



The General Counsel Report 2021

Rising To Today's
Challenges and
Building Resilience
for the Future



In corporate legal departments, recent years have seen a steady rise in planning and establishing programs to mitigate anticipated risks. Alongside this focus on proactive risk management, the role of the general counsel evolved from the office of “no,” to one of significant strategic influence. Once largely viewed as a cost center, or barrier to corporate progress, the general counsel of today are business drivers in their own right.

This evolution for the general counsel came in the nick of time for the turmoil of 2020. In the 2007 best-seller, *The Black Swan: The Impact of the Highly Improbable*, by Nassim Nicholas Taleb, the author discussed the discovery of the first black swan in Australia—when the people of the “Old World” assumed with certainty that all swans were white—as a metaphor for the impact of rare and unpredictable events. Although Taleb has questioned whether the Black Swan is a metaphor for the COVID-19 pandemic alone, the idea of Black Swan incidents serves as an excellent guide for analyzing the sequence of unpredictable events that have shaped 2020, and changed the world of chief legal officers for 2021 and beyond. The pandemic, changing technology, increased risk, economic uncertainty, a social justice awakening and political unrest have combined to challenge beliefs on the Old World of the general counsel as these leaders build resilience for the future.

“The pandemic has yet again shown that the role of the general counsel is infinitely expandable.”

To better understand the current in-house environment, FTI Technology and Relativity engaged Ari Kaplan Advisors to interview general counsel from a range of industries in a conversation about their role today. The study examined how corporate legal departments are responding to the pandemic, a shifting digital landscape, diversity, equity and inclusion, the technological competency of lawyers and the road ahead. In addition to providing new perspectives on current trends and future directions, this report also offers year-over-year comparisons to the findings of the previous study, *The General Counsel Report: Corporate Legal Departments in 2020*.

As much as the world is hoping for a quick recovery from the fallout of 2020, many of today’s challenges will persist into 2021 and very likely beyond. The burden of maintaining business resiliency and stability in this environment will continue to fall on the GC’s shoulders. To continue to rise to today’s challenges, corporate legal departments must embrace the lessons learned from Black Swan events, expand their existing responsibilities and take ownership of their newly assigned roles. To help their organizations successfully navigate 2021, GCs are tasked with elevating their role in the following capacities:



Guardian Over Emerging Risk

Counsel are navigating a minefield of both anticipated and unforeseen risks. Data protection, security and privacy, emerging data types and intellectual property loss were identified as top concerns that have intensified due to the events of 2020.

Chief Health Officer and Custodian of Employee Safety

More than 80 percent of GCs surveyed said they are responsible for or primary decision makers in determining company policies for bringing employees back to in-person work and ensuring workplace health and safety.



Mitigator of Skills Gaps and Outsourcing



Many GCs recognize skills gaps and bandwidth limitations among their in-house teams, which is driving specific needs for outsourcing to external experts, service providers and law firms.

Advocate of Technology Proficiency

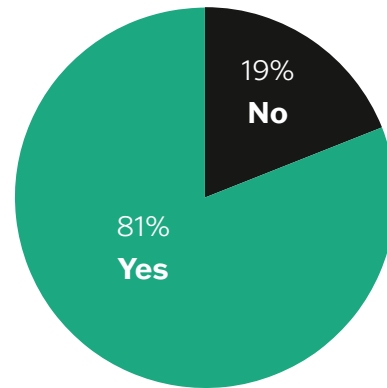
Corporate legal departments are adapting to remote workplace productivity tools and increasing overall technology proficiency. Confidence in technological capabilities increased by more than 15 percent since 2019.



General Counsel are Embracing a New World of Infinitely Expanding, Stormy Roles

Old World ideas of the role of the general counsel were already changing in the first edition of this report, The General Counsel Report: Corporate Legal Departments in 2020. In last year's report, 97 percent of respondents saw the role of the GC transitioning to more of a business strategist. This turned out to be a self-fulfilling prophecy, with less than 20 percent of respondents this year saying the scope of their role was not impacted, or only minimally impacted, by the instability of 2020. One GC summed it up as, "I am currently in the eye of the storm."

Has COVID impacted the scope of your role?



Champion of Technology Adoption

One third of in-house legal teams are now using artificial intelligence (AI) as part of their technology stack (a slight increase from 2019) and 70 percent use cloud or SaaS systems. Some survey participants noted that their plans to modernize their legal departments were hampered when COVID-19 lockdowns went into effect.

Steward of Inclusion and Diversity

With equity issues having reached the forefront of societal attention and debate, GCs today are likewise at the forefront of tackling diversity, equity and inclusion programs within their organizations.



Mentor for the Legal Field

Survey respondents had a wide range of advice for their peers and their outside legal partners. Top takeaways included remembering to exercise empathy, remaining flexible and listening intently to colleagues and clients.



Others were specific about the ways their roles have shifted amid the pandemic.

Key Comments

“The pandemic has yet again shown that the role of the general counsel is infinitely expandable. There have been a lot of risk-based and leadership issues that GCs have had to take on during this crisis. The core competencies of the GC have been extremely valuable.”

