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The Influential GC

A survey and discussion paper



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The GC Programme

In 2010 Nabarro, a law firm established in London for over a century, launched its innovative series of publications for and about general counsel.

Over the course of five reports, and numerous related events, the GC Initiative looked at some of the most important issues for GCs today – not just organisational and business ones, but also those relating to individual careers and personal development. The feedback from GCs was overwhelmingly positive.

On 1 May 2017 Nabarro merged with CMS and Olswang to create the sixth largest law firm in the world. Like a GC running in-house legal, though, we didn't think that big automatically equals better. The key driver of our merger was a shared vision of a new kind of law firm, able to help our clients face the future. A firm that is a real leader in the key sectors of a twenty-first century economy. That is commercial and creative. That understands and relates to its clients. That is comfortable in embracing change because it is grounded in, and sure of, its values. That looks after its people. And – and this is one area where size does matter – that has the scale and resources to invest in new technology to make us more efficient and improve our client service and advice.

As a GC you will recognise a lot of that vision. And you will have heard other law firms say similar things. We now have to make it happen, and our clients will judge how well we succeed. But one immediate change is that the Nabarro GC Initiative is now the CMS GC Programme. It combines Nabarro's market-leading thought leadership with related expertise and client initiatives from all three firms. We are confident that for this, as for the rest of our new firm, the whole will be very much more than the sum of its parts.

We are repackaging the five Nabarro GC reports in CMS branding, and added this introduction to each. Otherwise they are unchanged. We hope you will find them as interesting and useful as ever.



“I read this report with enthusiasm. The work which [CMS] and their general counsel colleagues have done here is a genuinely exciting, relevant and innovative practical application of my principles in an area where, as far as I know, they have not been widely used before.”

Dr Robert Cialdini, Professor Emeritus of Psychology and Marketing, Arizona State University

Foreword

For our third report on performance and career progression for general counsel, we have chosen to focus on the subject of influence.

Since we started working on these reports in 2009, we have talked to hundreds of GCs about their career ambitions and challenges. The question of influence is one that has come up time after time. Our previous reports have looked at how GCs can increase the influence of the legal function, but it has become clear to us that GCs who really want to achieve this have to improve their personal influence too.

If you're a GC you're already influential to a degree. (That degree, of course, varies between GCs: every GC's situation is unique.) However, our research suggests that, whatever your position, you probably also have scope to become more influential. All GCs face their own problems in managing this: both personal and organisational. But you can 'up your game' no matter where you start from, and our report shows how you can increase your influence if you approach it methodically – in particular, by using some of the tools we offer. We believe this is new and interesting ground for most GCs.

To reflect the very personal nature of influence, we have included more case studies in this report than ever before. Eight senior in-house lawyers – Richard Brearley, Gerry Copeland Wright, Patrick Gloyens, Nigel Kemp, Tom Kilroy, Karen Millen, Orla Muldoon and Jonathan Pearl – have talked to us in depth about the challenges of influence they have found in their various roles. We are very grateful to them. We also thank the 100 GCs who completed our survey about influence and those GCs with whom we discussed our preliminary findings. In addition, we thank Dr Robert Cialdini and Steve Martin for their endorsements, and we are particularly grateful to Clare Jones, our Director of Business Development and Marketing, for her substantial contribution to this report.

We hope you find what follows both thought-provoking and useful. We would be delighted to hear any comments you may have about it.



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Introduction

Our previous reports for general counsel looked at strategies for the legal team and the measurement of the legal team's value. This time we are concentrating on something more personal: the influence which general counsel have over the people around them, their organisations and the business environment.

Having introduced the GC Value Pyramid two years ago (see box on page 7), we were keen to look in more detail at one of the most important ways in which a GC can move up the pyramid: the expansion of influence. GCs and their teams move up the value pyramid by better demonstrating their worth, and one of the key indicators of value which we identified two years ago was the degree of influence a GC has over the business. It is also quite clear from the results of our new survey that most GCs think they would be more effective within their businesses if they had better influencing skills.

Our aim in writing this report has been to combine the results of our survey, our previous research, Dr Robert Cialdini's principles of influence, case studies from senior GCs and our own views (formed through discussions with many GCs over the years) to give GCs some ideas about how to improve their influence as well as some practical tools to help them do so.

In the following pages:

- We present the **key statistical findings** from our survey.
- We discuss **what influence is** and how it can be used responsibly.
- We look at the **people** a GC needs to influence: board, boss, external stakeholders, peers, staff and team.
- We identify eight key **factors** that can limit a GC's influence: acceptance, environment, impression, motivation, remit, resources, skills and tenure. Not all of them apply to all GCs. However, being aware of them is the first step towards addressing them as obstacles to achieving influence.
- We look at whether GCs can **learn to be more influential**.
- We examine the **six principles of influence** identified by Dr Robert Cialdini. These are authority, commitment and consistency, liking, reciprocity, scarcity and social proof. We also consider how they apply specifically to GCs.
- Finally we look at how influence can be **assessed and increased**. In particular, we offer two bespoke tools for GCs who wish to evaluate their influence: the Relationship Matrix and the Circle of Influence. After assessing his or her influence, a GC can develop and implement a plan to improve relationships with those key stakeholders over whom their influence is not as strong as it could be.



The GC Value Pyramid

Our report *From in-house lawyer to business counsel* introduced the concept of a value pyramid for the in-house legal function. This divides tasks into four levels, according to their value to the business. Level 1 involves tasks with the greatest strategic value. Tasks in the bottom level (Level 4), while essential, are seen as 'bread and butter' work.

Only 3% of the GCs we interviewed felt they were operating in the top level. Just over one-third felt they had reached the second highest level. That left most GCs in the bottom half of the pyramid, with 38% operating exclusively in the bottom level.

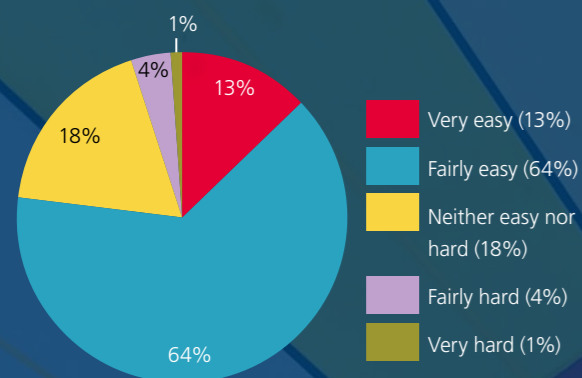
Most GCs expected to be delivering greater value in five years. 29% expected to be at the top level by 2015 compared with the 3% of 2010. However, we also identified various barriers that they have to overcome. One of these is winning the trust of various stakeholders. In particular, for lawyers aspiring to the top of the pyramid, board-level influence is critical.



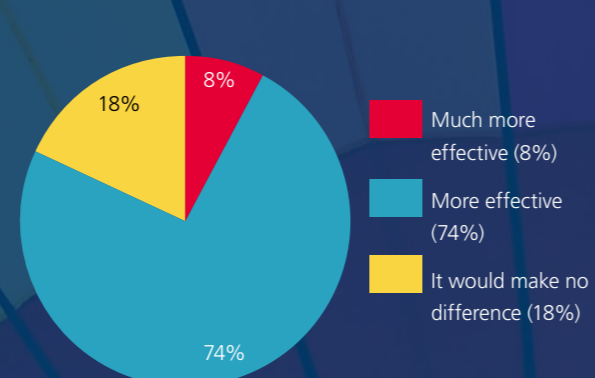
Key findings

- We asked over 100 GCs about influence. Although a large majority (77%) said they found it “fairly easy” (64%) or “very easy” (13%) to influence people in their day-to-day work, 82% also said they would be more effective in their current jobs with better influencing skills.
- Even more (88%) felt that having better influencing skills would make them more effective in their long term careers.
- And even more again (90%) said their team would be more effective if its members had better influencing skills.
- The most common influencing challenges identified by the GCs we polled were:
 - Accessing difficult-to-reach people.
 - Persuading people to make a decision.
 - Getting people to commit or take action.
 - Networking more effectively.
 - Selling the benefits of the in-house team.
- Eighty-seven per cent believe the ability to influence can be learned. The other 13% are unsure.
- Only 36% have actually had training, coaching or mentoring on influence (mainly training).
- Fewer than one third (31%) have read books or papers on the subject.

How easy do you find it to influence people in your day-to-day work?



Would you be more effective in your current job if you had better influencing skills?



Opinion

Steve Martin

Director, Influence At Work

Steve Martin is the co-author of the *New York Times*, *Wall Street Journal* and *Business Week* bestseller *Yes! 50 Secrets from the Science of Persuasion*. His popular business columns appear in magazines and online all over the world.

“That the practice of influence has been an ongoing endeavour for millennia will be of no surprise to anyone. The reasons should be clear. Those who hold the ability to convince their audience, to sway the undecided, to persuade others not only to change their point of view but also their subsequent actions are not only to be admired. They also carry a significant advantage in life. An advantage that, until recently, has been considered by most to be an art: a skill that only a lucky few are born with.

“The idea that influence is art is an attractive one, especially for those who don’t believe themselves to have been born with the gift. But it doesn’t reveal the whole picture. It turns out that there is a science that underpins successful influence. It is a science that is robust, compelling and provides a highly applicable set of tools and skills that anyone can employ to become a more effective and ethical influencer and persuader.

