

# Thinking Like an Executive: General Counsel as Business Partner

**Rather than thinking like a lawyer, I needed to change my perspective to be the most effective organization leader that I could be. Here's what I learned.**

BY BASIL J. BUCHKO

Early in my tenure at Goodwill Industries of Southeastern Wisconsin (Goodwill SEW), the CEO and I were discussing my role within the organization when she shared one of the most consequential pieces of advice I've received in my career: "You need to think like an executive."

I'll admit, I was taken aback at first. How could that be? I had already been a general counsel and vice president for nine years. I thought I was accustomed to the role and even good at it. I was in the midst of obtaining my MBA. On reflection, though, I saw myself as the CEO saw me: an attorney thinking very much like an attorney. I needed to change my perspective to be the most effective leader of an organization that I could be.

## The Role of General Counsel

General counsels or chief legal officers are typically identified as the top attorneys in an organization. The role itself, however, is not as easily or simply defined. A general counsel can be a sole practitioner or the leader of a team of attorneys and support staff ranging from two to dozens. How the role is defined and used by organizations differs significantly across the corporate spectrum. That said, one central concept remains consistent: the general counsel is or can be as much a business consultant as an attorney. Regardless of the amount of law practiced, general counsels are integral members of their organizational leadership teams and have front-row seats to organizational initiatives, both major and minor. The general counsel is viewed as a position of authority within organizations, alongside that of CEO, CFO, COO,

and others, regardless of the general counsel's officer title. This places the general counsel in an exceptional position to be much more than an attorney for the organization.

## Strategic Vision

It is common for attorneys to "exist in the matter," that is, to work the problem before them, digging into its details to ensure optimal outcomes for clients. This makes attorneys great tacticians but, in the larger organizational setting, can limit strategic vision. Whether in a



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department of one or 100, to “think like an executive” requires general counsels to expand their viewpoint beyond the details of individual matters. What does it mean to “think like an executive?” What can general counsels do to develop an executive perspective in their organizations?

It begins with a mission and vision. Goodwill’s legal and compliance department developed a mission and vision that appears at the top of our annual planning document. It serves as the department’s guide to set goals for service delivery for the coming year. Our mission is simple: “The Legal & Compliance Department exists to efficiently and reliably serve, as a partner, our organization, advance its interests, and protect its resources.”

We kept our vision just as simple: “The Legal & Compliance Department will be forward-thinking, proactive, and solutions-oriented in the execution of its mission and delivery of its services. It will foster a culture of ‘can do’ that is safe, inclusive, efficient, and consistent. We will provide clarity in a vague world.”

Foremost, the organization is the legal and compliance department’s client. But department members are also partners, driven to be proactive and solutions oriented. These are reliable guides for us as we set our annual goals. However, the department’s goals are not established within a vacuum.

The legal and compliance department’s goals are directly related to those of the organization. In an organization that does not set strategic goals, general counsel could advocate and advance the idea of setting organizational goals. Once you understand what the organization wants to accomplish, you can plan initiatives to support those goals.

When there is alignment and understanding of where the organization is headed, the pathway to strategic vision becomes clear. There are specific action items any general counsels can undertake to enhance the strategic vision

## Tips to Think Like an Executive

Regardless of the amount of law practiced, general counsels are integral members of their organizational leadership teams and have front-row seats to organizational initiatives, both major and minor. Here are some tips to thinking like an executive and enhancing organizational leadership skills.

- Expand your viewpoint beyond the details of individual matters.
- Understand what the organization wants to accomplish; rely on the organization’s mission and vision and plan your initiatives to support those goals.
- Assess the legal department’s maturity to achieve optimal organizational efficiency, service delivery, compliance, and strategic alignment.
- Have regular conversations with department leaders to discuss risk management – identification, management, and opportunities for prevention.
- Know your information technology and human resources leaders. Along with legal department leaders, they have the broadest impact on an organization.
- Help assess the impact of activities undertaken across the organization. What are the effects on time, talent, and treasure?
- Learn to delegate effectively both within and outside the organization. Start with understanding and distributing department workflow. Where does the work originate? What do you assign to yourself? Where is the balance distributed?
- Learn to manage time effectively. Establish a system to assign work and set tracking reminders.
- Trust your team to get the work done. Don’t micromanage, and do rely on your team’s expertise and intelligence. **WL**

and establish themselves as business partners.

