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Building Consensus Among General Counsel to Address Managerial Legal Strategy Perspectives

Evan Andrew Peterson
Walden University

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Walden University

College of Management and Technology

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Evan Peterson

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Review Committee

Dr. Donna Brown, Committee Chairperson, Management Faculty
Dr. Barbara Turner, Committee Member, Management Faculty
Dr. Kenneth Sherman, University Reviewer, Management Faculty

Chief Academic Officer
Eric Riedel, Ph.D.

Walden University
2017

Abstract

Building Consensus Among General Counsel to Address Managerial Legal Strategy

Perspectives

by

Evan Andrew Peterson

JD, University of Detroit Mercy School of Law, 2009

MBA, University of Detroit Mercy, 2009

BS, University of Detroit Mercy, 2006

BA, University of Detroit Mercy, 2006

Dissertation Submitted in Partial Fulfillment

of the Requirements for the Degree of

Doctor of Philosophy

Management

Walden University

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Abstract

The research problem for this study focused on organizations' inability to derive strategic value from the law due to the lack of integration between legal strategy and business strategy. The purpose of this study was to build consensus among in-house general counsel working across business industries in the United States with regard to techniques that will alter unreceptive managerial viewpoints toward the strategic value of law within the corporate setting. The research question centered on assessing the level of consensus among general counsel relative to those techniques. This 3-round qualitative Delphi study began with open-ended questions in Round 1 and progressed toward consensus in Round 3. The results encompass a consensus by the panel on 25 techniques for altering unreceptive managerial viewpoints toward the law spanning 5 categories: integrating legal considerations with business processes, improving workplace collaboration between in-house counsel and managers, leadership qualities and expectations of counsel, understanding legal implications of business decisions, and demonstration of strategic value. This was the first study to apply the construct of consensus to the generation of techniques by general counsel for altering unreceptive managerial viewpoints toward the strategic value of law. Incorporating the techniques identified in this study into the development of coaching practices, team building sessions, or other collaborative exercises may lead to positive social change through: (a) reduced anxiety stemming from organizational conflict between managers and in-house counsel; (b) decreased managerial burnout, absenteeism, and turnover due to organizational conflict with in-house counsel; and, (c) decreased workplace resistance between managers and in-house counsel.

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Dedication

To my parents, Russ and Kathy, thank you for teaching me how to think for myself and to never give up. I am who I am, and where I am, today because of you.

To my wife, Carolyn, thank you for being my best friend and source of unwavering support through this tumultuous journey. I cannot imagine my life without you.

To my daughter, Quinn, you are my finest creation. Although I started the doctoral journey to satisfy this goal for myself, I can't help but think that now this goal is for you. No matter what goals you may set for yourself in life, my advice is simple: Go for it kid, just like I did.

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Chapter 1: Introduction to the Study

Common clichés, such as “What do you call 10,000 lawyers at the bottom of the ocean?”, “How can you tell when a lawyer is lying?”, and “Why won’t sharks attack lawyers?” habitually encapsulate collective attitudes toward attorneys. Popular stereotypes, such as “ambulance chaser,” “pit bull,” “TV lawyer,” and “old boys club” reinforce the negative connotations associated with the legal profession (Pynchon, 2013). Managers routinely hold viewpoints that marginalize the importance of the legal profession in the corporate setting (Bird, 2011; Bird & Orozco, 2014; Evans & Gabel, 2014). According to the National Science Foundation, 87% of businesses view intellectual property law protections as unimportant (Jankowski, 2012). These results are especially shocking given the designation of intellectual property law as 1 of the 3 most active and costly areas of litigation (American Intellectual Property Law Association, 2013; Norton Rose Fulbright, 2014, 2015). This outlook disregards the increasingly complex and litigious nature of the business environment (Ham & Koharki, 2016; Lovett, 2015), the increased allocation of resources and personnel to corporate legal departments (Litov, Sepe, & Whitehead, 2014; Mintzer, 2015; Russell Reynolds Associates, 2015), and the connection between corporate legal strategy and competitive advantage (Bagley, 2015; Bagley, Roellig, & Massameno, 2016; Glidden, Lea, & Victor, 2014; Orozco, 2015).

Given that managers will routinely execute a growing number of business decisions in the years ahead requiring an appreciation of legal strategy initiatives (Bird & Orozco, 2014; Evans & Gabel, 2015; Siedel & Haapio, 2016), organizations will face an

escalating need to reexamine managerial attitudes toward the law within the corporate setting. The results of this study may support the development of coaching practices, team building sessions, or other collaborative exercises between managers and lawyers within organizations, leading to positive social change through: (a) reduced anxiety stemming from organizational conflict between managers and in-house counsel; (b) decreased managerial burnout, absenteeism, and turnover due to organizational conflict with in-house counsel; and, (c) decreased workplace resistance between managers and in-house counsel.

Chapter 1 includes a background of the study, problem statement, purpose statement, research question, conceptual framework, and nature of the study. This chapter also contains definitions, assumptions, scope and delimitations, limitations, and a discussion of the significance of the study.

Background of the Study

Existing scholarly research related to this study encompasses several categories. One segment of research includes work on traditional viewpoints toward law and the legal profession. Bird (2010), Gruner (2014), Lovett (2015), and Tayyeb (2013) examined how managers view the law routinely from an apathetic, mechanical perspective. Evans and Gabel (2014), Haapio (2015), and Siedel and Haapio (2010) examined how managers often view the law with contempt and condescension. Other scholars have examined managerial opinions that lawyers are not team players, are incapable of devising creative solutions to complex problems, and are a necessary evil in the corporate environment (Barry & Kunz, 2014; Berger-Walliser, Bird, & Haapio, 2011;

Nelson & Nielsen, 2000; Siedel & Haapio, 2016). Driving factors of managerial viewpoints toward lawyers include differences in perspectives between the 2 groups along multiple dimensions, including standpoints on risk aversion (Berger-Walliser et al., 2011; Evans & Gabel, 2014; Lees, Aiello, Luthy, & Butterworth, 2013), views on the importance of teamwork (Betts & Healy, 2015; Bravo, Lucia-Palacios, & Martin, 2016; Hervani, Helms, Rutti, LaBonte, & Sarkarat, 2015; Knauer, 2015), and the use of discipline-specific language (Ashipu & Umukoro, 2014; Haapio, 2015; Maxwell, 2013; Sharndama, 2014).

The second major collection of academic literature encompasses scholarly work on the relationships between managers and in-house counsel. A variety of scholars have examined the diverse, conflicting interests that in-house lawyers will encounter when working in the organizational setting (Bryans, 2015; DeMott, 2012; Dinovitzer, Gunz, & Gunz, 2014; Haapio, 2015; Hamermesh, 2012; Pepper, 2015). As a result of these conflicting interests, attorneys employed as in-house counsel will face diverse pressures (Ahmed & Farkas, 2015; Hamermesh, 2012; Kaster, 2012; Kim, 2016; Wald, 2015). The negative effects of such pressures have, in turn, led scholars to examine the array of benefits that collaborative relationships between internal lawyers and managers will bring to the organization (Barry & Kunz, 2014; Barton, Berger-Walliser, & Haapio, 2013; Kim, 2014; Lovett, 2015; Perrone, 2014).

The third category of research encapsulates scholarly work on the role of leadership in the legal profession. Cochran (2014), Prentice (2015), and Rhode (2010, 2011) studied the connection between effective leadership skills and career success in

contemporary in-house legal practice. Broderick (2010), Cochran (2014), Heinman Jr. (2007), Mottershead and Magliozzi (2013), and Perrone (2014) examined the most critical leadership attributes and qualities. Despite the importance of leadership to in-house legal practice, many lawyers lack the necessary preparation, ability, and comfort to engage in effective leadership practices within the business community (Cochran, 2014; Rhode, 2011; Trezza, 2013; Weinstein, Morton, Taras, & Reznik, 2013). As noted by Condlin (2014), Koh and Welch (2014), Meyerson (2015), and Weinstein and Morton (2015), this deficiency stems from the traditional emphasis on competition rather than collaboration in the law school setting. To thrive as successful leaders, in-house general counsel will need to cultivate new techniques for working in interdisciplinary teams across departments, organizations, and countries (Cochran, 2014; Rhode, 2012; Trezza, 2013).

The fourth assortment of relevant academic work includes research on the function, responsibility, and value of in-house general counsel within the corporate setting. Scholars have examined the connection between the presence of in-house general counsel and the creation of organizational value (Bird, Borochin, & Knopf, 2015; Choudhary, Schloetzer, & Sturgess, 2014; Hopkins, Maydew, & Venkatachalam, 2014). Bagley et al. (2016), Barry and Kunz (2014), Ham and Koharki (2016), Orozco (2016), Remus (2013) and other scholars have examined the diverse factors supporting the recent escalation of the importance, prestige, and responsibilities of general counsel. Bird and Park (2016), Lovett (2015), Pacella (2015) and other scholars focused specifically on the capacity of general counsel to serve as boundary spanners between the business

perspective and the lawyer mentality. Bird et al., (2015), DeMott (2012), and DeStefano (2012) also examined the relationship dynamics present between in-house company lawyers and other employees and departments within the company.

