



# W E L C O M E

We are delighted to share details about the upcoming Global General Counsel Forum, which is taking place March 28-30 at the world-famous Villa d'Este in Lake Como, Italy.

This Briefing Book is a guide that will help you make the most of your Global General Counsel Forum experience.

In the pages that follow, you will find descriptions of the sessions to help familiarise you with the programme in greater depth.

True to the vision of our annual member gathering, the Forum will include conversations designed to both broaden your thinking and provide actionable insights.

Just as important as discussions with the special guests, will be the opportunity to explore pressing issues with your peers—fellow GLL members—who face the same challenges and whose insights on your everyday issues can prove invaluable.

We hope that you find this Briefing Book useful as you prepare for the forum. We look forward to seeing you on the shores of Lake Como.

**Rhiannon Van Ross**  
VP, Global Memberships

# THE NEW NEW WORLD: LAWYERS ON THE VANGUARD OF CHANGE

“It is a truism to say that in every age the history of law has been shaped by the general characteristics of the civilisation of which it is a part. The lawyers’ attitude towards their profession and their preparation for that profession have often been determined by intellectual interests that far transcend their immediate horizons. Sometimes, however, the process has been reversed and the lawyers have been found in the role of an avant-garde creating a significantly new direction in the intellectual life and interests of the community” MYRON P. GILMORE

In this briefing document, we hope to give you an insight into the rationale for the Global General Counsel Forum programme and speaker selection. We also hope it can be useful in giving you an introduction to the ideas of some of the thinkers and experts we have chosen if you do not already know their work.

We have tried to crystallise some of their key ideas and include pointers for discussion and further reading.

Enjoy!

**Abigail Harris,**  
Director of Content,  
Global Leaders in Law

**Catherine McGregor,**  
Ambassador,  
Global Leaders in Law

# AGENDA

Thursday 28th March 2019 - The New New World

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**12.30pm - 2.00pm**

**Lunch in La Veranda**

After lunch, guests will walk along the Lake to the Regina meeting room

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**2.00pm - 3.00pm**

**Welcome to the new new world**

Opening the 2019 Global General Counsel Forum, Professor Ian Goldin will take us on a journey, in which he will compare the present day to the Renaissance, another "rare moment of flourishing genius and risk," and explore how to "fashion our own golden age."

**Professor Ian Goldin**

University of Oxford

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**3.00pm - 3.15pm**

**Coffee break over Lake Como**

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**3.15pm - 5.30pm**

**War room: You have been disrupted**

A unique session, taking you through a war room scenario. Sharing insights into diplomacy and influencing skills, these highly skilled individuals will guide you through case studies and scenarios to demonstrate how they develop strategies to achieve a win-win outcome.

**Catherine Royle**

Political Advisor at NATO and Former UK Ambassador

**David Petraeus**

Former Director of the CIA

**Richard Mullender**

Former Hostage Negotiator

**Sarah Jill Leonard**

Former UK Diplomat

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**5.30pm**

**Close of day one**

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**7.00pm - 7.45pm**

**Drinks reception in Colone**

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**7.45pm- 10.00pm**

**Welcome Dinner in La Veranda**

**After dinner speaker:**

**The uncomfortable duty of truth**

Richard will interview David who will share his tale with passion, conviction and a resounding determination that the truth will always win. David's focus on the ethical sense of what is right is a duty that lawyers too understand in our overarching role.

**David Walsh**

Chief Sports Writer at the Sunday Times

**Richard Hytner**

Founder of Beta Baboon and Former Deputy Chairman of Saatchi & Saatchi

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**10.00pm**

**Bar Canova**

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Friday 29th March 2019

'It's not the strongest species that survive, nor the most intelligent, but the one most responsive to change' CHARLES DARWIN

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**7.00am - 7.45am**

**Rise and shine: Yoga**

Sarah-Jane Cohen,  
Personal Trainer

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**7.00am - 9.15am**

**Breakfast in La Veranda**

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**9.15am - 9.45am**

**Morning welcome:**

**The GC re-defined**

Kylie Wright-Ford  
CEO Reputation Institute

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**9.45am - 11.15am**

**The art of manipulation  
for information**

With cyber attacks making headlines, the security industry is always innovating to help companies implement more sophisticated software to hit back at the attackers and protect sensitive data. However, as Jamie Woodruff will explain, even with the right technology in place, social engineering is one of the easiest and simplest ways to get into the organization. It takes advantage of the weakest link in the chain – employees. This morning's session will really wake you up!

**Jamie Woodruff**

Leading Ethical Hacker

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**11.15am - 11.45am**

**Coffee break over Lake Como**

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**11.45am - 12.45pm**

**Thoughts on geo-political change  
in Europe and beyond: Q&A with  
Lord Lamont. The day has finally  
come, but what's in store for us?**

Lord Lamont is ready to take your questions on what the various shifting economic and political realities may mean for general counsel and their companies.

