Webcast: Managing to Motivate and Maximize Productivity in the Law Department
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Sponsored by Robert Half Legal, an ACC Alliance Partner
Speakers: Chad Volkert, Executive Director, Robert Half Legal, Teresa T. Kennedy, Assistant General Counsel, Cox Communications, Inc and Matthew L. Pascocello, Esq., Assistant Director for Marketing & Alumni, Washington College of Law, American University.

ASSOCIATION OF CORPORATE COUNSEL

Moderator: Charles Volkert
June 21, 2006

Charles Volkert: Good afternoon everyone. I'm pleased you have joined us for managing to motivate and maximize productivity in the law department.

My name is Charles Volkert. I'm the Executive Director for (Robert Hath Legal), and we are sponsoring this Web cast with the Association of Corporate Counsel.

Before I introduce our panelists, I'd just like to go over a couple of housekeeping notes. Number one, I'll be acting as the moderator today and introducing our panelists and moving the seminar along for the next hour. At the bottom of your page on the right hand side, you'll see a questions box. Please enter text in that box and send your questions by hitting send. We will reserve about 10 minutes towards the end of the presentation for questions, but if there is a clarity question as far as what one of the panelists is discussing, please feel free to send that throughout the presentation, and we will do our best to clarify any of the statements that we are making.

Also, I'd like to point out that at the end of the seminar there will be a slide pointing you to the Web cast evaluation form. I greatly encourage each of you to fill that out. I know that the Association of Corporate Counsel and (Robert Hath Legal) would appreciate your feedback.

So without further ado, I'd like to go ahead and introduce our panel. Again, as I mentioned, my name is Charles Volkert. I'm the Executive Director for (Robert Hath Legal). Prior to joining (Robert Hath Legal) in 1999, I was a litigation attorney and I work with our 32 offices throughout North America providing project attorneys, paralegals and permanent staff to law firms as well as corporate legal departments.

I'd like to introduce Teresa T. Kennedy. She is the Assistant General Counsel for Cox Communication Inc, as well as (Matthew L. Puskocello) who is the Assistant Director for Marketing and Alumni with Washington College of Law and American University. And I'm going to turn it over to (Teresa) to share a little bit about her background.

Teresa T. Kennedy: Thank you (Chad). I am a 19 graduate of Vanderbilt University School of Law and began my law practice with a private firm in Dallas, Texas. After practicing with the firm for a number of years, I had the privilege of moving in house with the Southland Corporation, the owner of 7-Eleven stores, and worked in house with Southland for a number of years before moving back east to the Atlanta area.

From there I think my career path took a fairly unusual turn. I worked as a, the first ever part time attorney with a major law firm in Atlanta, and upon the arrival of my second child, decided that I would go completely off the lawyer track for six years and was a full time, stay-at-home mother during that time.

Finally discovered that raising children is much, much more demanding than practicing law and went back to law practice part time and now have been full time with Cox Communications for nearly 10 years.

(Matthew L. Puskocello): And good afternoon everyone, I'm (Matthew L. Puskocello) with American University's Washington College of Law. I have also a diverse and varied background, but highlights really include the practice of corporate and international trade law in New York before going in house with a, the U.S. (start up) offices of a French multi-national company.

The in house component of that, however, was much more finite in that I probably did about 40 percent legal and 60 percent business development, really trying to launch operations here in the United States for what was and still is today a very successful business-to-business service provider in Europe and other continents as well.

But for the last eight plus years, I have been here at the Washington College of Law as the Alumni Career Counselor. I basically do the, I work with the Alumni and as a consultant as well on the side with attorneys through their career development, including career transitions. And I'll just say, as an aside, I work with far more attorneys that are looking to go in house than I do with in house attorneys trying to get out. A little bit of the grass is greener, but I think perhaps maybe the grass is a bit greener, and I, in that vein, with respect to the folks who are in house with whom I work, I would say work mostly with more junior and associate general counsel who are either being forced out through a merger or because of relocation or because of their own initiative given that the, their original motivations were going in house or no longer hold true. Or quite frankly, they don't, they feel like they're not earning enough or they're not advancing or growing enough, so sort of throw those out there as some of the trends that I see, and I think that fell into today's conversation and how to motivate your staff from the managerial level.

Charles Volkert: Thank you Teresa and (Matthew). I'm looking forward to hearing your discussion points throughout the next hour.

As, by way of introduction, today's highly competitive business environment means that a motivated corporate legal team is vital to any organization seeking exceptional results. And I think just from a personal perspective, we see this quite often in the recruiting world where corporations that are really growing aggressively, hiring people, growing their revenue are the ones that really are building motivated teams within that legal department. No longer is the legal department seen as a cost center per say. It's really turning to a business solution center, a revenue center even for corporations, and corporations that are moving forward are really the ones building those motivating teams of highly competent individuals.

In a survey conducted by (Robert Hath Legal), attorneys ranked increased workload demands as their number one challenge as a manager. And I guess I would just touch on the type of candidates that we meet with on a weekly and monthly basis with over 90,000 candidates on our database, most of our recruiters are interviewing everyday, every week highly competent candidates, and their number one comment to us is this is a 24/7 business with the Blackberries, the coast-to-coast and international demands. You know, there is a lot of pressure on candidates to fill their roles and to take on additional responsibilities. And I think learning how to motivate staff members to increase their job satisfaction, to increase their productivity is a core essential learning for businesses moving forward.

Teresa T. Kennedy: And I would chime in there that I think this is an issue that in house attorneys and law firm attorneys share equally. The increasing workloads, the demands to do more with less and the expectation of being available 24/7 are definitely real in my world, and I think real in the world of the outside firms with whom we work.

(Matthew L. Puskocello): I would second that Teresa. Again, from the counseling standpoint, I see very many parallels with these issues, and I'll leave it with that.

