can be accessed at [www.lawsociety.ie/inhouselinkedin](http://www.lawsociety.ie/inhouselinkedin).**