**Lord Norman Lamont**

Baron Lamont of Lerwick,  
British politician

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**12.45pm - 2.00pm**

**Lunch in La Veranda**

Dragons Den groups identified

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**2.00pm - 3.00pm**

**The innovator's method**

In the era of uncertainty created by digital disruption and the 4th industrial revolution, how can leaders create the breakthroughs that will allow them to prosper? Professor Nathan Furr explores how firms can effectively manage the uncertainty they face. His work unpacks both strategy fundamentals of digital transformation and how to cross the divide with innovation, by developing the people, process, and philosophy that will allow an established company to operate.

Make sure you listen closely, Professor Furr will be offering some top tips for the next session!

**Professor Nathan Furr**  
INSEAD

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**3.00pm - 3.15pm**

**Coffee break over Lake Como**

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**3.15pm - 5.30pm**

**Dragons den: What would you do to secure your own future?**

**Neeta Patel**

CEO at New Entrepreneurs Foundation

**Tim Jones**

Global Ambassador, GLL

**Suzanne Rich Folsom**

Global Ambassador, GLL

**Marie Stevens**

Global Ambassador, GLL

**Jonathan Pearl**

Global Ambassador, GLL

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**7.30pm**

**Champagne reception in the Grand Lobby of Villa d'Este**

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**8.00pm**

**Black tie gala dinner in Impero After Dinner Speaker:**

**"Maybe the single greatest reporting effort of all time"**

Few journalists in America's history have had the impact on their era and their craft as Carl Bernstein. For forty years, from All the President's Men to A Woman-In-Charge: The Life of Hillary Clinton, Bernstein's books, reporting, and commentary have revealed the inner-workings of government, politics, and the hidden stories of Washington and its leaders. We are honoured to have Mr Bernstein hold the dinner speech.

**Carl Bernstein**

Investigative Journalist and Author

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**11.00pm**

**Bar Canova and entertainment in the d'Este Club**

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Saturday 30th March 2019

“A man is but a product of his thoughts. What he thinks he becomes”

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**7.45am - 8.30am**

**Rise and shine: Yoga**

Sarah-Jane Cohen,  
Personal Trainer

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**8.00am - 10.00am**

**Breakfast in La Veranda**

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**9.30am - 11.30am**

**Bloody Mary morning**

Dr Helena Boschi, some 'why' questions that the session looks to answer include:

- Why do we all need to manage stress?
- Why are we all biased?
- Why are we emotional rather than rational?
- Why do we not remember accurately?
- Why can't we multi-task?
- Why don't we see the truth?
- Why do we need to reignite our creativity?
- Why do most change efforts fail?
- Why do leaders need to keep learning?
- Why do we need to improve our lifestyle and daily habits?

**Dr Helena Boschi**

Chequered Leopard

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**11.30am - 1.15pm**

**Workshop: Making choices about the kind of leader you want to be**

Having been exposed to inspiration and challenge, through the ideas and thoughts expressed throughout the Forum programme, it's time to get practical. This session is a chance for our GCs to pause and self-reflect on what they have heard, seen and who they have met. This session will be guided and practical, to help our GCs take stock, prioritise and make choices about what they want to do differently tomorrow.

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**1.15pm - 2.00pm**

**Lunch**

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**2.00pm**

**Coaches depart**

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# WELCOME TO THE NEW NEW WORLD

Day One: Thursday 28th March 2019

## **Why:**

The notion of the Renaissance Man (using the word in the non-gendered sense) has significant parallels with the way executives need to perform today. During the Renaissance, there were seismic shifts in knowledge and how the world was viewed. This period saw a huge upturn in social and economic mobility and with this came the sense of being able to fashion one's own identity. Today, leaders, like yourselves, need to be able to branch out beyond one specialism and join the dots across a variety of interlinked situations, both threat and opportunity. The business and legal landscape is shifting and reformulating; change is not an option but a necessity.

## **The Ideas:**

Professor Goldin suggests that many of the shifts our modern society is undergoing is nothing new and draws parallels with the similar societal, cultural, and religious shifts taking place during the Renaissance when how people viewed themselves in the world changed fundamentally.

Key events which shape this modern Renaissance include the fall of the Berlin Wall; the decrease in poverty due to globalization; the internet and the free flow of knowledge and information that brings.

But this change and the process of looking outward and onwards, that both the Renaissance and today have in common, brings with it a parallel counter movement

where fear of the unknown can cause insularity and prejudice.

To succeed, Goldin suggests, the modern Renaissance person needs to embrace change, be creative and take risks when needed. Disruption means opportunity if you have the courage for it.

## **Discussion Points:**

The Renaissance saw the explosion of the flow of knowledge via the Gutenberg printing press making the mass production of books possible for the first time in history, similarly, we have the explosion of knowledge and ideas via the internet. In your own roles, what are the positives and negatives of this greater flow of information? How do you ensure that you add value in a world where technological disruption will mean

that many legal tasks are performed by machines?

How do you practically navigate the challenges of having a global remit and a team around the world? How can you create cohesion and still be respectful of the differences?