Charles Volkert: Well, and I think the next topic is really assisting professional growth. We know in corporations there's usually only one General Counsel position. You know, what are other ways to motivate and have career growth within the department? You know, before turning it over to (Teresa) and (Matthew), I would just say what we're seeing in the marketplace are candidates really interested in where they can be mentored in an organization, if they can then become a mentor, are there non-traditional roles within a corporation or even a law firm that could use their legal backgrounds in different directions. And then also if they aren't going to move into a General Counsel role because that option isn't there for their career, are there other areas where they can lead on specific projects or specific departments really to have job satisfaction.

So I turn it over to Teresa and (Matthew) as far as additional points.

Teresa T. Kennedy: I'd like to mention the value survey that Cox Communications has used within our legal department because I think it does point out the importance of introspection and open communication on the issue of growth and advancement. We are in a situation that's probably not at all unique. Our company went private a year or so ago. We are not in a rapid growth acquisition mode at the moment, and we will not be adding significant headcount to our department. So the opportunities for people to move up in title are quite limited.

We prepared a value survey, which attempted to open communication as to what factors are most important to the members of our department, what looks like advancement, what looks like quality work life to them. And our fear, frankly, when we presented this document was that everyone would check advancement and title as the most important and huge raise as the second most important. And those were the two things we knew already we couldn't accomplish. But actually no one checked those as the most important. I think generally they ranked among the third, or among the bottom three or four factors.

What people were concerned with are, were factors such as being part of the team, understanding how my efforts matter to the company as a whole, having flexibility to pursue my interests outside of work, having the opportunity to learn more about our companies business. And those are very doable and very achievable.

So I would (say) to you keep in mind that professional development and growth is a uniquely personal decision. It will probably change depending on the individual's particular role at that point in their life. And it's something that you need to talk about early and often.

(Matthew L. Puskocello): I would second that Teresa, and add to it professional development is also somewhat generational in nature, and I see that with, and perhaps many of you do as well, with your younger associate counsel, I'll call them millennium generation, you know, your generations X and Y. And in my counseling here, both on, with 20 something year-old attorneys at private sector, public sector, in house, the issues, the motivations I see as the same. And very often these younger attorneys have professional attitudes, but they don't have the same generational outlooks as perhaps the older ones do. And by older I mean 35 plus. And that is, they're not necessarily looking for the gold watch retirement with this single employer. So you have to, to the extent you have, you're dealing with a generation, younger attorneys, you have to understand that their motivations might be different and they are, their goals might be very different. So again, that open communication, asking them, soliciting from them what are they looking for, where do they see themselves in five years, might provide you with the information you need to create the kind of environment that will produce opportunities for them that are ample for their somewhat, maybe in their minds, (head) limited time at the company or with the team.

I also see some parallels with the law firm universes. Again, the lawyers in the firms, they know when they're not on partnership track. They know when there are non-equity positions and partners that are placed there for them. Things that counsel can do to create sort of parallel structures are creating meaningful mentor programs, those work very well in law firms. Helping those who are not slated for partnership or general counsel in your cases, create a meaningful career within their existing organization.

Law firms have adopted in house career counselors. I'm not saying you folks are going to take this on necessarily, but just for your edification, in house career counselors full time to help work with these attorneys and to help sort of cross-pollinate them into actually general counsels office of existing clients, a little bit of an annuity build in there, but.

And also work life balance initiatives. Law firms are giving sabbaticals, four month sabbaticals, three month sabbaticals after X number of years working there.

They're giving financial incentives or they're not giving financial incentives for billing above say 2100 hundreds. That is to say they either want to induce that behavior or telling them that there's a negative incentive to, and there's diminishing returns to working too hard.

Flex time, daycare, job share, reduced workload schedules are all ways that I see law firms addressing the motivation and retention issues. And I dare say it might be some samples of things that you could borrow to help increase morale, enhance productivity and job satisfaction.

Charles Volkert: Great points. Let's transition over to assessment. What makes a good attorney great? I would just highlight a couple of things, I think bullet point number one, legal expertise and knowledge. I mean that's a given. That's what people are looking for as the first qualification. A couple of the other things that we hear a lot from our clients is they look for skilled candidates. Communication skills, I would say would be number two as well as problem solving and organization and time management. Going back to our earlier comments about 24/7 and the business that we are all in now. It's so important to have the organization and time management.

Teresa T. Kennedy: I totally agree, and I would add in my encouragement to reach out to your clients. If you're in house, reach out to your business people periodically. You can do it through a formal survey, and there's an info pack on the ACC Web site with a suggested survey. You can do it through focus groups. You can do it through informal conversations and ask, what do you like the most about working with our law department and what do you like the least. What would you like to see us do differently? Do more of? Do less of ? I think those sorts of conversations are important and, unfortunately, keeping pace with the work that comes in the door on a daily basis often pushes that sort of topic into the background.

(Matthew L. Puskocello): And I would just sort of off, step back and offer a macro view that I think is well articulated in, "Working with Emotional Intelligence" by (Daniel Goalman) just in terms of, look this is a long laundry list of skills and obviously not every single attorney is going to have all of these skills, but the point is, nor do you want every single one of your attorneys to have all of these skills. You don't need a complete set of prima donnas. You need a complimentary set of skills, and that's when, you know, choosing which of these skills to develop in whom and what kind of assets to put towards those are going to be the decisions that you, as managers, are going to want to make, not in a vacuum, but of course, in recognition of what the company's objectives are and with good conversation on what the employee's career development objectives are. And you'll find that oftentimes these things don't, they will, they will overlap, and you want to sort of work on those points of intersection to develop both your needs, your goals and the, and their professional development.

Charles Volkert: I also see this as a great laundry list for, you know, managers on the call that have individuals reporting into them as far as how to advance that career and keep that motivating atmosphere moving forward, i.e. you know maybe somebody isn't ready for the next step within the organization, but do they love to present? Are they great with technology? Could you use some of these bullet points, if they're strong in those areas, to give them some exposure so they're feeling valued by the organization? Just a thought.

(Matthew L. Puskocello): Yes.

Charles Volkert: Let's look at perform a needs assessment. And I know (Matthew) you had some thoughts based on your experience with law students and alumni.