“I serve in many more roles and new roles for a lawyer, such as being the chief medical officer for the company. My job title means nothing because you have to pitch in to be a part of the team, and those opportunities are great for lawyers.”

“I took the opportunity to be more of a visible leader.”

“It has added pandemic-associated responsibilities, such as office re-opening issues and labor-related concerns.”

Inside Takes

Business viability keeps many GCs up at night.

GCs interviewed said they feel a tremendous amount of responsibility to help the business remain viable during the pandemic, and are working with other company executives to navigate revenue and expenses and make tough decisions about furloughs and layoffs. One said, “What a loaded question. I am working more than I have ever worked in my life. It has caused the legal function to be involved in more of the day-to-day operation of the organization.”



Workloads are heavier and more diverse than ever. The expansion of the GC’s role into so many new responsibilities has naturally also led to a dramatically increased workload. One GC said, “It has made me busier because I am the lead on the policies, procedures and decisions related to the pandemic. It has resulted in a significant amount of work over the past few months.” Another added, “It has caused us all to work differently. Every one of my attorneys has had their work load and subject change as a result of the pandemic. Everyone

is increasingly winging it. We had to figure out what has to be closed and when we reopen, how do we do it? There are a lot of interesting social issues that we have had to address.”



Achieving proactive goals is still important, but more difficult.

With a broader workload and so many issues to manage, legal departments are struggling to make time for strategic or proactive initiatives. “We have become 80-90 percent reactive. I feel like a legal janitor. It has cut into my time in keeping senior management up to speed. I spend more administrative time planning for the department,” said one GC in the survey. Still, in-house legal recognize the importance of keeping work on track as much as possible. “There are also a set of strategic goals that the legal department has to achieve this year that are not going away just because of the pandemic. It makes the job harder and more stressful.”

General Counsel = Guardian Over Emerging Risks

Managing risk has always been a core function of the role of general counsel. As they embarked on the New World for general counsel, the Year of the Black Swan has heightened this critical capability by adding wide-reaching and rapidly evolving risks to the already long list managed by general counsel. One of the most notable emerging risks GCs encounter and feel ill-prepared to navigate is the impact of emerging data sources on e-discovery, investigations and regulatory compliance. Other top concerns included data protection, security and privacy, COVID-19 implications and IP risk. Across the board, GCs feelings of preparedness for top risks improved since 2019.

What do you see as the top area of legal risk for business today (more than one may apply)?



65%

Privacy, data protection, security, and/or data risk



35%

COVID-19 business/work-force implications



16%

IP loss

Key Comments

“Companies are ill-prepared to deal with emerging data sources. Simple tools like Slack and Teams present challenges for legal holds in litigation. There are new compliance challenges concerning emerging data sources. Also, employees are not as careful with communications and video in messaging platforms as they are in email.”

“I have a thousand concerns, which compete for the biggest. My biggest concern is what I cannot control.”

“Everyone is dealing with financial instability and COVID hit us all like a wave. COVID has touched so many things that it has ‘eaten the world’ and takes over everything affecting every conversation. It pushes all of our priorities aside.”

“The top area of risk continues to be cybersecurity... Since many employees are working remotely, they may not have the protection of the office network at home, which often serves as a significant barrier. Unless your IT security team has properly configured remote work set up, knowledge workers are operating in vulnerable conditions. If GCs have not already experienced it, they will need to focus more on cybersecurity going forward.”

“It is like anything. We stretch and flex. It was initially a lot to make sure that we were paying attention to areas with which we are not as familiar. We also had to concentrate on country-specific and state-specific rules, and stay as current as possible. We have found our way and are as on top of that as we can be.”

Inside Takes

Emerging data and privacy are colliding.



Most legal departments are highly aware of, and moderately prepared for, data privacy and data protection issues. But they worry about how the increasing use of unsanctioned tools or cloud-based collaboration applications will impact compliance. One GC said of emerging data sources, “The entire data privacy side of these tools is highly underrated as most companies are not really aware of the legal and privacy implications they create and how to comply with them.”



