

# Introduction—How We Got Here

I have been a lawyer for over thirty years. When I came out of law school, fax machines were the “cool” technology. So, I have seen a lot of changes. One change in particular has been the evolution of the role of in-house lawyers. When I was in law school, going in-house was considered a step down, a low-value backwater of the legal profession. Today, there are dozens of applicants for any in-house position, and it is a coveted role and a desired career move by most lawyers, including big law partners. That is incredible. The evolution of the in-house lawyer is part of this book.

Many of you probably know a lot about me because of my blog, “Ten Things You Need to Know as In-House Counsel,” which I started in 2014 and, somehow, am still writing here in late 2021. I graduated from the Washington University in St. Louis School of Law and spent the first six years of my legal career as a litigation associate at a large law firm in St. Louis. I then went in-house at American Airlines in the mid-1990s. I left American when it spun-out its Sabre technology division and over time became general counsel for Travelocity.com, Sabre Corporation, and Marketo, Inc. In between some of those stops I went back to law firm life with the boutique law firm Hilgers Graben PLLC where I am currently the CEO and Senior Counsel, based in Dallas, Texas. It has been a fantastic journey and I have enjoyed every minute of it. I am fortunate in that I love being a lawyer.

And I love to write. Which explains the blog and the books. A completely unexpected benefit of writing about in-house legal issues is that I am contacted daily by in-house lawyers from all over the world. For someone who grew up in small town York, Nebraska, it boggles my mind to have conversations with lawyers in Brazil, London, Australia, India, Canada, France, Mexico, and many other countries (and from all around the United States). Most reach out because of something they read in the blog and it resonated with them, or they have a question and just want to talk to someone who has sat in the chair. One thing I can tell you is that, for the most part, the issues in-house lawyers face in the United States, are the same issues in-house lawyers around the world are dealing with.

Starting about three years ago, I began to get a lot of questions about the topic of this book, i.e., “How do I show the value of the legal department?” For some, it was an internal exercise, just something they wanted to do on their own. For most, however, the question arose because of demands by the business to explain (or justify) the cost of the legal department and why it was worth the investment or worthy of additional resources. Regardless of the “why,” it was clear to me that most in-house lawyers struggled with the question.

Fortunately, I had a lot of experience with it. Initially, trying to figure out the value generated by my legal team was just to satisfy my own curiosity, i.e., is it possible to develop ways to show the value of the different things the legal department does? While metrics and numbers were nice, my focus was on finding ways to show value that did not rely solely on numbers but, rather, on finding other ways to highlight the work, the results, and the value of problems avoided or solved before they became bigger, more expensive problems. Over the years, I developed several ways to do this and at review time I always brought the CEO a binder of “value” generated by the department. I summed it up as “enhancing value creation” and “minimizing value destruction.” It was a mix of numbers, charts, and good old fashion marketing 101. The last point is something many in-house lawyers overlook. But, as I often told my teams, “The business sees us as a cost center. Always be marketing. That is how we change the perception.” And it worked! While I did not always get everything I asked for or thought I needed, I fared better than most others. And the departments I ran were always well-respected by the business, sought-after partners, and had great client survey scores and employee engagement scores. We were winning hearts and minds externally and internally.

I was happy to share with others what I had learned over many years of simply figuring it out, i.e., there is no course at law school on how to show value. But, there should be. Over the past few years, several things crystalized for me when it came to showing the value of the legal department. First, everything the legal department does generates value in some way and is a potential achievement you can tout. You are only limited by your imagination. Second, how you tell the story is up to you. Lawyers are, by nature, tremendous story tellers. Turn that skill into an advantage. Third, do not wait to be asked by the business about value-generation, be proactive in marketing the legal department to the business. Always be marketing. This way you control the narrative about, and the perception of, the legal team and its value. It does not mean you can cover up crummy work or bad attitudes, but it does mean that you can take advantage of the fact that most businesspersons do not know much about the law or lawyers other than they do not like paying legal bills and they think we kill deals. Marketing is about making them happy to pay those bills and believing they have the best legal team in the country, one that gets things done, showing them that the return on their investment is real, measurable, and makes sense, i.e., the narrative you are telling

them rings true. The hard part is figuring out how to bring all of the different pieces together to tell the best story. That is where I hope this book fits into the puzzle.

After I found myself helping many in-house lawyers think about the value question, I came up with a “Ten Things” blog in 2020 that captured several of my ideas. It quickly became one of the most read pieces I had written and generated even more inquiries from in-house lawyers all over the globe. It also made me realize that I had a lot more to say on the topic than I could squeeze into a 3,000 word blog post. So, when the American Bar Association approached me about writing a third book for them, I knew I wanted to write on the topic of how to show the value of the legal department.

What follows are my thoughts and ideas on how best to go about doing so. I certainly have no monopoly on how best to accomplish this task but I can say that what I have included in this book worked at three different companies. It does not happen overnight, but if you adopt (or adapt) the concepts, ideas, checklists, and actions I set out, you will no longer need to cower when someone from the business asks you to come up with ways to show the value of the department. You will be armed and ready, the master of value creation and the guardian against value destruction. In-house legal departments have a great story to tell. Go tell it. You are so much more than a cost center.

Sterling Miller