The fifth collection of research comprises academic scholarship on the potential for legal strategy to support future business success and competitive advantage. Evans and Gabel (2015), Glidden et al. (2014), Goforth (2013), Orozco (2016) and others have examined the potential for organizations to develop sustainable competitive advantages by employing the law for strategic business purposes. Proactive law serves as a major future oriented force driving this movement (Berger-Walliser, 2012; Berger-Walliser & Shrivastava, 2015; Berger-Walliser, Shrivastava, & Sulkowski, 2016; Haapio, 2015). Curtotti, Haapio, and Passera (2015), Kerikmäe and Rull (2016), Passera, Haapio, and Curtotti (2014), and Wroldsen (2015) examined the application of proactive law principles to developing business law issues, including entrepreneurship, information technology, and contract negotiation practices. Numerous scholars have developed frameworks that will facilitate organizational efforts to obtain competitive advantage from the law by further integrating legal considerations into business decision-making, including the zero-expense legal department (Di Cicco Jr., 2013); the 5 pathways of legal strategy (Bird & Orozco, 2014); the Manager's Legal Plan (Tayyeb, 2013; Siedel & Haapio, 2016); legal astuteness (Bagley, 2008; Chen, Ni, Liu, & Teng, 2015; Tayyeb, 2013); concept-sensitive managerial analysis (Holloway, 2015); the systems approach to law, business, and society (Bagley, 2010; Bagley, Clarkson, & Power, 2010); and the proactive approach to sustainable governance (Berger-Walliser & Shrivastava, 2015).

The research results from this study fill a gap in understanding by focusing on the development of a consensus by in-house general counsel working across business industries in the United States regarding what techniques will alter unreceptive managerial viewpoints toward the strategic value of law within the corporate setting. Despite the growth of scholarship in recent years highlighting the significance of law to business strategy (Berger-Walliser & Shrivastava, 2015; Bird & Orozco, 2014; Evans & Gabel, 2014; Goforth, 2013; Gruner, 2014), scholars have largely failed to identify the techniques needed to put the concepts generated by such discussions into practice (Berger-Walliser, 2012; Lovett, 2015; Rhode, 2011). The expanding roles of in-house counsel in the corporate setting will exacerbate the need for fresh, innovative boundary spanning techniques to facilitate the deeper integration of legal strategy with business strategy (Barry & Kunz, 2014). Although Dinovitzer et al. (2014) examined the diverse tactics, strategies, and practices that will characterize corporate attorney-client interactions, Fisher III and Oberholzer-Gee (2013) noted the absence of a common framework between the legal and management spheres within the corporation. The frameworks for integrating law and business strategy proposed by Berger-Walliser and Shrivastava (2015), Evans and Gabel (2014), and Orozco (2016) each rely on different techniques for emphasizing the importance of legal strategy to company managers. Little agreement exists on the techniques legal professionals will need to exercise influence, manage conflict, and change behavior in the corporate setting (Rhode, 2011). As noted by Swanton (2011), a hallmark of great in-house counsel is the ability to build consensus

throughout the company. My study is unique because in it, I addressed this significant gap in existing research and contributed to practice, theory, and positive social change.

Problem Statement

The legal profession ranks last among 10 occupations regarding perceived contribution to society (Pew Research Center, 2013). Managers routinely hold viewpoints that marginalize contributions of the legal profession in the corporate setting (Bird & Orozco, 2014; Lovett, 2015). According to the National Science Foundation, 87% of businesses view intellectual property law protections as unimportant (Jankowski, 2012). This outlook disregards the link between corporate legal strategy and organizational success in the face of an increasingly harsh legal environment (Bagley et al., 2016). Companies will encounter an array of legal challenges in the next few years, including growing lawsuits related to data theft (DLA Piper, 2016), consumer protection (Coffee, 2016), and unlawful retaliation against employees (Foose, 2016). As noted by Heinrich, Heric, Goldman, and Cichocki (2014), organizations in the health care, insurance, and financial services industries will face particularly substantial increases in the frequency and costs of litigation.

The general problem that I addressed in this study is that organizations are severely limited in their ability to derive strategic value from the law due to the lack of integration between legal strategy and business strategy in the corporate setting (Chen et al., 2015). To address this encumbrance, in-house general counsel must develop techniques for altering unreceptive managerial viewpoints toward the law (Berger-Walliser, 2012; Lovett, 2015). The specific problem that I addressed in this study is that

managers hold unreceptive viewpoints toward the strategic value of law within the corporate setting (Evans & Gabel, 2014). A lack of consensus exists among in-house general counsel working across business industries in the United States with regard to techniques that will alter unreceptive managerial viewpoints toward the strategic value of law within the corporate setting (Bird & Orozco, 2014). In this study I addressed this knowledge gap by leading to the identification of techniques for exercising influence, managing conflict, and changing behavior in the corporate setting.

Purpose of the Study

The purpose of this qualitative Delphi study was to build consensus among in-house general counsel working across business industries in the United States with regard to techniques that will alter unreceptive managerial viewpoints toward the strategic value of law within the corporate setting. The Delphi method was appropriate given the need for in-house general counsel to develop common techniques for altering unreceptive managerial viewpoints toward the law to spearhead the advancement of legal knowledge within the organization (Bird & Orozco, 2014; Evans & Gabel, 2014).

Research Questions

The following research question guided this qualitative Delphi study: What is the level of consensus among in-house general counsel working across business industries in the United States with regard to techniques that will alter unreceptive managerial viewpoints toward the strategic value of law within the corporate setting?

Conceptual Framework

The goal of my qualitative Delphi study was to develop a consensus on techniques that will alter unreceptive managerial viewpoints toward the strategic value of law within the corporate setting. Because this topic relates to developing a consensus on future-oriented techniques that may lead to changes at both the organizational and interpersonal levels, transformational leadership, organizational change, organizational conflict, and the Delphi method formed the basis for the conceptual framework in this study. The seminal work by Bass (1985), Bennis and Nanus (1985) and Burns (1978) paved the way for contemporary scholarship on transformational leadership. The influence on organizational performance, innovation, and creative solutions inherent in transformational leadership theory are essential for organizations to meet the dynamic challenges of the emerging business environment (García-Morales, Jiménez-Barrionuevo, & Gutiérrez-Gutiérrez, 2012; Kim & Yoon, 2015; Noruzy, Dalfard, Azhdari, Nazari-Shirkouhi, & Rezazadeh, 2013). Given that a goal of this study was to change the corporate culture that will surround managerial viewpoints of legal strategy, the principles of organizational change described by Kotter (1996), Lewin (1951) and other scholars played a key role in developing data collection questions. The literature on organizational conflict (Pondy, 1967; Rahim, 2002; Rahim & Bonoma, 1979; Roloff, 1987) provided valuable insights into the different forces driving unreceptive managerial viewpoints toward legal strategy.

Incorporation of the Delphi method into the conceptual framework supported the study's overall purpose of building a consensus on techniques that will alter unreceptive

managerial viewpoints toward the strategic value of law within the corporate setting. The Delphi method, developed by the RAND Corporation in the 1950s as a means to generate forecasts in connection with military technological innovations, is an iterative process designed to develop a consensus among a panel of experts (Dalkey & Helmer, 1963; Habibi, Sarafrazi, & Izadyar, 2014; Linstone & Turoff, 1975). Figure 1 is a visual depiction of the conceptual framework in this study. Chapter 2 contains a more thorough explanation of the conceptual framework along with an additional description of the connections among its key elements.

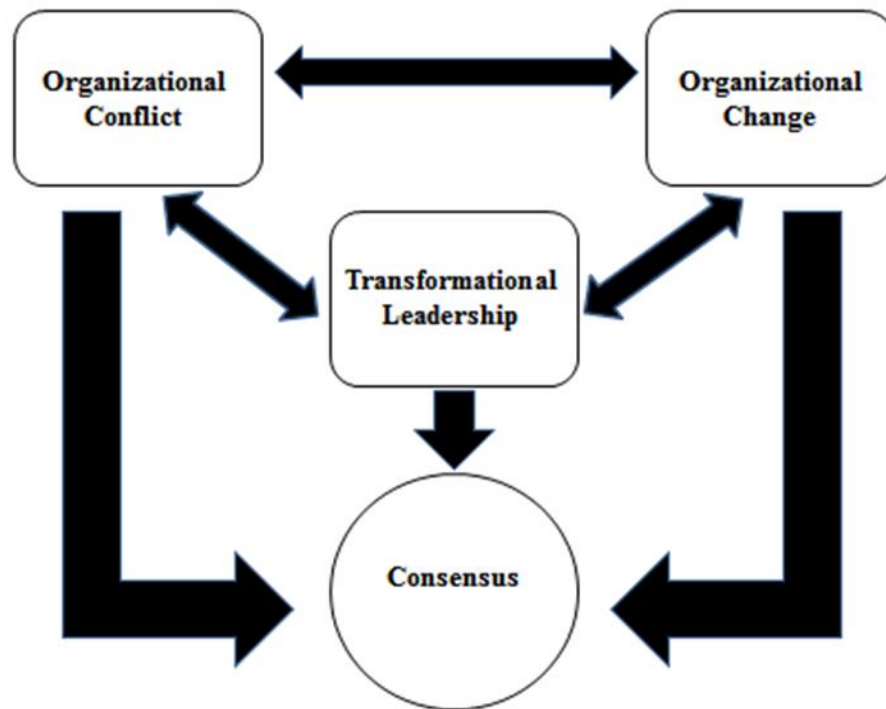


Figure 1. Conceptual framework.