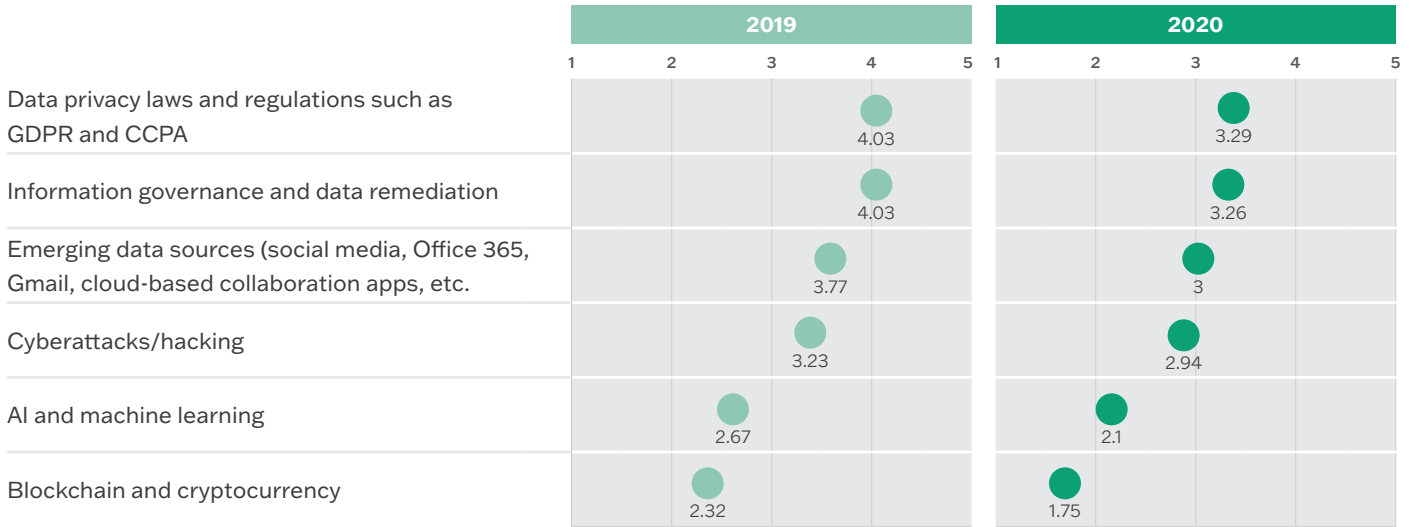
Employees are critical to reducing risk. One GC was clear that employees must be made to feel valued and engaged, so they are motivated to play an active role in mitigating risks. “The best way to manage risk is to make employees feel that the company cares about them and is doing everything in the best interest of their safety. That is not, however, just about managing the legal risk. It is about creating an environment where employees feel safe and heard, and that manages legal risk.”

Working from home creates unexpected issues.

“I worry that people get tired of working from home; it sounds great, but I believe that people want to end up in a world when they have an ability to work from home and to see people when working in an office,” said one GC. Another also raised concerns about the legal and tax implications of employees working remotely from various states and/or countries. “As employees relocate, there are now tax questions the GC is required to answer, e.g., if a New York resident winters in Florida, what are the tax implications? Security is also the subject of a new set of issues due to working from home because now you have a host of new questions to answer due to having a geographically dispersed workforce. How do you know employees are not disclosing information while working at the beach?”



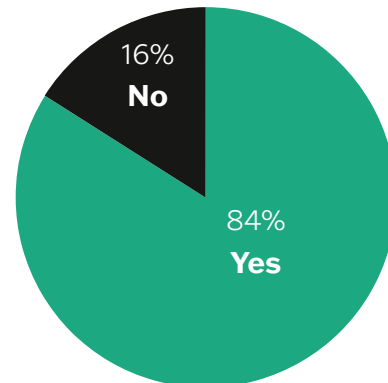
On a scale from 1-5 (with 5 being “very prepared” and 1 being “not prepared at all”), how prepared are companies to handle the following issues? (weighted averages):



General Counsel = Chief Health Officer and Custodian of Employee Safety

The pandemic has forced many corporate legal departments to fulfill the critical role of Chief Medical Officer and assessing and recommending policies to balance maintaining business activities with the health and safety of their employees. This spans how the company handles COVID-19 exposure in the workplace, implementing CDC guidelines and keeping an eye on the mental health of their employees, where many are balancing the pressures of simultaneously working, parenting, teaching and care-giving.

Is your legal team playing a key role in the timing, considerations and approach for the return to the office of employees?



Key Comments

“The head of environmental, health and safety is leading the COVID response so the legal department is at the center of these issues and benchmarking with other companies.”

“As you start to reopen your office, the GC becomes the chief medical officer making decisions about contact of employees and body temperature thresholds. Where do I balance my role as GC and the well-being of my employees? The chief medical officer or ‘chief mom officer’ is a significant change when you are asking people to self-disclose, and the parameters around sharing that information is critical.”

"We are designing all of the recommendations and mirroring government rules and regulations."

"The legal team is integral to that decision, as is HR."

"We are actively engaged and influence a global committee. We assigned roles and responsibilities back in March for all HR, operational and other departmental issues related to COVID-19."

"I provided the assurance to the CEO of the return to the office."

Inside Takes

GCs are concerned about well-being. Many respondents expressed deep concern for the toll working from home is taking on employee mental health and wellness. Burnout was a recurring theme, with one GC saying, "There are certain benefits to being around your co-workers and having a community. It is harder to do now and I worry about burnout. I employ a lot of people with young children and think that working a full-time job and being a full-time parent is tough. While people have stepped up, I worry that they may burn themselves out." Another added, "We have focused on taking care of the team and looking out for team members. We have seen younger professionals suffering more than more experienced people. The concept of the support model that you put in place for people is critical. We now have a different approach to capitalism and people are more thoughtful about business decisions, such as layoffs, and recognize a broader social responsibility to one another."



Communication is critical. "It has demonstrated the importance of effective communication in terms of the technology and connecting with people," said one GC regarding the impact the pandemic has had on the legal department. When discussing the return to the office, one GC said, "On the overall safety campaign, there is no one-shot of adrenaline. You must ensure a safe working environment, such as sanitation stations, schedules for cleaning work stations, providing visibility into personal protective equipment and communicate frequently. Be diligent, strategic and communicate well in advance."

