

EMPATHY AND COMPLEXITY – NAVIGATING THE WATERS OF BUSINESS AND LAW

BY CATHERINE MCGREGOR

THE MODERN BUSINESS WORLD IS MORE COMPLEX THAN EVER BEFORE AND THE ROLE OF IN-HOUSE LAWYERS IS SIMILARLY MORE MULTI-FACETED THAN JUST BEING ‘THE LAWYER.’ MANY GENERAL COUNSEL NOW REALLY EMBRACE THIS MOVE TO MORE THAN JUST A LEGAL FOCUS. ONE OF THESE IS LUCI INGRAM, GENERAL COUNSEL AT UTILITY WAREHOUSE (UW), THE MULTISERVICE UTILITY PROVIDER, AND ONE OF THE YOUNGEST GENERAL COUNSEL IN THE FTSE 250. LUCI TRAINED AND QUALIFIED AT SLAUGHTER AND MAY. SHE THEN WENT IN-HOUSE TO KING, THE MAKERS OF CANDY CRUSH.

I SPOKE TO LUCI ABOUT NAVIGATING CHANGE, EMBRACING COMPLEXITY AND THE OVERWHELMING NEED FOR EMPATHY TO INFORM BOTH LAW AND BUSINESS.



INTERVIEW

NEW CHALLENGES

Since this is Luci’s first general counsel role, I wondered whether there was anything that was new, surprising or exciting in the top job versus being a member of the legal team? For Luci one of the most interesting things has been quite existential in, “trying to figure out what I think my role is, what the business thinks my role is and how to marry those together.”

It’s a frequent conundrum for general counsel — what you think your role is and what the business wants you to do can sometimes be very different things and this is where it’s key to make sure you develop your influencing skills,” feels Luci. “It’s

about meeting those expectations from the business, but also pointing out areas they might not have thought about.” Discovering what the management team did expect of her wasn’t always easy, but what

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made the difference, says Luci, was just asking the question and starting conversations with the business leaders about the fundamental nature

of her role. As a deputy general counsel or member of an in-house team, that more existential piece was not an issue that ever came up, says Luci. Being responsive to, but also guiding those expectations from the wider business was an early challenge, but one which would potentially shape the whole direction of her role at UW.

A concurrent challenge was trying to restructure the team. Although the legal function was quite disparate, so much so that Luci hesitates even describing it as a team due to the lack of cohesion and collaboration.” I’d say it was a group of people who loosely did legal compliance and regulatory work,

but hadn't been brought together before and often didn't actually know what each other was working on and where there was alignment."

Her task over the past 18 months has been to bring those people together in a way that she describes as one that "does not tread on too many toes and doesn't damage what's already there, but builds something for the future."

It's a contrasting task to that faced by general counsel in start-ups or early stage companies: one of reshaping what you have rather than starting with a blank piece of paper. Care needed to be taken with the human aspect as some in the legal team had been there for 20 years. "It's trying to unite those different viewpoints and build a functioning team for the present, who are engaged and want to be there," explains Luci.

This put into practice a significant learning from her earlier in-house career at King. The importance of building the right team. "I learned a lot from Rob Miller, who was general counsel at King, about having the right people around you and building the right team to support you as a general counsel." The right team will also really support the business in driving forward whatever it wants to do, feels Luci. Many of the stereotypes or negativity about legal teams in the wider business, she thinks, comes from teams which are not calibrated in the right way. When a legal team is built in the right way, it becomes a fundamental asset to any business. "If you have a great legal team, they can be a really key part to enable and protect the business at the same time."

Luci joined King before its IPO and subsequent acquisition by Activision Blizzard. This was a significant learning experience for her. It was a condensed segment of the corporate life cycle; moving from IPO, to fledgling listed company, to going through the acquisition process with Activision Blizzard, then an integration process, and being part of Activision Blizzard; all in the space of five years!