“Many notable scientists have contributed to this body of influence research that now spans some 60 years. We have much to thank all of them for, and yet there is perhaps one for whom we should reserve special thanks.

“For over 35 years the noted behavioural scientist Dr Robert Cialdini has been a pioneer of influence and persuasion research. Importantly, his decades of work extend beyond the boundaries of a laboratory and into the real world. His groundbreaking studies that identified the universal principles of persuasion are increasingly relevant to those who work in today’s competitive, time scarce and cynical business environment. Cialdini is the author of two of the world’s best-selling books on the subject *Influence: The Psychology of Persuasion* and *Yes! 50 Secrets from the Science of Persuasion* (co-authored with Noah Goldstein and me). He is the world’s most cited expert in the field of influence and persuasion and our consulting firm, Influence At Work, of which Cialdini is President, works across a variety of sectors and industries with some of the largest corporations.

“This excellent report written by [CMS] achieves two very important things. Firstly it explains clearly and concisely the evidence behind persuasion science. As you might expect, Cialdini’s research is central. Secondly the report provides tools, tips and techniques that general counsel can practically apply to increase their influence in an effective, ethical and sustainable way that builds greater networks and more fulfilling relationships.

“I believe that this report will be a valuable and much needed addition to the toolkit of any GC.”

Case study

Jonathan Pearl

Corporate Vice President and General Counsel, Sony Mobile Communications

“A general counsel needs influence to ensure that good corporate decisions get made – and bad ones don’t. And a key component of having that influence is developing good relationships internally and externally.

“The GC’s authority comes partly from the job title, but this doesn’t count for much if you don’t have a history and a well stocked bank of goodwill. A new GC can’t walk into an organisation and have everyone eating out of their hand in three weeks. Building trusted relationships requires time and patience. And unfortunately the trust that you build up can easily be eroded if you don’t carry on delivering.

“Influence also depends on the type of industry you’re working in. In a sector like banking the product itself is a contract and there is lots of regulation, so lawyers tend to have a huge impact on how business is conducted. The same is true where revenue is heavily dependent on legal rights – eg the movie business. But, whatever the industry, a GC will have to jostle with colleagues in sales, marketing, finance, product development etc for the attention of senior management. And the amount of influence a GC has can be heavily impacted by the personalities of his fellow executives – especially the CEO and the board. A GC who is always at loggerheads with important stakeholders will find their effectiveness compromised.

“Influencing the legal team is often one of the hardest parts of the job. With clients you can hide behind the mysterious cloak of the law. But your team knows if you are talking

rubbish. I always try to hire lawyers who are cleverer than me and know more law than I do. I also try to keep an open door and to be as humble and as approachable as possible.

“A key competency for my team is relationship management. Whenever we get complaints, whatever the underlying issue, the cause is almost always a failure to manage a relationship. I ask my team to spend time in the field with sales people. I also like to hire people who have seen a bit of life and not just the inside of a law firm. Finally, I encourage them to talk openly to their peers and clients and to get ad hoc feedback on their performance.

“Conflicting agendas are a daily hazard. Everyone comes to the party with an agenda, and as a GC you have to be prepared to give an opinion. ‘On the one hand’ doesn’t cut the mustard with most business people. The most appreciated in-house lawyers are often mavericks who are willing to get off the fence. The risk then is that you might screw up. If you do that too often you’ll either see your influence diminish, or you’ll get fired.

“You will sometimes find naïve or lazy business people who will let the legal tail wag the business dog. In these circumstances an inexperienced in-house counsel

might be tempted to exert their influence and assume the responsibility for business risks. But they must be wary of this. Lawyers are paid to be careful and I expect my team to navigate the journey to becoming trusted business advisors cautiously.

“Ultimately, being a lawyer is about having good judgment. And sometimes exercising good judgment can be unpopular in a business environment. At other times, you have to pick your battles and get behind the business to support innovation. In such situations you’ll be perceived to either ‘get it’ or ‘not get it’. And it should never be forgotten that generally speaking it is very hard to make a profit in business without taking some risks.

“The biggest test for GCs is where businesses may be doing things that are immoral or unethical. Where issues are borderline illegal, it’s even tougher. The increasing need for legal compliance in many countries (particularly the US) and the impact that non-compliance can have on a company’s image and share price have made the GC’s view more powerful and influential. A crisis involving ethical or moral issues may be an affirmation of a GC’s importance and will often be the greatest test of a GC’s influence.”

What is influence?

What do we mean when we talk about influence? Is it a good idea to compare the influence of different GCs? And is it actually ethical to influence people?

We have chosen to use the term ‘influence’ fairly broadly. In the business world, there is often a grey area between influence and formal authority, as well as some circumstances in which one is not much use without the other. And a pattern of influence which works in one particular situation may be useless if that situation changes.

Generally, we believe, influence is about affecting the perceptions and actions of others. It is about power, as Jonathan Pearl suggested on the previous page, but it is not power per se. It is a means of directing power – whether your own power or someone else’s.

We have all seen lists in the press of the ‘most influential’ general counsel. Most of us have also wondered how such lists are compiled. While individuals can measure their own influence, it is much harder objectively to compare the influence of individuals in different situations. A GC may be influential in part because he or she is at a large international company. But another GC at a smaller company, not widely known, may be a brilliant influencer of the stakeholders in their own sphere. Who can judge which GC is more influential?

That is not to say that third parties cannot gauge the influence of individual GCs. Quite the reverse. Much of this report reflects the view that GCs have of themselves, but GCs who want to see themselves as others see them – which is crucial to an accurate assessment of their influence – will need to gather honest feedback from those around them (see page 30).

As Jonathan Pearl says, GCs should be using their influence to ensure that good corporate decisions get made. Greater co-operation and collaboration are the positive partners of responsible influence. But there are many cases in which influence is exerted for less clear-cut ends, or, for example, to advance a GC’s career. This is not a bad thing, as long as the GC observes appropriate ethical standards. Everyone reading this report will have experienced situations in which influence has been deployed in a destructive or negative way. Our aim has been to set out an ethical and practical route for GCs to analyse and increase their influence in a commercial setting and thus improve their position on the GC Value Pyramid.

“I like the term ‘consigliere’, sometimes used about senior lawyers in the US. To me this represents the definitive trusted, credible and close advisor who understands the commercial context as well as the legal issues.”

“I have seen people who empire-build, but I like to think it’s for the good of the company.”



Case study

Karen Millen

Legal Director, Virgin Care

“You have to have good relationships with people to be influential. Making the effort to get to know people across the organisation is really valuable. When people collect by the coffee machine there’s always an opportunity to hear about what they’re working on and the issues they are dealing with. Having a sense of humour also helps.

“Listening to others properly is a core influencing skill. If you genuinely listen to a person’s needs, wants and ideas, you can shape your message to appeal to the person you are aiming to influence. You can also ensure your message is heard and will be acted upon. Listening well is hard, but I’ve learned the hard way that if you fail to listen, things just won’t get done.

“As a sub-set of listening, being responsive as a GC increases influence. People know they matter to you if you respond to them quickly. They feel heard. If they believe they are being ignored, it can be quite destructive.

“As a GC you are, to an extent, a moral compass of the business and you need to have personal integrity and clear values. Colleagues will often come to sound out non-legal issues with you.

“I do believe that some have a natural ability to influence but I also consider it is something that can be learned. Building confidence can really help, especially within a team environment and it’s important to build one’s network. It’s a continual requirement.

“A critical component in building influence that I’ve learned is that one may often need to consult and persuade colleagues on an individual basis before presenting an issue or a paper which requires a decision to be made. It’s time-consuming, but valuable. We make decisions collectively, so having peer influence and understanding is critical.

“A GC wouldn’t make it in this business without true commerciality and an appreciation of the business, the people and the strategy. Being influential is about ‘getting it’ to an extent.

“Having clear messages helps in being influential. In the healthcare sector, we also have to consider our relationships with a number of key stakeholders and it is really important that we have clear messages from our own organisation and also collectively with peers in our industry. We also know how crucial it is to get involved in government and regulator consultations so that there is understanding across the sector as to the issues facing independent healthcare providers. They listen, but keeping the relationships strong is an ongoing process.

“Judging whether another GC in the industry is influential is about whether they have a profile – whether they make a visible contribution to policy discussions on the future of healthcare. If you want influence in your sector as a GC you need to get out there and participate. I make a conscious effort to do so. You have to network as much as your peers in other disciplines in your organisation. My fellow executives do this and I have to play my part as an ambassador for the business.”

Who does a GC need to influence?

It is clear from our research that general counsel who want to move to the top of the value pyramid must develop exceptional personal relationships across a range of stakeholders.

Influencing others is always affected by context. It is important to be politically savvy and to understand the cultural dynamics in which relationships are framed. To a greater or lesser degree, consciously or not, any GC will tailor their approach, method and style to suit their personal circumstances and the particular individuals they want to influence. And in turn the various positions, personalities and perceptions that those individuals have will affect how they respond to a GC.

The general counsel we spoke to cited six main groups of stakeholders with whom they need to achieve influence.

The board – many GCs think this is the key area of influence. As our word cloud overleaf shows, the CEO and the board were by far the most common answers to the question: ‘who is it most important for you to influence at work?’ But for some GCs this is also the area in which access to individuals is most problematic. Others are expected to support executive members where a legal view is needed. Some GCs feel it is desirable to be a member of the board or executive committee to be truly influential, but this is not a universally held opinion. Others believe it could compromise the independence which is sometimes key for a GC.