Nature of the Study

The purpose of this qualitative Delphi study was to build consensus among in-house general counsel working across business industries in the United States with regard to techniques that will alter unreceptive managerial viewpoints toward the strategic value of law within the corporate setting. Based on the purpose of this study, a qualitative research tradition was most appropriate. As noted by Barnham (2015), qualitative research embraces a psychological, in-depth approach wherein a researcher seeks to comprehend why individuals behave or think in particular ways. In contrast to quantitative research that relies heavily on examining the relationship between independent and dependent variables, qualitative research places more emphasis on flexibility, fluidity, emergence, and participants' individual experiences and viewpoints toward a specific issue (Kaczynski, Salmona, & Smith, 2014; Sinkovics & Alfoldi, 2012). Scholars engage in mixed-methods research, which involves the joint integration of quantitative and qualitative methods in a single study, in instances where reliance on either method individually would fail to produce an adequate perspective on a research problem (Sparkes, 2014). Given that this study did not include the examination of relationships, differences, effects, or predictions between independent and dependent variables, both the quantitative research tradition and the mixed-methods research tradition were inappropriate.

The purpose of the study and the nature of the research question also supported the use of a Delphi design. As noted by Afshari (2015) and Wester and Borders (2014), the Delphi research design is suitable for forming a consensus among a group of experts

in instances where existing scholarship on a research topic is deficient. Other qualitative designs failed to meet the needs of this study. The phenomenological research design focuses on the inner dimensions of cognition processing by exploring the lived experiences of individuals who experience a phenomenon (Percy, Kostere, & Kostere, 2015; Robertson & Thomson, 2014). As the research objectives driving this study focused on external actions and techniques rather than on inner feelings, beliefs, and emotions toward a phenomenon, phenomenology was not appropriate. The goal of ethnographic research is to develop a detailed account of cultural experiences through prolonged data collection in the field (Cunliffe & Karunanayake, 2013). Given that the purpose of this study was not to examine the cultural interactions between in-house general counsel and managerial employees, but rather to develop techniques in response to forces negatively affecting such interactions, an ethnographic design was likewise inappropriate. Narrative inquiry consists of biographically following the life of 1 or more individuals or exploring their reflections on a particular event or series of events (Petty, Thomson, & Stew, 2012). A narrative inquiry failed to meet the research needs as the research purpose did not focus on specific individuals or specific events.

According to Xia, Molenaar, Chan, Skitmore, and Zuo (2013), the identification and selection of experts are critical in a Delphi study. No set of universal criteria exists for assessing whether a potential participant meets the necessary expert qualifications (Habibi et al., 2014). As noted by Baker, Lovell, and Harris (2006), scholars in Delphi studies have defined *expert* in numerous ways, including someone with knowledge of a specific topic, an informed individual, or a specialist in the field. Although I did not

restrict participants in this study to a particular organization or commercial industry, they needed to meet 4 eligibility criteria to qualify as experts in the study: (a) possess a juris doctor degree from an ABA-accredited law school located in the United States; (b) possess a license to practice law in at least 1 state; (c) possess at least 5 years of business industry experience, and (d) currently serve in the role of general counsel for an organization headquartered in the United States. I identified potential participants using 4 main sources: (a) the alumni network database of the university where I am employed; (b) the professional networking site LinkedIn; (c) professional organizations, such as the Association of Corporate Counsel, the Academy of Legal Studies in Business, and the Academy of Management, and (d) the recommendations of the study participants themselves. Available information accessible from sources (a) and (b) included an individual's name, place of employment, job title, email address, and phone number. Individuals who agreed to participate in the study certified that they satisfied the eligibility criteria by consenting to participate in the study.

A Delphi study occurs through a series of rounds or iterations, starting routinely with the distribution of broad, open-ended questions and progressing toward consensus in the final phase (Kerr, Schultz, & Lings, 2016). This Delphi study contained 3 rounds of data collection. During the first round, I distributed an electronic questionnaire (in Microsoft Word format) containing 6 broad, open-ended questions to panel members. I used thematic content analysis to analyze and code participants' first round responses according to key themes. As noted by Brady (2015), Heitner, Kahn, and Sherman (2013),

and Wester and Borders (2014), thematic content analysis is the most frequently used analytical process to evaluate first round data.

In the second round, I provided panelists with the themes derived from their first round responses. I also provided panelists with a complete list of key themes derived from all panelists' first round responses. Panelists did not have the ability to revise their first round answers after reviewing the first round answers submitted by other panelists. Not allowing panelists to revise their first round answers avoided complications to data analysis, decreased potential confusion among participants, and reduced the time gap between the distribution of the first round questionnaire and the second round questionnaire. To facilitate member checking, I provided spaces for panelists to provide optional comments on how I derived themes from their first round responses.

Panelists rated each theme statement (statement) on the second round questionnaire against 2 separate 5-point Likert scales described by Linstone and Turoff (1975): desirability and feasibility. The scale measuring desirability ranged from (1) highly undesirable to (5) highly desirable, whereas the scale measuring feasibility ranged from (1) definitely infeasible to (5) definitely feasible. This scale represented a reversal to the original ordering of the scales as described by Linstone and Turoff, which measured desirability on a range from (1) highly desirable to (5) highly undesirable and measured feasibility on a range from (1) definitely feasible to (5) definitely infeasible. The change was intended to reduce potential confusion among study participants due to the common usage of Likert scales in recent Delphi studies that range from (1) unfavorable/negative to

(5) favorable/positive rather than from (1) favorable/positive to (5) unfavorable/negative (Che Ibrahim, Costello, & Wilkinson, 2013; Huang, Wu, & Chen, 2013).

The second round questionnaire included the following references and definitions to provide panelists with clarity as to the meaning of each item on the desirability scale:

- (1) – Highly undesirable: Will have major negative effect.
- (2) – Undesirable: Will have a negative effect with little or no positive effect.
- (3) – Neither desirable nor undesirable: Will have equal positive and negative effects.
- (4) – Desirable: Will have a positive effect with minimum negative effects.
- (5) – Highly desirable: Will have a positive effect and little or no negative effect.

The second round questionnaire included the following references and definitions to provide panelists with clarity as to the meaning of each item on the feasibility scale:

- (1) – Definitely infeasible: Cannot be implemented (unworkable).
- (2) – Probably infeasible: Some indication this cannot be implemented .
- (3) – May or may not be feasible: Contradictory evidence this can be implemented.
- (4) – Probably feasible: Some indication this can be implemented.
- (5) – Definitely feasible: Can be implemented.

Although Linstone and Turoff included additional definitions to describe each item on the desirability scale and on the feasibility scale respectively, I included only the first definition for each item to simplify the rating process and reduce the potential for panelist fatigue. The instructions asked panelists to explain their reasoning if they applied a rating of 1 or 2 to a statement on either the desirability or the feasibility scale. As noted by de Loë, Melnychuk, Murray, and Plummer (2016), a participant's reasoning for selecting

“strongly disagree” or “disagree” may contain valuable information for a researcher. I did not include the importance scale or confidence scale in the second round questionnaire, reasoning that data collection on either the confidence scale or the importance scale was unnecessary for statements that would not pass to the third round.

I initially intended to apply 2 separate tests to determine whether a statement on the second round questionnaire would pass to the third round. First, I would flag any statement for inclusion in the third round questionnaire where the frequency of panelists’ top 2 responses (rating of 4 or 5) was 70% or higher on both the desirability and feasibility scales. Setting the level of consensus at 70% would set a relatively high bar indicating that a substantial majority leaned toward consensus. If a statement did not meet the 70% threshold for both scales, I would then apply a second measure of consensus and look at the statement’s median score. Any statement with a median score of 3.5 or higher on both scales would pass to the third round. A median score of 3.5 for an item represents a reasonable level of consensus in a Delphi study (Henning & Jordaan, 2016). As demonstrated by Heitner et al. (2013), a researcher may use both percentage agreement and median score as dual measures of consensus in the same Delphi study. On further consideration during my review of the data submitted by panelists in Round 2, I removed median score as the second measure of consensus to set a higher threshold for consensus in the study. As with Round 1, panelists did not have the ability to revise their responses to the second round questionnaire to simplify data collection, reduce potential confusion, and reduce the time gap between rounds.

In the third round, panelists rated each statement carried over from the second round against the other 2 scales described by Linstone and Turoff (1975): importance and confidence. The scale measuring importance ranged from (1) most unimportant to (5) very important, whereas the scale measuring confidence ranged from (1) unreliable to (5) certain. Similar to the second round questionnaire, this represented a reversal to the original ordering of the importance and confidence scales as described by Linstone and Turoff.

The third round questionnaire included the following references and definitions to provide panelists with clarity as to the meaning of each item on the importance scale:

- (1) – Most unimportant: No relevance to the issue.
- (2) – Unimportant: Insignificantly relevant to the issue.
- (3) – Moderately important: May be relevant to the issue.
- (4) – Important: Relevant to the issue.
- (5) – Very important: Most relevant to the issue.

The third round questionnaire included the following references and definitions to provide panelists with clarity as to the meaning of each item on the confidence scale:

- (1) – Unreliable: Great risk of being wrong.
- (2) – Risky: Substantial risk of being wrong.
- (3) – Not determinable: Information needed to evaluate risk is unavailable.
- (4) – Reliable: Some risk of being wrong.
- (5) – Certain: Low risk of being wrong.

Similar to the second round questionnaire, I included only the first definition for each item described by Linstone and Turoff (1975) on the respective importance and confidence scales to simplify the rating process and reduce the potential for panelist fatigue. The instructions asked panelists to explain their reasoning if they applied a rating of 1 or 2 to a statement on either the importance or the confidence scale. Statements in the third round questionnaire where the frequency of panelists' top 2 responses was 70% or higher on both scales formed a consensus on techniques that will alter unreceptive managerial viewpoints toward the law within the corporate setting. Similar to Round 2, I removed median score as the second measure of consensus to set a higher threshold for final consensus in the study. Panelists did not have the ability to revise their responses to the third round questionnaire.