(Matthew L. Puskocello): Yes. Well I would actually just, again, and maybe I'm hitting the macro mode here, but first take a step back and take a look at the needs assessment both at the team level as well as at the individual level. You know, we've been talking about professional development, and that of course really does tie in with staff development and needs. So here I would say, and identifying staff development needs, the need first to inventory them, but then to perhaps distinguish them between the perceived needs, say, that of the individual as against the articulated needs, say, by yourself as management or by management itself if these needs are being cascaded down. These are cascaded goals from the CEO. And then looking at, looking at those two points to assess the actual needs to be developed, the intersection. I mean you see a lot of this evaluation, a lot of these needs developments being done somewhat in a vacuum or through check lists, and they all sort of sound good, and you're sort of trying to stuff the same skill sets down people's throats. And you're building, again, a redundancy there as opposed to a complimentary set of skills.

So what are the needs of the business, both long and short-term of course? But then also looking at how does your department's current mission and structure support, or I dare say detract, from the company's needs. So I would say it's important to also look inward before you start doing the outside staff development needs.

The other points, of course, being somewhat straight-forward and direct, what competencies do employees need to achieve these goals. You ask that as a manager, you really need to understand, and again, are these coming, cascading down from you or are these something, are these, are these skills that you're generating on your own by, through your own knowledge and through your reviews of your staff attorney? Examining the strengths and weaknesses of the workforce relative to these competencies, and then assessing what improvements or, and what can training reasonably do or not do. It's easy to sort of throw money at it and say, hey, let's just send people out for training. But you see a lot of money wasted that way. Not that training isn't a good thing, it can be. But you need to have some defined objectives in who is going to get what from what kind of training.

And that speaks to the last point, what is the commitment there on the table in terms of opportunity, cost, time, money and effort that your company is willing to undertake.

Teresa T. Kennedy: Absolutely. And I think it's important to keep in mind the dual role an attorney in house occupies as an executive within the company as well as a legal expert. We're very fortunate at Cox to have a committed group in control of training for employees at large. And it's very common here, as a new employee, to create an individual education plan so that you become knowledgeable about our particular company, about the industry as a whole, so that you are a well versed employee and can speak the language with your business clients. At the same time, that you're learning the particular laws and regulations that govern the business. So I think it is important to always keep in mind that the attorneys do not operate in a vacuum. They are employees of the company and need to be able to participate in the discussions and to be knowledgeable about the business while being the legal experts as well.

Male: I would just make one other comment. I think money obviously is a driving force, but the training piece, we actually see candidates that will accept less money if there is a very solid training program in place, if they will be exposed to outside, third-party trainers or week long conferences, so definitely wanted to mention that as an important aspect.

Charles Volkert: Moving on to define the missing link, I know Teresa you had some thoughts based on your participation with ACC.

Teresa T. Kennedy: Yes, I think it is always, obviously, a touchy subject to identify areas of improvement. But I've found the gap analysis that's become so popular and so commonplace (post stocks) is a good vehicle to use. And what I find very helpful is to look at the tasks that need to be accomplished. And again, those goals cascade down from the CEO of the company, and to discuss what skills we have currently in place to meet those objectives. And the differential there is clearly the gap.

The next step is how to begin filling that gap. And there are many resources available to do that. ACC has wonderful materials on the Web site, info packs, best practices information, the member-to-member program which enables you to e-mail directly to someone who is an expert in the particular area that you need, you need information about and learn from them how they've dealt with specific issues.

I also encourage you to look within your industry for resources to develop these key skills and close the gap. We are in the telecommunications industry here at Cox. Many of us are active in the (WICT) organization, women in cable telecommunications. That program offers a great deal of training, an executive development program, a mentoring program as well as golf lessons. So just about everything that you could want to fill any of these gaps that are identified.

Male: Just to add a final point on that perhaps, again, speaking to the younger associate counsels out there, just within the last two weeks I spoke with two, both of whom are, well one is in his third year, one is in his fourth, but both mentioned continuing legal education and industry seminars and events as being real ups for them. They really felt that the company bought into their professional development, into their careers, and they appreciated the opportunity not only to learn more about their industry, but also to network and connect. And I found that one had a fine agenda when he went in, but the other didn't. And I would just suggest that if you are going to allow and encourage, and I do encourage you to do this, your associate counsel to go into, to take seminars, (do CLE) et cetera, you perhaps want to set some definable, desirable outcomes in committing to these as sort of a joint commitment to do this. So if you're going to attend this conference out in San Diego, it would be great when you came back if you gave all of us in house, you know, a half an hour training session on some of the salient points, et cetera. If you're going to join an industry seminar or ACC, you know, take a leadership role, consider publishing something for the trade article, for the industry publication, or even go out and consider creating a presentation. These are all ways that people really feel vested in their professional development and feel that the employer is really genuinely interested in their growth and development.

Teresa T. Kennedy: Absolutely. And these opportunities are available at low cost or no cost. They're available regardless of whether your company is rapidly growing, whether your law department is adding headcount or not.

One final point I would make, networking is so critically important. And that is networking within the organization as well as outside. I attended a general counsel panel a few weeks ago, and all of the participants were asked, what is the single biggest mistake you have seen in house attorneys make. And the consistent answer was being so focused on the work, going in your office, closing the door, working eight, 10, 12, 14 hours a day and doing a great job, but totally neglecting the networking piece and the importance of building relationships, not only within your department but within the company at large. And I think that's something lawyers frequently do. We are really focused on getting the work done and doing an outstanding job there, and often neglect the relationship element.

Male: And I think that's something that management can relatively, can address with relative ease, I mean in creating those opportunities. So it might be incumbent on some of you to not only encourage this, but to actually create the opportunity either in house or outside.