The boss – for a lot of GCs, this overlaps with influencing the board. But the relationship between manager and report often has its own dynamic. And some GCs do not report to a board member: either because they answer to, for example, a COO who is not on the board, or because they are a regional GC, reporting to a more senior lawyer who may well be based on a different continent. (There are also GCs who have multiple bosses, sometimes through ‘dotted’ reporting lines.) Some GCs see their boss as a mentor in terms of influence, while others see the boss as a conduit through which influence can be exerted at one remove. ‘Boss management’ is a concept familiar to a number of GCs.

External stakeholders – GCs have a broad range of possible external stakeholders, including other GCs, customers, suppliers (such as law firms), the media, potential recruits, alumni, professional bodies and regulators. Influencing such stakeholders can be driven by both personal and organisational agendas, which are not necessarily in conflict. As Karen Millen points out on page 12: “You have to network as much as your peers in other disciplines in your organisation.” Developing a strong personal brand can only increase a GC’s reputation as a trusted advisor, leader and effective manager of suppliers.

“Our senior leaders are influential in their areas, but the GC benefits from a broad reach, with many opportunities to influence people in all functions and at all levels.”

“Which directors I need to influence will depend on the issue at hand.”

“We’re a small company. We all influence each other.”

“It’s an international business and I need to work with key decision-makers across functions and geographies.”

Who is it most important for you to influence at work?



Peers – in many companies GCs have a range of cross-functional peers, either in the C-suite (most commonly the CFO) or just below it (often in sales or the commercial unit), from whom they require help, advice or co-operation. A number of the GCs we questioned felt that this is an underrated sphere of influence. Building good relationships here and being able to speak the language of these colleagues is critical. It is also important to influence ‘the level below’. The hardest people to influence are not necessarily the most senior, as Patrick Gloyens points out on page 16.

Staff – this was clearly more of a problem for some GCs than others. To some extent it falls outside the area of personal influence. Companies need robust systems to ensure that staff know what they should and should not do (and know who to ask when they are not sure). But a GC is likely to be the head, or at least the figurehead, of any culture of compliance. As Richard Brearley says on page 37, influencing at board level, with defined reporting lines and processes, may be much easier than influencing people at a level where most of the decisions in a business are actually made.

The team – many GCs with a managerial role feel that influencing the legal team and leading by example are key aspects of their influence within a company. However, other GCs believe that managing the team is a question of ‘leadership’ not influence. The semantics around influence, leadership, power and other related topics can be blurred, depending on the individual and circumstances. However, a GC who cannot influence people, and who seeks to achieve results through rank alone, is unlikely to be a very effective leader. Those GCs who manage teams with members reporting elsewhere – or reporting to both the GC and another manager – need to be particularly adept at influencing if they are to lead successfully.

“If I influence senior management, I influence their teams.”

“The FD has his fingers in most pies, and is generally on top of the key issues, so he needs to be kept on side.”

“Once business clients are on board then they will come back to you and inform others of your expertise. The more senior the client the more influence you will have.”

“I seem to be more influential at senior management level than at junior level.”

The size of the type in the balloon opposite reflects the number of times an answer was given in our survey.

Case study

Patrick Gloyens

General Counsel EMEA, LendLease

“The relationship between trust and influence is interesting. I believe it is possible to influence people without their necessarily trusting you. However, if they trust you it’s easier to make a faster impact. And if trust is broken it’s difficult to re-establish goodwill.

“To become a GC you will either have gone through an arduous interview process or risen through the ranks. Either way, once you’re appointed, people will start by giving you the benefit of the doubt: they have chosen you and they will trust their own judgment. But you have a relatively limited honeymoon period. If you’re confident of your ability, you’ll use that time wisely to assess the issues and start to deliver on the business’s requirements and needs. As these can vary so much, you need to be in ‘receive’ not ‘transmit’ mode most of the time. If you’re good you will fairly quickly form a view as to what needs to be done for the job to work well. This may involve changes to the legal team and working processes. Fortunately LendLease has a highly professional, dedicated team of competent and experienced lawyers.

“Getting senior buy-in is central to your success as a GC. Dan Labbad, the CEO EMEA at LendLease, has been a huge support to me from my first days here. He had a strong view that he wanted me to be able to walk into any meeting at any time, and he ensured that this support was public. Such an endorsement and mandate was invaluable.

“From the outset I established the legal limits of authority. We ensured for example that heads of terms could only be agreed and contracts signed with the legal department’s agreement. Most people bought into this straight away and understood our rationale. Of course, there are always some who try to route around such processes. They’re the ones I’ve had to practise my influencing skills on!

“In private practice – depending on your client – you often pretty much do what the client asks unless it’s illegal. A GC has a wider duty to the business: not to allow individuals to do something that’s not in the business’s best interest. This involves a degree of independence and means that you have to be able to say no. This is a significant power which ideally you want to exercise as little as possible. It’s much better to get people to involve you in what they are doing early, so that you can help them avoid the obstacles that might mean you have to say no.

“The hardest people to influence are not necessarily the most senior. It’s often those a level below who see you as an obstacle. You have to get their buy-in to get results. The challenge sometimes comes if they’ve previously experienced obstructive in-house teams. This is

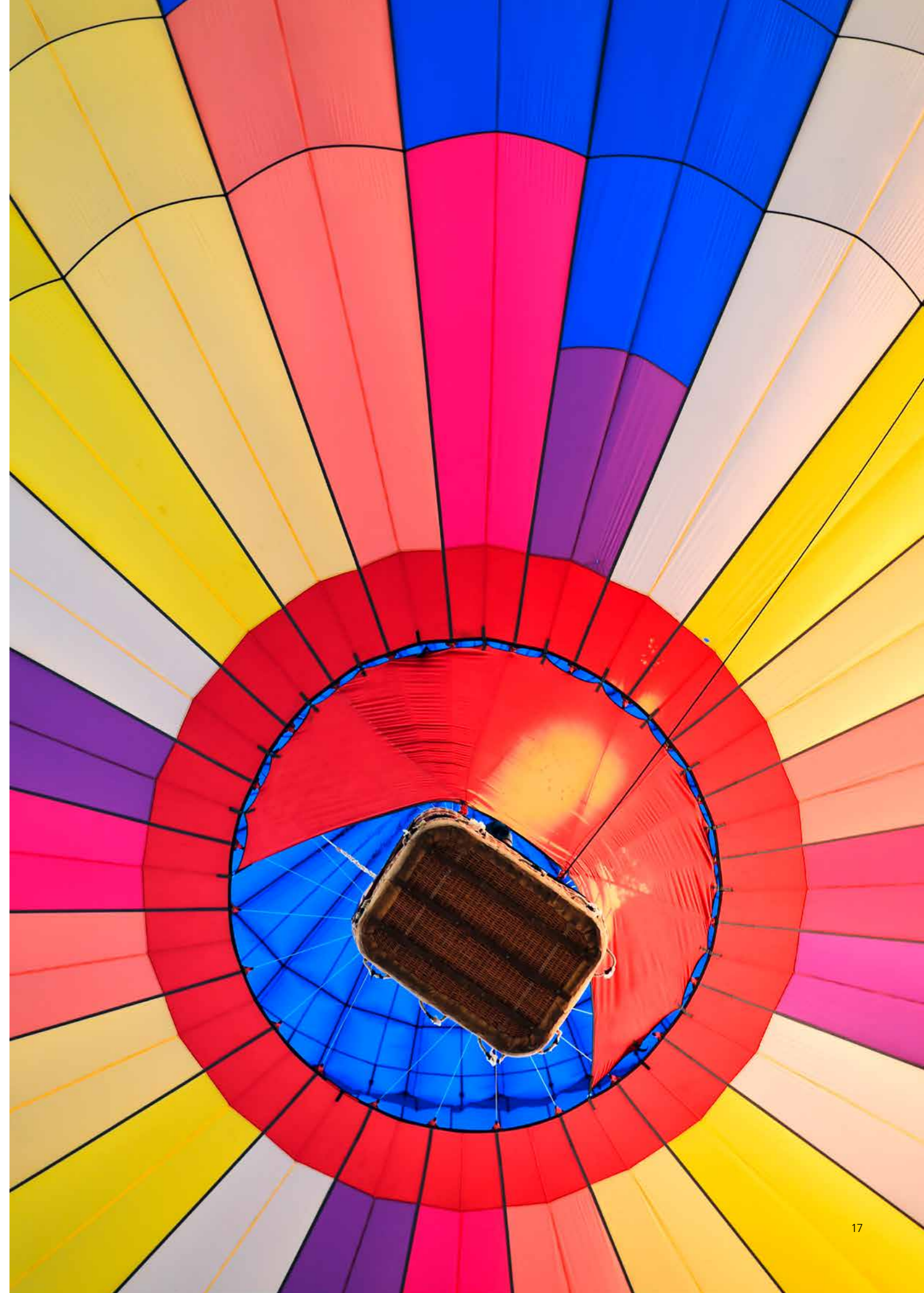
where you need to be able to convince them of the benefit of your input and that you are on their side. Here you have an immediate advantage over an external lawyer, as you are not going to send them a bill after the conversation!

“In terms of the legal team, my view is you need to lead rather than influence. What you want is their respect and understanding in relation to your objectives and acceptance of changes required to achieve them. There can be a tension between being an authoritative leader and a motivational boss.

