

"If I want to keep up with what affects in-house lawyers I read **European GC**. The article published on the full history of the billable hour was the best I have ever read."

Fred Krebs, president
Association of Corporate Counsel (ACC)

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LEGAL SPENDING MANAGEMENT FOR GENERAL COUNSEL

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EDITORIAL

Readers, both in private practice and in-house, will find fascinating insights from the in-house counsel profession in this issue.

Our cover interview is with the newly-elected president of ECLA, which is rapidly approaching three decades of existence, but is now at a crossroads and has to redefine its purpose for the 30,000+ lawyers it represents in Europe.

This is followed by a behind the scenes look at the turmoil and lessons that could be drawn by European bars, law societies and independent organisations, from the recent announcement that the Canadian Bar had sacked the entire board of its in-house lawyer arm, the CCCA.

Then Ronan Lavelle of Dolphin Software makes the case for automated contract management as another key component in the evolution of legal departments.

Finally, don't miss a preview of *European GC*'s next groundbreaking report on the topic of Information Governance, as well as an update on exciting plans for a major expansion of *European GC* that I am sure all of our readers will profit from.

European GC plans major expansion in the coming months. Read more on page 7 of this issue.



AT THE CROSSROADS

Can the long journey of ECLA and its fight for legal professional privilege ever succeed?

In a wide-ranging exclusive interview Dr. Peter Kriependorf, recently-elected president of the European Company Lawyers' Association, outlines where the powerful, almost three decade-old, corporate lawyer organisation goes from here following the refusal of judges at the European Court of Justice to re-instate privileged communications for the continent's 40,000 plus salaried in-house lawyers.

EGC: Dr. Kriependorf, you begin your tenure at ECLA at, one could say, a decisive even critical - moment in the almost three-decade long history of the organisation. Along with the Association of Corporate Counsel, the International Bar Association, aided by leading law firms and others, ECLA fought for almost seven years to overturn the findings of AM&S in the AKZO case, but failed. Given that this is very disappointing, where do you go from here in obtaining the confidentiality of correspondence that general counsel need in today's legislative and regulatory climate?

PK: Yes I agree, AKZO was a disappointing decision, especially if you look at the poor reasoning behind it. However, while it may be true that protection of the legal professional privilege for corporate lawyers after AM&S was one of the reasons to establish ECLA in the first place, it was by no means the only one. The general purpose of ECLA has been the optimisation of the regulatory and business and professional environment for in-house lawyers in Europe. This has not changed and will remain the foremost and the greatest

Objective for ECLA to pursue. With this in mind the outcome of AKZO is dramatic not because it denies confidentiality for correspondence between in-house counsels and their top management, but because it impairs the professional position of corporate counsel in general. And even more important and dangerous: The AKZO decision deprives the top management of all institutions, corporations and others, of their freedom of choice, the freedom to choose the legal protection of their preference, i.e. in-house counsels vis-à-vis outside counsel. This is the dramatic aspect which has not yet found its way into the minds of the people concerned, the owners and top managers of companies. And indeed, here we see a new toehold for ECLA: to inform and educate owners and managers of companies and alert them to the real loss they suffered from AKZO and make them understand that ECLA may well be the spearhead in the battle to regain and defend this freedom of choice. This battle will not be fought before the courts but on the field of public and corporate opinion and even more decisively so, on the field of legislation, national and European.

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About the editor: Patrick Wilkins

Patrick Wilkins is the founder, editor and publisher of the award-winning *The European Lawyer* magazine from its launch in 2000 until 2009 when the publication passed into new hands. A former British national newspaper journalist, he began to specialise in the reporting of law and legal issues in 1994, becoming in 1999 executive editor of *Commercial Lawyer*. *The European Lawyer* won the prestigious Queen's Award for Export in Great Britain in 2006. patrick.wilkins@europeangc.com

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EGC: Clearly the question of no harmonised client attorney privilege for in-house lawyers in Europe will undoubtedly lead to further conflict of laws within the European single market, and indeed business relations with the United States. This problem is already surfacing in data protection matters, and undoubtedly will continue to lead to problems in areas such as international antitrust investigations. Do you agree?