Goldin advocates taking risks to be the winners in this new age of Renaissance. How can general counsel take creative risks with how they deliver legal advice, whilst staying true to the remit of being an ethical North Star for the organization?

As leaders, how can we encourage thinking differently and creativity in our teams?

**Who:**



**Professor Ian Goldin** was the Founding Director of the Oxford Martin School from September 2006 to September 2016, and previously was the Economic Advisor to President Mandela and Head of Policy and Vice President of the World Bank Group. He is currently Oxford University Professor of Globalisation and Development and the Director of the Oxford Martin Programme on Technological and Economic Change. He is a Senior Fellow at the Oxford Martin School and a Professorial Fellow at the University's Balliol College.

The Oxford Martin School under Professor Goldin brought together over 100 disciplines to focus on over thirty key global problems, from climate change to cancer, globalisation to genetics.

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"GENERAL COUNSEL FACE AN EXTRAORDINARY RANGE OF NEW CHALLENGES, WHICH INTERSECT IN SURPRISING WAYS WITH SOME OF THEIR MORE TRADITIONAL AREAS OF RESPONSIBILITY. WHILE TECHNOLOGICAL CHANGE WILL AUTOMATE MANY ROUTINE JOBS, IT WILL ADD COMPLEXITY. TO ADDRESS THE NEW LEGAL, GOVERNANCE, REGULATORY AND REPUTATION RISKS REQUIRES MORE RAPID LEARNING AND REFORM OF EXISTING STRUCTURES AND PRACTICES."

Professor Ian Goldin

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**Further reading:**

**Ian Goldin & Chris Kurtana Age of Discovery: Age of Discovery: Navigating the Risks and Rewards of Our New Renaissance (2017)**

For further reading on viewing the Renaissance as a time of radical change:

**Stephen Greenblatt Renaissance Self Fashioning (1980)**

# WAR ROOM: YOU HAVE BEEN DISRUPTED

## **The Why:**

Disruption has a dual meaning: it's emblematic of a departure from the normal and when older certainties are thrown off. It can be deeply unsettling, truly a time of crisis. Disruption also, when coupled with innovation, now has the meaning of being something potentially creative and rewarding; allowing for reinvention in a company or industry that has become stale and/or complacent.

Crisis situations are more likely to hit companies now than at any other time in history. This is partly due to shorter R&D cycles; increased globalisation; greater regulation and more intense media cycles. The War Room scenario will focus on the practical skills and resilience needed to master the various nuances of the

crisis faced by global companies in which the general counsel is likely to be a key player.

The session will focus on interweaving the unique experiences of our experts with practical problem-solving scenarios for our attendees.

We will focus not just on crisis management but crisis disruption!

## **The Ideas:**

- Leadership is much more than management and comes to the fore when there is a challenging situation.
- For modern companies, an ethical perspective or sense of vision is much more central to success than pure market economics.

This begs the question as to whether a new model for modern capitalism is needed, one which focuses on vision as well as balance sheets.

- In many companies, it is linear or group-think that can be a significant contributing factor in crisis situations. What is also true is that in crisis-related disruption the need for creative and innovative solutions is also at a premium. It may well be outmoded ways of thinking and cultures in need of change that contributed to the factors which create a perfect storm of issues for a company.

## Our Expert Views:



**David Petraeus**

“DURING A CRISIS, MORE THAN AT ANY OTHER TIME, A NATION IS ITS DECISION-MAKERS; AND THEY, DUE TO THE STRESS AND INCOMPLETE INFORMATION ASSOCIATED WITH CRISES, ARE VERY LIKELY TO SEEK GUIDANCE OR INSIGHTS FROM THE PAST. THE SAME IS TRUE OF LEADERS OF ANY BUSINESS OR ENTERPRISE. AND LEADERS DURING A CRISIS HAVE TO BE CONSCIOUS OF THE INCLINATION TO FALL BACK ON PAST EXPERIENCES, ESPECIALLY THOSE CASES THE INDIVIDUAL WENT THROUGH PERSONALLY. WITH THAT IN MIND, LEADERS HAVE TO DO THE BEST THEY CAN WITH THE INFORMATION AVAILABLE TO DETERMINE THE SPECIFIC CIRCUMSTANCES – AVOIDING FALSE ANALOGIES AS THEY DO SO – AND THEN THEY HAVE TO DEVELOP THE ‘BIG IDEAS,’ THE OVERARCHING STRATEGIC APPROACH, THAT SHOULD GUIDE THEM AND THEIR ORGANISATION IN DEVELOPING AND REFINING THEIR SPECIFIC RESPONSE.”

General David Petraeus (US Army, Ret.),  
Former Commander of Coalition Forces in Iraq and  
Afghanistan and of US Central Command, and former  
Director of the CIA.



**Catherine Royle**

“CRISES SELDOM AFFORD A DECISION MAKER THE LUXURY OF COMPLETE INFORMATION OR CERTAINTY. DON'T LET A CRISIS BE THE FIRST TIME YOU ARE CHALLENGED BY NEW WAYS OF THINKING, NEW PROPOSALS OR NEW PERSPECTIVES. GET COMFORTABLE WITH THE GREY ZONE.”