This condensed corporate legal team experience did give Luci some very deep learning. "You learn a lot about resilience, and about how

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important it is for the legal team to be a really key part of the business. And I don't just mean that in having someone at the decision making table — at the strategic level — but also at the operational level, at the people level and all the way through. Legal needs to be there and have a voice. That voice needs to be not just about laws or regulations but about the broader risks and the bigger picture: your job as a lawyer is to see that that big picture and the impact on the business and society."

It's key when working in a company, Luci thinks, to remember

this bigger picture particularly when dealing with regulators. "Regulators exist because society thinks they're a good thing. So, what a regulator thinks about what you're up to and how you might need to talk to them about that is a fundamental consideration."

TRANSFERABLE SKILLS

Whilst moving into her first general counsel role in a different industry afforded her many opportunities, Luci acknowledges that it also came with a steep learning curve: "I've had to pick up a lot of stuff, because I haven't worked in a heavily regulated environment, and I haven't built a legal team before or worked in a legacy business, where there may be employees who have been around for over 20 years."

How much though, is the specialism needed for general counsel roles not just confined to specific sector knowledge and actually about broader skills such as having taken a company through an IPO, building a legal team from scratch and so forth?

Luci thinks that there is genuinely a bit of both. "In order, for people to see you as a trusted advisor, they are still going to want to pick your brain about the random legal point they've seen in the FT over the weekend. That legal lens is still your key tool — if I'm a plumber, I'm not going to walk into someone's house without my wrench!" But says Luci while one of her key tools is the ability to help interpret and understand the law, but the law is much broader than just what's in the letter of the law. It's being attuned to all those associated

risks which is where she feels the modern general counsel needs to excel. “It’s not about just what you can and can’t do; it’s how can we help the business look at risks and opportunities through a legal lens. That’s your super power”

MORE THAN LEGAL

In a crisis situation like the current COVID-19 pandemic, communication becomes so central to what a leader does. I wondered how much Luci sees communication, empathy and influencing as a crucial component of a general counsel’s skill set?

“Your influencing and persuasion skills and your understanding and communication skills are fundamental. Can you communicate that legal concept to someone in a way that they understand and appreciate why it’s something they should care about or how they can use it or not use it.”

Empathy is central to this, feels Luci. Understanding the other person’s point of view and using that understanding to consider what is needed to help deal with seeing different perspectives and finding ways to ensure communication and understanding around legal concepts for those in the business. She explains, “it’s not seeing your customers as one big block of customers, but understanding that they are, in themselves, unique

people and have different needs, but there can be a common thread through all of them as to what they do or don’t want and that’s key.”

It’s fundamental, Luci believes, in businesses that are consumer facing that the lawyers have a solid understanding of the objectives of the business and the perspectives of the end consumer.

Again that comes down to empathy, feels Luci, and as the leader

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of the team, the responsibility for developing that empathy in your team ultimately rests with you.

“If you don’t have that empathy, you’re using the law as a blunt tool, but you don’t have that multifaceted understanding of your purpose as a company in wider society.”

During the COVID-19 crisis, empathy has been even more important than ever before. Add in the greater awareness of racism since Black Lives Matter and the need for more inclusive understanding from companies and leaders is central to success. Luci had spoken very compellingly about her less traditional background than many lawyers come from. I wondered how much has that impacted how she approaches what she does now?

Luci spoke about needing to think about the bigger picture as general counsel in terms of the role of the company in society, and she feels strongly that social responsibility is core to understanding that big picture.

“I think as a general counsel your role in society is bigger than just meeting the company’s objectives, we’ve set up a foundation at UW to reinforce the idea that what we do is bigger than just our balance sheet. One of the things our foundation does is to support people who are socially disadvantaged.”

Having that notion of the fact that everything you do has a larger component, affects the way you approach everything thinks Luci.

“You have a voice in your head sometimes that maybe we should just go that bit further to do the right thing. I think that viewpoint is increasingly going to change the ways companies do business.”