“I believe influence can be learned, but some people of course have more inherent influencing skills than others. You need to be approachable, you have to get on with people at a personal level, and you cannot be awkward or spiky.

“You also have to be a strong advocate. I don’t think we solicitors are taught adequately to be advocates – we tend to focus on solving legal problems. Fine tuning these skills is very important.

“And you have to be commercial. Being business savvy is critical to influence. The academic approach is the quickest way to lose influence. In business, pragmatism always wins.”



What factors limit a GC's influence?

While GCs are keen to become more influential, they can also see numerous obstacles to attaining influence. But awareness of these obstacles may be the first step to addressing them.

Our GCs identified many potential 'limiters' to influence. Not all apply to all GCs. We have simplified them into eight categories.

Acceptance – or, rather, a lack of it. Prejudice, aversion to change, conflicting agendas and even sheer bloody-mindedness can all make it harder for a GC to exert influence. And GCs can expect to encounter all of them. Such barriers can be widespread cultural norms or restricted to certain individuals or groups in organisations. There is no single correct way to tackle such challenges, although they can often be overcome, or neutralised, by a campaign that tries to understand the other person's perspective and use principles such as liking, reciprocity or social proof (see pages 22–24) to change the other person's behaviour. But such prejudices and character traits are deep-rooted and some diehards may never be won over – or may prove, once the GC's back is turned, to be recidivists.

Environment – this may be the corporate or industry environment. As we discuss below, GCs in heavily regulated businesses tend to be influential, or at least to have roles with a higher profile. But even here, industry, operational, cultural and organisational factors can distort the situation, as they can for all GCs. For example, GCs in large international companies tend to have bosses who are more aware than some of those in smaller companies of a GC's value. However, the GC's actual influence can be highly dependent on exposure to key stakeholders, who may be geographically distant. Influencing hard-to-reach people was the biggest single influencing challenge identified in our survey, and geographical separation makes this even harder.

Impression – some GCs feel influence is often determined by 'natural' assets, such as charisma, personality and good looks. They say 'learnt' influence will only take you so far. This may be true in some situations. Numerous studies (and discrimination lawsuits) certainly attest to a connection between appearance and career progression. On the one hand, diversity legislation and 21st-century role models challenge established dress codes and prejudiced attitudes; on the other, the traditional fashion and cosmetic industries continue to thrive. Ultimately, we suggest, looking the part means getting the basics right, whatever those basics are in your environment. It means being appropriately turned out and understanding what personal brand statement you make. Influence is far from being completely determined by these things, but they can and do give some people a head start.

"Someone who is calm, polite and eloquent is likely to be more influential than someone who is abrupt, hot-headed and incoherent."

"I started in 2007 as the first in-house solicitor. There was clear resistance in the organisation to such an appointment. Following some sizeable issues in which I have been directly involved, I now have a team of three and attend all board meetings."

Motivation – one question for some GCs is how motivated they are to achieve influence and move up the GC Value Pyramid. Motivation can take various forms. A GC who is unmotivated by their present role may also lack the drive to find one which would advance their career. Others may be highly motivated to succeed as lawyers while lacking the ambition to be strategic advisors at the highest level. If you are an influential GC, you are probably adept at persuading yourself to do things outside your comfort zone, as well as motivating yourself to seek feedback, build relationships and network. The influential GC needs to be both self-aware and self-motivated. In theory, this should be the easiest factor of all for a GC to address: in practice, each of us may sometimes be his or her own worst enemy.

Remit – some GCs have wide-ranging roles, others are constrained. There is something of a Catch-22 here: the more restricted your brief, the harder it is to make the sort of impression that might get that brief expanded. Many of the GCs we spoke to noted the value of having a sponsor or mentor to help you in these circumstances. Other factors include your sector – broadly, the more regulated it is, the greater the influence that comes 'built in' to the GC role. And as Gerry Copeland Wright suggests (on page 34), the company secretarial role can also be a route to greater influence.

Resources – as one GC noted, enumerating the meetings he had to attend: "At least I'm not expected to produce direct output as well – although I need to manage a team that does." It is clear from our research that, while GCs have to be experienced lawyers, they also need to rise above day-to-day involvement with legal details if they are to make a real commercial impact. Most GCs will find that, to be influential, they need to have a good team working for them (and that they need to run the team efficiently, without micro-managing it). A GC with a team that is too small or lacking the necessary skills will almost certainly lack the capacity to influence the bigger picture. But simply asking for a larger team is also unlikely to improve a GC's standing.

Skills – nearly two-thirds of GCs have had no training, coaching or mentoring on influence. Learning about influence will not of itself make you influential, of course, but any GC will benefit from understanding the tactics of influence and knowing how to deploy them. And unlike the other limiting factors listed here, a lack of influencing skills is something that a GC can address immediately and directly.

Tenure – some GCs feel that influence is related to how long they have been doing the job in the organisation. They suggest that the longer you have had in a role to develop relationships and trust, the more likely you are to have influence. Some say it is not easy to 'transfer' influence when moving between companies or even into a non-legal role. This seems likely to be true, with the caveat that it may be greatly affected by the environment in a particular organisation. In some places the sort of 'honeymoon' period mentioned by some GCs may be just as significant.

"To influence you need to understand and have empathy with your clients, so a willingness to get out of your office and meet people and learn about their business problems is crucial."

Case study

Orla Muldoon

Chief Counsel, Kellogg Europe

“We all need influencing skills to operate successfully as in-house lawyers. The problem is we tend to learn such skills through trial and error. A core function of the GC is to help junior team members negotiate these paths efficiently.

“I discourage team members from hiding behind their qualifications or using legalese, which can alienate them from colleagues. Things like taking substantive meeting notes may seem adversarial, and sending formal emails after meetings might look like a lack of trust. Subtle adjustments in style can make a big difference. So can being mindful of behavioural and cultural sensitivities, which is particularly important in an international business.

“Influence is about building trusting relationships. Good constructive working relationships with others allow you to understand their goals. To do this you need to get in front of people and figure out what drives them. Influence involves not just emotional intelligence, but also your ‘contract’ with stakeholders, including the CEO. It’s critical to understand their viewpoint and have a strategy for engaging with them.

“Influence is about getting people to listen to you and value your input enough to take it on board. You have to earn that, but people asking to bounce ideas off you is a good start.

“Being able to read people is valuable: their mannerisms, stance and non-verbal communication. You may be a brilliant orator, but if you

can’t connect with others you are isolated. You need to know what to say and how to say it. You need to be calm and accessible and to apply common sense. Your language needs to be commercial and you must be able to quantify risk.

“Humility is a real key to influence. You need to be prepared to drop the ego and admit you don’t necessarily have the answer to everything. Having a good sense of humour is always an advantage.

“Networking is a key skill. We need to share best practice in our GC community and ensure we are collectively raising the game. Networking is also about keeping in touch with lots of stakeholders, checking in with them on how things are going. A question I often ask is ‘what’s new and exciting for you?’ or ‘are you winning?’ The answer tells you volumes and is a useful check on the standing of the relationship. If it’s a personal, human response, it means there’s a level of trust.

“The more senior I’ve got in business, the less my contribution is about the law. I approach business challenges not from a legal perspective but looking at whether something is the right solution for the business. So it’s less about ‘can we do this?’ and more about ‘should we do this?’

“Being freed from the legal silo can be liberating, but also a culture shock. It’s like learning to drive. Initially it feels like panic, but a few years down the line it becomes second nature.

“The question for me is: are we strategic, or are we about execution? To me, the legal team needs to focus on making a strategic contribution and being part of the matrix of associated business relationships. It has a real opportunity to play its part in decision-making. It can’t give advice as a separate entity, but must see itself as part of the debate. This doesn’t mean we can control outcomes, but we can make a valid contribution by joining conversations at the embryonic stage. I tell my team: ‘we have no mandate to say no’.

“In years to come I think we’ll see more GCs moving into CEO positions. The role of the GC as the guardian of the bigger reputation piece is a real opportunity here. Perhaps the GC’s legal background will become ‘just the route that got them there’. I like to think that GCs are currently figuring out the scope available for those of them with the right skills and enthusiasm for business leadership. Of course, the challenge for any lawyer becoming CEO is that you would have to step out of the silo and leave your legal comfort zone well and truly behind.”

Can GCs learn to influence?

We believe it is possible to learn to be more influential. Most GCs agree.

Eighty-seven per cent of the GCs in our survey think the ability to influence can be learned. (The remaining 13% are unsure.) And 75% of them are keen to have training on influence. But only 36% have ever had such training (or coaching or mentoring), and for many it was some time ago. More than one observed that it works better if refreshed regularly.

GCs are less enthusiastic about the contribution of books and papers on influence. Just under a third (31%) have read such books and papers, and the view of them was quite mixed. Most respondents agreed that such material is less effective than training. It has less impact, and is less memorable. Some GCs were openly dismissive of what they had read (“cannot recall the name but it was tosh”), in a way that they were not dismissive of training.

It is clear that, for most GCs, training, coaching or mentoring are likely to be more fruitful ways of learning to influence. We are left wondering why so few have undertaken training, especially as so many would like to. Possible answers include budgetary constraints, a shortage of time and, simply, not knowing what training to go for.