Political Advisor at NATO and Former British Ambassador.  
Served as Deputy Ambassador in Afghanistan.



**Richard Mullender**

“LISTENING IS A CONSCIOUS ACT THAT YOU HAVE TO SWITCH ON WHEN THE OCCASION DEMANDS IT. AN IMPORTANT MEETING, A CHILD CRYING, A HOSTAGE TAKER GIVING OUT THEIR DEMANDS, ALL OF THESE NEED MORE THAN JUST HEARING THEY NEED LISTENING. THEY NEED A LISTENING THAT GOES BEYOND JUST HEARING AND MOVES THE LISTENER TO A NEW MORE ALERT MINDSET. THIS SORT OF LISTENING IS HARD AND TAKES REAL EFFORT AND THAT IS WHY SO FEW PEOPLE DO IT”

Former Lead Trainer at the National Hostage and Crisis Unit at Scotland Yard, training hostage negotiators across the UK.



**Sarah Jill Lennard**

‘IN A CRISIS, YOU WILL ALWAYS FEEL UNDER PRESSURE. THE KEY IS TO KEEP CALM, MAKE YOUR DECISIONS QUICKLY, AND KEEP FOCUSED ON DOING THE RIGHT THING. ETHICAL DECISIONS ARE MORE IMPORTANT THAN EVER AT SUCH TIMES. YOU CAN MAKE OR BREAK YOUR ORGANISATION NOT ONLY THROUGH THE SITUATION WHICH CAUSED THE CRISIS IN THE FIRST PLACE BUT ALSO THROUGH THE VALUES YOU DEMONSTRATE IN THE WAY YOU HANDLE THE CRISIS.’

Former Head of Business Security, Deloitte

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**Further Reading:**

**Richard Mullender, Communication Secrets of a Hostage Negotiator: Dispelling the Myths and Rediscovering the Lost Art of Listening (2012)**

# THE UNCOMFORTABLE DUTY OF TRUTH

## **The Why:**

Ethics and business is a hot topic like never before. It's partly because the business environment is more complex than ever; factors contributing to that are increased complexity in cross-cultural issues from the global marketplace and new ways and means of doing business throwing up dilemmas not seen before.

It's also partly due to the fact that there is often nowhere to hide given greater transparency via social media and a public that trusts institutions less and expects more. It is a topic which cuts to the heart of the balancing act facing the modern general counsel; off-setting her responsibility as an officer of the court with being a member of the executive team who adds value to the business. Increasingly the modern general counsel needs to be the ethical voice of the company.

However, as the title of this discussion shows, the focus on what is right can be a difficult and lonely road to travel.

## **The Ideas:**

- It's important to recognise and be honest enough to admit there are real, specific weaknesses in our companies – some of which may have been longstanding – and that a strong corporate leader can and should play a role in identifying and addressing those weaknesses instead of accepting and ignoring them.
- Like the US Cycling Team, success and professional excellence is still something companies and their executives focus on. But what happens when a company is driving hard to produce results for clients and then discovers there may be a real ethical problem

at hand? Can we be strong enough to be the naysayers to a success story?

- We're taught to value creativity and innovation in business on the one hand, but many new developments also throw up new ethical dilemmas which may not always be fully thought through. For example, Facebook/Cambridge Analytica scandal shows that companies have perhaps not always been completely careful in thinking through the ethical aspects of data use.

### Discussion Points:

- If issues are long-standing or baked into a company's culture, how can a business leader like the GC best approach such problems most effectively?
- How important do delegates think it is for general counsel to have a strong awareness of their own personal belief system to effectively perform their role?
- How do you think new developments such as the use of technology are impacting the intersection of ethics and business and producing new and untested dilemmas for general counsel to consider?

### Who:



**David Walsh** as Chief Sports Writer, Sunday Times had a relentless focus on the truth and his pursuit of Lance Armstrong led to the uncovering of the doping ring in US Cycling and Armstrong's subsequent ban from the sport. David's focus on the ethical sense of what is right is a duty that lawyers also understand in our overarching role.



**Richard Hytner** Founder of Beta Baboon, formerly Saatchi & Saatchi's Deputy Chairman. Richard will interview David who will share his tale with passion, conviction and a resounding determination that the truth will always win. Richard's own book *Consigliere* focuses on the importance in business of the trusted advisors behind the leader; a role which many of us play.