Definitions

Attorney-client privilege: It protects the confidentiality of communications between attorneys and clients made in connection with requests for legal advice (Heiring & Widmer, 2015).

Delphi: Refers to a technique for structuring group communication processes for the purpose of building consensus on a topic or issue (Skinner, Nelson, Chin, & Land, 2015). Absent a specific reason not to do so, the terms *Delphi method*, *Delphi approach*, *Delphi study*, *Delphi technique*, and *Delphi design* will appear interchangeably in this study. The application of 1 term in a specific instance does not preclude the application of any other term.

General counsel (GC): Refers to a lawyer who works in-house (internally) for a company as a senior lawyer or senior legal officer (DeMott, 2012; Lovett, 2015). Absent a specific reason not to do so, the terms *in-house general counsel* and *general counsel* will appear interchangeably in this study. The application of 1 term in a specific instance does not preclude the application of any other term.

In-house counsel: Refers to a lawyer employed internally by a company who may also serve in the role of general counsel (Lovett, 2015).

Legal knowledge: Refers to the combination of knowledge possessed by managers and attorneys that leads to an innovative, heightened understanding of the law (Orozco, 2010).

Legal strategy: Refers to using legal knowledge to identify business opportunities and obtain competitive advantage (Orozco, 2010; Siedel & Haapio, 2016).

Model Rules of Professional Conduct: Refers to the ethical and professional standards that govern the legal profession.

Work-product doctrine: Refers to the doctrine that protects the work product of an attorney prepared, or obtained in the preparation of litigation, from discovery (DeStefano, 2014b; Yoo, 2014).

Assumptions

This study included a range of assumptions. First, I made an assumption that general counsel would view the research problem as significant and agree to serve as participants on the Delphi panel. As noted by Barton (2015), Berger-Walliser (2012), and

Jorgensen (2014), proactive legal strategy principles have not yet attained universal acceptance among practitioners.

I also assumed that general counsel would feel qualified to participate in the study. Lawyers often lack the formal preparation and training required to engage in effective leadership practices (Koh & Welch, 2014; Meyerson, 2015; Trezza, 2013; Weinstein et al., 2013). My third assumption, closely tied with the second assumption, was that the requirements necessary for qualification as an expert in this Delphi study would offset anxieties stemming from an absence of formal leadership training.

My fourth assumption was that study participants would provide truthful answers to the questionnaires. As noted by Kim and Kim (2016), respondents may understate or overstate socially undesirable or socially desirable viewpoints respectively to portray themselves in a more socially acceptable manner. Heitner et al. (2013) and Von der Gracht (2012) noted the potential presence of social desirability bias in Delphi studies.

My fifth assumption was that the use of clear instructions, properly formatted electronic questionnaires, a short duration between Delphi rounds, and reasonable incentives acceptable to the Walden University Institutional Review Board (IRB) would limit participant attrition in this study. The attrition of participants in a Delphi study may stem from a lack of clear instructions (Dollard & Banks, 2014), questionnaire formatting difficulties (Dollard & Banks, 2014), an excessive time duration between rounds (Merlin et al., 2016), or the absence of incentives for participation (Merlin et al., 2016).

My sixth assumption was that the use of purposive and snowball sampling would lead to the identification of a sufficient number of experts to form the Delphi panel.

Purposive and snowball sampling are common to Delphi studies (Lai, Flower, Moore, & Lewith, 2015; Wester & Borders, 2014). Given that this study incorporated the use of researcher-developed instruments, my seventh assumption was that field testing would reveal any potential ambiguities or areas of confusion in the first round questionnaire before distribution to the main study panel. The testing of questionnaires before panel distribution is common in Delphi studies (Davies, Martin, & Foxcroft, 2016; Mollaoglu, Sparkling, & Thomas, 2015; Raley, Ragona, Sijtsema, Fischer, & Frewer, 2016).

My eighth assumption involved the measures of consensus considered in this study: percentage agreement and median score. Although numerous measures exist for assessing consensus in a Delphi study, including stipulated number of rounds, coefficient of variation, post-group consensus, and subjective analysis, percentage agreement is among the more commonly used methods for determining consensus in a Delphi study (de Loë et al., 2016; Diamond et al., 2014; Von der Gracht, 2012). As demonstrated by Heitner et al. (2013), a researcher may use both percentage agreement and median score as dual measures of consensus in the same Delphi study. By initially selecting percentage agreement and median score as the measures of consensus, I made an assumption that the combination constituted a suitable means of measuring consensus. A ninth related assumption was that setting the level of percentage consensus at 70% and the median score requirement at 3.5 would make consensus possible.

The sufficiency of the target panel size and the estimated attrition rate represented additional assumptions. Due to the iterative nature of the Delphi design, the possibility existed that participants would drop out before completion of the study. The target panel

size of 32 participants accounted for an estimated attrition rate of approximately 25%. The estimated attrition rate was based on a review of the respective attrition rates in recent Delphi studies by Annear et al. (2015), Brody et al. (2014), Munck et al. (2015), Sinclair, Oyebode, and Owens (2016), and Willems, Sutton, and Maybery (2015). The overall attrition rates ranged from 10% to 33.3% within those 5 studies, resulting in an average attrition rate of approximately 25%. I made an assumption that those 5 studies were suitable comparisons for this study, as well as an assumption that their respective authors reported the overall attrition rates accurately. I made a further assumption that the average rate of attrition from the 5 examined studies would serve as a suitable estimate of the potential 25% attrition rate for the study.

My final assumption was that I would manage my biases effectively. My education, publication history, and views on the value of legal strategy influenced my approach to the study topic. By disclosing my assumptions, limitations, and delimitations in this study, avoiding the validation of my personal views, and sharing data collection procedures and analysis results with the study's panelists, I hoped to manage my biases effectively.

Scope and Delimitations

Numerous delimitations shaped this study. One boundary included the decision to focus the overall research question on external actions and techniques that will alter unreceptive managerial viewpoints toward the strategic value of law, rather than to focus on the internal cognitions and emotions of general counsel. The decision to develop a conceptual framework based on transformational leadership, change management,

organizational conflict and the Delphi method represented the second delimitation. The third delimitation was that I did not confine study participants to a particular set of companies, industries, or geographic locations across the United States. A restriction of study participants to a specific organization, industry, or locale may have produced different results.

The fourth delimitation centered on the form of data collection inherent in a Delphi study. As noted by Brady (2015), a questionnaire represents the customary data collection tool in a Delphi study. Although solitary reliance on questionnaires for data collection may exclude the breadth and depth afforded by combining multiple data collection methods, other forms of data collection, such as observation or document review, were inappropriate due to concerns of attorney-client privilege. According to Heiring and Widmer (2015), attorney-client privilege protects the confidentiality of communications between attorneys and clients made in connection with requests for legal advice. The confidentiality element of the privilege doctrine dissolves when the communication is disclosed to a third party (Bryans, 2015; Heiring & Widmer, 2015). In contrast, attorney-client privilege concerns apply only to survey data collection if a researcher asks for information on the specific facts or content contained within a privileged communication. To avoid attorney-client privilege concerns for the study participants, none of the questions asked participants to disclose information about the content of privileged communications.

The requirements inherent in the Delphi panel eligibility criteria imposed further parameters on the potential population of study participants. First, each participant had to

possess a juris doctor degree from an ABA-accredited law school located in the United States. Due to the potential variation in legal education from country to country, this requirement helped ensure consistency in baseline legal training. Second, each participant had to possess a license to practice law in at least 1 state. This requirement provided additional evidence that the participant possessed foundational knowledge in the multiple areas of practice common to in-house legal work. Third, each participant had to have at least 5 years of business industry experience. According to Bahl, Dollman, and Davison (2016) and Wang and Hwang (2014), 5 years of industry experience is sufficient for satisfying expert status in a Delphi study. Due to the relatively recent emergence of the movement to integrate legal strategy with business strategy (Bagley et al., 2016; Chen et al., 2015) and the continuous need for change required by the modern commercial environment (Management Innovation Exchange, 2013), each participant also had to currently serve in the role of general counsel for an organization headquartered in the United States. Research results may have differed if I included individuals who formerly worked in general counsel positions as potential candidates for the expert panel. The decision to include attorneys working in positions other than general counsel may also have led to different results.

Additional boundaries were inherent in the Delphi design. The decision to use an electronic questionnaire for data collection excluded individuals who lacked ready access to a computer and stable internet connection, as well as individuals who were uncomfortable participating in a study that did not include face-to-face interaction with the researcher or other study participants. I only solicited confirmation from a potential

study participant in the informed consent form that he or she satisfied the eligibility criteria necessary for inclusion in the Delphi panel. The failure to solicit other demographic data from participants, such as data related to ethnicity or gender, may have resulted in the inclusion of experts from certain demographic groups to the exclusion of others. The overall findings of this study may transfer to other contexts where researchers seek to develop a consensus on techniques for changing the viewpoints held by a grouping of people on a particular topic or issue.