General counsel have become the chief interpreter of CDC guidelines and evolving local health codes.



For geographically dispersed organizations, the task of creating internal policies that address the unique and ever-changing requirements across regions is overwhelming. "We have tracked approximately 950 government orders related to our workforce, as well as CDC, WHO and state recommendations," said one respondent. Another added, "The most important thing is to understand that there is no one-size-fits-all approach."

General Counsel = Mitigator of Skills Gaps and Outsourcing

The need for outside expertise remains a foundational element of the GC's legal toolset. Service providers, specialists and law firms provide skills and knowledge that are either unavailable or too expensive to maintain as part of the legal department's permanent in-house resources. Service providers give corporate legal departments the ability to add critical capabilities, including legal technology expertise, on a just-in-time basis to better manage time, efficiency, defensibility, cost and risk.

When asked to select their top drivers for outsourcing legal work to law firms or service providers, surveyed general counsel identified:



84%

Needing expertise not available on your team.



55%

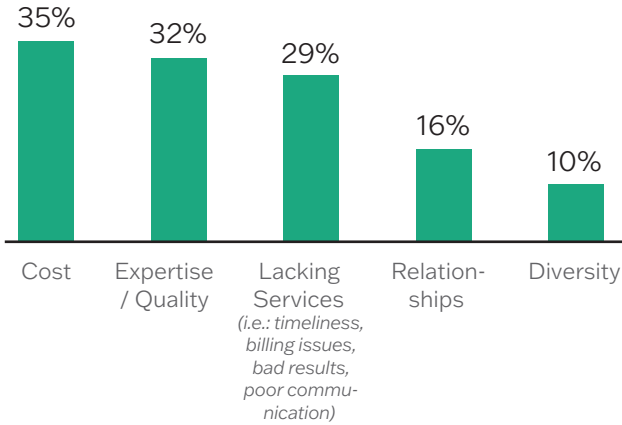
Adding bandwidth to your team in terms of head count.



32%

Cost savings of outsourcing vs hiring.

When asked about the factors that influence a decision to replace a law firm or legal service provider, respondents focused on:



Key Comments

“Most of my outsourcing is to enlist experts, such as SEC and M&A, or capacity. I tend to outsource items at the highest level, such as very complex deals, and lower level, such as commercial contracts.”

“The biggest driver is that we are focused on getting the right expertise for the right project.”

“Expertise, time pressure and bandwidth. If it must be done quickly or we couldn’t ask our internal team to manage such a large project, we would look to outsource.”

“The quality of the work, opinions, and thoughts we are receiving. If the quality is not there, I am not working with you.”

“We believe that price is what you pay, and value is what you get. Price is less important than the value received.”

Inside Takes

Expertise reigns supreme. A clear driver in the corporate legal team’s outsourcing decision-making process is specialized expertise and a high quality of work, especially for matters that exceed their department’s core capabilities and scalability. “Specialized knowledge is the number one driver,” said one GC.



Counsel differentiates between value and price. A critical distinction made by numerous respondents was that of value vs. price. Given the recent increase in emphasis on cost management, it’s understandable to think of price as a key driver. However most GCs consider value—quality of work, communication and trust—above cost. “I’m not looking for the lowest cost provider...I also want to work with someone who can provide practical, business-focused advice.”

GCs don’t hesitate to make changes when needed. While expertise and bandwidth are the top reasons to seek a service provider, of equal importance are the variables corporate legal teams consider when deciding to retain or make a switch from a law firm or other partner. Most GCs said they will quickly make a change when outside providers fail to meet their standards. Corporate legal teams demand quality first and foremost, as well as an understanding of their business. One GC said, “I look at whether they have staffed the right people on the matter and whether they are current on the issues I face.” Another added, “If you are getting things wrong and not delivering the level of sophistication that is useful to us, I would pay more elsewhere.”



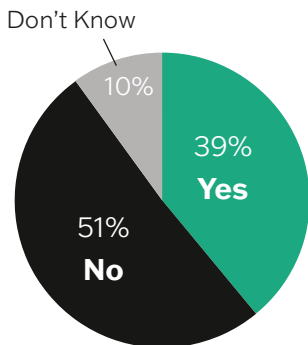
General Counsel = Advocate of Technology Proficiency

The pandemic—in the form of ramping up on remote work and collaboration tools and completing work without relying on the in-person help of support staff—has created a New World of more tech-savvy legal departments. More than half (55 percent) of this year's participants reported that they believe lawyers have adequate technological competence. This reflects a material increase from the 39 percent who agreed with that assessment in 2019.

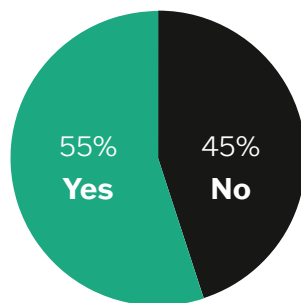
While there is visible improvement on this front, it only goes so far. A large gap remains between capability and talent, and aptitude using collaboration tools like Slack or Teams vs. advanced e-discovery techniques or other complex software. One GC interviewed in the survey said, "Lawyers have an adequate level of competence when using tools, but they lack a strategic understanding of technology and how it can improve their business."