### Department Maturity

Regardless of department size, understanding and assessing the maturity of the department is key to achieving optimal organizational efficiency, service delivery, compliance, and strategic alignment. Legal departments will always be “cost centers,” so the objective is to show executives in other departments how legal department development and potential expansion can lead to cost savings. Many attorneys are experienced in pleading and proving cases in courtrooms; making convincing arguments within an organization is that but with different supporting evidence.

Performing a comprehensive evaluation can provide insights into the department’s capabilities and bandwidth, identify areas for improvement, and

inform strategic decision-making. It enables the legal leadership to align resources effectively, enhance operational effectiveness, and ensure that the legal department not only meets current challenges but also remains agile and responsive in the face of future legal and business complexities.

Assessing a legal department’s maturity isn’t something general counsel must do alone. Readily available resources and industry benchmarks can aid in evaluations. A great starting point for Goodwill SEW’s legal department was partnering with Gartner. Using their maturity assessment tool, Gartner staff provided comprehensive insights into industry best practices, emerging trends, and comparative analyses. Using data procured internally and externally, they produced a report that delineated not only the legal department’s strengths but also, and

potentially more important, specific areas needing improvement. This report served as our road map for what we needed next ... more people.

Upon analyzing the results, legal department members realized we needed a larger department. We used the Association of Corporate Counsel's (ACC) knowledge and network regarding industry standards to benchmark the legal department. We also used publicly available resources from consulting firms, which helped reduce the bias of the internal request. By harnessing the collective intelligence of these and similar resources, legal department leaders can ensure a thorough and well-rounded maturity assessment that goes beyond internal perspectives, fostering a more informed and strategic approach to enhancing the legal department's capabilities.

Department members and I used the outcomes of our assessment to make a business case to other Goodwill SEW leaders that the legal department could provide more than task-based legal work. The reception of our request to expand the legal department was enhanced by the relationships and trust between the legal department and partners within the organization.

Together, we built a budget that added two attorneys to the legal department. This expansion served the dual purpose of cutting outside expenses and developing talent internally. Both outcomes ultimately serve the needs of the organization.

## Risk Management

Most attorneys are familiar with risk management; it is a cornerstone of the legal profession. General counsel can use risk management as a window to the soul of the organization. The process for doing this is easy and very effective. That said, it requires due diligence and time to become your organization's risk "bloodhound."

At Goodwill SEW, vice presidents have ownership over departments. Your

organizational structure may differ in form, but rarely function. I meet regularly with each vice president. I ensure that the agenda includes specific conversations regarding risk – identification, management, and opportunities for prevention – through inquiries about the vice presidents' specific projects, plans, and vision. Each of these will reveal ways in which the legal department can offer support or should be included in the conversation.

This communication strategy was very useful in a vital contract-compliance matter. Goodwill participates in the AbilityOne program, a federal contract set-aside to employ people who are blind or have significant disabilities. The program has numerous compliance requirements. Goodwill's commercial laundry operations have several contracts within this program. My ongoing meetings with other Goodwill leaders helped me learn about the intricacies of

the program and identify risks associated with the compliance requirements. As my team dug into the data, we realized mitigating the risks required a new paradigm. Using this insight, my team worked with internal stakeholders to create a long-term solution, achieving a guaranteed state of compliance. The positive outcome was the direct result of conversations about risk management with several vice presidents.

I have found it particularly helpful to meet with the vice presidents of Goodwill SEW's information technology and human resources departments. These two departments and the legal department interact with every department in the organization, and typically, these two departments have the broadest impact on the organization. Meeting with the IT and HR vice presidents allows me to consult on risk and legal issues and also to learn what is happening on an organizational level,



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further enhancing my ability to provide strategic leadership and advice.