PK: Yes, the problems are becoming quite obvious. The ramifications of the AKZO verdict will not remain restricted to competition cases. Indeed, all areas of the law, which provide for investigative measures of authorities, will be faced with attempts to deny confidentiality for correspondence of in-house counsels, e.g. tax law, environmental law, data protection to name but a few. And the greed of authorities to get hold of correspondence created by legal professionals is quite understandable: Where better do they get material more concise and precise to help them prepare or strengthen their case than the office of the general counsel? The denial of the legal professional privilege leaves a smear on the professional integrity and self-esteem of in-house counsels, where they are incidentally aspersed as being the facilitators of legal trespassing, conspirators for unfair or illegal management. This turns reality upside down!

Furthermore, another problem is already surfacing: Some international law firms of quite some standing have issued statements, whereas it might be advisable for corporations acting globally not to rely on their in-house counsels in Europe any more, since they lack legal professional privilege, and always revert to outside counsel in competition matters. This is perniciously meant to erode the quality of in-house counselling. A far better message would have been to make sure that written correspondence of in-house counsel be reduced to the absolute minimum and always be marked "Confidential Legal Matter".

EGC: So why do you believe that the judges at the ECJ could not see this? What in your opinion are the dynamics that drove their judicial minds, and were there influences do you think from particular countries. Perhaps Italy, where independence and disinterest in thought, word and deed, of all members of the legal profession is particularly strongly imposed.

PK: I do not see any particular national influence, or influences on the judges. They just followed the arguments of the Attorney General, however misplaced and ill-founded they are. Just one example: the verdict poses the question, whether LPP may be extended to lawyers who are employed and thus per se not independent! This is not the question. There is no room for asking about an extension of a privilege which is earned with the becoming of a lawyer as such. In all, repeat, all jurisdictions that are represented by national organisations of corporate lawyers in ECLA, passing of examinations and admittance to the bar creates the status of being a lawyer and this incorporates any and all privileges that are attached to this profession by law. Entering into an employment agreement later does not do away with the status, once acquired. The assumption laid out in AKZO, whereas employment is per se identical with loss of independence, is apodictic and not sustainable. Independence or the lack of

“Some international law firms of quite some standing have issued statements, whereas it might be advisable for corporations acting globally not to rely on their in-house counsels in Europe any more...”

independence is not at all a viable argument to deny LPP; instead, it is the basis for nurturing the prejudice against in-house counsels to be nothing but 'accomplices to crooked managers'. Looking at independence more closely, I do not see any difference in the independence of a private law firm however big it may be from its big and powerful client than from an in house counsel who is bound by his professional rules and by the rules of labour law to render the best possible advice to his employer.

EGC: There are nonetheless many other issues facing in-house counsel today, not the least of them, how corporate legal departments demonstrate value in tough economic times. We all know many are under pressure to cut costs like every other department in businesses. What do you think they are and how do you, during your tenure as president, intend to help your member associations face up to these challenges?

PK: Demonstrating value is not so much a matter of justifying cost, but demonstrating necessity and quality. The latter has always been key for a legal advisor, be it in-house or outside. The former is inherent: The incessant flood of new laws and regulations, especially that induced by European institutions, has become more than evident in all areas of private and especially corporate life.

ECLA stands ready to assist its member organisations especially those in Central European countries to offer help to their individual members in organising legal advice in corporations to the highest quality standards and at adequate cost. For this ECLA works together with ERA (The Academy of European Law) at Trier and Brussels. ERA is a renowned institution of legal training and education, which conducts seminars and diffuses educative material. We believe this demonstrates that we are more than a one-issue organisation as some have said of us.

EGC: At *European GC* we have recently published an in-depth paper on legal departments actually going out to make a profit for the company by being much more aggressive over contracts, IP rights, supplier accidents, and so on. It has attracted world-wide attention and really appears to have struck a chord. The report, for those who have not seen it can be downloaded free at www.profitablelegaldepartment.com What's your view on legal departments adding to their value this way and stopping being a cost centre? Indeed you have some experience of your own in the 1980s when legal departments used to run the property portfolios of companies.

PK: This study shows a couple of examples that are worth to be considered and *European GC* deserves all the credit for this publication. I have my reservations, though, to generalize the findings of this study. Not all jurisdictions will provide similar circumstances for such aggressive actions and not all companies may wish to share such an aggressive reputation. In general, however, the dedicated and determined protection of corporate assets, especially IP assets, have always been the utmost benchmark of any successful legal department.

