

Director/Group Publisher: Karen Lorimer
karen.lorimer@thomsonreuters.com

Managing Editor: Jennifer Brown
jen.brown@thomsonreuters.com

Copy Editor: Patricia Cancilla

Art Director: Steve Maver

Account Co-ordinator: Catherine Giles

Sales and Business Development

Business Development Consultant:

Ivan Ivanovitch
ivan.ivanovitch@tr.com 416-887-4300

Client Development Manager:

Grace So
grace.so@tr.com 416-903-4473

Account Manager:

Kimberlee Pascoe
kimberlee.pascoe@tr.com 416-996-1739

Account Executive:

Steffanie Munroe
steffanie.munroe@tr.com 416-315-5879

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Web: www.canadianlawyermag.com/inhouse

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Call (416) 649-9585 Fax (416) 649-7870

or e-mail Keith Fulford at

keith.fulford@thomsonreuters.com

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Editor's Box

By Jennifer Brown



Do you have a business plan for the legal department?

Does your in-house legal department have a formal written business plan? If you do, you're among the approximately 25 per cent that do in Canada.

During a panel discussion at the Canadian Corporate Counsel Association's annual meeting in Toronto last month, consultant Richard Stock moderated a panel with Canada Post, the International Air Transport Association and National Bank of Canada entitled "Tinkering is Not Enough: Why, Where and How to Innovate in Law Department Management."

According to Stock, not having a business plan for the legal department is a "significant opportunity missed."

Before you can innovate, should you first have a business plan? Most will agree that innovation looks different in every circumstance and, in some situations, departments need to restructure and focus on doing work that brings recognized value before taking the step to innovate processes.

Panel member Jeffrey Shane, general counsel at IATA, said his department has a rolling three-year business plan and legal has to play a role in that plan.

Denis Brind'Amour, senior manager, legal affairs at National Bank of Canada, spoke to the fact his department does have a business plan, first put together two years ago. It took a few years to get organized and a lot of effort went into it for little result the first year, he said. The issue they had was the desire to innovate and change, but they bit off more than they could chew. They were tackling 10 priorities in the first year. This year, they are focused on three things — people, technology and knowledge management.

If you do have a business plan, is it known to anyone outside the department? Brind'Amour said no, but they are trying to live their business-oriented actions day to day and the business units see the value of the legal department.

John West, senior vice president, general counsel and corporate secretary at Canada Post, talked about joining an organization that had a "highly competent, well established" legal group that nonetheless had to "struggle for profile" and visibility. He said there is no formal business plan, per se, and he is undecided as to whether the organization needs one (he joined in January of this year). However, perhaps that's because there is some other work to be done first to move away from commodity work to higher-end work. He has also been talking about a mission statement along the lines of being key players in the corporation and raising the profile of legal. Right now, the model at Canada Post is very "reactive" as opposed to initiators. West said his mandate is to take the group "out of the shadows."

He also said Canada Post's legal department has been viewed as a cost centre as opposed to a value add — not an unfamiliar story to many others in the in-house community, although I would have thought many are moving away from that status.

As someone who has just recently come out of private practice at Norton Rose Fulbright LLP, West also knows the importance of business development — something he is advocating internally now.

"We have to be out with our clients not waiting for them to call. We have to be interactive in our business," he said. For West, the concept of innovation right now is how to take the legal team from the shadows and bring it to being seen as a front-line player in the organization.

Sometimes, you have to walk before you run. ■

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jen.brown@thomsonreuters.com

