Adapting to Change: Key Insights for In-House Counsel from Veteran GC David Cosgrave

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David Cosgrave, Of Counsel in Australia at the law firm Wasel & Wasel, is no stranger to navigating the complex and ever-evolving legal landscape. With years of experience serving as a General Counsel (GC), he understands the unique challenges and demands of the role. In a recent interview on The Corporate Counsel Show, Cosgrave shared his insights on hiring practices, risk management, and the role of in-house counsel in sensitive legal issues.

In-House Counsel: The Evolution and the Art of Adaptability

The role of in-house counsel has evolved significantly over the years, transforming from a strictly advisory role to an integral part of strategic business decision-making. This evolution calls for a new mindset, characterized by adaptability and a deep understanding of client motivations.

Reflecting on the changes in the legal field, an expert, David Cosgrave, provides some illuminating insights. With an extensive career as a General Counsel and currently Of Counsel at Wasel & Wasel, Cosgrave highlights that in his experience, the key to effectiveness in an in-house counsel role lies in understanding the nuances of motivations that drive various actors within an organization.

According to Cosgrave, the ability to truly comprehend the motivations of clients and stakeholders enables legal professionals to provide relevant and valuable advice. When

discussing legal issues that are not part of the everyday legal spectrum, such understanding of human motivations becomes critical. The ability to balance the risk with client goals is a skill that is refined with such understanding.

For example, consider a scenario where an athlete refuses to take a drug test. A legal professional, who has a grasp of the athlete's motivations and goals, would be better equipped to provide counsel that balances legal requirements and the athlete's interests.

Moreover, this capability to adapt, to understand motivations, and to balance risks with goals is not something that is confined to dealing with exceptional situations. Cosgrave emphasizes that it is the key to delivering optimal legal advice in all situations, thus reinforcing the need for in-house counsel to develop these skills and apply them in their roles.

Adaptability also implies a willingness to embrace the constant changes that are shaping the legal profession. In-house counsel roles today demand a heightened level of agility. This evolution can be largely attributed to the rise of technology, which has brought about new trends, developments, and challenges that are transforming the legal landscape.

Understanding and adapting to these changes is not just crucial for survival; it's also the key to leveraging the opportunities that come with these transformations. As Cosgrave articulates, the in-house counsel who manages to ride this wave of changes will have the upper hand in the new world of legal services. This adaptability may very well become the defining factor of success for in-house counsel in the years to come.

The evolving role of in-house counsel, thus, underscores the importance of a holistic approach to legal advice—one that

takes into account the motivations of clients, the balancing of risk with goals, and the willingness to embrace and adapt to change.

Technological Transformations: Rising to the Challenge

The proliferation of technology in every sector has necessitated a new level of adaptability and learning for in-house counsel. These professionals now need to grasp the fundamental working of emerging technologies to deliver optimal legal advice.

David Cosgrave's experience as the first external lawyer to the first internet service provider in Australia provides a fascinating lens to this reality. Having witnessed the internet's transformative impact firsthand, Cosgrave shares that it is essential for legal professionals to keep abreast of technology's fast pace, as it profoundly impacts the legal landscape.

In addition to an understanding of the current technology, Cosgrave highlights the need for legal professionals to anticipate the impact of future technologies. For instance, the advent of large language models like GPT and its successors could further transform the legal profession. Not only can these AI models automate routine tasks, but they also raise new legal and ethical questions, thereby challenging the traditional roles and practices of lawyers.

Yet, being tech-savvy is not about engaging in a never-ending arms race with emerging technologies. According to Cosgrave, it is more about understanding the basic principles of these technologies to navigate the legal challenges and opportunities they bring. This understanding allows legal professionals to strike a balance between leveraging technology and maintaining the human element in their work.

Cosgrave draws attention to a critical point in the discussion around technology and the legal profession – the importance of

maintaining an evergreen approach. This approach means focusing on perennial principles, those that remain relevant irrespective of the technological changes. These principles, such as understanding client motivations, balancing risk and goals, and embodying adaptability, have stood the test of time and will continue to guide in-house counsel amid technological upheaval.

For example, as artificial intelligence becomes more integrated into legal processes, there may be ethical and legal considerations that challenge established norms. An evergreen approach would ensure that in-house counsel maintain professional ethics and provide sound, balanced legal advice, despite the transformative effects of technology.

In-house counsel, thus, stand at the intersection of technology and traditional legal principles. The challenge and opportunity lie in embracing technology, understanding its impact, and adapting to the changes it brings, all while staying rooted in the evergreen principles of the legal profession.

The Evolving Role of General Counsel and the Legal Technician

As we continue to navigate through the rapid changes in technology, business environments, and societal norms, the roles of General Counsel (GC) and other legal professionals are also evolving. David Cosgrave suggests a shift from the traditional legal roles to a more goal-oriented approach to better serve clients.

Cosgrave mentions a trend of decreasing tenures for GC roles, shorter than the average CEO. This trend might be attributed to various factors such as increasing demands of the role, rapid changes in the business environment, and the stresses of managing risk in uncertain times. To succeed in this ever-changing landscape, GCs must adapt to new challenges and continuously learn and grow.

The traditional approach of focusing solely on legal risk is no longer sufficient. According to Cosgrave, GCs must balance risk management with goal achievement. This balance requires understanding the business's objectives, the risks involved in achieving these objectives, and providing legal advice that guides the business towards its goals without unnecessary legal exposure.

This shift in approach is a substantial transition from the traditional risk-averse mindset, requiring GCs to don a dual hat of a lawyer and a business advisor. Thus, the GC's role is expanding from providing legal advice to becoming strategic business partners, contributing to the organization's growth and success.

Another essential aspect of this evolving role is the differentiation between a lawyer and a legal technician. Cosgrave emphasizes that this understanding is crucial for in-house lawyers to adapt to future changes. The ability to distinguish between legal advice (a lawyer's domain) and the procedural handling of legal issues (the legal technician's domain) will become increasingly important, especially with the rise of legal technology solutions.

A lawyer's role extends beyond knowing the law; it involves interpreting the law in the context of the client's situation, considering the risks and goals, and providing comprehensive advice. On the other hand, a legal technician focuses on the procedural aspects, which are increasingly being automated.

Adapting to this changing landscape requires an open mindset and a willingness to learn and grow. Embracing new technologies, adapting to new roles, and maintaining an evergreen approach to legal practice will ensure that in-house counsel continue to deliver value and effectively serve their clients.

The legal profession is at a crossroads, with exciting

opportunities for those willing to adapt and grow. It is, therefore, a mix of optimism and apprehension, as GCs and other legal professionals navigate this changing landscape. But with adaptability, agility, and a focus on perennial principles, they will not only survive but thrive in this new era of law.

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