Male: Well and I would just second those thoughts, I mean we hear from candidates all the time that they weren't allowed, quote/unquote allowed to participate in a networking event or go to an ACC event or a bar function because of cost or because, you know, the general counsel or partner did not want them away from the office. And I think being an alliance member of

ACC over the last number of years, it's been such a treat to see the growing numbers of those members attend those conferences really for the legal educational piece of it, to expand their horizons. And in this day and age where that legal piece is ever changing with Sarbanes and with regulatory and compliance issues and the changing world of litigation, I think it's important that the members of your team are feeling valued, that they're able to go out and quote/unquote broaden their horizons and learn, you know, the cutting edge legal issues that are out there today. And that's definitely going to help the work environment.

Charles Volkert: So let's talk a little bit about open communication and success. And I would just point to bullet point number one, and no matter what business book you read, you know, in a high performance company, communication that is open and constant is really what drives that organization. And I know speaking from my own personal experience with in (Robert Hath International), which has grown from a very small company of a few hundred, you know, million dollars just a few years ago to over three billion today, one of the things we attribute to our success within the legal, (Robert Hath) legal division, but more importantly as far as the company as a whole, it is just a sense of open communication to build success upon success. So I'd love to hear from Teresa and (Matthew) their thoughts on that.

Teresa T. Kennedy: I completely agree. And we've gone so far as to try to create some formal mechanisms to ensure that communication occurs because, as we all know, when you become involved in being a firefighter on a daily basis, it's, communicating can become a low priority. We have a formal buddy system where we group attorneys, paralegals and administrative assistants in lunch bunches. They go out once a month on the company and have the opportunity to have lunch and to talk and to share information about what's going on in their particular world. We also have a meeting twice a month that is chaired by the head of our legal department, and all participants are encouraged to share certainly a best practice or a major matter that they're working on, but more importantly to share a lesson learned because we found that that's where the key learning and development occurs when you're hearing about a problem that has arisen and we'll know better next time if that information is shared.

Our company does a great job in communications. We have a blog that our CEO maintains and it's posted on our intranet so we know through that communication how things are going from his perspective, and certainly have access to quarterly financials after those are publicized and that sort of data.

(Matthew L. Puskocello): I would perhaps round it out by saying when discussing through development with the alumni here who are in house who are looking to leave because they're dissatisfied, I would say the number one complaint I hear from them is that they feel disconnected. They feel disconnected from the company, from its, from sometimes even the legal, from the team itself. But they feel that they're not in the loop, they're not being communicated to, they're not being told about the bigger picture. So they feel really stunted vis-à-vis their career development. And they also just feel that they're really inside of a box there. And they're not even talking necessarily about increased opportunity. They're talking about really just the sharing of information, positive and negative, and to the extent that they're not getting it, they feel that they're that much less valued. So it's a, it's a real bone of contention, which I don't think needs to be there at all. The freedom of information is so important for people to feel – and this is very true in law firms as well where associates feel completely alienated. They're just in their offices working away. And an opportunity is never given to them to hear how the firm is doing, to open up a little bit of the books, to sort of talk about how the business is running. And I would say, attached to that is how this information is presented. Is it, if and when it is presented is it just here's the quarterly e-mail report? Or is it a bit more interactive and engaging and rapport building where the department head might sit down either, you know, at a department meeting and, on campus or off, you know, let's have a breakfast meeting quarterly or whatever it might be with some regularity. But a way to get face time, a way to connect with the leadership in the company, with the leadership on the legal team depending on the size of your company, all very, very tangible and cost effective ways to create an environment where people feel valued and where people want to stay and where people feel that regardless of the advancement opportunities, I feel that this employer is doing as much as it can to move me along professionally.

Teresa T. Kennedy: I completely agree about the importance of that feeling. We've mentioned several times during this conversation cascading goals. This is a model that our law department has used for a number of years, and it visually resembles a waterfall with the CEO's goals for the company at the top. They cascade down to the law department as a whole, and then the next level is each working group within the department cascading down to the individual attorneys. And the idea is that you are able to see readily how your particular efforts and your accomplishments will contribute to achievement of all of the goals, the cascading upward.

I think it's very effective, and it definitely makes you feel that you are a co-owner and a co-partner in the effort rather than simply an employee.

Charles Volkert: Yes. And I would just, you know, end with that last bullet point, which is really Teresa and (Matthew's) key point on the listening, the participation. Somebody had submitted a point of clarification. You know, I think a lot of what we're talking about applies to paralegals, administrators within the legal department, not just attorneys. And so your ability to really listen on a weekly, a monthly basis, if it's a formal setting, informal to make sure that there is that open communication.

Teresa T. Kennedy: That's a great point, and we made a very conscious decision to include paralegals and administrative staff in our buddy system because we do feel that the communication piece is as important to them as it is to the attorney.

Male: And if you wanted to just take one more second on that slide, speaking with an associate a few weeks ago, an in house counsel a few weeks ago, in a growth company, in a growth industry where you would expect the more work he's getting, the less, the bigger the effect on morale. To the negative, it's sort of contrary, he was very happy that he was getting more work because he wasn't, the type of work was elevating. And he was getting to do the more sophisticated work, and he saw sort of a rising tide result shift. He saw the effect on the paralegal staff to be also very positive in that on the one hand they too were sort of getting a higher level of work because the attorneys couldn't do it all, but they also, the negative side to that was that they were getting (AUDIO GAP) there was still more paralegal grunt work to be done. And they were getting that as well, so it sort of, it cut both ways, but it was just an interesting, an interesting comment that I thought I'd pass along.

Male: Hello?

Charles Volkert: I'm sorry. Moving to the next slide, encouraging exceptional performance. I think the bullet points speak for themselves, but Teresa, (Matthew), any stories to share regarding some of those specific bullet points?

Teresa T. Kennedy: Well I think it's critically important, and it's unfortunately a rare skill to be able to effectively match the task and the tools. That is something that will make your department so much more effective. It will make each individual participant feel that they're being utilized to their greatest and best use. And it allows the company to get a lot more bang for its buck. So as you do the skill assessment and as you look at the cascading goals, I think the strategic goal that you as a manager should keep in mind is how can I match the resources that I have here with these goals that I see flowing down from senior management in the most effective way possible. And that may require some creative things. It may require some cross-functional teams within the company. It may require looking at contract resources outside the company, and being creative in order to stretch that budget dollar.