Limitations

This study had several potential limitations. Due to the iterative nature of the Delphi design, a number of participants dropped out before completion of the study. The attrition of participants between rounds may affect the overall conclusions of a study by constraining the range and depth of data collection (Cegielski, Bourrie, & Hazen, 2013). The target panel size of 32 participants accounted for an estimated overall attrition rate of approximately 25%. The estimated attrition rate was based on a review of the respective attrition rates in recent Delphi studies by Annear et al. (2015), Brody et al. (2014), Munck et al. (2015), Sinclair et al. (2016), and Willems et al. (2015). In these 5 studies, the overall attrition rates ranged from 10% to 33.3%, with an average attrition rate between the 5 studies of approximately 25%. As suggested by Dollard and Banks (2014) and Merlin et al. (2016), measures to limit participant attrition in this study included the use of clear instructions, properly formatted electronic questionnaires, a short duration between Delphi rounds, and reasonable incentives. As discussed more fully in Chapter 3, the incentives for participation in this study included providing panelists with a 1 to 2

page summary of the study results, as well as an electronic copy of the published dissertation and electronic copies of other publications that take place as a result of the study upon request.

Social desirability bias represented a second potential limitation. As a result of this bias, participants may distort their responses to portray themselves in a more socially acceptable manner (Kim & Kim, 2016). As noted by Heitner et al. (2013) and Von der Gracht (2012), social desirability bias is a possibility in a Delphi study. To reduce the likelihood of social desirability bias, none of the questions asked panelists to recount their behaviors and actions in the context of a prior personal workplace event or experience. None of the questions solicited data on a shocking or outrageous topic. I reinforced the emphasis on participant anonymity and confidentiality throughout the duration of the study.

The third potential limitation is that I incorporated the justifications and optional comments provided by the panelists in Round 2 and Round 3 into my overall interpretation of the study's findings and into my recommendations for future research. As comments were not mandatory, the comments provided by the panel may not necessarily reflect the thoughts processes used by other participants in the study. While a few panelists commented on a substantial portion of the theme statements in Round 2 or Round 3 respectively, others commented on only a limited number of theme statements. Some panelists did not provide any optional comments. Basing my analysis and recommendations on the available comments provided by the panel, rather than purely on Likert data, reduced the possibility of researcher bias.

The third-round Cronbach's alpha values represent the fourth potential limitation in this study. Although the second-round Cronbach's alpha values exceeded a value of .60 for each of questions from the first-round questionnaire, the third-round Cronbach's alpha values relative to Questions 2, 4, and 5 failed to exceed a value of .60. A few possible explanations may clarify the disparity between the Round 2 and Round 3 Cronbach's alpha values. Tavakol and Dennick (2011) indicated that a low Cronbach's alpha value could stem from a low number of items in the questionnaire. Given that 10 statements failed to meet the 70% consensus threshold in Round 2, the third-round questionnaire contained fewer questions than the second-round questionnaire. Another potential explanation is that the disparity in viewpoints expressed by the panelists toward some of the items connected to Questions 2, 4, and 5 also affected the results of the Cronbach's alpha analysis.

The fifth potential limitation concerned the use of snowball sampling to draw potential study participants from personal and professional networks. Such a panel could fail to include the views of recognized experts in the field from diverse demographic groups. To avoid excluding such experts, my recruitment strategies included a review of professional networking sites, such as LinkedIn. As noted by Worrell, Wasko, and Johnston (2013), scanning social networks on professional network sites is a valuable method for identifying potential panelists. I also solicited assistance from the leaders of appropriate professional organizations, such as the Association of Corporate Counsel, the Academy of Legal Studies in Business, and the Academy of Management in distributing notices of the study to their respective membership networks. This limitation did not

affect the research study as I did not need to use snowball sampling. I was able to find a sufficient number of participants for my study panel by contacting directly individuals who satisfied the study eligibility criteria.

Significance of the Study

Significance to Practice

My research fills a gap in understanding by focusing specifically on the development of a consensus by in-house general counsel working across business industries in the United States with regard to techniques that will alter unreceptive managerial viewpoints toward the strategic value of law within the corporate setting. Despite the growth of scholarship in recent years highlighting the significance of law to business strategy (Berger-Walliser & Shrivastava, 2015; Evans & Gabel, 2014; Goforth, 2013; Gruner, 2014), scholars have largely failed to identify the techniques needed to put the concepts generated by such discussions into practice (Berger-Walliser, 2012; Lovett, 2015; Rhode, 2011). The expanding roles of in-house counsel in the corporate setting will exacerbate the need for fresh, innovative boundary spanning techniques to facilitate the deeper integration of legal strategy with business strategy (Barry & Kunz, 2014). Although Dinovitzer et al. (2014) examined the different tactics and practices that characterize corporate attorney-client interactions, Fisher III and Oberholzer-Gee (2013) noted the absence of a common framework between the legal and management spheres within the corporation. The frameworks for integrating law and business strategy proposed by Berger-Walliser and Shrivastava (2015), Evans and Gabel (2014), and Orozco (2016) each rely on different techniques for emphasizing the importance of legal

strategy to company managers. Little agreement exists on the techniques legal professionals will need to exercise influence, manage conflict, and change behavior in the corporate setting (Rhode, 2011). As noted by Swanton (2011), a hallmark of great in-house counsel is the ability to build consensus throughout the company. This study is unique because it addressed this important gap in existing research.

Managers routinely view the law and the legal department as constraints on organizational growth (Evans & Gabel, 2014; Gruner, 2014; Lees et al., 2013). Mistrust of the legal profession (Travis & Tranter, 2014), weariness of the authority of corporate counsel (Lovett, 2015), and interpersonal conflicts stemming from differences in training and education (Lewis, Walls, & Dowell, 2014) have hindered managers' abilities to view the law as a strategic business resource (Evans & Gabel, 2014). According to Van Dongen et al. (2016), professional-related factors and interpersonal factors such as domain thinking and the use of discipline-specific language often hinder collaboration. Key decision-makers often exclude lawyers from conversations that have significant, long-term ramifications for the success or survival of the company (Bagley & Roellig, 2013).

The results of this study provide general counsel with techniques for devising new approaches to increase interprofessional collaboration (IPC) and interdisciplinary collaboration (IDC) among diverse individuals, workgroups, and departments across the organization (Cosley, McCoy, & Gardner, 2014; Goring et al., 2014; Huq, Reay, & Chreim, 2016). As the head of the corporate legal department, the general counsel will stand in a unique position to work across organizational boundaries and bridge the gap

between the legal and non legal spheres of the company (Bird & Orozco, 2014; Cochran, 2014; Dinovitzer et al., 2014; Inside Counsel, 2015). The general counsel will assist in building a culture of partnership between these spheres by helping to change managerial views of the aptitude, usefulness, and roles of the company's legal department (Lees et al., 2013; Lovett, 2015). As noted by Gucciardi, Espin, Morganti, and Dorado (2016), a common understanding of group members' respective roles and responsibilities will enhance collaboration. Understanding the interactions between lawyers and non lawyers within the organization will constitute a critical component to bridging the gap between attorneys' and managers' mental models, as well as to the development of collaborative relationships (Fisher & Oberholzer-Gee, 2013). Company attorneys and managers will work better together as strategic partners and drive sustainable value if corporate managers recognize the importance of law and legal strategy to economic success (Bagley et al., 2016).

Significance to Theory

Traditional scholarship in the respective fields of law and management occupied distinct, non intersecting segments of academic literature. Legal scholars historically placed a primary emphasis on risk management and litigation strategy, largely ignoring the relationship between business and law (Haapio, 2015; Siedel & Haapio, 2010). Management scholars rarely incorporated analyses of legal issues in their examinations of the critical success factors driving effective business strategies (Bird, 2010). This combined lack of consideration largely prevented traditional researchers from the management and legal spheres alike from recognizing the methods through which in-

house legal departments afforded competitive advantage (Bird & Orozco, 2014; Orozco, 2010).

The results of this study assist in bridging this gap by building new theory within the combined fields of law and management. According to Brady (2015), the consensus-oriented nature of the Delphi design supports the building of practice theory. By highlighting the positions of concurrence between experts through successive waves of data collection, the Delphi study design facilitates the formulation of testable theoretical tenets, supports the identification of gaps in the literature requiring further research in follow-up studies, and avoids disagreements among experts that may impede theory building research (Brady, 2015).

Significance to Social Change

The results of this study assist in the creation of positive social change. Incorporating the techniques identified in this study into the development of coaching practices, team building sessions, or other collaborative exercises may lead to positive social change through: (a) reduced anxiety stemming from organizational conflict between managers and in-house counsel; (b) decreased managerial burnout, absenteeism, and turnover due to organizational conflict with in-house counsel; and, (c) decreased workplace resistance between managers and in-house counsel. Greater collaboration between managers and in-house counsel may reduce the likelihood that managers will attempt to mislead or exclude legal counsel from taking part in decisions affecting the success and survival of the company as well as the safety, health, and well-being of the consumer public (Bagley & Roellig, 2013). Increased collaboration may reveal hidden

flaws or dangers in the company's products, reducing the prospect of injuries to the public and the resulting litigation against the company. A decrease in litigation may diminish the need for companies to downsize, increase product pricing schemes, discontinue product lines, or engage in other questionable business practices to counteract heavy legal settlement costs (Hylton, 2013; Lindenfeld & Tran, 2016; Polinsky & Shavell, 2014).

Summary and Transition

Managers routinely hold viewpoints that marginalize the importance of the legal profession in the corporate setting (Bird, 2011; Bird & Orozco, 2014; Evans & Gabel, 2014). Such an outlook disregards the increasingly complex and litigious nature of the regulatory environment of business (Ham & Koharki, 2016; Lovett, 2015), the increased allocation of resources and personnel to corporate legal departments (Mintzer, 2015; Russell Reynolds Associates, 2015; Litov et al., 2014), and the connection between corporate legal strategy and competitive advantage (Bagley, 2015; Bagley et al., 2016; Glidden et al., 2014; Orozco, 2015). An escalating need persists to identify techniques that will alter unreceptive managerial viewpoints toward the law within the corporate setting.