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### Further Reading:

**David Walsh, Seven Deadly Sins: My Pursuit of Lance Armstrong (2012)**

**Richard Hytner, Consigliere (2014)**

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"CULTURE IS WHAT INFORMS INDIVIDUALS, AND SETS THE MORAL TONE OF AN ORGANISATION" David Walsh

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"SEEKING THE TRUTH, AND SPEAKING THE TRUTH ARE AMONG THE MOST ESSENTIAL QUALITIES THAT LEADERS LOOK FOR IN ADVISERS CLOSEST TO THEM. THIS TAKES COURAGE AND CRAFT - THE COURAGE NOT TO CONFORM, TO ANCHOR THE LEADER IN WHAT THEY NEED TO HEAR, NOT WHAT THEY WANT TO HEAR; AND THE CRAFT INVOLVED IN GIVING PERSPECTIVE, WISDOM, COUNSEL AND CHALLENGE." Richard Hytner

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Day Two: Friday 29th March 2019

# THE ART OF MANIPULATION FOR INFORMATION

## **The Why:**

Cybersecurity is one of the most significant threats facing businesses in the modern age. This is due to the way business is changing and the emergence of data as one of the most important commodities in doing business in our modern age. The effects of the cyber-attacks are myriad: not only do cyber-attacks expose confidential data and sensitive business secrets, cybersecurity is also the target of increased regulatory vigilance and can expose companies to enforcement actions and even litigation by individuals or class

actions. Therefore, cybersecurity is something that's definitely a key part of the GC redefined playbook.

## **The Ideas:**

Whilst a cyber threat can seem daunting to many lawyers, due to the seemingly impenetrable technical aspects of threat, Jamie Woodruff shows how many attacks can be due to social engineering. In Woodruff 's experience, it's people rather than systems that are often the weak link or way in. In his work as an ethical hacker, he finds existing weaknesses by infiltrating the companies who ask him to

test their security. In an infamous example, he impersonated a pizza delivery boy at a large financial institution and gained access to their server room.

This underlines the point made by many security vendors that your security is only ever as good as your people and how they retrained. As the areas of big picture risk identification and mitigation move into the general counsel's remit, Jamie's talk will give food for thought in regards to how training and best practices can help mitigate threats. Whilst

it may be impossible to ever safeguard completely against an attack, increasingly for companies and their general counsel, it's about showing you are doing everything you can and have these best practices across the board.

### Discussion Points:

- What's the difference between cybersecurity and data protection? Do you think it's better to consider them separately or use a combined approach?
- What do you think are some obvious points of weakness your company has in regards to employee behaviours around cybersecurity? For example, employees using public WiFi when traveling, bringing own devices to work and recognition of phishing emails etc?
- In the event of a breach at your company, what policies and procedures do you have in place to alert and escalate matters of concern?

- How have you dealt with specific issues arising in relation to breach response such as:
  - risk assessments;
  - forensics and privilege;
  - containment and recovery;
  - notification to regulatory bodies, affected individuals and
  - other third parties;

### Who:



**Jamie Woodruff** is a Director of Metrics Cloud specialising in training, penetration testing and recruitment. He is also the Cyber Safety Advisor for the Cyber Smile Foundation which specialises in online cyberbullying. He is known for disclosing world-wide exploits and vulnerabilities within leading

applications such as Facebook, YouTube, Twitter, Apple and Google.

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“ IT'S PEOPLE, NOT TECHNOLOGY, WHO ARE AT THE HEART OF THE SOLUTION TO CYBER THREATS”

Jamie Woodruff, Ethical Hacker

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### Further reading:

**Scott N. Schober Hacked Again (2016)**. Described as a bridge between business and tech, Schober's book, describes his own experiences as CEO of a wireless security company and details best practices gained through experiences of multiple hacks,

**Peter Kim The Hacker Playbook 3: Practical Guide To Penetration Testing (2018)**. Whilst probably designed for a more technical audience, the book does detail key methods used by hackers gained via the author's experience in penetration testing. It also discusses why despite all the various security products on the market things are still broken.

# THOUGHTS ON THE GEO-POLITICAL CHANGE IN EUROPE AND BEYOND: Q&A WITH LORD LAMONT

## **The Why:**

Brexit has been one of the most hotly debated, overwritten on and yet still unknowable political and economic events to ever take place. General counsel have to tread a line between respectable practical awareness and battling 'Brexit burnout' from the sheer volume of discussion and future casting in the press and from law firms and other advisors.

## **The Ideas:**

Whilst the draft agreement or 'Chequers Plan' was approved in November 2018, there's still a lot of uncertainty about how it will practically play out or if it will hold. The key areas of contention remain around the free movement of goods and people and the status of the border between Northern Ireland and the Republic of Ireland.

Issues that many general counsel need to think about and present plans to their boards include:

- The potential impact of customs duties & tariffs;
- The risk of supply chain disruption;
- Restrictions on the movement of people causing labour shortages;
- Restrictions on transfers of customer data
- Potential risk exposure in contracts.

In a major survey last year, many more board members than general counsel considered their company was prepared for Brexit. This is most probably due to general counsel being on the front line of considering how laws will be applied and work in practice for their organisation.

#### Discussion Points:

- Has Brexit meant you're working more closely and strategically with the C-Suite and the board to prepare for different options?
- Would you say you have now prepared a fairly comprehensive risk assessment of the potential different impacts Brexit could have on your business?
- Have you been undertaking different Brexit scenario planning exercises? Who has been involved in these?
- If you're not a UK based general counsel, are you still undertaking many of these activities?