(Matthew L. Puskocello): I would. I'll leave it with that.

Charles Volkert: Great. Let's take a look at the next slide as far as, you know, I would just point out bullet point number one, not every function of challenge lends itself to a team approach. I think a lot of times when we build the teams and we look at their efforts within the organization we think team and sometimes it is individual in allowing somebody to lead up a project, handle things on their own. And (Matthew) maybe I'd start with you as far as your experience, what you're hearing from, you know, attorneys both in house as well as law firms on that front.

(Matthew L. Puskocello): Yes, and this cuts both ways. And I think it, I hear both sides, and I think it's as much dependent upon the individuals profile as anything else, as a corporate culture, be it corporate within an in house structure or corporate within a law firm as a private entity.

You have a knee jerk reaction from lawyers to try to behave more like business men and women and work and build teams because that's the way business schools educate problem solving and approach problem solving. So that became really hot probably within the last decade. And, but the problem, the disconnect was that you have lawyers going through law school learning how to be completely autonomous, completely independent, and not knowing how to collaborate effectively. So to the extent that you have that kind of disconnect but you're working now in a, either a firm but more likely in a corporate legal department where in a corporation, team, as a business, a lot of problems are team and staffed that way. So it's just a, it's up to the, you have to recognize, you have to try to build a team approach, and you have to sort of assess individually what this, what skills this attorney has, what skills this attorney lacks, and you can't just expect sometimes – again with the neophytes just to throw them in and say, hey, you're part of a team without clearly defining their objectives and sort of shepherding them through this in the beginning so they could learn, perhaps, for the first time, how to actually be a team player instead of a whole team him or herself.

Teresa T. Kennedy: Yes, I agree. I think lawyers, as a whole, tend to be rather competitive individuals that sometimes it's very difficult to blend into a team effectively when your personality is highly competitive.

Part of our executive development program here at Cox focuses on the team dynamic and working through some of the issues that you normally encounter with a team, one person trying to take control, some people trying to ride the coattails, people whose personalities cause such clashes that they're not able to cut through that and get to the business at hand. And I think those sorts of interactions are very, very helpful.

The other thing I would stress is that team play takes many different forms. Sometimes it's contributing your subject matter expertise, sometimes it is literally sitting through days and days of meetings and chiming in on business issues as well as legal issues. So it's a flexible matter. And I think that you need to expose the neophytes, as you say, to as many different ways to be a team player as you possibly can.

Male: And then also, I would just say up front letting them know how are teams rewarded and recognized because again with this sort of rugged individualism that's breed into us in law school, you also want to take all the glory. So are, am I going to be recognized for a team effort that seems somewhat homogenized because four people worked on it. And so how does your organization deal with rewarding teams, and is that reward satisfying to the team members, or are they all feeling somewhat slighted?

Teresa T. Kennedy: I agree, and I think it's very important to articulate what we value. We value here in our department being a team player, avoiding silos, gathering all pertinent information so that we achieve the best results for the company. I think it's very important to expressly state that in your mission and value statement, to also give examples of what that looks like and also, and to give examples of what that doesn't look like, and to ensure that your reward system reflects that kind of behavior, that you are rewarding people who do fulfill the stated values of the department.

Charles Volkert: And I would just say, you know, that team approach (wears) directly into the shared vision, and I think part of the shared vision starts with the hiring process, bullet point number three on this slide, ensure the team mission is understood and embraced by all members. You know, if you are in the process of hiring individuals, making sure you communicate the overall vision of the company and give the candidate a complete understanding of what type of situation they're stepping into, what's expected of them, the direction of the company is so very, very important. When we meet with a lot of clients, they want to focus a lot on the technical skills and communicate probably about 90 to 95 percent of that interview about the technical skills, which obviously are crucial, but we share with that client the need to really discuss the overall culture and that mission of the company so they really have a goal out there. They understand what it's going to take to do a great job with the organization.

And I think the final bullet point I would mention here is just communication up and down within the organization to make sure that the overall goals of your department and of your team are matching up very well and are consistent with the overall goals of your department and of your team are matching up very well and are consistent with the overall goals of the organization.

(Matthew), did you have any thoughts on that slide?

(Matthew L. Puskocello): Now the, I, I've already, I've shared my …

Charles Volkert: OK.

(Matthew L. Puskocello): … thank you.

Charles Volkert: Great. Moving on to strategic focus, I think, this again, and we've talked a lot about those cascading goals and ways to really measure the progress. But I think putting in place a blueprint, which we'll talk a little bit about moving forward, to ensure that the goals are realistic, there's a specific action plan that's in place, and that you really have the ability to measure those success. And Teresa, maybe you could share, you know, some of the successes that you've put in place at Cox.

Teresa T. Kennedy: Absolutely. I think it's fundamental to be sure that all of your attorneys and other than the legal department understand the idea of smart goals. Those are the types of goals that your business people will be setting and be held accountable for achieving. And I think that it makes perfect sense to apply those to the legal staff as well. And those are, of course, specific and measurable and they can be accomplished within a certain time period. And one thing that we've found to be very helpful from a morale standpoint as well as giving us a nice document to present at the end of every year when compensation is on everyone's mind is a summary of what our goals were going into the year, specific accomplishments under each of those goals, and also some focus on the professional development and personal development that we've undertaken as a parallel to achieving the company goals. It's very, very easy as you deal with the fires on a daily basis to lose track of the fact that you are making baby steps towards accomplishing larger goals. And I've found one of the most rewarding things I do with my team at the end of the year is to do that wrap up of where we started with our goals and what we've done to reach those objectives.