EGC: What educational programmes will you put in place to demonstrate to your member organisations that on-

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Going training is vital to in-house lawyers in a business environment that never ceases to change?

PK: ECLA is the supra-national association of individual associations. With its limited funds ECLA has to restrict itself to providing assistance in resolving individual, i.e. national problems. To this end, ECLA can provide professional expertise and skills from a large number of individuals from its member organisations. Indeed, during our General Assemblies held twice a year at changing locations, a large variety of topics are being discussed, covering all relevant aspects of an ever-changing legal environment. And again, ECLA avails itself of the excellent capacities of ERA to organize seminars on selected topics in member states.

EGC: So, it appears then that we may well see a newly-dynamic ECLA emerging during the tenure of your presidency. In the meantime, however, the European chapter of the Association of Corporate Counsel is growing rapidly with today some 1500 individual members from most EC countries holding annual conferences and other educational programmes. Do you see this as healthy competition or a challenge to the very structure of ECLA as a confederation of local associations with no individual membership, as ACC is? What are your plans, if any, in this direction?

PK: First of all, ECLA has been a dynamic organisation under all its previous presidents. Each of them has exploited the capacities of this organisation to the benefit of more than 32.000 individual members in the more than 20 national associations. ECLA has made its stand by respecting the individuality of its member organisations. We are well aware of other organisations counting more on individual membership and we recognize constant attempts to extend such individual membership. However, while ECLA is open to all kinds of co-operation with other professional institutions for company lawyers, we have no necessity and no intention to change our present composition.

EGC: Very recently, at European GC, we identified what we believe may be the single greatest challenge to corporate legal departments in the coming decade. The information overload, from emails, to stored data files, customer records, financial information, corporate secrets, and

and so on in structured and unstructured form is rapidly becoming a massive risk. Yet it is rarely overseen by the legal department and few corporations have retention or discard policy in place. In our new report, Information Governance to be published in 2011, we shall urge legal departments to take control of this situation since only they know the legal risks - and try to avoid an inevitable catastrophe. We have already seen in the Wikileaks scandal what unsecured data can do to governments, where generally it is technicians and not lawyers who set the rules. What are your thoughts on this key area?

PK: Information overload and unstructured use of electronic capacities to retain documents have always posed a serious threat to any intelligent information policy of all institutions, states, corporations and individuals alike. The stress here as ECLA sees it is on intelligence. Not every piece of information is valuable, not every document is worthy enough to be stored ad infinitum, and not every docket must be promulgated to innumerable individuals. In other words, intelligence starts at the very beginning, when generating a document and storing it, and continues to cover all aspects of its future life up to the very end of its existence. Intelligence is key, and this must be exerted by each and every individual involved in the process of generation and handling.

In generating and handling of information, however, intelligence is not as common or commonly applied as may be desirable. Therefore, rules must take over; rules that are well defined and well balanced against the risk that unintentional or forced publication of sensitive information may bear. The assessment of risk has been and will always be one of the undisputed domains of general counsel and their teams of lawyers. Any lay executive will soon understand that the natural route to this is through the office of the general counsel, Legal expertise, and only legal expertise, can be employed in defining the corporate rules in this area, and supervising their observance. A report on "Information Governance" as *European GC* plans is certainly needed and valuable in an environment, where abundance of information on one side meets insatiable desire for discovery on the other. We at ECLA closely monitor the developments in this important area of corporate governance and we welcome this new report as a learning tool in that area.

ABOUT THE EUROPEAN COMPANY LAWYERS ASSOCIATION (ECLA)

ECLA is the umbrella organisation for 22 company lawyer associations in Europe and represents more than 32,000 individual company lawyers.

ECLA was created in 1983. It is an international non-profit association governed by Belgian law. Membership is open to national associations only. While individuals are not members of ECLA directly, each company lawyer, who is a member of a national association, can benefit from ECLA's activities. These include discounts to conferences, legal education training, free publications and more. During the past 25 years, ECLA has gained recognition as the leading representative of European company lawyers associations and their individual members. In this unrivalled position, ECLA has a platform to respond to and influence the European in-house corporate counsel network, European organisations and policy making bodies.