#### Who:



**Lord Norman Lamont** was Chancellor of the Exchequer under John Major from 1990-1993 and presented three budgets. During his tenure as Chancellor, he negotiated Britain's opt-out from the European, single currency. A long-time Euro Sceptic he has been credited with predicting Brexit with his remarks at the 1994 Conservative Party conference:

"I can only say that I cannot pinpoint a single concrete advantage that unambiguously comes to this country because of our membership of the European Union... I do not suggest that Britain should today unilaterally withdraw from Europe. But the issue may well return to the political agenda."

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"IF YOU CAN IGNORE THE DIRE WARNINGS OF CALAMITY, BREXIT POSES JUST AS MANY OPPORTUNITIES AS THREATS...IN FACT TO MY MIND, MORE SO!"

Lord Norman Lamont

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#### Further reading:

##### **Ian Dunt Brexit: What the Hell Happens Now? (2017).**

A somewhat anti-Brexit focused account, which has won praise for clearly setting out the main areas of risk and contention, many of which have come to pass.

##### **Benjamin Martill and Uta Staiger (eds) Brexit and Beyond: Rethinking the Futures of Europe (2018)**

The book brings together a range of contributors to consider the possible implications of Brexit for the futures of Europe and the European Union. Its interdisciplinary approach makes clear the difficulties of predicting the potential outcomes of an unfolding process while nonetheless outlining a number of different scenarios and possibilities in detail.

# THE INNOVATOR'S METHOD

## **The Why:**

When we think of innovation we often think of fresh, world-changing ideas. The focus is often very squarely in the area of idea generation. But what really sets apart innovations that succeed from those that don't is their practical implementation.

For general counsel, the need to be innovative is clearly felt by many; often it's driven by the imperative to do more with less, which is felt in the vast majority of legal departments. Is this innovation or necessity?

However, for a large number of general counsel, even where the clear benefits of technological improvements, new ways of working or different uses of personnel can be seen, the obstacles to change can seem insurmountable. It's that challenge that the innovator's method and the rest of Nathan Furr's work seeks to give a path through.

## **The Ideas:**

As companies grow, execution becomes the highest priority as they scale the business to meet the demands of customers. Over time, the focus on execution crowds out innovation and creativity. Trying to increase the value created from existing customers prevents companies from focusing on what would create new customers. It's at this point in their lifecycle that many companies are most vulnerable to disruptive entrants to the market.

Key techniques which can be helpful in tapping into innovation and bringing that to execution are lean methods used in startups; design thinking and agile techniques.

In regards to the legal department, it could be argued that the focus on value and creating value, has led to the same impasse that many companies encounter. How, therefore, can change be engineered and transformation be led from within?

## **Discussion Points:**

How much is trying to think differently or creatively about how things redone, or innovating, something that you spend any time on; ask your team to do or task your outside counsel with?

If it's something you try and empower others to do as well, have there been any methods, which have been more successful in assisting them in this?

One of Professor Furr's key points in the innovator's method is to make sure you have a full understanding of the real problem to be solved, or the job to be done. How confident could you be that as general counsel you could identify what are the real problems to be solved in your legal department?

Many of the key innovations in the legal sector are operationally focused, how things are being done and who is doing them. Do you think that both internally

(in legal departments) and externally (in law firms) that's where key improvements can be made?

**Who:**



**Nathan Furr** is an Assistant Professor of Strategy at INSEAD, where he teaches innovation and technology strategy.

His research focuses on how both new and established firms adapt to technological change and enter new markets. Further areas explored in his research include how to capture new opportunities, how to balance the need for execution and flexibility, how firms develop innovative business models, the determinants of success for firms in changing

industries, and the impact of learning on new market success.

Nathan Furr has co-authored a number of books, *The Innovator's Method* (Harvard Business Review Press, 2014) and *Nail It then Scale It: The Entrepreneur's Guide to Creating and Managing Breakthrough Innovation* (NISI Institute, 2011). His most recent book, *Leading Transformation: How To Take Charge Of Your Company's Future* (Harvard Business Review Press, 2018) has just been published.

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**"THERE ARE NEW TOOLS AVAILABLE FOR LEADERS TO MANAGE—AND PROSPER—IN A WORLD OF UNCERTAINTY. SUCCESSFULLY NAVIGATING A DYNAMIC ENVIRONMENT IS A MATTER OF APPLYING THESE NEW TOOLS AT THE RIGHT TIME."**

Nathan Furr, Assistant Professor of Strategy at INSEAD and Author of *The Innovator's Method*.

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**Further reading:**

**Nathan Furr, *The Innovator's Method* (Harvard Business Review Press, 2014)**

**Nathan Furr, *Leading Transformation: How To Take Charge Of Your Company's Future* (Harvard Business Review Press, 2018)**

**Clayton Christensen, Taddy Hall, Karen Dillon, David Duncan, *Competing Against Luck* (Harper Business, 2016)**

The father of disruptive innovation's most recent book looks at why some innovations succeed and others don't. A key focus is the 'jobs to be done theory', which, looks at what's the job the innovation being hired to do? Often significant innovations meet needs that customers don't yet know they have.

