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Ten Essential Best Practices for In-House Legal Departments in 2017

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Ten Essential Legal Department Best Practices for 2017

I always looked forward to the beginning of the year when I was General Counsel. Basically, it was a fresh start for me and for the department, a time to close out the past year's issues and simply move on to "next year's" problems. It was also the perfect time to throw a lot of crap away. The week between Christmas and New Year's was an excellent time to go into the office and spend a few hours tossing large amounts of paper, never read magazines, old pleadings and clippings, or whatever into the large recycle bins. I could get my desk squared away, rearrange all those cords and cables so that it no longer looked like a rabid octopus was attacking my work space, and make all of those work-related New Year's Resolutions that, for the most part, get cast aside within the first month or so or whenever the first "crisis" of the year arose forcing me to rethink all of my priorities. Another thing I did at the beginning of every year was put together a list of the Top 10 things I thought the department needed to focus on over the course of the year. Unlike New Year's Resolutions, these were tasks that were rooted in cement – they needed to get done or there needed to be a damn good reason why not. Generally, my list contained items dealing with risk reduction, technology needs, management practices, key analytics, and ways to enhance the value of the department to the business.

I put together a list of essential practices for 2017 back in January when I was first asked to participate at this conference. Of course, you need to be flexible with a list like this as priorities can change on a moment's notice. Now that we are a good way into 2017, I have updated the list somewhat but, for the most part, the ten items remain mostly unchanged. The one completely new item is the rapid emergence of Artificial Intelligence and applications in the legal

world. Otherwise, I have tried to come up with the "ten things" I would be focused on as an in-house lawyer in 2017:

1. Impact of the Trump Administration. The election of a new President of the United States brings changes to our country. Even more so when there is a change of party. And with the election of someone as unorthodox as Donald Trump, it is definitely a brave new world, especially for in-house counsel who have been used to eight years of President Obama. President Trump ran on a platform of drastic change, especially when it comes to many of the things President Obama accomplished via executive power vs. bills passed by the Congress. As a result, there are a number of things that are very likely to change and, as in-house counsel, you should start thinking about how any change might impact your company. Here is a list of five things to watch:
    - **"Obamacare"** – the President and the Republican majorities in the House and Senate have made it very clear that undoing or drastically changing the Affordable Care Act is a top priority. This may well mean changes for employers, e.g., mandates around providing health insurance, etc. However, they obviously got off on the wrong foot the for the first attempt but that does not mean they will not try again or the President has said he'd switch up and work with Democrats to make changes. The one thing to count on is something will change with the ACA.
    - **National Labor Relations Board** – the NLRB was hyper-active under President Obama, issuing controversial rulings on everything from employee handbooks to union organizing to social media to non-compete agreements. The NLRB General

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