How a Growth Mindset for in-house legal teams can help navigate through difficult times

What can in-house legal teams learn from modern leadership thinking?

By Randall S Peterson and Nick Hartigan

Up until a couple months ago, were you a general counsel / chief legal officer who was happily leading a fantastic high-performing team operating in synchronous harmony within an organisation? If so you and your team are likely coping better with the COVID-19 crisis than you otherwise would be. If you aren't sure this was you, then keep on reading. In fact, you need not be a GC / CLO, or in the midst of a crisis, as this article is widely applicable to many professionals who are leading teams, or even just one other person.

In the last few years the legal profession has been laid bare and dissected to within an inch of its life. Yet for all that has been written and said about the legal profession, change has happened, if one is being polite, slowly. But it's not all gloom. There are pockets of progress and leading the change charge are a number of forward-looking in-house legal teams. These are the teams who have discovered that time spent on learning to collaborate effectively as a group are more 'profitable' than teams who are not.

One of the interesting observations to be seen in the more successful in-house teams is the willingness of those teams, and their leaders, to learn from non-legal disciplines and then apply those ideas in the context of an in-house team working within an organisation. Leading GC / CLOs and their teams tend to get past the pressures of 'doing more for less', navigating matrix structures, strained relationships between the function and the business, and so on. Instead they use an array of non-legal skills to keep on moving forwards. Naturally, these teams also tend to cope better than others when under the intense pressure of crisis.

A key area of non-legal capability which has gained momentum in recent times is the connectivity between leadership effectiveness and nurturing a high performance culture within legal teams. Intellectually, it's not a difficult proposition: in order to get the most out of a team, the leader of that team needs to create an environment in which the team members can thrive and do their best work, i.e. the leader should be good at leadership. Many lawyers have a sense of what leadership involves, yet many lawyers are not natural leaders nor have they been taught (formally or informally) about leadership. Often, the best performing legal functions consist of leadership teams that buck this trend; pushing through any predisposition towards cynicism and fear of failure, and instead as individuals and as a collective being curious, open and willing enough to develop their leadership capabilities.

One of most talked about developments in current leadership thinking is the concept of a ‘growth mindset’. This is a concept which in the context of corporate life some might denounce as any one or more of: not new, psychobabble, trite, fanciful and / or lacking a grounding in reality. Yet it is consistently one of the most popular courses at leading business schools across the globe in recent years. This popularity stems from a raft of well-regarded research which demonstrates the value of a growth mindset to corporate organisations by increasing engagement and productivity in the workforce.

So what is a growth mindset? Why is it relevant to dealing with a crisis like COVID-19? And how can it be applied to legal teams?

In general terms, having a growth mindset is believing that most basic abilities can be developed through dedication and hard work—brains and talent are just the starting point. This view creates a love of learning and a resilience that is essential for great accomplishment. Put less abstractly, growth mindset in the context of organisations is essentially aimed at focussing on strengths and possibilities of employees (rather than weaknesses and unlikelihood).

Some of the core ideas would include:

- Improving employee engagement
- Finding ways to encourage employees to try new things
- Increasing the connectivity between employees
- Helping employees derive greater meaning in what they do

COVID-19 is perhaps the most acute social and business episode that many Generation X, Xennials and Millennials workers will have faced. From an organisational behaviour context, a particularly important feature of the COVID-19 crisis is the forcible physical separation of colleagues. For teams previously struggling to engage with each other and their businesses effectively, a newfound dependency on social media based and inter-mediated communication can compound an already difficult dynamic. By contrast, teams which have adopted a growth mindset will likely be coping with COVID-19 better. For instance, these teams will likely be starting from a stronger foundation of trust, be more adept at different styles and modes of communication and have a greater propensity to handle change in a healthy way.

There is no great magic to applying a growth mindset to legal teams. Rather, the important point as a leader of a legal team is to be mindful of any conscious or unconscious impediments to you being open to and trying new ways of working with the team. For example, individuals operating in leadership positions with formative experiences from an era where the practice of legal excellence trumped leadership and other behavioural attributes, a growth mindset might sound unrealistic and unsafe.