Do attorneys have adequate technical proficiency?

2019



2020



Key Comments

"Adequate means that they are capable of performing their job, so most meet that standard, but there are very few, maybe the top 10 percent, who can use technology to enhance their productivity to be more efficient."

"The pandemic is shifting the technological competence and driving an increase in self-sufficiency."

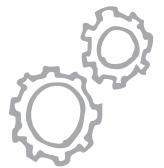
"The pandemic has changed the degree to which people need to get up to speed in terms of remote work. There are two types of competence: one being able to use technology for your work; and, two, using technology to enhance your efficiency and productivity... forget emerging technologies, which are still a black box for most lawyers."

"With the business-ification of law departments, GCs are pushing law departments to change."

"I think people have had to get more educated because they no longer have an IT department to support them. My knowledge of Slack, Zoom and other tools has increased. Since you are forced to use these tools more, competence has increased."

Inside Takes

Tech fluency has been forced. One GC said, "The pandemic has to be positively impacting the technological competence of lawyers because they don't have an assistant next door or outside their offices, whether it is sending a zip file, leveraging DocuSign or using other tools. Since we are now forced to be more resourceful, lawyers are becoming more adept with technology." But many were also quick to point out that this doesn't translate directly to advanced technology aptitude. Another respondent said, "The pandemic has improved this, but in rudimentary ways. It has forced a lot of us to use basic tools. Not many of us are that good about going in and pulling data to dump it into a pivot table. There is still a gap that exists across the board."



Litigation support staff are largely viewed as having strong technology capabilities. GCs have high expectations for litigation support competence among their outside vendors. When asked about litigation support specifically one GC said, "Yes, certainly when it comes to applying technology to litigation, which is an area that has become much more sophisticated."

Another said, "All litigation support professionals have adequate technological competence, and if they don't, your team is working with the wrong law firm or vendor."

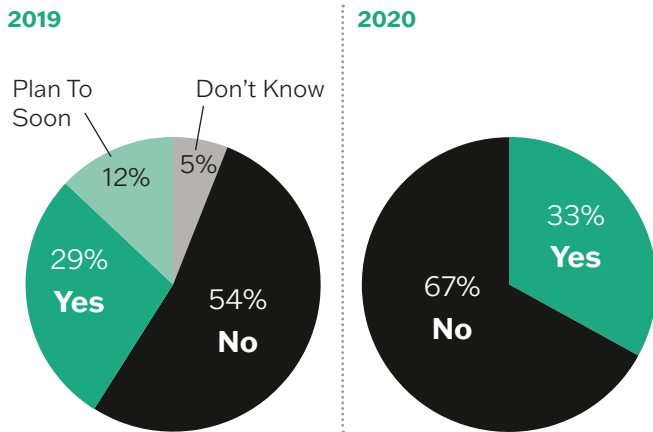


General Counsel = Champion of Technology Adoption

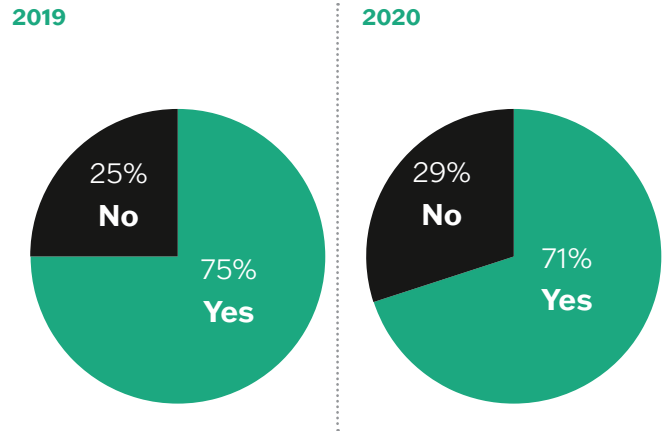
Technology use and adoption by legal departments have grown in recent years, though the circumstances of the pandemic have caused a delay in some technology implementations. When asked about technology, one GC said, "My role is to modernize the law department, but the pandemic has prevented many of those initiatives."

Almost one third of survey participants reported using AI in their law departments, which reflects an increase from the 25 percent who did so in 2019. Skepticism for cloud-based data hosting and applications has continued to subside, replaced by the general sentiment that cloud solutions are necessary for organizational efficiency. Still, cloud adoption appears to have plateaued in 2020.

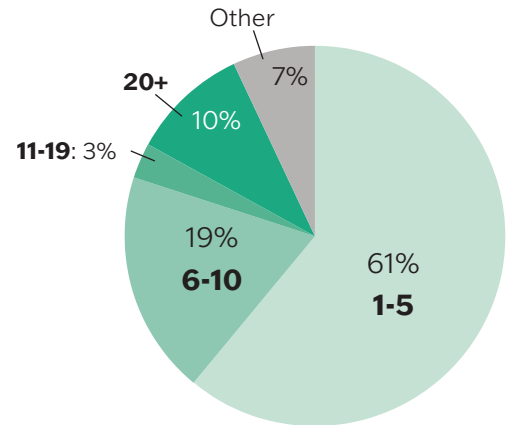
Are you currently using AI for any legal function within your legal team?



