

Your first 100 days as a GC: the arts of worldly wisdom and war

Major, Lindsey & Africa's Evangelos Apostolou on the measure of success in-house

The idea of using the first 100 days in a new role as a way to mark or evaluate success looks to have its origins in the first part of the 20th century in the American presidency of Franklin D Roosevelt. It does, though, appear that FDR had in mind to measure the progress of his New Deal in the first 100 days of a special congressional session that year, rather than his first 100 days in office. Be that as it may, for general counsel (GCs) as much as for American presidents, the first 100 days has become a yardstick by which onlookers judge initial success or failure.

Getting agreement on a universal definition of a GC is notoriously difficult. The mantle of GC is as legitimately claimed by the sole lawyer as it is by the leader of an in-house team large enough to effectively compete with a sizeable external law firm. Some GCs see their role as naturally including company secretarial, compliance and data security matters; others do not. Some expect mostly to manage external counsel; others expect to do the work mostly themselves. Some will wait to be instructed in the traditional way of lawyers; others are so involved in the business of their organisations that it is sometimes difficult to spot the lawyer in a meeting with business colleagues.

In the *Art of Worldly Wisdom*, the 17th century Spanish Jesuit priest Baltasar Gracián asserts that 'there is more required nowadays to make a single wise man than formerly to make Seven Sages'. Whatever definition of a GC is favoured, this view of making one's way in the world feels peculiarly true of the expectations that the GC carries into a new role. Being a trusted confidante who previously dispensed clear and relevant legal advice appears to have been firmly superseded by the requirement to simultaneously play an ever-increasing number of distinct parts: Oracle, High Strategist, Technology Seer, Mistress of the Archives, Keeper of the Public Conscience, Dread Manager of Spreadsheets, War Party Leader, Executioner – to name a few of the better known ones.

Against this maelstrom of definitions and expectations, what then should the incoming GC address in the first 100 days?

DAY ZERO

Before formally accepting the role, the future GC ought to clarify whether the role will have a 'seat at the table', be it as a member of the board, as part of an executive management team or as part of some other equivalent arrangement.



'A serious mistake, even for senior lawyers, is to get drawn into fighting the first fires they come across.' Evangelos Apostolou, Major, Lindsey & Africa

If it is clear that no seat is available, then it is reasonable to stop and consider whether to accept the role at all. Taking up a role on the promise of a seat may sometimes work, but experience suggests that it seldom does.

Preparation ought to begin well before walking in the door on day one. If the appointment is an external one, then the probability is that a reasonable amount of investigation and diligence regarding the new organisation will have taken place during the

hiring process. Thereafter, the effort to learn as much as is publicly available, or may fairly be disclosed upon request prior to joining, is no more than achieving 'starting blocks' status for day one.

A serious mistake, even for senior lawyers, is to get drawn into fighting the first fires they come across, only to re-emerge when it is too late to meaningfully make use of the opportunities that come with a new environment. If the appointment is an internal

one, the bear trap for the new GC to avoid is to be so close to their existing environment that they do not see it for what it is and so again miss the opportunity for useful change.

DAY ONE

Once in role, the timely anticipation of risk perhaps describes the highest point of a GC's contribution to the organisation. There is significantly more value in the GC advising that a potential change in local market regulations will place existing revenues at risk than simply dealing with the impact of the regulatory change once it has already taken place. If at the same time the GC is able to indicate the possibility of new-wave revenues connected to the regulatory change, that arguably expresses the essence of being an effective in-house lawyer. Chapter III of the 6th century BC Chinese work, *The Art of War*, puts the point neatly: 'To win one hundred victories in one hundred battles is not the acme of skill; to subdue the enemy without fighting is the acme of skill.'

This fundamental attitude of success frames the core activity of the first 100 days. To be in a position to offer advice and insight that anticipates risk and not only deals with it once it has arisen, the GC must:

- Know the business of the organisation.
- Know the key personalities that manage and execute that business.
- Know the external considerations (regulators, competitors, geopolitical developments, etc) that influence or affect their business environment.
- Know the resources available to deliver their role.

DAY 100+

Having made meaningful progress in each of these areas by the end of the first 100 days, a GC should communicate objectives for the legal team, which are aligned to the organisation's short, medium and long-term business plans and strategy. These objectives should be wrapped in simple and measurable key performance indicators, which should be easily understood and demonstrate value for money in relation to a blend of:

- Reducing or containing business risk.
- Increasing the quality of legal services.
- Controlling, reducing or avoiding cost.

Beyond 100 days, and in the years that follow, the GC ought to work to cement the conditions in which the team:

- Is visibly connected to the organisation through its close management of key stakeholder relationships.

FIRST 100 DAYS: BEFORE AND AFTER

- Start preparing before you join:
 - As much as you can, find out what the major legal-related issues faced by the organisation have been. What have been the consequences? Where have they arisen and how, and by whom have they been dealt with?
 - How is the legal team perceived?
 - How does the legal team communicate and explain its value to the organisation?
- Where possible, identify a set of 'hit the ground running' projects that fall into the category of an achievable set of 'quick wins' to be delivered by day 99.
- Make a meaningful start to becoming – and being known as – a subject-matter expert in what your organisation does and how it does it.
- Systematically set about establishing and maintaining key stakeholder relationships that you have not already got underway, both internally and externally. Embark on the longer-term journey of identifying sources of institutional knowledge/organisational memory and locating where the 'skeletons' are buried.
- Evaluate your team, their experience, their ways of working and the resources you are inheriting. Understand in detail how the legal team is accounted for (including external counsel spend), where the budgets sit and who exercises approval for their use. Put in place short, medium and long-term plans to refresh and improve as necessary.
- Adopt the 4:1 rule in interacting with senior stakeholders: that is to say, use your eyes and ears in proportion to your mouth, so that you listen and see more than you speak. For those things that you are clear you want and need to say, set a style of communicating clearly and often.
- Create a go-forward set of legal team priorities and deliverables to be communicated on day 101 that align tightly with your organisation's business plans, and for which you have secured the support of your executive team/key stakeholders.

- Is able to demonstrate an informed and honest understanding of those continuously changing elements that the organisation cares most deeply about, including:
 - Go-to-market priorities and strategy.
 - Where revenue is to be defended and where it is to be grown.
 - Critical business risks.
- Is able to reasonably anticipate and plan for the cost-effective management of resourcing needs.
- Works effectively, as one integrated team across different jurisdictions and areas of specialist advice.
- Has the opportunity to strive for a high degree of recognition – internally and externally – for providing legally-compliant business solutions.

For most newly-appointed GCs, there is a 'honeymoon' period in the first weeks and months, when those around them will

generally be supportive and open to a degree of change simply because the GC is new to the role. At a time when being a GC is more challenging than it has ever been, the incoming GC is well advised to see that, as important as the first 100 days are, they are neither less nor more important than the ones that come before and after.

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