# CARL BERNSTEIN NAVIGATING CHANGING CERTAINTIES

## **The Why:**

As fake news and alternative facts become cultural currency, the notion of incontrovertible facts and truth may seem like a fairy story. Both journalism and the law are dependent on facts and the notion of being able to arrive at a defined truth.

Despite the need to redefine the role of the general counsel and move into the role of business partner or business leader; still, one of the most valuable assets a general counsel can bring to her company is the ability to provide an objective sense of truth, and what is right.

## **The Ideas:**

As discussed at the beginning of the Forum, we are living in a time of extreme change. There are a huge variety of geo-political shifts underway and we're more aware of them than ever before due to the sheer volume of information available. This excess of information means we're also at greater risk of bias or conflicting 'facts' depending on who controls the discourse.

We need to balance understanding these changing viewpoints in context, but alongside the notion of an objective truth and a sense of what is right.

Carl Bernstein has spent his career looking for the truth in the various investigations he has conducted for his articles and books.

In his presentation he will consider how you balance the notion of truth, what's right and a greater good with competing agendas, different points of views and cultural expectations.

## **Discussion Points:**

General counsel have a range of interests to consider: our role as officers of the courts; business leaders; colleagues etc. But is this ultimately what makes the role so interesting?

There's a lot of discussion around producing a future ready team and adding value as metrics which drive some of the most innovative legal teams. How easy is it to decide what that is when there may be competing interests to consider: your own team; the CEO; the board; regulators; the customer?

We are in a business climate where many norms have been destabilized and businesses are constantly having to navigate change. Leading commentators such as Ben Heineman have suggested this redefines the general counsel role into more of a statesman-like role, where geopolitical awareness is a significant component. Does that hold true for your role? How do you think that affects succession planning and how we train the next generation of general counsel?

How much do you think a notion of definitive truth and being able to get to what that is, particularly in times of crisis, is a defining feature of what you're there for as general counsel?

**Who:**



**Carl Bernstein** is one of the leading investigative journalists in the world. Together with his colleague, Bob Woodward at The Washington Post he was sent to cover a breaking at The Watergate office complex. This uncovered evidence of a targeted attack in the Democratic a National Congress by the then incumbent, Republican Party. Bernstein and Woodward went on to uncover layers of corruption which led to the resignation of Richard Nixon in August 1974. The reporting by Bernstein and Woodward was deemed one of the greatest reporting efforts of all time. Bernstein has authored or co-authored six books and his

journalistic career, both in print and broadcast, has continued to focus on how power can be used and abused.

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"WE ARE LIVING IN AN AGE IN WHICH WAR HAS BEEN DECLARED ON THE ESSENTIAL CONCEPT OF TRUTH, AND DONALD TRUMP IS NOT THE ONLY ENEMY OF TRUTH IN THIS DEFINITIVE BATTLE OF OUR TIME."

Carl Bernstein

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**Further reading:**

**Bob Woodward & Carl Bernstein  
All the President's Men ( 1973)**

**Carl Bernstein A Woman in Charge: The Life of Hilary Rodham Clinton (2007)**

Day Three: Saturday 30th March 2019

Ever wondered why you find it hard to change your routine or certain patterns of behaviour?

Why do certain people bring out the best or the worst in you?

Why do you find it hard to come up with creative ideas when you are told to brainstorm?

Why is it not always easy to get people to do what you need them to do?

Dr Helena Boschi's session combines discoveries in neuroscience with human decision-making and behaviour, shedding light on why we do what we do.

#### **Why use neuroscience?**

Neuroscience is currently growing in its applications in business. Increasingly prestigious business schools offer courses which bring elements of neuroscience into understanding the business world, from leading the business to building teams, marketing and pricing your products or making decisions about the people who work for you.

The brain is the basis of everything we do: how we behave, communicate, feel, remember, pay attention, create, influence and decide. Leaders who invest in learning how the brain operates are more skilled at getting the best out themselves and the people they lead.

## Who:



**Helena Boschi** uses scientific research, together with concrete examples and illustrative stories, to clarify the complex mechanisms of the human brain and how it affects our life in general. In this session, she will focus on the findings from the research on The GC (Re) Defined undertaken by GLL and MoFo.

Helena has spent over 20 years working closely with businesses, particularly in the areas of leadership and team development, intercultural communication and organisational change. She provides a range of creative and stimulating learning initiatives across various industries such as oil and gas, flavours and fragrance, pharmaceuticals/ biotech, technology, finance and telecommunications.

Helena's particular areas of interest include the brain and behaviour, our emotional and rational neural networks and how to improve our cognitive abilities and decision-making. She has held senior talent management and organisation development positions within international companies and is a member of the British Psychological Society.