Does your organization use SaaS or other cloud technologies to perform legal tasks?



How many unique software products does your legal team utilize in your legal technology stack?



Key Comments

"We were excited about using cloud tools prior to the pandemic, but halted the roll-out due to cost-cutting."

"We are using machine learning in document discovery, so when we need to perform a forensic review and e-discovery on very large sets, exclusively on unstructured data, we have used machine learning and it has been a positive experience."

"Our company is exclusively cloud and has no local storage in the legal department. It has enabled great mobility in the pandemic."

“We started using cloud-based technologies for legal tasks over a decade ago because service levels and support levels from our internal IT were not what we needed them to be. We chose cloud-based tools to be more self-sufficient. Just about all of our legal applications, with the exception of our export compliance system, is cloud-based.”

“We use an automated tool for legal intake that uses some AI functionality and are evaluating it for contract management.”

Inside Takes

AI remains a mixed bag. Despite the enthusiasm for AI (such as automated processes, machine learning tools and advanced analytics), similar to the findings of last year’s survey, those who are not using it still do not have a viable use case. AI use among the chief legal officers in the study leveled out, with a modest reported increase from 2019 to 2020. However, a recognizable shift did occur year-over-year in “don’t know” and “plan to soon” responses for AI usage, falling from five percent and 12.5 percent to zero in both categories, respectively. Based on interviews in these areas, respondents appeared to have evaluated the potential fit for AI usage in their department over the last year, with some opting to leverage and others determining the need for AI didn’t exist. “Our operation is relatively basic so we don’t have a need for it and I can’t imagine how we would use it,” said the GC of a financial services company. “We are not planning to deploy any AI for the near term; we have talked about contracts, but have not done anything with it,” added another.



Ease of use is critical in legal software purchasing decisions. On a scale of one to five, with five being the highest, respondents gave an average rating of 4.3 to the importance of ease of use when purchasing legal software. Usability is key given that 32 percent of legal teams use more than six unique tools as part of their technology stack. “Ease of use is the most critical determinant of the factors we use in the software selection process,” said one GC. Another said, “We are dealing with people who are not technologically trained and in order for them to become familiar with the product, they need to be able to adapt, which they can do quickly to systems that are user-friendly.”



General Counsel = Steward of Inclusion and Diversity

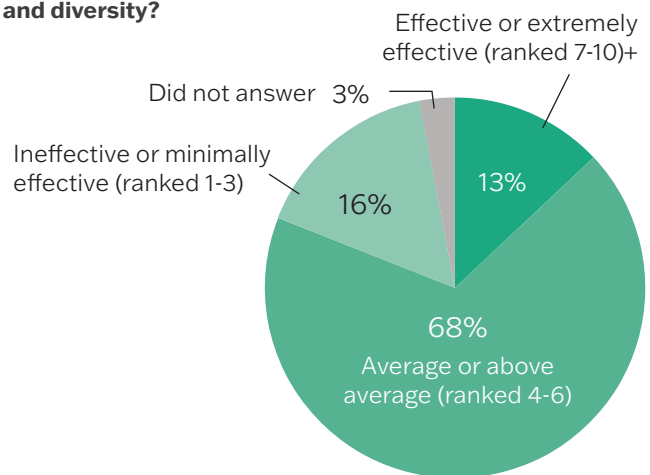
Heightened intensity in calls for social justice and improvements in workplace inclusion and diversity have motivated many organizations to revisit or refresh their internal practices and diversity, equity and inclusion programs. This year’s survey revealed that GCs are largely at the forefront of these efforts, either as internal drivers and stewards of diversity, equity and inclusion, or as dedicated stakeholders in company-wide initiatives.

When asked to rank the effectiveness of their organization on managing and promoting inclusion and diversity, the respondents offered an average of six out of 10. They were fairly candid in their assessments of success in this area. “We have done a lot of things to be responsive to it in terms of training and reevaluating our hiring, but it is a process that doesn’t happen overnight,” said one GC.

What is your role in managing and promoting inclusion and diversity within your organization?

71% Said they have some role, oversight or priority focused on diversity, equity and inclusion initiatives for their company and/or legal department

On scale of 1-10 (with 10 being extremely effective and 1 being extremely ineffective), how effective is your organization currently in managing and promoting inclusion and diversity?



Key Comments

"I am in charge of the company's corporate social responsibility program so legal is very involved, though it should be perceived as a company-wide initiative."

"You can lead by example. You can make sure that the way that you are recruiting, promoting and managing the business can help lead by example. As an executive, you can hold people accountable and ask questions. It is amazing what a well-placed question can do to open people's eyes. As an executive, the role of being the challenger can make a huge difference. I think one person or someone with the courage and desire to call out people and hold them accountable can make a huge difference in the culture."

"As a leader, I have a prominent role in managing and promoting inclusion and diversity so I feel a strong personal responsibility. I am also an executive sponsor of our diversity initiative."