(Matthew L. Puskocello): Yes, and again, I don't mean to come at everything from the point of discontent, but that's what I hear a lot on this side, so I'll share what perhaps some of your employees are telling me in terms of where, they get, they are very dissatisfied when they feel there is a real, a disconnect between the stated, articulated goals and those by which they are being evaluated, and then sometimes even compensated. Isn't often the case, but I've heard that comment more than once. And I think this is where transparent, honest, reviews on a regular basis, even if it's semi-annually, really helps all sides stay on the strategic focus. And I've seen organizations that do sort of 360 reviews. I've seen organizations that have just a review from the management, or the manager with each individual employee. But however you do it, assess it, make sure, you know, is it effective or are you just, you know, jumping through the hoops, doing it the way you always did it? The evaluation, the feedback really allows you to set priorities and then to reassess if everyone is on point or not. And it gives the kind of direction that the younger attorneys are just clamoring for. They sometimes feel really lost at sea, and they want that direction. So without handholding too much, at least creating some kind of structure where there is clarity. It sort of moves us, I guess, to the role clarity part, but not to push it along, (Charles), it really does provide that kind of satisfaction again.

Teresa T. Kennedy: I agree. And the danger of neglecting that aspect is that over time trust will erode within the organization and I think cynicism will fill that void. It is critically important to be authentic and to be true to your stated mission, your stated goals, even if that means acknowledging some failures and some shortcomings, it's much more important to maintain trust within the organization so that you have the ability to then move on to these other goals.

Charles Volkert: So as we look at the things that (Matthew) and Teresa are mentioning, the role clarity, you'll see bullet points here, a general roadmap for you all in your departments moving forward. I would move on to the individual motivation as well, more sort of a roadmap as far as bullet points, and turn it over to (Matthew) or Teresa for any comments here.

Teresa T. Kennedy: A couple of points I'd like to make on this one, again, I think the value survey could be very helpful in determining what motivates the individual. At different points in your career, different factors will take top priority, and I can't stress enough that the (whole) thing of avoiding assumptions. It's very easy to say with all good intent, I think I know what matters the most or what is the most motivating to this person on my team. So I'm going to be absolutely sure I provide that. It's much more effective to ask the person.

There's a wonderful book called, "The Platinum Rule" that conveys just that principle. And I, I've personally experienced the downside of not asking on a couple of occasions. I'm a big fan of the gold star, of those sticky notes saying great job, thank you, and so I make a point of putting that on the feedback when I return documents to folks on my team. Not everybody appreciates that or values that. Another example would be public recognition. Some people love to be recognized at a staff meeting or have their name put on the bulletin board in the break area with a pat of the back, others are mortified by that. So I think it's critically important to ask people what looks like reward to them, what feels like motivation to them rather than assuming you know the answer.

(Matthew L. Puskocello): And back to a point you made earlier, Teresa, making sure that this exists in an authentic environment and not that you're just trying to derive, you know, the bell that's going to make Pavlovian's dog salivate, that is to say, it is an individual motivation and no single motivation is better or worse than another. It's not always about the dollar. It can be about recognition. It can be about someone's looking at their advancement perhaps beyond the company, and they need to be able to articulate that in a non-threatening environment where they feel that, hey, it's better to have the next three or four years of my work here being at its honest best as opposed to one foot trying to get out the door. So I think a lot of people think that's self-defeating if you're trying to help a person at professional development if that development ultimately means leaving the company, well good riddance to you sooner rather than later, that's not necessarily a cost effective way to deal with your attorneys.

And, so just creating an environment that respects individual motivation, that solicits it, and that knows what to do when it hears it.

Charles Volkert: Great. So as we transition, let's talk about conflicts. Obviously, these are going to come up in a team environment. They're going to come up with your employees, and let's talk a little bit about resolving those conflicts.

Teresa T. Kennedy: Well there are some great tools available, and I think that's the fortunate thing because lawyers are not particularly trained in law school to resolve conflicts in ways that promote teams. I would recommend very highly the personality profiles. We here at Cox use the (Berkman) and the (Myers-Briggs). That offers a lot of insights into the style and the approach of each individual. It can track their normal reaction to situations with their stress reaction, and it's very, very enlightening.

I also would recommend the book "Difficult Conversations" and also "Getting to Yes", one of the classic negotiating books because they will help you step out of that lawyer role and become more, I guess, of a mediator, someone who is looking for common ground rather than looking for the win.

(Matthew L. Puskocello): Yes, I second all of that. And then I guess I would just encourage you to sort of track any trends in conflicts. I mean there are some that I hear come up often in an in house setting, and one just came to mind because someone voiced it to me not too long ago about how to deal with a younger boss. This is for, younger literally in age, and there seems to be, that seems to be an issue in a lot of environments. So to the extent that you see sort of trends in conflicts it's perhaps, you know, talking with colleagues on how they deal with these, how they deal with resolving conflicts. I don't think it's a point of weakness to go to ACC or elsewhere to create relationships with managers such as yourselves and posing these questions to them in hypothetical, hey, how do you deal with this kind of situation? How do you deal with the other? The resources, Teresa, that you mentioned are quite fine, and I would second them.

Teresa T. Kennedy: You made a great point about the structure changing so that the traditional model of the older boss and the younger subordinate really don't hold true anymore. And there I think it's important to look at, at least a couple of issues, one is generational differences. And there are some great materials available that will give you insights into understanding this, the values and the styles of different generations. Also the old saying of avoiding assumptions. When I joined Cox I obviously was, had been out in practice for a while and was told that I was a finalist for the position, but one concern had been raised, and that was by my would be boss who was about 10 years younger than me, and she was concerned that that would be awkward for me or would create some sort of problem. And I was really surprised to hear that question raised because frankly it had never even occurred to me. So I think it was her assumption and her fear, and she was translating that into a possible issue for me when it simply wasn't there. So communicating, asking and avoiding the assumptions are critical.

Charles Volkert: I would agree with both what Teresa and (Matthew), you know, have said, so obviously you have your conflicts, you will have those issues. I know we've had some questions come across in the dialogue box as far as reward mechanisms. I would just point to these bullet points in the sense of time, and I think a lot of times we think about monetary rewards for achievement. I've seen companies get very creative with family outings as a reward, baseball games, football games, a trip. I also have seen companies that actually give an award at a banquet and they celebrate the achievements within the department and they have multiple awards for different responsibilities, again, sort of looking at the laundry list of where some of your individuals fit in as far as their strengths. Is there a way to reward their strengths and being able to bring other people up to speed in a specific area?