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### Further reading:

**Helena Boschi, Why We Do What We Do: Understanding our brain to get the best out of ourselves and others (2017)**

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### **The Why:**

Global Leaders in Law and Morrison & Foerster have established a thought leadership programme specifically for the global general counsel community, to explore how your roles are being reshaped in an environment of constant technology-driven disruption. This “GC (RE)DEFINED” programme includes a global research study as well as numerous articles with general counsel sharing open and honest opinions and thoughts on the themes that are driving change to your roles. There is a strong appreciation that change brings both challenges and opportunities, which in turn creates great scope for general counsel to be highly impactful business leaders.

At the GLL Forum, we will showcase the results of the global research study and share with you the key trends that may impact your roles today or in the near future. The Forum is the perfect setting to do this as it brings you together with in-house peers for idea generation and sharing of experiences to further explore the redefinition of the general counsel role.

### **The Ideas:**

MoFo and GLL disseminated a co-branded study to over 450 general counsel globally and undertook 30 in-depth qualitative interviews to explore how the role of the general counsel is being redefined more rapidly than ever. The initial key findings indicate a clear shift towards the role of being more of a business leader, who happens to have legal training and expertise, than that of a lawyer. It is readily apparent that the number of ‘hats’ that a general counsel needs to wear on any given day continues to increase apace in the face of increasing global regulation and digitization of businesses. The extent to which people can be replaced by technology remains debatable, however, there are clearly new aspects of the business that you need to influence, such that new ways of working and thinking about the function of the legal team are required.

In this session, we will unveil more findings from the study and give you the time and space to reflect and consider the changes you may want to make in your ever-evolving role as a general counsel to significantly shape the growth of your business.

## **Initial themes and ideas include:**

### **Leadership**

Leadership skills take centre stage. When asked what they felt are the most important skills for effective leaders. Emotional intelligence was at the top of the general counsels' list, with legal technical expertise falling lower than it has probably ever been.

But do we need to move away from defining these as 'soft skills'? True leadership skills and behaviours are actually business-critical skills and increasingly that's what general counsel want and need to be known for. In a recent study by Egon Zehnder, general counsel measured up well on many of the critical capacities displayed by CEOs. Increasingly more and more general counsel are looking to bolster abilities and potential by developing the skills you need to get a seat at the top table.

### **Collaboration**

A significant aspect of the leadership skills many general counsel now bring to the role is the ability to act as network broker in the business. This collaborative aspect, born out of the fact the general counsel remit brings you into contact with a wide range of departments, means you are working increasingly with the CEO. This collaboration aspect cannot be overstated, as many business thinkers believe that collaboration is at the heart of success for the modern business.

### **Diversity and Inclusion**

Attaining true diversity is an uphill battle. General counsel see attaining true diversity and inclusion as a significant challenge. Many feel that it will take decades to achieve. Research throughout the business world shows that greater diversity makes for greater innovation, creativity and profitability. Increasing diversity and inclusion is no longer a 'nice to have' but a fundamental. You are looking for practical ways, to increase diversity in your own teams and those of suppliers and make a difference day to day.

### **The Resource Gap and The Urgency Bias**

All general counsel are trying to navigate the 'more for less' conundrum while simultaneously dealing with the urgency bias (where resources are directed to the more urgent issue rather than the most strategic issue). This combination puts real pressure on workload, resource allocation, stakeholder management and team resilience. It is forcing many of you to take a long hard look at the role and function of the legal team, what it does and how it is staffed, and where technology might provide real value.

## **Data-Driven**

Essential work to make the modern legal department more efficient, aligned to the business and credible with senior stakeholders, requires a general counsel to have data at his/her fingertips. Data-driven decision making is gradually becoming the norm for the legal department. It will facilitate greater agility and judgments, where time may be lacking to complete in-depth analysis. The access to such data varies by company, with general counsel and tech teams in fast-growing tech companies collaborating to create proprietary tools. As a consequence, some of you are truly ready and the rest need to drive the agenda.

## **Technology and Change**

Legal technology is on your radar but the adoption rate isn't as high as the developers of tech would have us believe. Most general counsel surveyed do not currently have solid plans to invest in the latest legal technology. Many are biding time to see where investment will yield the greatest return. Some commented that the legal department, in contrast to revenue-generating business areas, is low down on the investment priority list for the internal technology budget. Given these issues, it seems that the legal technology revolution will happen, but not quite at the pace anticipated.

## **Crisis**

Crisis is an ever-present threat for the modern general counsel. Increased risks for businesses (from cyber to discrimination), and greater public transparency if those risks boil over into crisis means crisis preparation and planning has to be an essential part of your playbook. The role of brand protector really comes into its own when the general counsel has to take the lead in the face of a crisis of any kind.

## **A parting thought...**

At the last GLL Congress, 70% of general counsel said that the tension between being a commercial enabler and brand protector in the modern day is more challenging than ever. How will you feel a few months on, and what choices can/do you want to make; how do you see your role shaping up in the months and years ahead?

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## **Further reading:**

**The GC {RE}DEFINED Hub.**

[www.mofo.com/special-content/gc-redefined/](http://www.mofo.com/special-content/gc-redefined/)

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