



Ronald Pol

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This report is dedicated to **Peter Turner** and other legal services visionaries who recognised a need for independent, objective benchmarking information to help legal departments define, develop and demonstrate the value of the legal function, and to develop new ways to work with their external legal services providers, for mutual benefit.

These visionaries know:

- the legal function is different from other business units in important ways – such as the need for independence and the overriding duties of lawyers to the court and their professional obligations – yet this does not conflate into a simplistic ‘legal is different’ exemption from performance measures and effectiveness improvement objectives that apply to every other part of their organisations.
- law firm relationships are not about ‘us-them’ contestants in a zero sum game, where one gains at the expense of the other – it’s about developing sustainable relationships focused on delivering real value to the client, yet within a profitable environment for law firms too.
- a place at ‘the top table’ for ‘legal’ is neither assured nor an entitlement – it results from the value that the legal function can identify, deliver, and demonstrate.

These visionaries include:

- **Every participant**, some who gave up half an hour of their time, and others who chose to spend considerably more because, they said, the process and even the questions – involving ‘big picture’ elements of their roles beyond constant day-to-day urgent pressures – provided valuable insights; one general counsel remarked that the survey instrument itself provided new ideas for different ways of managing the external counsel relationship. With ACLA and CLANZ we thank and commend all participants for their passion to improve the value proposition for their own organisations, and for their valuable contribution to excellence in their profession.
- **Peter Turner**, ACLA’s first Chief Executive, **Helen Mackay**, former CLANZ President and now its first Chief Executive, and **Tony de Govrik**, ACLA’s CFO and

Company Secretary. Each recognised the need for the Australian and New Zealand in-house professions to gain the benefit of independent, objective benchmarking material long before it became obvious even to many general counsel, and with the efficient support of ACLA’s indomitable **Louise Trewarne** helped “make it happen”; never faltering through the many trials and tribulations along the way.

- Legal department leaders like **Will Irving** (Telstra), **Helen Conway** (Caltex), **Martin Hunter** (IAG NZ), **Chris Gilbert** (Christchurch City) and others for whom a wealth of data is not a barrier but a call to action. I have long respected their approach, which I visualise as “strategy, vision, implementation, results”, epitomised during a Chief Legal Officer Forum meeting over the 2008 edition in Australia in which Helen and Will each relayed handing copies to their senior managers with a request to “see how we measure up to these benchmarks, identify the key ones that relate to us; then develop goals, strategy and an implementation plan for achieving those goals. And while we’re at it, let’s also draw out from the commentary and checklists any other insights we can benefit from.”
- **David Maister**, for decades probably the world’s leading professional services consultant, and with a background in applied statistics David’s work always started with an evidential base and concluded with the effective implementation of strategy outlined in his latest book *Strategy and the Fat Smoker*. In the foreword to this report’s 2006 predecessor, David noted that it “provides a clear roadmap for success for corporate and government organisations to develop measurable strategies for delivering, and demonstrating, more value from the legal function. It will also help law firms add a strong client perspective to their activities – truly a win-win prospect.”
- Those who went before us, providing the shoulders on which we sought to stand, such as **Jonathan Bellis**, who first introduced the US standard bearer (then the *PricewaterhouseCoopers Law Department Spending Survey*) to Australia and New Zealand in the 1990s, well before its time in what was then a conservative legal services market perhaps unused to the value of evidence-based decision-making; **Rob Thomas**

(Serengeti Law) and **Fred Krebs** (President) and his superbly focused team at the Association of Corporate Counsel who spearheaded the comprehensive *ACC/Serengeti Managing Outside Counsel Survey* in the United States; **Tim Nightingale** (Nisus Consulting) who produces *Primus inter pares*, an extensive study of FTSE-100 companies' perceptions of the UK legal profession; and **Richard Stock** (Catalyst Consulting, Canada) who supported ACLA's early vision for this report in Australia and kindly provided many insightful and provocative comments and suggestions for the 2008 and 2010 editions.

- Others with whom I have been privileged to gain inspiration from their own vision of the importance of providing the tools enabling effective evidence-based decision-making, and the courage to stick with these convictions when easier routes constantly beckon, such as **Ashley Balls** (NZ), **Patrick McKenna** and **Karen MacKay** (Canada), **Gerry Riskin** (Anguilla & US), **Ed Wesemann** and **Rees Morrison** (US), **Robert Sawhney** (Hong Kong) and **Richard Susskind** and **Tony Williams** (UK).

Thank you all, for your thought leadership, your collegiality, your contributions to excellence in the in-house profession, and for your contagious and inspiring passion to help improve connections and insights between in-house counsel and external legal services providers; for the benefit of all legal services consumers and participants.

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