ECLA's primary goal is to remain the number one in-house lawyer association in Europe. In order to achieve this goal, ECLA's programme includes:

- Recognition of the profession of company lawyer,
- Legal professional privilege,
- Continuing legal education,
- Networking opportunities,
- Liaison with other legal associations,
- Increasing the number of sponsors and partners
- Expanding ECLA's membership particularly in Eastern European countries,
- Providing real and visible benefits to members,
- Increasing ECLA's visibility to the external world,
- Effectively using ECLA's assets.

ECLA's registered office is at:
 Rue des Sols 8,
 1000 Brussels, Belgium
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THE LONG ARM OF THE LAW AND IN-HOUSE LAWYERS' ASSOCIATIONS

When the news broke early in 2011 that the Canadian Bar had sacked the entire board of its in-house lawyer arm, the Canadian Corporate Counsel Association, ripples were felt here in Europe. Similar debates about 'ownership' and the status of the in-house lawyers have rumbled on for years in just about all our continent's countries. Patrick Wilkins looks behind the turmoil and defines lessons that could be drawn by European bars, law societies and independent organisations

Separate or together? For decades the question has posed itself in almost every jurisdiction of the world as in-house lawyers battled for status and dignity and perhaps more importantly, equality - with their colleagues in private practice. As the 'Johnny come lately' addendum to the historic profession of law this has never been an easy route to travel.

In many European jurisdictions up until the 1990s corporate lawyers were purely and simply regarded as second class. In France, for instance, since the in-house profession had grown up with the global expansion of business mid 20th century, in-house lawyers were relegated to the status of juristes d'entreprises or company lawyers. They had no right to plead in court, no right to confidentiality, no privilege...no status. That changed in the early 1990s when the two professions were fused, but in the years since no real global consensus appears to have emerged as to where exactly the legal departments fit in the great scheme of law and its practitioners.

The latest bubbling to the surface of this issue is the long running row between the internal and external contingents of the Canadian legal profession. In a swift conclusion to more than two years of official mediation the entire board and chief executive of the Canadian Corporate Counsel Association (CCCA) was dismissed and replaced by Canadian Bar Association (CBA) nominated members.

Illustrating this global dilemma, the new chair of the CCCA, investment company general counsel Robert Patzelt, comfortably winds back more than two decades to the debate and recalls:

"When the CCCA was created by the Canadian Bar Association in 1988 our vision was that, like all CBA constituent groups, it would be an integral part of the CBA family. That vision has never wavered. Indeed, all CCCA members are CBA

members. Over the last several years, the CBA and CCCA have tried to resolve fundamental differences in our visions for the relationship.

"CBA's view reflects the fact that over half of the in-house counsel who belong to the CCCA are involved in two or more substantive law sections of the CBA. Others are involved in CBA taskforces and chapter or section activity in branches across the country.



Robert Patzelt is the Vice-President, Risk Management & General Counsel for Scotia Investments Limited and the newly elected Chairman of the Canadian Corporate Counsel Association (CCCA)

"While we believe it is essential that every CCCA member can benefit from all these services, we acknowledge the distinctive interests and needs of our in-house counsel members. So, unique among all CBA constituent groups, CCCA enjoys its own staff and office and, beginning this year, it will receive a cash payment of \$675,000 from the CBA. This does not include the additional revenues coming from sponsorships and registrations to CCCA meetings that it keeps for its own use."

Ultimately, this situation came down to the fundamental question of whether the leaders of CCCA wanted to be a part of CBA. As indeed has been the question raised consistently by the Commerce & Industry Group in the England and Wales jurisdiction of the UK. In the 1990s there were many calls for the group to separate from the Law Society as the 25,000 member Association of Corporate Counsel (ACC) always had been a distinct entity alongside the American Bar Association.

This is what CCCA always dreamed of being under former chief executive Silvie Kuppek, who departed along with the dismissed board. Clearly trying to emulate ACC USA, the original tie with the CBA in the end proved too tight a knot to unravel and Canadian lawyers have stayed in line with many other jurisdictions around the world in holding onto in house lawyers within the bar system.