Moving along to career options, and I think just by way of the panel, you can see some, a varied degree of legal backgrounds being used in different directions, so (Matthew), maybe we'll start with you as far as your thoughts on some career options.

(Matthew L. Puskocello): Yes, this is one of those things too numerous to mention. Certainly, well the knee jerk reaction is to say, well, there are career options within the law, and then I see a lot of career options outside of the law, and I don't want to jump ahead a couple of pages, but there's, we'll see later on there is a good resource on alternative careers.

To the extent that the motivation is that they are no longer working with the right company, well then certainly there are headhunters, and I would say as a resource the individual's law school might have an alumni counselor and probably has an alumni network to go to (sus) out other careers. Certainly going in house in the private sector is where most folks end up going, had a feel like they sort of, you know, they came, they saw, the conquered vis-à-vis the in house career. The federal government is one of the largest, is the largest hirer or employer of attorneys. So there are lots of career options in the federal government. And I've seen in house attorneys take their management skills quite effectively thank you very much to become like executive directors of (NGOs), non-profit organizations, associations. So there's a, you know, a plethora of traditional and non-traditional career paths, and there are lots of resources, quite frankly, there's a cottage industry not only for individual advisors on these career steps, but also for just literature, again, some of which I think is iterated at the back of these slides.

Teresa T. Kennedy: I agree that they're great points. I just wanted to chime in with one additional comment on the third bullet, what are viable options for those who are in house without much upward mobility opportunity. I wrote an article for corporate counsel magazine that looked at this issue and basically I concluded that you have about three options. One is to look at opportunities on the business side, and there I would caution you to know yourself well and to be realistic, but don't follow the grass is always greener sort of approach.

Another is to basically make your peace with it, to review that value survey and determine how you can achieve some of your key values without the ability to move up in title.

And the third, and I think equally legitimate for both the company and the individual is to decide that this is truly your heart's desire to move up in title, perhaps be general counsel, and to build your tool kit, and then look for the right opportunity outside the organization.

Charles Volkert: Great. And on the page I just put up, Teresa, while you were speaking, a little bit of a blueprint that we all had put together as far as, at least the starting point to take your career in a new direction.

Teresa T. Kennedy: Absolutely. I think that you do, you do need a plan. Even if you are not focused on taking your career in a new direction, I think you still need a career plan. It makes you more deliberate, more focused. It gives you more motivation and structure to building your toolkit, to engaging in that working, and that's very important, whether you find yourself wanting or needing to leave the organization or not. Establishing goals gives you that sense of accomplishment, achieving the milestones that you need to equip you to take the next step or to be a success exactly where you are. And I think reviewing accomplishments is something that we as lawyers don't do nearly often enough. We tend to focus on the one, the one area where perfection was not achieved and to lose track of all the things that we did do right.

And then finally the summary of options I think is very accurate and there is simply no substitute in this area for honest and open communication with your boss, with your peers and with yourself in determining exactly what your path will be.

Male: And I think that …

Male: So looking …

Male: Sorry, go ahead …

Charles Volkert: No, I was just going to jump over …

(Matthew L. Puskocello): Sure …

Charles Volkert: … and take a look at the alternative careers that you had mentioned, (Matthew) …

(Matthew L. Puskocello): Sure.

Charles Volkert: You'll see the numbers based on a study that (Robert Hath) Legal had conducted, and I won't go through all the bold points in the sense of time. I know we're running short. But obviously you can go in a lot of different directions with a legal background, and also, you know, are there areas within your organization that you could move and to take on new responsibilities? It doesn't always mean I have to find a new company, you know, are there internal opportunities that you could explore. We here a lot of companies creating new positions to hold on to their top talent, even if it's not the type of role that they brought that individual in for.

To put a plan of action into place, evaluate the job market, I think network as Teresa and (Matthew) have mentioned in previous points is so crucial if you're looking to go in a new direction to take your career. That is really the key component. And then the toolkit that (Teresa) mentioned as well. Are there additional conferences, education that you can get that really will allow you to move in a different direction.

And finally on that point, legal career resources, again, the Association of Corporate Counsel, the in house job line, many of their info packs are crucial. Your alumni, schools and counselors are great as well.

And I know we are short on time. We definitely would like to take some questions. I guess for anyone that needs to get off the phone, I would just offer an open invitation to reach out to myself as well as Teresa and (Matthew). The easiest way to contact me would be by phone at 305-374-2936 or by my e-mail, which is charles.volkert v as in victor, o-l-k-e-r-t@rhi.com.

Teresa, would you like to provide any contact information?

Teresa T. Kennedy: Absolutely. I'm most easily reached via e-mail, and my e-mail address is teresa t-e-r-e-s-a.kennedy@cox.com. For any of you who are in house and located in the state of Georgia, I would extend an invitation to participate in the ACC Georgia chapter. I'm current chapter President, and we have some outstanding programs planned for the fall. So I'd love to hear from you in that capacity as well.

(Matthew L. Puskocello): And I too would be delighted to be contacted by e-mail, m like (matthew) pasco p-a-s-c-o at wcl, that's Washington College of Law, .American.edu.

Charles Volkert: Great. So we definitely will stay on for about another 10 minutes and answer some questions. So let's jump right into those. On the question that came across, Teresa and (Matthew), have you developed any specific metrics to incent and evaluate behavior?

Any thoughts on that Teresa?

Teresa T. Kennedy: Yes, we have, and it really depends upon the particular role of the person within the department. We have, for example, paralegals whose specialty area would include the processing of subpoenas that we receive from governmental entities. And we do have metrics that would measure the volume, the timeliness, the effectiveness, the thoroughness, those sorts of issues. We have a somewhat formal metric. We do a survey of our clients every year, an internal customer service survey, and we ask a number of multiple choice questions, but we also ask open-ended questions. And those surveys are targeted to business people who deal directly with the attorneys in our department. And we ask for direct feedback on the attorneys. We also as part of our review process at the end of each year, will reach out to major client groups and ask them for feedback. So I think we have put structure around it in that method, and I think it's very helpful.