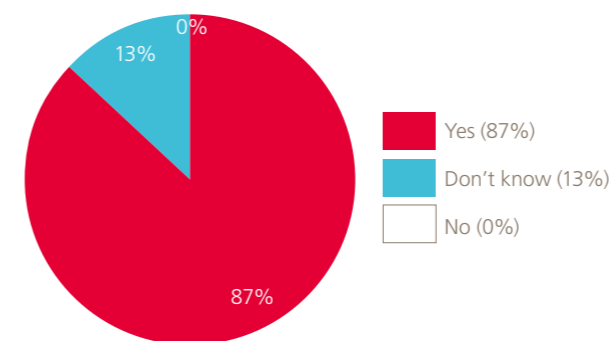
It is worth mentioning here that training in other areas – particularly, we believe, financial literacy – may also help to increase a GC’s influence.

“It gave me ideas of different approaches to influence and a wider appreciation of what others’ drivers may be.”

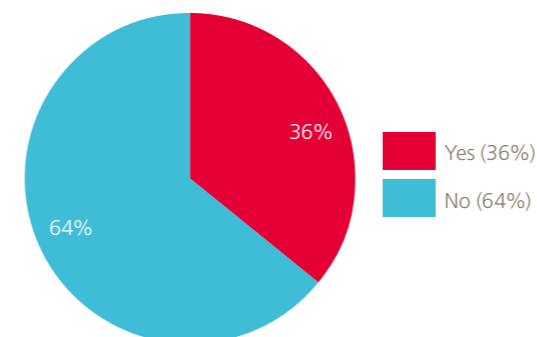
“Without constant reminders it gets forgotten.”

“The challenge is to put it into practice every day in your work.”

Can the ability to influence be learned?



Have you ever had any training, coaching or mentoring on influence?



The psychology of persuasion

Behavioural psychologists and economists have uncovered a great deal about how we influence each other, and GCs can benefit from an awareness of their theories.

There have been many academic studies of influence. We have based our analysis here on the work of Dr Robert Cialdini, whose approach to the subject has been highly – for want of a better word – influential. Cialdini is one of the most widely quoted experts in the field, best known for his groundbreaking book, *Influence: The Psychology of Persuasion*. This introduced the six principles of influence (also known as the six weapons of influence): authority, commitment and consistency, liking, reciprocity, scarcity and social proof.

Authority

We feel a sense of deference to people in authority, whether the authority is that of a boss or a boffin. The trappings of authority affect our perceptions. GCs seeking to influence can both use their own authority and, sometimes, piggyback on the authority of others. Cialdini believes we can “show off without being boastful or conceited”, particularly when we are endorsed by someone else. Whether that person is an expert or not, their presentation of our credentials creates an impact. Testimonials, qualifications and acclaim make a difference too – studies show that even the simplest things, such as a practising certificate hung on a wall, can increase influence.

Commitment and consistency

Consistency is associated with trust, reason and reliability. So once we've committed to an action or view, we feel a deep-seated urge to remain consistent with it. The knack here is to get a small commitment to a course of action (or even to an opinion that would support that course of action) from the people you are trying to influence. If you involve stakeholders in shaping your projects at an early stage, they are more likely to support those projects when they develop in the longer term. If your stakeholders endorse a principle, they are more likely subsequently to back a course of action designed to put it into practice.

Liking

We are influenced by people we have good feelings about. We are more likely to buy from people we know and respect – but also, crucially, from people who are superficially similar to us. This similarity may be anything from sharing an ethnic group to having been to the same school. As sales people have known for centuries, it can also be a temporary similarity: the emulation of someone else's body language, or even a similarity implied by the use of compliments. But insincerity, if spotted, is counterproductive, and tends to reduce influence. GCs need to think about building personal relationships, listening actively and increasing their emotional intelligence – all activities highly valued by many of the GCs we talked to. Something as straightforward as a handwritten Post-it note on a document can create a good impression.

“They run their businesses autonomously from head office, so it requires some delicate PR to ensure that the advice is taken without appearing to be meddling in their operations.”



Reciprocity

As the old saying has it: one good turn deserves another. In most societies there is a sense that individuals should honour social debts to each other. We may feel increasingly uncomfortable if we ‘owe’ somebody for any length of time. How does this work in the workplace? If a GC does something for someone else, they are, for a while, in a better position to look for a favour in return, although the favour has to be relevant and not taken for granted. There is a delicate balance to maintain – a crude assertion of the right to a favour will diminish influence rather than increase it, but a passive approach makes the GC seem too weak to claim what is ‘rightfully’ theirs. GCs who want to use reciprocity need to plan carefully for a mutual exchange of goodwill.

“The general counsel is seen as an honest broker and trusted advisor by most parties.”

Scarcity

A rare or limited offering is inherently attractive. We don't like to feel we are missing out on things. Deadlines and inflated prices can create increased demand for products and services. Most GCs cannot use this principle of influence directly. (GCs who makes themselves unavailable are hardly likely to impress their stakeholders.) But they have the option of using it in reverse: if your time is known to be precious, people will respond well when you give it to them, especially if you do so in person. Similarly, if you are known as a ‘can-do’ type, rather than a ‘blocker’, people may take you more seriously on the rare occasions when you say that something really cannot – or should not – be done.

Case study

Social proof

We often look at the behaviour and opinions of others when deciding how to act. It's common to ask: 'What might others think about this? What would others do in this situation?' We tend particularly to look at others who are like us, or those whom we aspire to emulate. As much as some people deny that the 'herd instinct' applies to them – and it is certainly true that some people are more susceptible to it than others – it is at the very root of our nature as social beings. In the workplace, it can be used to generate excitement around a project or idea. Sharing relevant testimonials from others, perhaps using case studies and references, are tried and tested routes to achieving buy-in. Harnessing positive internal feedback may also be a good way for GCs to use this principle of influence.

"[x] is influential because of his relationships with our regulator ... and he scares people because he is very intellectual. The FD is influential because he holds the purse strings and scares people with left-field comments."

Being influenced

Knowledge of Cialdini's principles may make it easier to see when other people are influencing you too. For example:

- Have you been charmed by a peer using scarcity tactics?
- Have you instructed or recruited someone who is similar to you, familiar or beguilingly complimentary?
- Have you ever accepted a concession and then felt obliged to reciprocate by making one yourself – perhaps a bigger one than was strictly necessary?
- Does the herd instinct ever steer your decision-making? It's hard to avoid.
- Could making a small decision predetermine your position in relation to a more critical decision which in fact you are not sure about?
- How do you react to authority? How much are you swayed by business experts in areas in which you are not well versed?

For GCs, resisting influence is particularly important where the influencer is engaged in questionable behaviour. Cialdini is at pains to point out that influencing tactics should be used ethically and responsibly, but in the real world, of course, this does not always happen. GCs need to be able to identify and avoid inappropriate influence. And while GCs may be more alive to such ethical issues than some of their colleagues, given their role and background, they still need to be careful that their own use of influence does not ultimately damage their reputations.

Nigel Kemp

Managing Director and Counsel, Citibank

"It is essential to listen (and to be known as someone who listens). A productive day is one when I've made time to fully understand what someone is trying to achieve. That 'someone' may just be your business person but might also be your business person's customer or counterpart.

"It is equally important to capture enough airtime to be listened to. In a business forum, my speaking time can become condensed into no more than three minutes. The business numbers tend to take centre stage so, when it's my turn, I have to focus on delivering my key messages.

"Influence – for me – is about building trust and nurturing good relationships. It is always important to balance an identified risk with a proposed set of solutions; but also wherever possible we need to spot opportunities and seek to be positive. That helps to grab attention. It's always useful to open with something like 'someone said you are the expert and here is where I need your help'. The other side of the coin is where someone makes demands of you. It's frequently by email, sometimes you are just the 'cc' and it's usually 'urgent'. Far better, I would suggest, is to flatter me – pick up the phone, engage and convince me why dealing with the issue (now and urgently) is in both our interests. I am far more likely to respond. I have to be disciplined with emails – some simply don't merit a response and I have to be robust and experienced enough to pick and choose the real issues.

"An obvious way for any legal and compliance department to increase its influence is to introduce the fear factor: to be hard-hitting and give bad news. However, credibility and effectiveness diminish very quickly if you cry wolf. Being a constant source of difficult news may also mean that people simply cut you out of the equation. That is not good for them, for you or for your organisation. It is essential for an in-house lawyer to be in the flow. Personal (senior) accountability has become a norm, and business seniors who are accountable need to put their trust in their advisors and know when to escalate. They will be more ready to escalate if they know that their advisors will work to find solutions rather than blow something out of proportion.

"In-house lawyers are listened to in crises. During the Lehman failure we were front and centre. We are now in a period of mass regulation. Our skills are in demand again. However, regulation can be slow and winding; it rarely brings hard and fast rules (at least without months or years of uncertainty and debate). Business craves certainty – it is naturally resistant to changing structures or documentation without certainty. How do we best persuade business people of the benefits of

compliance? By showing that new regulation may also offer new opportunities (to provide new services and reprice existing services – that grabs attention, but a possible weakness not yet fully identified is next week's issue). Carrot will prevail over stick every time.

"At all levels we are asked to do more with less resource. I can achieve 70% of what I had intended to achieve at the start of the week (although I get through 200% worth of activity). I often have meetings every 'slot' of a day. I have to prioritise. Meeting business people is important (it builds trust) but it's also critical that the same people understand that we have to manage the output of a team, the team's overall performance and morale, as well as keeping close to our outside law firms.

