

Succession Planning in Law Departments

Recognizing possible successors for senior positions in a law department, grooming those candidates and promoting them without untoward repercussions are challenges for many general counsel. These tasks must be attended to consistently, over time and with a strategic goal in mind. Few responsibilities are as pressing for general counsel, however, as making sure the law department nurtures its talent and fully develops its bench strength.

Following are some of the biggest obstacles general counsel face in this regard, and how to overcome them.

1. **Ignoring the need to plan for and act on succession.** Bar none, this obstacle dwarfs all others. Putting off thinking about succession, delaying or neglecting long-term personnel planning, relying on laissez-faire -- all will cause good talent to dry up and blow away. Succession planning should be an acknowledged priority in law department management.
2. **Short-changing useful, periodic evaluations.** Solid lawyers, whose careers are moving forward, deserve candid and constructive feedback. If they have a problem treating clients with respect, delegating work or writing without legal jargon, tell them, or, better yet, show them how to improve. If they handle a project well, let them know. They crave and deserve evaluations that can guide their progress. By providing such feedback and being a so-called 'knowledge coach,' you will strengthen your department's performance.
3. **Not exposing lawyers to a variety of legal work.** Good leaders exercise good judgment, see connections between events and draw on a varied experience base. A lawyer who sticks almost entirely to antitrust work or secured financings, for example, probably won't cultivate the generalist perspective that marks the distinguished general counsel or lead lawyer. General counsel should ensure that succession plans expose lawyers to a spectrum of legal issues and personality types.

Law departments should also explore seconding their up-and-comers to a law firm for several months so that they can get experience in different areas of law and also get an idea of how outside counsel handle cases for their clients. Other techniques for enlarging the scope of lawyers' experience include rotating them into client positions and putting them on cross-functional teams, thus encouraging them to stay active in bar or trade associations. The current general counsel of MetLife, for example, was out of the company's law department for 10 years, holding a variety of positions.

4. **Ignoring comments from different sources about promotion candidates.** No one should rely only on their own impressions of a lawyer. We all grope around with some perceptual blinders on, typically favoring people who are like us and failing to appreciate different personalities and work styles. For example, the hard-driving, tough general counsel often can't accept that a quiet,

thoughtful lawyer can actually contribute to the company, and therefore will probably not consider that attorney promotion material. However, if that Marine Corps-style general counsel hears others praise the skills and insights of the 'quiet one,' he may rethink his original position and move that lawyer ahead.

So when making promotion decisions, solicit information about the candidate from several reliable sources -- from both the legal department and the clients. Also, be aware of your own preferred communication style and assumptions about what motivates people at work, so you can identify people who will both complement and challenge you, thereby strengthening the overall team.

5. **Avoiding tough choices for fear of losing good people.** Direct report slots are limited, and there is only one chief legal officer, so some good lawyers will inevitably miss the brass ring -- and will leave the department because of that. This must happen, though, or the department will atrophy. Too many general counsel believe that certain members of their staff are irreplaceable, and therefore fail to make decisions that are in the best interest of the department. As with all difficult decisions, a general counsel should balance the pros and cons, and not give inappropriate weight to one particular risk.
6. **Failing to think beyond the existing org chart.** You don't have to take the current organization chart boxes in your law department as givens. Succession and promotion afford you the opportunity to rethink how you have grouped your lawyers. If you only think in terms of 'filling Pat's position,' for example, you too rigidly define the role and its likely successor.

General counsel should look at each open position as an opportunity to rethink the function and organization of the department. Examples of this kind of creative structural thinking include making someone a deputy, flattening reporting levels, grouping practices differently or relocating lawyers. One department in the aerospace industry has its two most senior lawyers in the so-called 'box,' which works smoothly; another department, in the consumables industry, has assigned paralegals to report to the top lawyer of each practice area.

7. **Underutilizing corporate training and development programs.** Many organizations now have sophisticated leadership and development programs that operate across the entire organization. It is important to champion and encourage your team to attend these programs. Apart from the obvious skills development, these programs provide lawyers with valuable exposure across the organization and position lawyers to play valuable business and legal roles in the company.
8. **Relying too much on favorite people.** Managing a team of lawyers is like managing a kids' soccer team -- everyone wants to play striker! As coach, it is your role to ensure that people play to their strengths and improve on their weaknesses. But most importantly, you need to honestly critique how you allocate the interesting and high-profile cases and projects. Often without realizing it, the tendency is to keep playing the same trusted striker. This hinders the development of others, can make the trusted striker complacent and can lead to a breakdown in team dynamics. Be sure to give everyone equal playing time -- for the good of the team.

Nurture the law department's talents in these ways, and it -- and the company it serves -- will benefit as a result.