(Matthew L. Puskocello): I'll defer to that response. I don't have experience with that, per say.

Charles Volkert: Great. Another question that came across as far as how to deal with silos within a corporate legal department. We hear so much about silos in the law firm environment, but (Matthew), Teresa, do you have thoughts on how to break down some of those barriers?

Teresa T. Kennedy: I think it is a huge problem, and I think that as business becomes more complex, it will become an even greater problem. Some of the things that we have tried are the cross-functional teams, having the department wide meetings every other week, sharing information about projects and issues, having the less formal buddy system of lunching together helps to break down silos, create information sharing. We dabbled a few times with a round robin e-mail, listing major contracts that are being worked on. That wasn't particularly effective because people just tended to hit forward and not take the time to analyze. And also the more important information comes through discussion, not just the listing of matters. But I think it is a problem that we all need to keep chipping away at. And one of the most important things just for us is that silo-ing does not render the best results for the client. And that's not something that the department values, and it won't be rewarded.

(Matthew L. Puskocello): I think that's probably the most important thing because, that the department doesn't recognize or reward it because like the statement, the saying is that the hardest substance known to man is an organizational structure, so if your organization is structured that way it's just a hard thing to chip away at to remove. But I do hear a lot of discontent coming from inside the silo, so people dying to break out, and or either in environments that are not sensitive to tearing down those silos or that are trying to do so but doing so ineffectively. So if you find yourself in either of those camps, take note, and there are obviously companies and Teresa's sounds like one of them, that do, do it effectively.

Teresa T. Kennedy: And I would also ask, what is the underlying reason for the silo. I think frequently you will find it's a misguided belief that hoarding information or work is the key to advancement. Or you may find some insecurities there. Many people don't deal well with change. They kind of carve out their turf and want to stay there, and that's simply not possible, and it's not healthy. So I think it's important to address the behavior and also to scratch the surface a bit and find out the reasons for the behavior.

Charles Volkert: And I would just say, in talking with clients the way I've seen some effectively break down those silos is all through communication from a top down approach. If you're the general counsel, are you fostering that type of environment? If you're not, and you have a general counsel or somebody you report to that's not fostering that, how can you break down the barriers? And a lot of it is reaching across the aisle, saying, you know what, two, you know, minds involved in this project are better than one. I need your assistance to really do a great job for the organization. And just have open communication back and forth.

Another question that was raised by one of the members on the call was what type of mentoring programs are being used in corporations today. And I think just to tie in the breaking down of silos, what I've seen to be very effective is the cross-skill set mentoring. You know whereas in that approach (mentees) are paired with mentors who have different areas of expertise than the (mentee), so again you're breaking down sort of skill set barriers within that type of environment, allowing for a lot more communication.

The other, you know, very aggressive type of mentoring program, and I use aggressive in positive terms, is a team mentoring approach, which is sort of a twist on a group approach when one (mentee) has several mentors. And again, you're allowing those silos to be broken down. You're reaching across the aisle, and Teresa or (Matthew), have you seen other great mentoring programs in your organizations?

Teresa T. Kennedy: Well we're very fortunate to have, I think, all of the above. We have a formal mentoring program where senior members of management mentor newer members to the organization. We also have informal mentoring where I could approach someone who has a skill set or occupies a role that I would like to learn more about and ask them if they would be an informal mentor. There's huge support for that sort of request. Also through industry associations it's possible to be paired with a mentor in another organization, which I think is extremely valuable because you have the opportunity to learn new skills and also to experience a different corporate culture through the eyes of your mentor.

(Matthew L. Puskocello): Yes, I would just add that I've probably seen more ineffective mentoring, mentor systems than effective ones. And that's probably because I've only seen them within law firms where I think they exist mostly in name, and some places however are more aggressive in implementing them. But I think at the end of the day, there needs to be some accountability. If you're going to have a mentor program, you want to try to build in some accountability, not to take the fun out of it, but just to make sure that the mentor is also doing enough and not putting all of the ((inaudible)) on the protege, the (mentee) to solicit and to foster the relationship. So maybe there's a, you know, a reporting back, informal reporting back or some kind of systematic way that the success or the progress of this program is being, is being examined anyhow.

Charles Volkert: Great. And I think we have time for one more question. Smart goals were discussed today. Can you provide some examples that have worked for you to measure business as usual work, quote/unquote business as usual work?

Teresa T. Kennedy: Well if I'm interpreting the question correctly, I think it's using a smart goal approach to achieve a legal department objective or task. And an example that we recently put into place is our desire to adopt a more sophisticated approach to matter management. And we developed a taskforce, which was cross-functional and cross-company to look at different products that were available, to evaluate our needs, did a focus group with folks in the field as to what they would want out of this system. And we had a very specific timeline. It was driven by budget. We had to submit the request by a certain date. And that was not going to change. So that imposed the deadline on us, and the deliverable or the result was very clear. We wanted to make a decision, make a budget proposal and acquire a matter management system.

So I think the idea is that rather than having general, lofty, grandiose sorts of legal goals, you need to break it down into specific objectives that you can achieve and deliver within a finite period and hold yourself accountable for doing (that).

(Matthew L. Puskocello): That's not my forte, so I'll be quite.

Charles Volkert: Well again, I want to thank first of all the Association of Corporate Counsel for allowing (Robert Hath) Legal to sponsor this Web cast. I certainly want to thank our esteemed panelists, Teresa (Kennedy) with Cox Communication as well as (Matthew Puskocello) with American University, Washington College of Law.

I direct everybody to the last screen, which is important, again, the evaluation form. If you could take some time to fill that out, it would be greatly appreciated.

I hope, as well as Teresa and (Matthew), that you have found the Web cast informative, and again, please feel free to reach out to any of us regarding any additional questions. Thanks so much.

Teresa T. Kennedy: Thank you.

(Matthew L. Puskocello): Thank you.

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