"The diversity agenda has been enhanced by the pandemic. As an organization and country, we have learned a lot about ourselves, but are nervous about doing the wrong thing."

"The legal department assists human resources in recruiting and hiring individuals from underrepresented populations."

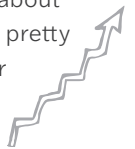
Inside Takes

Training is expanding and evolving: "We have focused on inclusion and diversity training as the company is very committed to it," said a respondent. Another added, "The company's group general counsel is driving a shift in diversity and inclusion with reverse mentoring, where the senior leaders will be mentored by junior, diverse professionals to understand the world from their perspectives." One GC explained the importance of community service as part of engaging a company in diversity efforts, saying, "We have a variety of opportunities to become engaged and offer a company match for charitable initiatives. Another [pillar includes] a speaker series to promote diversity and inclusion."



Diversity among outside counsel is a critical factor: "We have expectations for new engagements with law firms to include consideration of diverse attorneys and we apply the Rooney Rule," said a GC in manufacturing. "As a team, we want to define what it means to promote a diverse workforce and work with a diverse set of law firms," said another.

More work lies ahead. One GC said, "If we were [ranked a] 10, we would not have issues that we see playing out in the press, so you cannot look at the company in isolation from society, particularly since we are a company of 100,000 people." Another highlighted how diversity programs must be about hiring—and promotion—of diverse talent. "We have a pretty diverse workforce, but there is more diversity at lower levels indicating that we are good at hiring, but not as good at promoting diverse professionals."



General Counsel = Mentor for the Legal Field

More than ever before, GCs are the visionaries of the legal field, particularly in how other in-house counsel should approach their roles and in setting standards for law firm attorneys. One GC said, "Any crisis of any kind can be an opportunity for the legal department. You can be a true business partner and add value when you step outside of your role a bit and try to think along the lines to be a business partner over a legal advisor. Businesses are suffering in terms of declining resources, and people are scared and stressed. The legal department can bring a calming presence to that situation. That is what I try to do."

Key Comments

"To be successful, you need to think as the CEO of a legal services business and not just as the top lawyer. The role of the general counsel is as much about being someone who heads an organization that provides

legal services at optimal cost, quality and risk, as it is about providing legal advice so you need to think about managing the department as a business person which is not something you learn in law school."

"Every GC should think of themselves as an executive first and a lawyer second because that is how you can be most effective."

"My early advice in the pandemic was to over-communicate, but now it is to limit the amount of time staring into your computer. It is driving me crazy and everyone needs to find a balance there. I also find it helpful when people ask me how I'm doing and I try to do the same for my team, which tends to go a long way. I also give them permission to feel like this is not a normal situation and an imperfect work environment and extraordinarily stressful. It is important for GCs to communicate those messages."

"Empathy is critical right now. Take time to understand what people are going through and what they need at this time. Empathy seems to be the principle that is guiding a lot of what I do now."

Inside Takes

The ability to adapt is more important than ever. Flexibility was a resounding theme throughout the survey. One GC said of dealing with the pandemic, "It is not a sprint or a marathon. It is a triathlon. It will last longer than what we have come to grips with as a society both economically and professionally. We will be dealing with this for a long time so help your team appreciate that. We have to help our teams change their thinking for our universal survival and encourage them to have faith that it will end. Don't pin it to a date or a near-term horizon. Assure your team members that we will learn and adapt along the way together." Another added, "Be flexible; if an issue arises or needs to be reviewed, don't lose the 30,000-foot view and maintain your focus on the ultimate goal." The need for flexibility was discussed in the context of advice for outside counsel as well. Once GC said, "Post-pandemic, outside counsel must be mindful of their strategy for securing new business because the way they did it in the past will not work in the near-future."



Listening is a key element of leadership and partnership:

"When you have a massive event with no experience to deal with it, don't try to address it too quickly or feel like you need to speak; rather, listen to a lot of other voices to understand what makes sense," said a GC in consumer products. Another advised, "I really appreciate it when an outside lawyer calls to engage in a non-billable, virtual coffee to learn what is keeping me up at night and discussing emerging issues."



Exercise empathy.

"In the pandemic world with a distributed workforce, it is critical to make sure you are connected with your team and speak to each member a lot. Connection is really important. Some people are feeling isolated and alone so it is really important to connect with your team and know how you can support them. Things have to get done, but differently in this environment," said one GC. For outside providers, many GCs also want empathetic partnership, and an understanding that in-house teams are more resource-constrained than in the past. One respondent said simply, "Take worries off of my plate."