"Controlling external costs has become an increasing preoccupation. Getting excellent (or, sometimes, just good) legal advice, but with no surprises on expense increases credibility. On the other hand, poor legal advice (or even good legal advice with an incredible or hidden price tag) can seriously damage your reputation and the standing of your law firm – both of which can sometimes be irretrievable."

Case study

Tom Kilroy

GC (and lately acting CEO), Misys

“Whilst a GC’s role is primarily about influence, a CEO’s role is much more about the exercise of raw power. As CEO, you are required to make directive decisions (in other words, command and control decisions) about a wide range of issues, in particular about the allocation of money and about people.

“Within six hours of becoming CEO I was asked to make a decision about where our business would deploy a multi-million pound investment. The ‘buck stops with you’ in a very public way and the sheer pressure, speed and complexity of decision-making can feel like standing in front of a fire hose. You are not allowed the luxury of not having an opinion.

“In any role, you have to decide what you have to offer, and in my case, with a career as a lawyer, I decided that was a rational, balanced decision-making style, good judgment and fairness. Equally, you also have to know your own limitations and the limitations of your experience. For me, that was mostly the difference in how you manage different types of people. Lawyers tend to be self-driven and respond well to the ‘orchestration’ form of leadership. A business of over 4,000 people of very different motivations inevitably contains many who need a more directive style of leadership.

“The upside of being in charge and running the business includes not having to attend boring meetings, because you get to set the agenda. But it’s a tough and lonely job and the pressure is relentless. That said, I enjoyed it and I can see myself going back into a line management role in the future.

“I believe influence is about having a strong sense of what people are about. Ultimately, decisions are made by people and you’re often relying on emotional rather than rational intelligence. So for me, a key route to influence is being well networked. I would recommend ambitious young lawyers network extensively inside and outside of their business. Get away from your desk and visit people. Get genuinely interested in what other people are doing, understand why and what is important to them. If you don’t have that natural curiosity, cultivate it. Take any opportunity to do their job and walk in their shoes.

“We have to respect what people in different roles do. Lawyers can tend towards the intellectually arrogant: believing we are smarter than the rest of the business. We need to change this if we are to be influential – others need to feel we are aiming towards the same goal as them. You need to remain authentic to yourself, but be prepared to adjust your behaviour to suit the person and the situation.

“You can improve how influential you are by forcing yourself to stick to the critical few issues where you really want to weigh in. Influence waxes and wanes. If you look at any boardroom, depending on the subject matter and timing, influence will vary. The important thing here is not to dominate and accept that your time will come. GCs need to be aware of this and play strategically.”

Assessing and increasing your influence

As promised in the introduction, now that we have explored some of the key aspects of influence, we move on to tools and tactics for GCs who want to become more influential.

There are three steps to influence: assess, act and audit. Here we will concentrate on assessment, with two tools developed specifically for general counsel who wish to assess their influence: the Relationship Matrix and the Circle of Influence. Neither is a magic bullet that will deal with all your influence challenges. They are primarily means of helping you understand more fully where you are at the moment. But, if you use them correctly, they should help you in your quest to gain and retain influence. We have also included an outline of the sort of steps you may wish to take next – this is an area in which we are already working with some GCs.

- The **Relationship Matrix** enables you clearly to identify the stakeholders you most urgently need to influence. You already know who the key ones are, of course. But we believe that the discipline of plotting all your stakeholders on a chart and prioritising them is useful. It may also expose any unconscious weaknesses. For example, do you spend too much of your limited time with people whose company you enjoy and whom you can already influence fairly easily? It’s human nature to do so. But should you be focusing more of your attention elsewhere?
- The **Circle of Influence** is a tool to help GCs assess how influential they are in different areas of their business, and what factors may be limiting their influence. There are instructions on page 30 and two samples on pages 32 and 33 to show how the circle can be completed.

Please feel free to copy these pages for your own use. You may want to draw and write on copies of the matrix and the circle. If you have a paper version of this report, rather than a PDF, you should already have copies tucked inside the back cover.



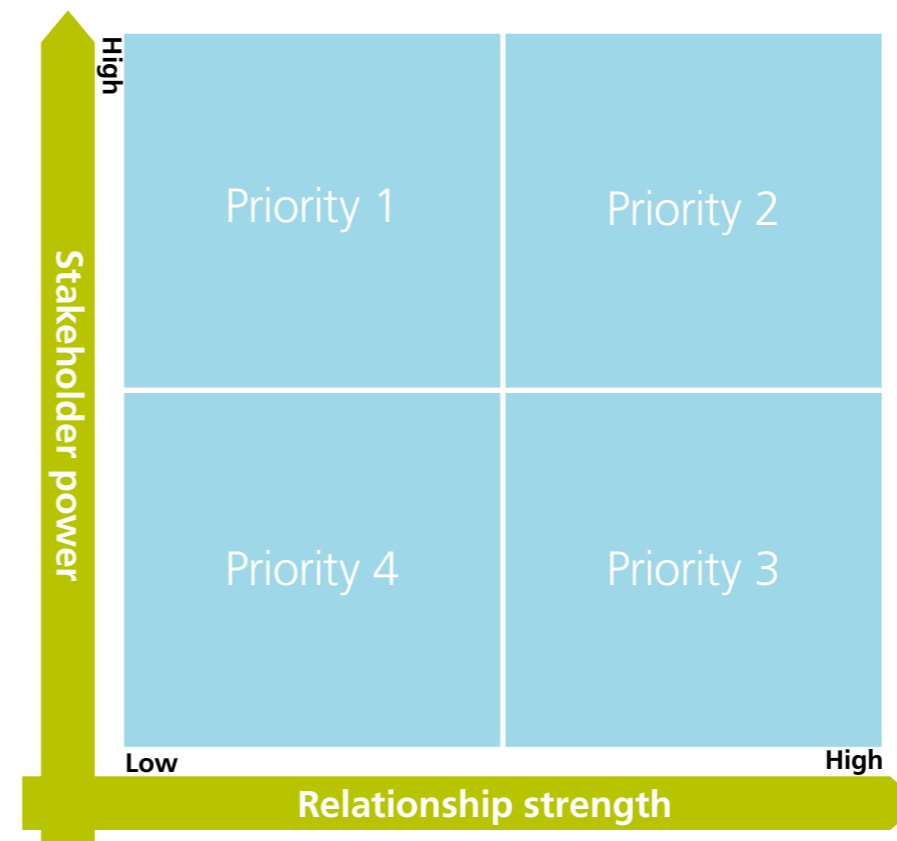


Relationship Matrix

The matrix organises a GC's stakeholders according to their power – in the company or in a particular situation – and the strength of the GC's relationship with them.

The matrix assigns clear priorities to stakeholders. It gives Priority 1, the highest priority (top left), to relationships where you have low influence but your stakeholders have high organisational power. Priority 2 (top right) is maintaining and building existing good relationships with powerful stakeholders. Priority 3 is nurturing strong relationships with less powerful stakeholders (bottom right). Finally, Priority 4, the lowest priority, is developing new relationships with stakeholders who have limited power (bottom left).

Completing the matrix should help you decide where to focus. But the matrix needs to be used pragmatically. Stakeholders and factors can change rapidly and relationships can weaken as easily as strengthen. Stakeholders with low power now may be leaders of the future. You should review the matrix regularly.



All you have to do is mark on the matrix where each of your stakeholders is positioned. The closer they are to the top, the more powerful they are. The further they are to the right, the better your relationship with them.

We have not calibrated the axes of the matrix. We think most GCs will plot their stakeholders in relation to one another, rather than absolutely. But there is no reason why you should not add scales to the axes if it would help you complete the matrix.

Circle of Influence

Our second tool, the Circle of Influence, helps GCs assess how influential they are.

Follow the instructions on page 31 to colour in the appropriate segments. The completed circle provides a visual representation of your influencing strengths and weaknesses. You can use it to assess your situation, to provide a benchmark, or as a targeting tool (by mapping your present position against the levels you believe you should be able to reach).

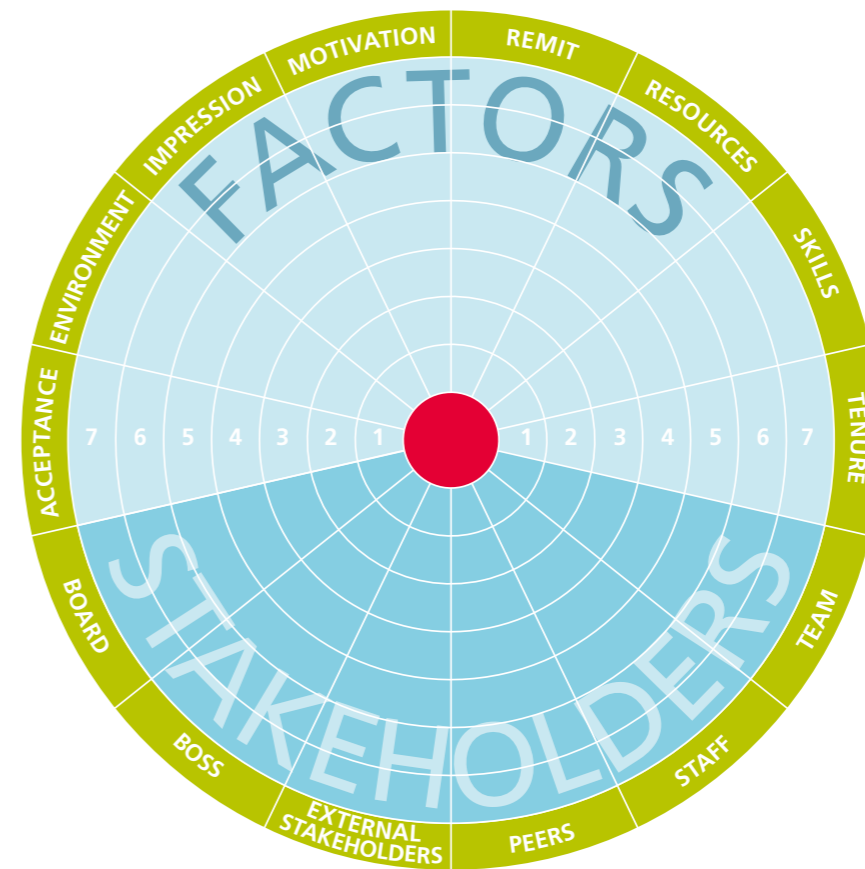
Obviously it is good to be able to fill a large number of segments, but what matters is that you fill it in as honestly as possible. Even the most influential GC in the world is unlikely to score a top mark in every category.