This does not mean to say, however, that independent organisations of in-house lawyers cannot grow up around the system. Jurisdictions such as Switzerland, Sweden, and Germany come to mind as countries where there is both a bar-driven in-house lawyers association, and independent ACC-type organisations.

Canada's problem, it can be concluded, was they wanted the best of both worlds running as an independent organisation, but relying on funding from the bar.

The irony in all this is that funding from the CBA has now actually increased under the new arrangements. But it's a fair bet that in the future control on events and such will be too. Whether in the long term that goes any way towards elevating the in-house profession to equal status remains to be seen.

The best that can be said in the here and now is that the ACC, a strong and powerful organisation, has slowly built on its influence as the buyer, rather than the seller, in its 30 year existence. With a full time central office in Washington D. C., conferences in many different parts of the world, and a growing membership in the European chapter, it has hardly put a foot wrong in clearly defining the differences between both sides of the profession.

But then the USA has always been the world leader in holding and influencing the purse strings. She will no doubt continue to be so. - PW

CONTRACT MANAGEMENT

Support through technology for the challenge of the small print

Today in-house lawyers understand every unit of an organisation is being asked to justify its existence - including the legal department. This can be a daunting prospect, but also a potential evolution for the legal function, and is supported by recent reports such as the LexisNexis Martindale-Hubbell publication 'The Profitable Legal Department' * compiled by European GC's editor and Jeffrey Forbes of the Forbes Institute. The report postulates the need for the legal department to develop from a cost to a profit centre. Automated contract management may well be another key component in this evolution, argues Ronan Lavelle.

Many multinational businesses will have some 20,000 to 40,000 contracts on the go at any one time. Imagine that they could all be managed by technology instead of manually? Lawyer hours studying the 'small print' could be saved by the bagful and turned over to adding real monetary value elsewhere in the legal function.

A dream? Indeed not. While from the traditional viewpoint of the in-house legal department such a solution may seem like a major step-change, once examined there are numerous, tangible, opportunities, not least in achieving better visibility of impending contractual renewal and the more favourable terms that could be negotiated.

Recently, industry analyst Rory Staunton of leading consultants, Strategy Partners, put it more clearly than most: "In-house legal resources and external advisors need to exploit contract management to empower purchasing processes, so that every contract is easily and routinely scrutinised and improved. This can increase their value and revenues substantially, but they need to change their pricing metrics so they get paid per usage, not for occasional and infrequent opinion that are reused ad nauseam, because fee models prevent routine updates. This is a win-win for both legal and purchasing teams".

Contracts are indisputably central to any business. Leading industry analyst Gartner, estimates that 60-80% of business transactions are governed by contracts or agreements in one form or another, and it is the global auditors PriceWaterhouse-Coopers who have consistently reckoned that enterprises have on average between 20,000-40,000 current contracts. Therefore, whether organisations like it or not, the shape of their success is dictated by contracts. In other words, contracts

truly are 'mission critical', and, arguably, more so in an economic downturn. What is more shocking are the following: Financial planning giants Faulkner International estimate that approximately 10% of executed contracts are lost, representing ticking time-bombs for enterprises.

Anecdotal evidence suggests that up to now only a small percentage of organisations have implemented contract management. Not only does this mean a lost opportunity: if competitors are managing contracts efficiently an organisation is at a commercial disadvantage.

“What is more shocking are the following: Financial planning giants Faulkner International estimate that approximately 10% of executed contracts are lost, representing ticking time-bombs for enterprises.”

So how have businesses allowed this to happen?

Historically, the main obstacle to effective contract management has been that it was by necessity a largely manual process. Each functional unit often had its own set of contracts and contract processes. Across the company, this resulted in duplication of work, multiple copies of contract documents, unmanaged repositories of

contracts and most alarmingly of all poor monitoring of contract terms, milestones and obligations. Apart from exposing the organisation to risk, there is a general failure to exploit contract terms to maximise revenue opportunities.

All this can change when a contract management system is introduced. Not surprisingly, the Nasdaq-listed Forrester Research has previously estimated that the market for contract lifecycle management systems is growing at 23% per annum. So common sense dictates that a contract management system, which can provide a single, centralised repository of all contracts by automating the process and dealing with minutiae, frees employees' time and gives the assurance that vital details are not being overlooked.

With this in place, in most cases, the General Counsel will not handle the contracts but act as 'policeman' for contracts, with a dashboard view of current status.