Despite the growth of scholarship in recent years highlighting the significance of law to business strategy (Berger-Walliser & Shrivastava, 2015; Bird & Orozco, 2014; Goforth, 2013; Gruner, 2014), scholars have largely failed to identify the techniques needed to put the concepts generated by such discussions into practice (Berger-Walliser, 2012; Lovett, 2015; Rhode, 2011). The purpose of this qualitative Delphi study was to

build consensus among in-house general counsel working across business industries in the United States with regard to techniques that will alter unreceptive managerial viewpoints toward the strategic value of law within the corporate setting. As noted by Afshari (2015) and Wester and Borders (2014), the Delphi research design is suitable for forming a consensus among a group of experts in instances where existing scholarship on a research topic is deficient.

To establish this consensus, study participants consisted of members of the legal profession who worked within the United States business community and met the following criteria: (a) juris doctor degree from an ABA-accredited law school located in the United States; (b) license to practice law in at least 1 state; (c) 5 years of business industry experience, and (d) current employment as general counsel for an organization headquartered in the United States. Participants took part in a 3 round Delphi study, starting with the distribution of 6 broad, open-ended questions in Round 1 and progressing toward consensus in Round 3. The results of this study support collaboration between managers and lawyers within organizations, leading to positive social change by finding new ways to include lawyers in decisions affecting the safety, health, and well-being of the consumer public (Bagley & Roellig, 2013).

Chapter 2 will encompass a more in-depth exploration of the current academic literature on key topics that guided this study, including viewpoints toward law and the legal profession, the benefits of legal strategy to business success and competitive advantage, the roles and responsibilities of in-house counsel, and the role of leadership in the legal profession.

Chapter 2: Literature Review

The legal profession ranks last among 10 occupations regarding perceived contribution to society (Pew Research Center, 2013). Managers routinely hold viewpoints that marginalize contributions of the legal profession in the corporate setting (Bird & Orozco, 2014; Lovett, 2015). According to the National Science Foundation, 87% of businesses view intellectual property law protections as unimportant (Jankowski, 2012). This outlook disregards the link between corporate legal strategy and organizational success (Bagley et al., 2016).

The general problem that I addressed in this study is that organizations are severely limited in their ability to derive strategic value from the law due to the lack of integration between legal strategy and business strategy in the corporate setting (Chen et al., 2015). To address this encumbrance, in-house general counsel must develop techniques for altering unreceptive managerial viewpoints toward the law (Berger-Walliser, 2012; Lovett, 2015). The specific problem that I addressed in this study is that managers hold unreceptive viewpoints toward the strategic value of law within the corporate setting (Evans & Gabel, 2014).

The purpose of this qualitative Delphi study was to build consensus among in-house general counsel working across business industries in the United States with regard to techniques that will alter unreceptive managerial viewpoints toward the strategic value of law within the corporate setting. The Delphi method was appropriate due to the need for in-house general counsel to develop techniques for altering unreceptive managerial

viewpoints toward the law to spearhead the advancement of legal knowledge within the organization (Bird & Orozco, 2014; Evans & Gabel, 2014).

Five major themes from the existing literature related to the study: (a) attitudes toward lawyers and the law; (b) relationships between lawyers and non lawyer managers; (c) leadership in the legal profession; (d) role and functions of in-house general counsel, and (e) law, legal strategy, and competitive advantage. The first theme included research on unreceptive viewpoints held by managers and other non lawyers toward law and the legal profession. The second theme encompassed academic literature illustrating how traditional viewpoints affect relationships between in-house counsel and other organizational employees. The third theme encapsulated scholarly work on the role of leadership in the legal profession. The fourth theme incorporated an assortment of relevant academic work on the function, responsibility, and value of in-house general counsel within the corporate setting. Finally, the fifth theme captured a collection of academic scholarship on the applications of legal knowledge and legal strategy to the future promotion of business success and competitive advantage.

In this chapter, I identify my literature search strategy, survey the literature driving my conceptual framework, examine current scholarly work related to 5 key themes surrounding the dissertation topic, and conclude with a final summary and transition to the methods described in Chapter 3.

Literature Search Strategy

The literature review drew relevant reference materials from peer-reviewed journals, books, professional or trade publications, and dissertations within the past 5

years. Due to the historical underpinnings of the topic and rising focus within the academic community over the last decade, the literature review included some seminal sources older than the 5-year timeframe. Library databases and search engines that I used to locate peer-reviewed articles included ProQuest, Google Scholar, Google, EBSCOhost, Westlaw, LexisNexis, JSTOR, Emerald, and other databases accessed through the Walden University online library. Key search terms included *attitude*, *attorney*, *attorney-client privilege*, *business strategy*, *change management*, *competitive advantage*, *consensus*, *corporate law department*, *corporate legal department*, *Delphi*, *general counsel*, *in-house counsel*, *in-house lawyer*, *law*, *law department*, *lawyer*, *leadership*, *legal astuteness*, *legal department*, *legal knowledge*, *legal profession*, *legal strategy*, *organizational conflict*, *perceptions*, *proactive law*, *strategy*, *transformational leadership*, and *viewpoints*. This list represents a combination of search terms that I devised and keywords and subject terms provided by the respective authors. Additional search terms related to prominent legal scholars in the field included *Bagley*, *Bird*, *Haapio*, *Orozco*, and *Siedel*.

The initial research process began with a series of searches in the online legal research databases Westlaw and LexisNexis using the following search term combinations: *legal strategy*, *law competitive advantage*, *law business strategy*, *attitude perception viewpoint legal profession*, *attitude perception viewpoint law*, and *attitude perception viewpoint lawyer*. I used similar combinations in conjunction with the remaining search terms noted above. I applied Boolean operators in both databases to further define the search terms and limit undesirable results. I included additional search

terms and search term combinations in the search process as they were discovered or developed. I then reviewed the references sections of the retrieved articles related to my dissertation topic within the Westlaw and LexisNexis databases. The presence of hyperlinks within these databases streamlined the research process. I used additional library database and search engines to review references that did not appear in Westlaw and LexisNexis.

Similar search processes using researcher created and author supplied keywords and subject terms were conducted using ProQuest, EBSCOhost, JSTOR, and Emerald. I used Google Scholar to identify citations to relevant articles by other authors within the last 5 years. I created alerts to identify future articles by key scholars in the field. Copyright holders were contacted to obtain the necessary permissions to reprint the figures and tables contained in this chapter (see Appendix A).

Conceptual Framework

The goal of my qualitative Delphi study was to develop a consensus among in-house general counsel working across business industries in the United States with regard to techniques that will alter unreceptive managerial viewpoints toward the strategic value of law within the corporate setting. Because this topic relates to developing a consensus on future-oriented techniques that may lead to changes at both the organizational and interpersonal levels, transformational leadership, organizational change, organizational conflict, and the Delphi method formed the basis for my study's conceptual framework. Beginning with a discussion of the foundations of transformational leadership, the

following sections will expand on the conceptual framework introduced in Chapter 1, as well as further illustrate the connections among the key elements of the framework itself.

Transformational Leadership

The seminal work of scholars in the late 1970s and early 1980s paved the way for contemporary scholarship on transformational leadership. As noted by Burns (1978), transformational leadership denotes the course through which alignment develops between leaders' and followers' goals. Comparing transformational leadership to transactional leadership, Burns (1978) noted that transformational leadership could engender long-term, systemic change. In contrast, the process of transactional leadership does not lead to the generation of a shared purpose between leaders and followers, nor does it produce long-term, systemic change (Burns, 1978). Building on Burns' work, Bass (1985) outlined 4 key behavioral traits exhibited by transformational leaders: (a) inspiring followers and articulating an engaging vision; (b) caring about followers' concerns and needs; (c) portraying charisma in their behaviors, and (d) assisting followers' participation in problem-solving and innovative thinking. Bass noted that a transformational leader inspires his or her followers to exceed individual expectancies and look past self-interests to care about the overall goals of the organization. As noted by Bacha and Walker (2013) and Bellé (2013), numerous researchers have adopted Bass' characterization of transformational leadership. Bennis and Nanus (1985) designated transformational leadership as a way for leaders to turn into change agents and a way for followers to turn into leaders. Tichy and DeVanna (1990) noted that it is incumbent on transformational leaders to recognize the need for change, cultivate a fresh vision, and

pursue lasting transformation. At its core, transformational leadership modifies the attitudes, behaviors, and mental models of organizational constituents (Tichy & DeVanna, 1990).

Contemporary scholars of transformational leadership have continued to build upon the early work of seminal scholars in the field. Veríssimo and Lacerda (2015) found that integrity is a forecaster of a leader's transformational leadership performance. Sun, Xu, and Shang (2014) analyzed the effect of team transformational leadership on team performance and team climate in the course of new product development (NPD) processes. Men (2014) concluded that a positive relationship exists between transformational leadership and worker-company relations. Men also indicated that a positive relationship exists between transformational leadership and systemic communication. Kim and Yoon (2015) found a positive relationship between the degree to which an employee observes the transformational leadership behavior of senior managers and the degree to which an employee identifies an innovative culture within the organization. Park, Song, Yoon, and Kim (2013) concluded that a statistically significant relationship exists between transformational leadership and an employee's feelings of connection to the company. Effelsberg, Solga, and Gurt (2014) asserted that leaders might calculate employees' potential readiness to participate in selfless pro-company behavior by probing the extent of transformational leadership within the organization.