We think the categories used in the circle apply to nearly all GCs. If for some reason the categories don't work for you, there is no reason why you shouldn't create your own version. For example, you may wish to create separate sections for different external stakeholders. But GCs who do this may wish to get validation from third parties – it would be easy to score highly on a circle from which some negative factors had been omitted. Our circle is designed partly to challenge self-delusion: any GC who scores very well in one half of the circle but very badly in the other should take a step back and consider whether their numbers are wholly accurate.

We recommend that you ask one or more colleagues to complete a circle for you too, to provide an external view of your position. But measuring influence is a subjective process, even when third party views are included. Like other tools, the Circle of Influence is vulnerable to abuse by people whose criteria are inconsistent, who don't understand how they are perceived by others, who aren't honest about their limitations, or who don't like to face up to difficult truths. Nevertheless, we believe GCs who approach it sensibly will find it a useful tool.

A final thought. There will always be structural barriers to increasing your influence. Wise GCs will know which limits they simply have to accept (and which it might be possible to tackle in the future, but not now). But there is always some way in which influence can be increased. The Circle of Influence may help you see which way that is.

"I have not had coaching or mentoring in any formal sense, but I do use a colleague to help me work out how to influence people."



The circle has two sections: stakeholders and factors, with six and eight categories respectively. Each category is represented by a sector in the circle.

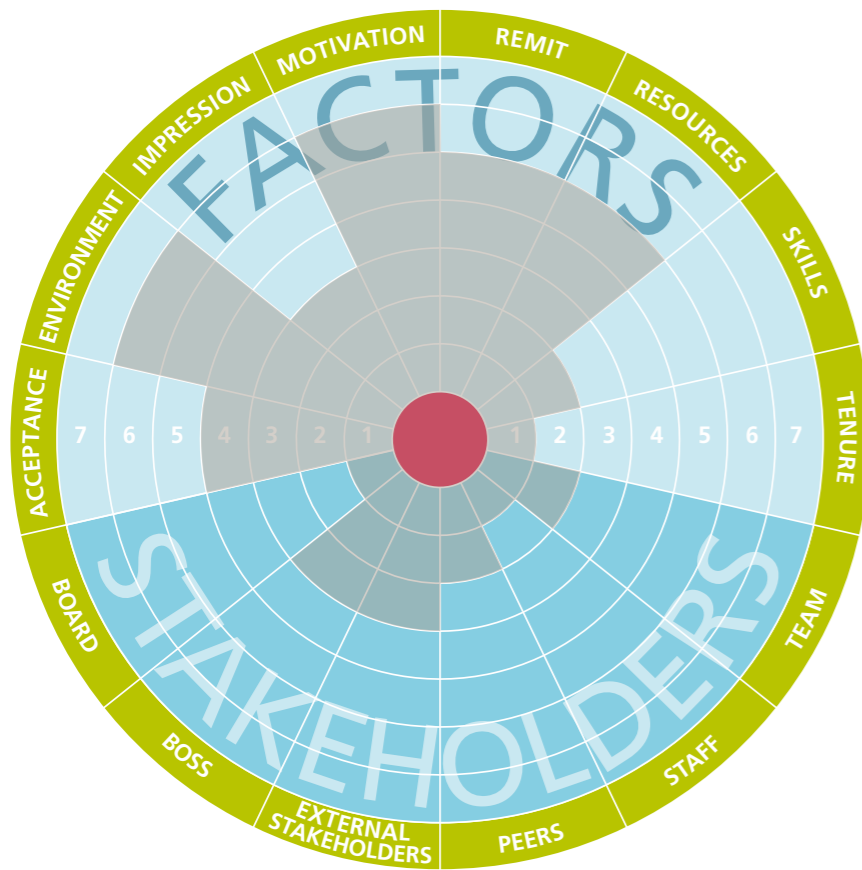
First, fill in the stakeholders side of the circle, according to how much influence you have over each of the stakeholders described on pages 13-14. The scales are described in the table below. For instance, if you feel you are very influential over your boss, shade in six of the seven segments in the Boss category, starting from the centre. Then fill in the factors (described on pages 18-19) in the same way, also according to the scales below.

Stakeholder	1	2	3	4	5	6	7
For each stakeholder	Not influential	Not very influential	Somewhat influential	Reasonably influential	Influential	Very influential	Exceptionally influential

Factor	1	2	3	4	5	6	7
Acceptance	Hostile	Neutral	Grudging acceptance	Limited acceptance	General acceptance	Widespread acceptance	Total acceptance
Environment	Not conducive	Not very conducive	Somewhat conducive	Reasonably conducive	Conducive	Very conducive	Exceptionally conducive
Impression	No impact	Not much impact	Some impact	Reasonable impact	Good impact	Very good impact	Exceptional impact
Motivation	Unmotivated	Not very motivated	Somewhat motivated	Reasonably motivated	Well motivated	Highly motivated	Exceptionally motivated
Remit	No remit	Very narrow remit	Narrow remit	Average remit	Wider than average remit	Wide business remit	Exceptional business remit
Resources	No resources	Very limited resources	Limited resources	Adequate resources	Good resources	Very good resources	Exceptional resources
Skills (influencing)	No skills	Very limited skills	Limited skills	Adequate skills	Good skills	Very good skills	Exceptional skills
Tenure	Just arrived	Over six months in role	Over one year in role	Over two years in role	Over three years in role	Over four years in role	Over five years in role

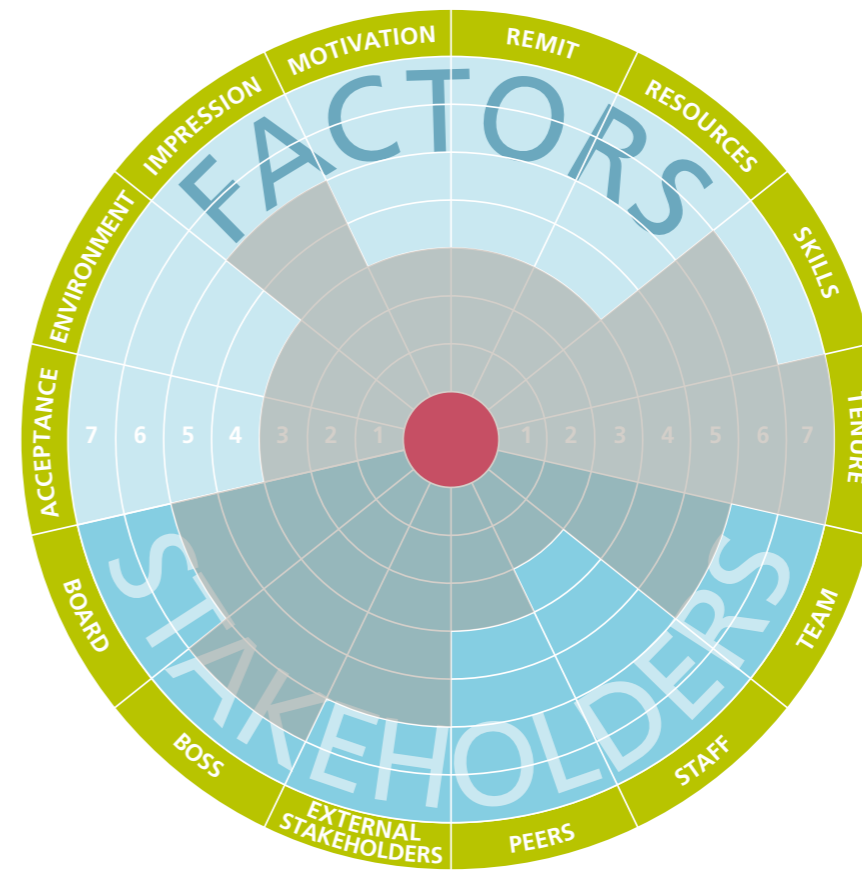
Sample circles

This page and the next show how the circle might be completed by two (fictional) GCs.



GC A

This GC has just joined Alphabeta plc, a financial services business. It is her first GC position, after several years in private practice, most recently as a banking partner in a global law firm. Her remit is a broad one, but her skills will need developing to build the necessary peer relationships to fulfil this successfully. Although she has board exposure there is little scope for her strategic input at board level. The previous GC had excellent relationships in the business. Our GC has inherited an established team, including a lawyer in the US.