This is of course good news for any in-house legal departments concerned about increased workload: In fact, contract management system customers themselves have reported that having such a system reduces the workload, because less time is wasted on searching for contracts or rectifying problems inadvertently created by other individuals.

Depending on the system chosen, features may include: a contract clause tracker; compliance monitoring and regulatory requirements; automated alerts; tracking of price rebates; reporting; contract negotiation workspaces; workflow and reporting tools; author workspaces; contract drafting and storage. The latest generation of contract management systems also support collaboration on contracts with external parties and most importantly, the ability to search for, retrieve and make accessible legacy contracts.

This latter development is an important piece of the jigsaw. Since, as stated above, an organisation may have thousands of existing contracts, they need to be able to effectively populate a contract management system with that information. The first stage in any contract lifecycle management process should be a contract audit. Otherwise, implementing a new contract management system is not representative of the whole picture. However, up until now, capturing legacy

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contract data has only been possible manually, taking considerable time or involving external consultancy services at huge cost. Therefore, the ability to automatically locate, extract and 'load' key contractual data, using tools such as Dolphin Auto Capture, is a significant breakthrough.

Supporting new ways of working

Once in place, a contract management system can help general counsel to implement new ways of working with the rest of the organisation. For instance, the legal department can offer other departments a 'bureau' service, providing advice on drafting contracts. Once contracts are created, general counsel can use the contract management system to monitor contractual milestones and obligations and then alert the relevant business department to the threats and opportunities those present.

As a real case study, Etihad Airways is a good example of an organisation that has recently adopted a contract management system. Jim Callaghan, General Counsel and Company Secretary, says: "There is a huge volume of contracts involved in the airline industry. The number of contracts increases exponentially with every new destination we add. We realised that we would need a very good system for tracking and monitoring contracts, one that would support the workflow between contract administrators and the legal department but also allow contract administrators to effectively manage their contracts."

Etihad is introducing a contract management system from Dolphin Software progressively, starting with the legal department, then the contract administrators and, finally, other areas of the business. Contracts vary hugely, from aircraft purchases through to photocopier maintenance, covering a large volume of suppliers. "We can see where a document is at any one time, and because the system is accessible to the whole department, if someone goes on leave, a colleague can pick it up," explains Mr. Callaghan

So how can contracts form a practical basis for general counsel to make a tangible contribution to the business bottom line? Here are some hypothetical examples. On the sell-side, renewals for maintenance and support are pretty common and having better visibility of up-coming renewals provides opportunities for an organisation to proactively engage with their clients to facilitate a higher renewal rate. Dolphin's

own contract management software aims to improve contract renewal revenue by 30%.

Contracts on both the buy and sell-side may not only include penalty charges for late payment, they may include cost reductions of bonuses if certain milestones are achieved. Hence, ensuring that a contract is not simply filed away and forgotten once it has been signed can help prevent organisations from forfeiting potential cost savings that were originally built into the contract.

During M&A activity, the potential buyer typically wants details of customer non-assignment clauses. But how many companies really have instant and comprehensive access to this information? Again, contract management and most specifically, contract management software can provide this.

Pretty much every department in the organisation can benefit financially from improved contract management. For instance, according to the Institute of Management and Administration (IOMA), 3.6% of all vendor invoices contain errors but are paid by the Accounts Payable department. It is safe to assume that with such a high proportion of business-to-business transactions relating to legally binding contracts and agreements, a high proportion of these payments relate in some way to the terms of the contract. Integration of contract terms to back-end financial systems like ERP is one way to avoid this happening, covering aspects such as delivery times, costs per volume of goods delivered and quality levels, all of which must be met before the contract is paid.

Automating contracts

While not generating revenue per se, cost savings do of course add to the bottom line and these are another area where contract efficiencies can be made. Opportunities for cost savings include: eliminating inadvertent automatic renewals of contracts, including those with built-in price increases (Gartner estimates that as many as 60% of supplier contracts are automatically renewed without the knowledge or agreement of the buying organisation); awareness of group-wide master agreements helps to negotiate lower prices; and avoidance of late payment penalties.

Cohesive contract management can also reduce unnecessary repetition and labour.

