

75 Years of General Counsel Experience



with

Rosemary Martin



Rupert Bondy



Philip Bramwell



On 18 January, Hedley May had the pleasure of bringing together three of the world's most distinguished General Counsel for a wide-ranging virtual discussion of the lessons they have learned over, a collective, almost 75 years in the role. Rosemary Martin, Rupert Bondy and Philip Bramwell recounted memorable experiences in the job – and sometimes surprising takeaways – with candour and good humour. Here, we summarise some key themes that arose.

Emotional intelligence is paramount

Though we tend to think of the legal function – and the role of the General Counsel in particular – as high on intellect, the speakers emphasised the importance of emotional intelligence: the ability to engage effectively with people of all personality types, both executives and those more junior.

As one speaker put it, “you are not just managing the legal position, you are managing personalities”. It is not uncommon to have a clash of egos, particularly among C-Suite officers. The best General Counsel are relied upon as impartial arbiters of senior figures; they retain credibility with both sides in internal disputes because they are trusted to have the company's best interests at heart.

Importantly, emotional intelligence is about understanding and empathising with what is going through others' heads during what can be very stressful times, especially when there are potential legal ramifications for individuals at stake.

“Mostly when I see people fail, it's not because of their technical skills or their intellect. It's much more to do with their EQ – their ability to persuade, influence and communicate.”

Equanimity in a crisis

An acid test for any General Counsel is their ability to manage a corporate crisis. Our speakers highlighted the importance of being calm, resolute, and unflappable (at least outwardly, even if that is not how they felt inside at the time); particularly when there are political forces at play that amplify the complexity of a crisis. This is likely to be a time of great stress for Executive Committee and the Board, and it is easy for them to get overwhelmed or make rash decisions. You have to anticipate this and manage their expectations throughout.

Meanwhile, it is not uncommon for crises to become all-encompassing, increasing the likelihood that more routine things get missed. This is a time to delegate: to ensure you have an excellent team of in-house lawyers capable of doing business as usual, while you focus on the crisis.

To act with integrity, the General Counsel needs strong confidence in their ethical foundations – a basis of principled belief that they carry wherever they are working and, critically, which they hold to in a crisis, when it may be most difficult. As one speaker has phrased it: “you can only sell out once”.

“I remember having absolutely incandescent executives fling my office door open and tell me I was going to destroy the company. One has to remain absolutely calm and resolute.”

Finding balance in what is often a 24/7 work environment

The General Counsel role is one that can take over a person’s life – and they might do it for decades. One speaker observed: “Whether it’s M&A transactions or litigation or other commercial transactions, it really is the lawyers who are burning the midnight oil after everybody else has gone home and thinks the deal is done. And as General Counsel, you are overseeing that work... it’s labour intensive”.

The job may involve dropping everything at a moment’s notice to go into the office, or even to travel. If you want to preserve your health – and sanity – you have to find a way to prioritise those activities that help you cool off.

All the speakers alluded to the demands of the role being a double-edged sword. It is incredibly exciting and interesting – and they felt privileged to do it – but there were also regrets about its impact on family life and personal wellbeing.

“Find something that you can build into your life that genuinely is a stress reliever. Whether that’s running or pilates, playing the drums or taking the dog out, find it – because you will need that valve.”

You cannot take failures to heart

The nature of the General Counsel role is that you have to be able to take losses as well as wins. Misjudgements are inevitable: you will sometimes fight cases that you should have settled, and settle cases you should have fought.

It is therefore common to have imposter syndrome or to second guess yourself. Ultimately you need to be able to live with retrospectively having made the wrong decision some of the time, if you can say you made the right decision most of the time – and acted with integrity.

While the General Counsel role can be a lonely one, it is also collaborative. There is a lot of input from others that must inform your decisions. Both successes and failures are shared.

“I couldn’t begin to count the number of misjudgements I’ve made. But I’ve long since concluded that if I got 80 percent of those judgments that I was making every day right, that was not going to be a bad batting average. On the big moves, the big plays, I feel I’ve certainly done the best I can.”