GC B

This GC has been at Gammadelta plc, a global fashion retailer, for 12 years. He was the first GC to be appointed by Gammadelta. He had two previous GC roles and is a charismatic individual, well known on the GC circuit. He has built good relationships with the board (he also performs the company secretary role), his boss and team. Over the past few years he has attended courses on leadership and self-development. However, he struggles to expand his remit as well as gain influence across the organisation more widely. The legal team are often seen as business blockers and there is a tense relationship with the commercial team.

Case study

Gerry Copeland Wright

Regional Senior Legal Advisor, Qatari Diar

“Over the last ten years perceptions of the GC role have changed significantly. A decade ago becoming a GC was considered a lifestyle choice and perhaps the easy option compared with private practice. But now, four years into the economic crisis, the in-house role is going from strength to strength.

“When we consider the potential for a GC to achieve influence, we do need to be honest about our career aspirations. Is it possible to be ‘just’ a GC and still have maximum influence? Is the limit of any sphere of influence beyond the original GC role, or is it about operating at the top level within that job?

“I have known lawyers who have made the transition to the business side. They are successful in that role which was, for them, an optimal career choice. But I am certain that I want to remain an in-house lawyer. I love my profession and enjoy what I do.

“Equally, though, I am keen to have maximum influence and to reach the top of the GC Value Pyramid. I know I can make a valuable contribution to the business from the legal perspective and I don’t want to – or feel I have to – change my role to do so.

“The challenge is that businesses do not always recognise the importance of the contribution that a GC can make, other than from the strictly legal perspective, and this may limit a GC’s influence in practice. Perhaps, without a financial qualification, it is difficult to have ultimate influence in the

business, and to some extent the FD will always seem to have the edge slightly.

“Nevertheless, GCs should aspire to greater influence, and can make a helpful contribution to critical investment decisions, particularly to concerns about risk. The challenge lies in being invited to the table at the earliest possible opportunity. If you’re only asked to ‘pop in’ to meetings because a possible legal issue has arisen, you need to work harder at demonstrating your value.

“The usefulness of the company secretary role is often overlooked. It offers exposure to decision-making, which may help to increase influence in other situations. I remain of the view that the company secretariat should sit alongside compliance under legal, working closely with the finance function rather than as part of it.

“All of that being said, what is being influential? It is not about being liked by everybody, but you do need to garner respect. Certainly, those with the most influence in business generally have the most integrity. Often it’s not about being the most aggressive or shouting the loudest. When quietly influential people speak, others

listen. It is easy to believe when you are trying to gain influence that you have to have an opinion and make it heard, but sometimes the right thing to do is to just listen.

“As a senior female lawyer in the Middle East, I am often asked if my gender is a particular challenge and whether it inhibits my influence at work. My answer is: absolutely not. There are clear differences in business etiquette, arising from the different culture, but I work for a great international business on interesting projects, and feel lucky now, as throughout my career, that I have been judged on the basis of talent and ability irrespective of gender.

“Fundamentally, male or female, to have influence you have to earn respect and authority. You can’t just tell people you are good: you need to build trust and develop rapport. You cannot just walk in and have influence. It takes time to grow.”



Making it happen

So, once you've assessed your influence – with feedback from stakeholders, as well as the matrix and the circle – what do you do next?

You may wish to complete a personality assessment if you have not done one already. A number of commonly used tools, such as Insights, FIRO-B and MBTI, are widely available online and may even be available from your HR function.

You also need to consider your influencing style, and how it compares with the styles that are most likely to be effective with your stakeholders. (Great influencers have a repertoire of styles and understand that it is necessary to be flexible to reflect circumstances.) Self-awareness, with an insight into your influencing style, is a key component of increasing your influence.

The final piece of the assessment jigsaw is to analyse the data you've compiled, to help you produce an influence plan of action. After that, it's time for action: implementing your plan to engage with stakeholders and develop your influence offering. You also need to audit your progress regularly, which may, of course, lead to revisions in your plan. And you will want to keep your assessment under review, including the matrix and the circle: things change.

Implementation may be time-consuming and even uncomfortable at times. But no one ever got more influential by doing nothing. Support from a mentor, coach or trainer will help you structure and analyse your progress, but there is no substitute for honing your influencing skills 'on the job' – propelling yourself beyond your usual networking sphere and engaging more deeply with others.

Effective influencers demonstrate energy and focus. One GC we interviewed believed you should devote up to 10% of your time to developing your influence.



Case study

Richard Brearley

Head of Legal and Compliance, Investec Bank

“The idea of the GC role as an aspirational alternative to private practice has gathered significant momentum over the last few years due, in no small part, to the influential US model and a complicated, increasingly litigious world.

“A small number of GCs have real strategic influence over business operation and direction, and they are often part of a tight, often small, senior management team. For others, for example where there is a broad global management team or an expectation that a GC will not stray from legal or risk matters, it can be harder for a GC to achieve real strategic influence beyond the narrow confines of the 'day job'.

“The influential GC has a valuable role in the executive team which is recognised by the other members of that team and contributes to decision-making. People talk to them because they value their views and input and they are not just consulted about an issue when it becomes a problem.

“Influence is not only about 'upward' management and the executive team. The GC has to persuade and influence 'across' and 'down' the business too, particularly those who are conducting business and generating revenue (and creating and managing risks) on the front line. It is often easier to interact, influence and feel comfortable at a board level, where there are cosier, defined reporting lines and processes. It can be much harder to influence real business people at the level where most of the decisions are made.

“Lateral influence is key. To do this effectively you need to make a real effort to network across the business and this is not always easy. It's about walking the floors, seeing people and understanding what's going on in their world. If people send me an email, where possible I try to respond with a phone call or visit. It's even better to catch people informally.

“Leading and managing any team is challenging and a team of professionals like lawyers can bring additional challenges. Bringing influence to bear is about interacting and working with disparate parts of an organisation to hopefully lead to better decision-making, processes and outcomes. It is not primarily about influence in the confines of legal teams and structures. Leading a team is a challenge in any management structure. It's a problem for every manager, not just GCs.

“The potential scope of the GC role will always be restricted by an organisation's cultural norms, but building influence is ultimately about effective networks of personal relationships. Being good at the job and technically sound is a given. If you get on well with people and they value your judgment and view then you can really bring your influence to bear. Of course, it's easier to have influence with the people you get on with. People who are harder to

reach and connect with will always be a problem. You have to look after those relationships and be creative and patient in developing them, perhaps by seeking out things you have in common on a personal or business level.

“I believe you can improve your influence, but not all lawyers ultimately aspire to doing this. Indeed, some in-house lawyers may find the prospect of increasing their influence an anathema, believing that the quality of their legal work is all that matters. This position is obviously fine but is likely to constrain their ability to grow and develop in an organisation and their ability to bring important skills to bear for the benefit of the organisation.

“The question for any GC aspiring to greater influence is: how can you add more value and get more involved? It's not about law and negotiation skills, which are a given in business. Every situation and person is different, and you need to be flexible enough to deal with myriad styles and circumstances. The skills that help you here are being pragmatic and sensible.

“For me there are two types of GCs: the lawyers who wish to remain GCs and the others who aspire to another role in the business. Both can be influential. Perhaps some are always going to be more influential than others.”

Conclusion

According to one GC at a multinational company: “We have to accept that influencing comes with the territory of this job.”

As we noted at the start of this report, the good news is that three-quarters of GCs already say they find influencing at least fairly easy. But there is still an overwhelming wish among GCs to increase their influence, and we have tried to address that in this report.

There are inevitably limits to the precision with which influence can be discussed. The science behind it is well established, but applying it to one specific career path is less common. Nevertheless, we think we have shown that it is possible to provide an overview of the subject, as well as GC-specific guidance.

Even if you don't use the tools we have offered, we hope this report has given you something to think about, and perhaps inspired you to look for fresh ways to increase your influence.

We have covered many aspects of the subject in the preceding pages. Here is our pick of them – a ‘top five’, if you like – to finish on.

- **Get help.** Most people find it easier to work on their influence if they have support. Those who support you may also help to endorse your authority.
- **Network.** Nothing beats face-to-face contact for increasing influence with your stakeholders. If you're not good at it, there are trainers and coaches who can help you improve. As Orla Muldoon said, it's a key skill.
- **Listen.** Karen Millen identified this as another core influencing skill, and Nigel Kemp agreed, adding that it's also essential to be known as someone who listens. In the commercial world it can be hard to give your undivided attention to someone for as long as necessary, unless you're discussing something urgent. And it is hard to listen well. But it is worth it.
- **Acknowledge the limitations of your situation.** But question them sometimes too. They can change – remember Tom Kilroy's advice to play strategically. Again, getting someone else's view may be helpful.
- **Act responsibly.** Not only is it the right thing to do, it will probably also, in the long term, itself help to improve your influence.

However you choose to go about it, we hope you succeed in making real and lasting improvements in the influence you can command.

Research methodology

During the spring and summer of 2012 we conducted online surveys with 100 GCs, heads of legal and other senior in-house lawyers at a range of companies. (We have referred to them collectively as GCs in this report.) We also conducted a number of in-depth interviews with several GCs during the development of the report, and gave preliminary presentations of our findings to groups of GCs for comment. We are grateful to all those who participated for giving their time and sharing their views.



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