For instance, contract templates can be created that re-use typical clauses, but by using a contract management system, can still be easily customised. Automating the whole process saves manual entry of data (as well as reducing the risk of error, of course).

Conclusion

Contract management has become less of a 'nice to have' and increasingly, a business imperative. Moreover, forward-thinking organizations are realizing that contract management is not just about mitigating risk, but directly contributing to the business coffers. General Counsels who do not instigate organization-wide visibility and control of contract obligations are missing a major opportunity to support and the business, not to mention securing their future value to the business.

**for a free download:*

www.theprofitablelegaldepartment.com



Ronan Lavelle is Founder and Chief Marketing Officer of Dolphin Software, the leader in Contract Lifecycle Management software for the Microsoft SharePoint platform. Dolphin Contract Manager streamlines manual contracting processes and provides an early warning system for finance, legal, procurement, sales and contract management professionals who need to keep track of contracted commitments, milestones and obligations.

www.dolphin-software.com

INFORMATION GOVERNANCE

The single greatest challenge facing in-house legal departments in the new decade

Information Governance is the legal interpretation of data management in a company and is the focus of our next major report for GC in Europe.

This follows our first in-depth and highly successful management report: The Profitable Legal Department. Co-authored by Patrick Wilkins of European GC and Jeffrey Forbes of Forbes Institute, this new report promises to be a comprehensive introductory guide written especially for GC in Europe, with a view to challenging and empowering the corporate legal department in the important merger of technology and law. This will also be a unique educational platform for technology solution providers to influence General Counsel in Europe.

The case for Information Governance

Before the widespread use of information technology, filing communications was a routine task, because they were physically stored in all departments and personnel knew where to find the relevant documents and financial information. Back then, the only major risks were fire, flood, theft or bankruptcy.

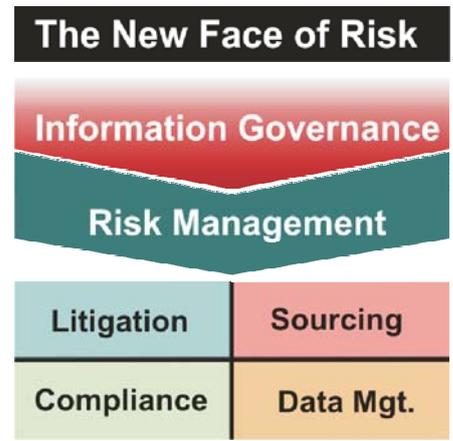
Now with the explosion in digital communications, most legal departments have failed to see that they have dramatically increased their company's risk, by not managing their data correctly. It's as if Information Governance came from nowhere to hijack and drive the risk agenda for corporate counsel.

By 2010 only ten percent of the world's major companies had implemented a legally-led document management system. This is in spite of courts in many jurisdictions insisting on complete document recovery. In European countries where discovery is not obligatory, this is still needed, to respond to regulators and efficiently defend or prepare for litigation. Therefore it is clear that a new educational process is urgently needed to help change the in-house mind-set on the intertwined disciplines of Information Governance and Risk Management. This report forms the basis of that process.

Forbes Institute and European GC are two names respected by in-house counsel for delivering objective insight and analysis of the in-house profession in Europe. Up to 40,000 in-house counsel in Europe will receive this report free of charge as a basic educational tool. In-house counsel might file away all those vendor articles and white papers, but you can be sure this report will remain on their desk, as a valuable and handy reference resource.

See a current list of co-authors, sponsors, endorsements, table of contents and more at the web page on our new site which is at:

www.InformationGovernanceReport.com



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EUROPEAN GC

EUROPEAN GC PLANS MAJOR EXPANSION IN THE COMING MONTHS

Since its inception in late 2009 European GC has earned a reputation of quality and incisiveness, arguably unequalled in other established legal publications. It is not the biggest, but its coverage has always been cutting edge. In concentrating on pricing issues for legal advice at the height of the global crisis, it led while others followed. As GianBattista Origoni, senior partner of Italy's leading firm Gianni Origoni & Grippo commented then, 'This is today's information, reaching the heart of the new climate between buyers and sellers'.

Equally, Fred Krebs, president of Association of Corporate Counsel (ACC) commended our publication by stating that the article we published on the history and future of the billable hour as a pricing mechanism was 'the best I've ever read'.