The tenets of transformational leadership provided important contributions to the study. According to Kim and Yoon (2015), the emphasis on innovative strategy, creativity, and flexibility inherent in transformational leadership principles is critical for

firms that desire to confront the constant challenges of the business environment. In light of the persistent gap between managers' and lawyers' viewpoints within the company (Bagley, 2013; DiMatteo, 2010), transformational leadership offered a contextual lens for viewing efforts to alter managerial perspectives toward the role of legal strategy in the corporate setting. As these efforts seek to modify entrenched, traditional views and opinions (Bird, 2011; DiMatteo, 2010; Siedel & Haapio, 2016), any resulting initiatives will unavoidably face varying levels of skepticism and resistance. Although transformational leadership was suitable for considering legal strategy from an outlook that adjusts the behaviors, mental models, and attitudes of non lawyers within the organization, it represented only a partial segment of the overall conceptual framework. The presence of interpersonal conflict between managers and lawyers noted by Lewis et al. (2014) necessitated the incorporation of organizational conflict alongside transformational leadership in the conceptual framework.

Organizational Conflict

Formative scholarship on conflict dates back nearly fifty years. Pondy (1967) described the application of the term "conflict" to: (a) conflictual behavior; (b) individuals' cognitive states; (c) individuals' affective states, and (d) antecedent conditions leading to conflictual behavior. Pondy cautioned against attempts to select between these applications, given that each definition denotes a potential conflict development phase. Pondy endeavored to simplify the connections between these designations by framing conflict along a continuum characterized by the following stages: (a) latent conflict; (b) perceived conflict; (c) felt conflict; (d) manifest conflict,

and (e) conflict outcomes. Based on this succession of conflict stages, Pondy identified 3 main types of conflict that might occur between organizational sub-units: (a) bargaining conflict; (b) bureaucratic conflict, and (c) systems conflict.

Building on this foundational work, successive management scholars applied the concept of conflict to the organizational context. Rahim and Bonoma (1979) segregated the interpersonal conflict management approaches along 2 dimensions: concern for others and concern for self. Roloff (1987, p. 496) provided the following definition of organizational conflict, “organizational conflict occurs when members engage in activities that are incompatible with those of colleagues within their network, members of other collectivities, or unaffiliated individuals who use the services or products of the organization.” Rahim (2002) modified Roloff’s definition by also including incompatible goals and preferences as potential sources of conflict, indicating that, “conflict is an interactive process manifested in incompatibility, disagreement, or dissonance within or between social entities (i.e., individual, group, organization, etc.” (p. 206). Rahim further noted that conflict might occur in a variety of situations, including instances where:

- An individual desires or needs access to a limited resource of joint benefit.
- An individual must perform an activity that is unrelated to his or her needs.
- The fulfillment of behavioral preferences by one individual is irreconcilable with the fulfillment of behavioral preferences by another individual.
- Individuals have distinct behavioral preferences regarding a joint action.
- Other individuals do not share the skills, attitudes, values, and goals that direct an individual’s behavior.

The consequences of workplace conflict highlight the need for a system of conflict management. The goal of conflict management is to learn from conflict while keeping the disruption it may cause to a minimum (Ubinger, Handal, & Massura, 2013). As noted by VanderPal and Ko (2014), the failure to address conflict may lead to serious negative consequences for the firm as long-term disputes can substantially harm employee morale and company culture. In circumstances where conflict originates from observations of workplace performance, personality conflicts, or dissimilarities among work habits, it is essential to recognize and address those conflicts (VanderPal & Ko, 2014).

Organizational conflict presented important implications for the research study. Human dynamics influence the application of every strategic initiative (Jarzabkowski & Van de Ven, 2013; Whittle, Housley, Gilchrist, Lenney, & Mueller, 2014). Given that the purpose of this study was to build consensus with regard to techniques that will alter unreceptive managerial viewpoints toward the strategic value of law, incorporation of conflict into the conceptual framework was critical. According to Lewis et al. (2014), interpersonal conflicts between managers and lawyers are customary within the organizational setting. As discussed more fully in the literature review, managerial attitudes toward lawyers are driven by perspectives on risk aversion (Berger-Walliser et al., 2011; Evans & Gabel, 2014), views on the importance of teamwork (Betts & Healy, 2015; Bravo et al., 2016; Hervani et al., 2015), and the use of discipline-specific language (Ashipu & Umukoro, 2014; Maxwell, 2013; Ronay, 2014; Sharndama, 2014). These driving forces materialize in several of the situations where organizational conflict may

occur as identified by Rahim. As noted by Lê and Jarzabkowski (2015), a connection exists between organizational conflict and organizational change.

Organizational Change

Similar to transformational leadership and organizational conflict, scholarship on organizational change is decades old. Lewin (1951) described organizational change as an evolution along 3 phases: (a) unfreezing; (b) moving, and (c) refreezing. Burns and Stalker (1961) highlighted that organizational change represents an indispensable component of creativity, growth, and adaptation. Bennis (1969) defined organizational change as a strategy to modify the values, beliefs, attitudes, and structures in organizations to facilitate enhanced adaptation to shifting conditions. Golembiewski, Billingsley, and Yeager (1976) stated that organizational change fell into 2 dimensions of depth: incremental change and transformative change. Argyris and Schon (1978) described organizational change in terms of single loops (incremental change) and double loops (transformative change). Beer (1980) agreed with Bennis, noting that organizational change constitutes a response to internal forces or external forces. Modern scholars have linked organizational change to numerous subjects within the organization, including corporate culture, employee attitudes, company structure, and firm strategy (Al-Haddad & Kotnour, 2015; Parker, Charlton, Ribeiro, & Pathak, 2013). In spite of decades of scholarship, Wetzel and Van Gorp (2014) noted that contemporary change management literature presents little dissimilarity from the early concepts described by seminal scholars in the field.

Despite decades of scholarship on the subject of organizational change, many organizational change initiatives fail to this day. As a result of the various anxieties, stresses, and tensions that stem from organizational change (Boyd, Tuckey, & Winefield, 2014; Lewis, Laster, & Kulkarni, 2013), most efforts to create change within a company collapse and fail (Alvesson & Sveningsson, 2015; Hornstein, 2015). Barton and Ambrosini (2013) suggested that the high rate of failure for new projects and proposals originates from employees' failure to adopt and support the behaviors required for effective change. A common driver of resistance to change encompasses perceptions that change will lead to undesirable outcomes (Hon, Bloom, & Crant, 2014; Kuipers et al., 2014). In response to the high failure rate, scholars began to focus on the association between employees' resistance to change and employees' observations and memories of past failed change attempts within the organization (Fuchs & Prouska, 2014; Jenkins, Wiklund, & Brundin, 2014; Rafferty & Restubog, 2016).

Scholars have generated a variety of strategies in response to the high rate of failed organizational change initiatives. According to Parker et al. (2013), the work of Kanter, Stein, and Jick (1992), Kotter (1996), and Luecke (2003) represent 3 focused, practical strategies for addressing the challenges connected to organizational change. Kanter et al. developed the 10 commandments for executing change, consisting of the following phases: (a) analyze organizational change needs; (b) create a common direction and shared vision; (c) break from past practices; (d) produce a sense of urgency; (e) encourage strong leaders; (f) amass political support; (g) construct an implementation plan; (h) create enabling mechanisms; (i) involve people, be honest, and communicate,

and (j) reinforce and institutionalize change. Luecke's 7 steps approach included the following steps: (a) rally support and commitment through cooperative recognition of problems and solutions; (b) create a shared vision; (c) pinpoint key leadership; (d) institutionalize achievement through formal structures, policies, and systems; (e) emphasize results over actions; (f) spread change from the sidelines; (g) observe and modify tactics as problems arise. A further comparison of the work by Kanter et al. and Luecke to Kotter's 8-stage process for successful organizational transformation revealed further similarities between the 3 models.

Change management was a critical element of the conceptual framework. Due to the frequency with which change initiatives fail (Alvesson & Sveningsson, 2015; Barton & Ambrosini, 2013; Hornstein, 2015), consideration of change management was especially important as I asked the Delphi panel to build consensus on techniques that will alter managerial viewpoints that are firmly entrenched in corporate culture (Barry & Kunz, 2014; Evans & Gabel, 2014; Gruner, 2014; Lovett, 2015). As the successful implementation of organizational change depends on the successful management of employees' interpersonal relationships in the workplace (Bouckenooghe, Devos, & Van den Broeck, 2009), a connection exists between organizational change and organizational conflict. Van der Voet (2014) highlighted the need to examine transformational leadership alongside organizational change initiatives.

Delphi Method

The incorporation of the Delphi method into the conceptual framework supported the study's overall purpose of building a consensus on techniques that will alter

unreceptive managerial viewpoints toward the strategic value of law within the corporate setting. Delphi, originally developed by the RAND Corporation in the 1950s as a means to generate forecasts in connection with military technological innovations, is an iterative process designed to develop a consensus among a panel of experts (Dalkey & Helmer, 1963; Habibi et al., 2014; Linstone & Turoff, 1975). Four principal features characterize the Delphi design: (a) selection as an expert panelist is contingent on pre-defined qualifications; (b) participants interact solely with the study coordinator and remain anonymous to other participants; (c) information is gathered and redistributed to study participants by the study coordinator over a series of rounds or iterations, and (d) the responses of individual participants are combined by the study coordinator into a group response (Cegielski et al., 2013; Eleftheriadou et al., 2015).