Conclusion

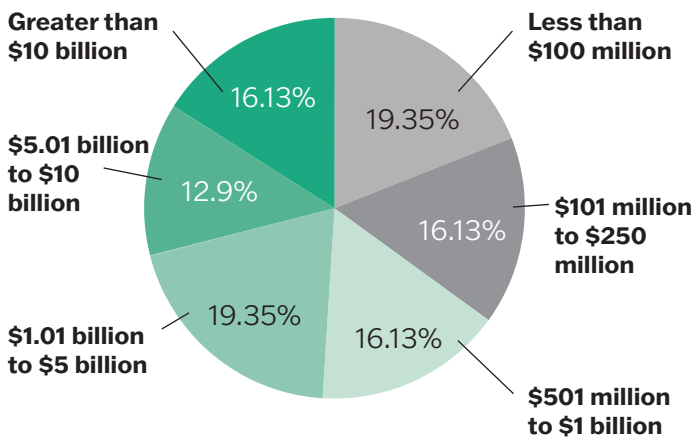
This has been the Year of the Black Swan, transforming Old World expectations of lawyers into a New World of chief legal officers with extensive skills to meet new demands. The events that have defined 2020 will be marked as pivotal turning points on many critical fronts. GCs have been at the forefront of these issues, persisting in evolving their roles during a period that most describe as the most challenging of their careers.

Our survey participants have risen to the occasion. Rather than panicking under tremendous pressure and uncertainty, they have responded purposefully and demonstrated resilience. With a practical outlook on the implications and opportunities of emerging technology and a renewed focus on empathy, counsel are driving their teams and their organizations forward through unprecedented challenges. With optimism for a brighter future, effective law department leaders have refined their approaches to be practical, business-oriented, and above all, peer-centric. While technology is helping to drive the transformation, it is humanity that is characterizing the rapid and lasting change that is taking place.

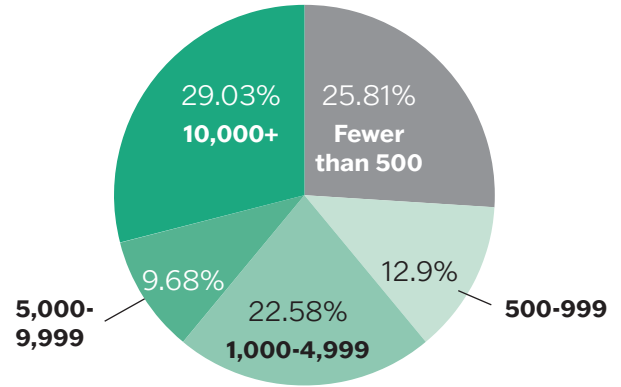
Methodology

From August 11, 2020 through September 2, 2020, Ari Kaplan personally interviewed 31 general counsel with predominantly Fortune 1000 companies and institutions of higher education. Forty-eight percent have revenues that exceed \$1 billion and 61 percent have over 1,000 employees. While most were in technology and telecommunications (32 percent), 13 percent were from consumer products companies, 13 percent from life sciences, 13 percent from manufacturing, 10 percent from banking, insurance, or financial services organizations, 6 percent in higher education, and the remainder were from construction, energy, transportation, and travel.

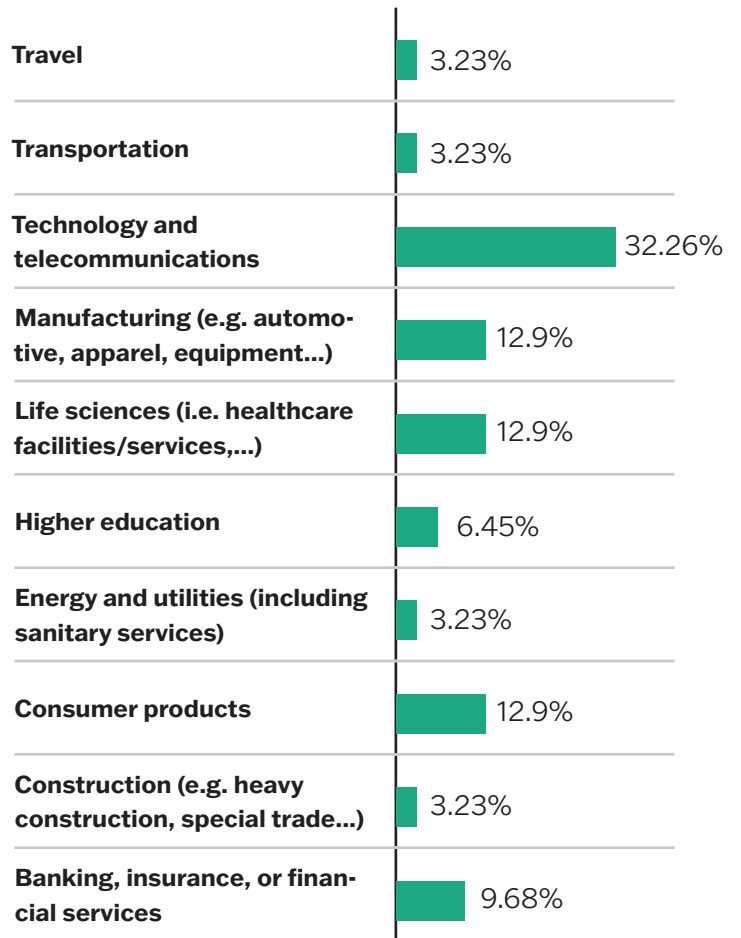
Respondent Organization by 2019 Revenue



Respondent Organization Size by Employee Count



Respondent Business Activity





About FTI Consulting

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