## Impact

Nothing happens in a vacuum. As an organization's general counsel is learning from the various departments what is happening across the organization, the general counsel can help assess the effects on time, talent, and treasure of those activities.

With knowledge about the entire organization, general counsel is in prime position to identify the resources necessary to accomplish any action, initiative, or project. The general counsel can be proactive in helping organizational partners identify cross-functional opportunities. Here are some questions to ask: Who are the affected employees? Which systems are affected? What activities need to occur to accomplish the desired result(s)?

Financial impact almost always is a factor as well. This area is more nuanced than time and talent because you might have the competing goals of best outcome versus budget constraints. That said, general counsel can help identify ways in which budgetary effects might be underestimated. Ensuring the organization's leaders are aware of costs associated with initiatives and strategic goals supports the organization through more accurate and realistic budgets. It can also help the organization focus on "must haves" versus "wants."

Finally, general counsel should assess the legal department's direct effects outside of legal work. In 2020, Goodwill SEW decided to prioritize diversity, equity, and inclusion. The board established a task force, a department was created, and a chief was appointed. These actions had legal components, and the legal department offered to provide additional support. René Jovel, deputy general counsel, took on a role in the Leadership Business Resource Group, and I serve as executive sponsor of the Disability Employee Resource Group. As the leaders of Goodwill SEW's

legal and compliance department, we believe it is vital to serve the organization beyond delivery of legal services.

## Delegation

Delegation might seem difficult for in-house counsel who are departments of one. If the organization's budget allows for the use of outside counsel, delegation might be somewhat easier, within the constraints of the budget. If the organization generates an abundance of legal work, this is an opportunity to perform the maturity assessment and build the business case to expand the legal department or to lean on internal organizational partners. An organization is better served by a general counsel able to see the organization as a whole, not only the legal work in front of them. That said, before Goodwill SEW's legal department was fully staffed, we were able to leverage relationships we built within the organization to enlist help when practical. For instance, when I joined Goodwill, a priority was building an enterprise compliance program, and I worked with the vice president of the human resources department to leverage talent from across the organization to support my work.

The first component in effective delegation is to understand departmental workflow. If you've performed a maturity analysis, understanding your workflow will be easier. If you have not, you should take the time to assess where your work originates, which work you assign to yourself, and where the balance should be distributed. As general counsel, I handle corporate governance, mergers and acquisitions, board relations, and government relations, in addition to my compliance duties. My legal work, compliance work, impromptu meetings, and partnership work fill my days. Without our work distribution scheme, it would be easy to get bogged down and lose sight of what I believe is the nature of my role.

The second component in effective delegation is time management. To be

an effective general counsel, you must be available for the multitude of service requests you are likely to receive. Thus, you must commit to engaging in work that you identify as important for the general counsel. Set time aside each day for engaging in that work and schedule regular meetings with the organization's managers. The organizational demands on your attention and time might challenge the structure of your day and your priorities. If you have a team, ensure each team member knows the work they will automatically be assigned. Establish a system, or use one of many available technology platforms, to assign work and set tracking reminders. Ensure that emails and phone calls asking for advice or counsel on a legal matter are assigned to the proper person. Such a system honors your time and that of everyone on your team.

The final component in effective delegation is trust. Trust team members to get the work done. This doesn't mean ignoring the work that is delegated. Members of my team meet every week, both with our direct reports and as a complete team, keeping communication open and promoting collaboration. Files and schedules are accessible to all team members, which helps us drive work forward. I don't micromanage the work that I delegate; instead, I rely on the expertise and intelligence of team members to get the work done.

## Conclusion

The general counsel is often a leader of both a legal department and the entire organization. The general counsel may have more awareness of the organization than the CEO. General counsels should not wait for work to find them but should seek it out, ever elevating the organizations they serve. To be the leader your organization needs, you need to think like an executive. **WL**