Below are some suggestions of practical actions, with a growth mindset underpinning, that may be useful for a GC / CLO in a leadership role to think about in creating / strengthening an environment in which the team individuals can thrive and do their best work, thereby helping the function as a whole improve and navigate the perennial organisation challenges noted above. Whilst some of the suggestions will require a degree of thought, reflection and time which, given COVID-19, may not lend themselves to being implemented imminently, some of the suggestions can be applied straight away and may prove useful:

1. <u>Be clear about the team's vision and how that vision links with your organisation's purpose</u>. In contrast to a superbly written clause in a contract, 'vision' is not precise and it can feel risky sharing a vision with others, let alone allow others to express a view on your vision. But by setting out and discussing a vision with your team in the right way, the action of the discussion (vs diktat) alone can be highly beneficial (it demonstrates some degree of openness and imperfectness from the leader). And, ultimately, if the team individuals engage, it can be an essential means of connecting the organisation's purpose with the team as individuals thereby providing them with a greater chance of it feeling safe to be themselves and to derive meaning in what they do. Action: (1) reflect on your organisation's purpose, consider how it links to your personal purpose and the team's purpose, (2) consider your vision for the function and how that fits with your organisation's purpose, (3) create a safe environment with your team to discuss the vision for the function (see item 3 below), (4)

take the product of discussions and work towards putting together or refreshing a clear strategy for the function.

2. <u>Be open to experimentation and change</u>. As a cohort lawyers can have an inclination towards creating intellectual citadels at a team and individual level as a means of rationalising and ultimately avoiding the discomfort of change. When you then layer in macro organisational issues (e.g. many organisations are motivated by the concept of monetary reward, which often promotes a fear of failure rather than seeking possibility), there are strong disincentives for legal teams to change. Action: (1) as a leader, you should think about the extent to which you are willing and open to change. Consider setting up a third party facilitated 360 review. Use the results to inform a personal development plan, focussing on how to improve your strengths (rather than taking a deficiency-centric approach). Consciously force yourself to try new approaches, even if you can't be sure of success. (2) Work on a team development programme designed around some very specific (non-legal) themes: how can you drive positive reinforcement in your team members, how can you encourage your team members to bring their whole self to work and how can the team members express themselves more freely? Workshop this with your team and convert it into a series of personal SMART objectives for each team member. (3) Give some thought to what might feel like a completely radical idea, but which would help promote happiness in, or promote strengths of, the team. So for example, give each member of the team a time allowance per month to pursue an extra-curricular interest, such as a hobby or voluntary activity. Or think about how to create a way for team members to create new habits by consciously asking them to take on tasks or contribute in ways which are new to them.

3. <u>Encourage open and adult engagement in the team</u>. Many of you will have been in ***that*** meeting. The one where the 'leader' stood at the front, said what he/she had to say, the team members competing to say either nothing or everything, with everyone walking away feeling disengaged after the meeting. Creating the right conditions for open but productive discussion can be hard, not least because certain blends of individuals, their needs (good and bad) and prevailing circumstances, are all material factors in meeting dynamics. All of the above can be particularly difficult to navigate when it is not possible to meet face-to-face. Whilst there's no universally correct way to deal with this, the following best practice tips are worth keeping in mind. Action: (1) What happens in a meeting tends often

to be a function of what already is, i.e. if a team is already connected, it's more likely when that team meets, those encounters will be more productive. Think about direct and passive ways you can connect the team together, for instance organising get-togethers (whether in person or online hangouts*, like a virtual coffee meeting) or trying a Pecha Kucha presentation (Google it!). (2) Bring transparency, clarity and trust to every meeting by having a clear agenda and then following through on that agenda (recognising sometimes there are matters which cannot be telegraphed in advance, but equally try to avoid surprises wherever possible). (3) Try to strike a balance between inclusion and capitulation in decision-making. Therefore avoid both majority-rule and leader decrees; instead aiming for a qualified consensus (where everyone can "live with" the decision) (4) Where possible, remind the team of its accomplishments and its progress towards team goals. (5) Finish any meeting with absolute clarity such that there is full co-ordination around actions and no room for misunderstandings. (* nb. if facilities accommodate it, try forcing all team members to use webcams if connecting remotely. It might feel awkward to start with, but over time, it will likely provoke far greater engagement between the team.)

4. <u>Create clarity and agreement between the team as individuals and the organisation</u>. Many corporate functions acting as 'business partners' will wobble along the tightrope of 'service delivery' (and being an overhead) vs the need to exercise some form of discretion or judgement in furtherance of the organisation's needs as a whole. This can lead to tensions and uncertainty both from functional and business perspectives which in turn can promote a culture of actual or imputed criticism towards or felt by functional team members. These tensions can of course be highly context specific, but one helpful way of ratcheting down the pressure can be to have clear agreement about what and how the function will operate. An agreement need not be a 25 page SLA and nor should it be approached with trepidation for fear of ambiguity. Action: (1) Draft a simple one page charter based on principles rather than precise promises / actions. So for instance cover how the team expects to be treated, and how it will treat those it delivers a service to. (2) Share a draft of the charter with your team and have a workshop around it. (3) Share a well-developed version of the charter with your CEO at a suitable moment and then socialise it with influential colleagues in the business. (4) Once alignment on the charter is reached, ask the team during its usual business meetings to explain the new charter to internal clients / colleagues and then roll it out. (5) Diarise a progress review.

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