European GC is now closely observing

how technology is changing the legal industry and how there is an increasing demand for information and 'intelligence' that is accessible 24/7. European GC is responding to these changes by undertaking a major expansion and evolving into a knowledge portal for in-house counsel in Europe, and those solution providers that serve this industry.

Upgraded web site

The first step in this transition is a new web site. If you have not visited us recently at www.EuropeanGC.com then now you should, because we have added new sections and content such as:

Full video interview with Fred Krebs - now you can watch the full 30 minute video interview that Patrick Wilkins conducted with Fred Krebs. The 3 minute excerpt of this full version was the most viewed of all videos on Martindale Hubbell Connected. Just go to our home page and click the play button. You don't have to register or give any information and it's totally free.

PLD report most successful - The 36 page Profitable Legal Department report, received more than 1,000 downloads in the

first two months since it was made public on 2 November 2010. This officially makes it the most downloaded report ever that LexisNexis ever sponsored. In-house counsel organizations are now taking notice and looking to share its message by to their members via live events. Visit: www.TheProfitableLegalDepartment.com

IG report to empower GC - Our new report on Information Governance (to be published in Q1) will be the first of its kind in Europe to educate in-house counsel on why the new driver of risk is the tidal wave of digital information that their company creates on a daily basis. It will also make the case for why they have to take the lead on this issue and not simply pass it off to IT. See story above or visit our web page at: www.InformationGovernanceReport.com

Brand new web site

These are just some recent highlights, but the real expansion will come when we launch a new custom-built web site that will allow us to put all of our past and future content online and publish information on a bi-weekly basis. This will ensure that European GC will continue to lead where others only follow, so stay tuned for more.

Events for GC in Europe are now listed at our new Partners/Events page at www.europeangc.com



After the paramount success of Global LPO Conference 2010, India which witnessed evolution of multiple business partnerships and contracts among and within the LPO industry, KPO Consultants decided to highlight the perspective of buyers based in UK and Europe. The company has taken a step ahead by announcing the next endeavor- **The Global LPO Conference 2011 - London – Buyers and Vendors Meet** in The UK to be held on March 02 and 03, 2011 at the Hotel Marriott Grosvenor Square*, London with a new zeal and to make sure that the Legal World is ready to learn about transforming the law.

The Global LPO Conference London – Buyers and Vendors Meet in The UK is an event to educate lawyers and general counsel in different ways. This event would address genuine transformation in the way in which legal services are delivered. The leading authorities from Global Legal Associations would assess the impact of

Legal Services Act in UK on legal offshoring industry. The key law firm partners and general counsel would put across their thoughts and apprehensions while offshoring the work to countries like India, South Africa and others. The LPO veterans on the other hand would avail the opportunity to address those concerns and help buyers finding a way seeking the best possible legal support. Unique format of the Conference would represent a variety of discussions, case studies, presentations, one-one meetings, analyses and best practices followed by several LPO stakeholders. For detailed information visit www.globalpoconference.com/uk



The **European Capital Markets Forum** will be held on April 13 & 14 2011 at Andaz Liverpool Street in London. It will help guide you through the regulation and show you opportunities in the market. By

bringing together the biggest investment banks, best lawyers and top regulators, the Forum will give you the market consensus on structuring equity, debt and structured finance deals. It is a comprehensive discussion of the biggest topics by the best practitioners in the industry. For more details visit: www.iflr.com/ecm2011 or email mfabri@legalmediagroup.com

Generating Value from Law Firm Relationships

As usual European GC looks forward to the fourth Corporate Counsel Exchange, this time taking place at the Raddisson Edwardian Heathrow Hotel, London, 4th - 6th April, 2011. This time it is being co-located with the Corporate Compliance Exchange, a unique gathering of Chief Compliance Officers.

A panel discussion featuring Andrew Garard, General Counsel, ITV and Ian Leedham, Senior Counsel - Commercial and Dispute Resolution, National Grid will debate how law firms can provide better value to in-house clients by changing business models. The speakers will also take a look at the variety of options now available and how billing models will evolve over the next few years. Contacts: exchangeinfo@iqpc.com, or call +44 (0) 207 368 9709 quoting European GC. www.corporatecounselexchange.co.uk.

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