Despite such commonalities, a large measure of variation remains regarding the use of the Delphi method in scholarly research. Numerous types of Delphi studies exist, each with unique objectives, including: (a) classical/original; (b) modified; (c) policy; (d) decision, and (e) real time (Hasson & Keeney, 2011). Further distinctions that separate Delphi studies include variations in panel size, panel eligibility criteria, the number of rounds, the measurement of consensus, and the time between rounds (Che Ibrahim et al., 2013). Von der Gracht (2012) outlined 15 separate consensus measures, including a stipulated number of rounds, coefficient of variation, post-group consensus, subjective analysis, and percentage agreement. Variation exists even regarding how scholars label Delphi within the literature, referring to it as a process, technique, exercise, method, and survey (Davidson, 2013).

As the central purpose of my research study was to build consensus with regard to techniques that will alter unreceptive managerial viewpoints toward legal strategy, the Delphi design was a critical element of the conceptual framework. Despite the existence of various frameworks geared toward changing the role of law in business decision-making (Bagley & Tvarnoe, 2014; Gruner, 2014; Holloway, 2015; Wong, 2014), Fisher III and Oberholzer-Gee (2013) noted the absence of a common framework between the legal and management spheres within a corporation. Little agreement exists on the techniques legal professionals will need to exercise influence, manage conflict, and change behavior in the corporate setting (Rhode, 2011).

Literature Review

Consensus represented the construct of interest in this study. As noted by Vetter, Hunter, and Boudreaux (2014), consensus refers to majority agreement rather than unanimous agreement. Numerous approaches for achieving consensus are visible within existing scholarship. The nominal group technique (NGT) is a face-to-face interaction where participants create an initial list of ideas individually and secretly, later revealing 1 idea from their lists to the group in a 'round-robin' format (Wallace et al., 2016; Van de Ven, & Delbecq, 1972). Following the presentation of ideas, a facilitator guides the group in a discussion on each idea, asks participants to vote on each item, and provides the results to the entire group (Foth et al., 2016). The consensus-oriented decision-making (CODM) model includes open discussion, the identification of concerns, collaborative proposal building/synthesis, and final closure (Hartnett, 2011). Core elements of the Japanese consensus-building model include drawing out dissenting opinions, focusing on

alternatives rather than a single solution, and incorporating implementation considerations into the decision-making process (Muo & Oghojafor, 2012). The Quaker consensus model includes the open sharing of ideas and concerns by all participants, active listening, and the facilitation of agreement by a convener (Muo & Oghojafor, 2012). A comparison of all 4 approaches to consensus building revealed face-to-face communication as a common element. Face-to-face communication may lead participants to modify their answers in response to social pressures pushing conformance toward a particular position or course of action (Skinner et al., 2015). According to McMillan, King, and Tully (2016) and Mukherjee et al. (2015), the Delphi method presents a means for developing consensus among a group of participants while reducing the potential for conformance based on social pressures.

The Delphi Method

The purpose and research question driving my research supported the use of Delphi as the study design. As noted by Linstone and Turoff (1975), the unique, and often contradictory, definitions of Delphi applied by researchers have led to many diverse viewpoints on how to conduct a Delphi study. Although Linstone and Turoff expressed concerns that defining Delphi would restrict its application in future scholarship, they defined Delphi as, “a method for structuring a group communication process so that the process is effective in allowing a group of individuals, as a whole, to deal with a complex problem” (p. 3). As noted by Eleftheriadou et al. (2015), 4 common features characterize the Delphi design: (a) selection as an expert panelist is contingent on pre-defined qualifications; (b) participants interact solely with the study coordinator and remain

anonymous to other participants; (c) information is gathered and redistributed to study participants by the study coordinator over a series of rounds or iterations, and (d) the responses of individual participants are combined by the study coordinator into a group response. By observing these 4 features, researchers will benefit from the elimination of protracted face-to-face meetings, the assembly of diverse experts from isolated geographic locations, and the minimization of biases that stem from face-to-face interaction (Cegielski et al., 2013; Habibi et al., 2014; Kerr et al., 2016; Linstone & Turoff, 1975; Merlin et al., 2016).

Many variations of the Delphi design are identifiable within existing scholarship. Researchers use classical Delphi to ascertain the degree of consensus among a panel of experts on a particular subject or issue (Meskell, Murphy, Shaw, & Casey, 2014). In studies that use policy Delphi, researchers attempt to cultivate the strongest potential viewpoints in opposition to the resolution of a key policy issue (de Loë et al., 2016; Turoff, 1970). In modified Delphi, the panel responds to a series of pre-selected items drawn from the literature by the researcher (Hasson & Keeney, 2011). In a decision Delphi, the researcher asks panelists to formulate and bolster their decisions (Pare, Cameron, Poba-Nzaou, & Templier, 2013). In a real-time Delphi study, panelists use computer technology located within the same room to reach a real-time consensus (Hasson & Keeney, 2011). Other design types include e-Delphi, technological, online, argument, and disaggregative policy (Hasson & Keeney, 2011).

Studies also reflect the diverse applications of the Delphi method in scholarly research. Scholarship by Bahl et al. (2016), Habibi et al. (2014), Wester and Borders

(2014) and other scholars demonstrates how researchers use the Delphi method as a stand-alone research design. Other researchers refer to Delphi as a mixed method. Snape et al. (2014a, 2014b) described efforts to conduct a mixed method modified Delphi study to explore consensus in the area of health and social care research. Although neither article by Snape et al. contained any discussion of efforts to examine the relationship between independent and dependent variables, the authors described their use of both quantitative data analysis and qualitative data analysis in connection with consensus measurement. Such use of the term ‘mixed method’ differs from MMR as described by Caruth (2013), Frels and Onwuegbuzie (2013) and Gambrel and Butler (2013). Although Hall et al. (2016) referred to their research as a ‘mixed-methods study,’ their use of the term referred to the use of a literature review, online survey, and focus group to develop content for a Delphi survey. The ‘mixed-methods consensus study’ by Jensen et al. (2013) consisted of 3 phases: qualitative interviews, a roundtable discussion, and a Delphi survey. Bloor, Sampson, Baker, and Dahlgren (2013) described how the use of a Delphi panel alongside ethnographic observations and interviews might assist in triangulation.

Participant selection is a critical component of any research study. According to Laukkanen and Patala (2014), the identification of a suitable panel of experts is a vital part of the Delphi design. Due to the absence of universal criteria necessary to qualify someone as an expert for a Delphi panel, scholars have used a variety of factors to assess experts’ qualifications (Bahl et al., 2016; Habibi et al., 2014). Mollaoglu et al. (2015) used industry experience and project experience as criteria for identifying participants for

their study. In addition to industry experience, Wang and Hwang (2014) required 5 years of management experience. The panel eligibility criteria used by Che Ibrahim et al. (2013) included knowledge of team integration concepts and recent (or present) involvement on a wider alliance team (WAT), alliance management team (AMT), or project alliance board (PAB). Wester and Borders (2014) required their panelists to have expert knowledge in the research area and current/prior services positions. Bahl et al. (2016) required their experts to possess current CEP accreditation, consultation experience, and 5 or more years of clinical or academic experience. Regan, Dollard, and Banks (2014) established 5 years of company employment as the only criterion required for inclusion in their Delphi study.

Panel size represents an important consideration alongside panel eligibility criteria in a Delphi study. As noted by Merlin et al. (2016), an established unanimity on the minimum number of participants required for a Delphi panel does not exist. Panel size may differ based on the resources available to the researcher and the topic covered by the study (Habibi et al., 2014). Che Ibrahim et al. (2013) reviewed a series of published Delphi studies in the field of accounting information systems research, noting that the number of panel experts ranged between 9 and 83 people. Out of 100 Delphi studies examined by Diamond et al. (2014), 40% had between 11 and 25 participants in the final round.

Despite the lack of a clear standard, researchers must consider the possibility of attrition before setting a panel size. Annear et al. (2015) experienced an overall attrition rate of 21% in connection with a 3-round Delphi study as compared to the 33% overall

attrition rate reported by Willems et al. (2015). Sinclair et al. (2016) and Munck et al. (2015) experienced similar overall attrition rates of 23.5% and 27% respectively. Brody et al. (2014) reported an overall attrition rate of only 10.6%. As suggested by Dollard and Banks (2014) and Merlin et al. (2016), measures to limit participant attrition include the use of clear instructions, properly formatted electronic questionnaires, a short duration between Delphi rounds, and reasonable incentives.

The Delphi method does not mandate that the same number of rounds occur from study to study. The typical Delphi study contains either 2 rounds of data collection (Maijala, Tossavainen, & Turunen, 2015; Raley et al., 2016; Rosenthal, Hoffmann, Clavien, Bucher, & Dell-Kuster, 2015) or 3 rounds of data collection (Austin, Pishdad-Bozorgi, & de la Garza, 2015; Bahl et al., 2016; Uyei, Li, & Braithwaite, 2015; Van de Ven-Stevens et al., 2015). Out of 100 Delphi studies examined by Diamond et al. (2014), 48% occurred in 2 rounds and 42% occurred in 3 rounds. Researchers may incorporate additional rounds as necessary to achieve consensus. Merlin et al. (2016), Maaden et al. (2015), and Kennedy et al. (2015) conducted 4 round, 5 round, and 9 round Delphi studies respectively.

Rigor represents an additional consideration in any study. According to Linstone and Turoff (1975), researchers must use rating scales to evaluate panelists' responses along 4 dimensions in a Delphi study: desirability, feasibility, importance, and confidence. According to Turoff (1970), these 4 scales signify the bare minimum of information necessary for adequate assessment of an issue in a Delphi study. Rating scales must include clear explanations to provide researchers with reasonable assurances

that respondents will formulate likeminded distinctions between concepts (Linstone & Turoff, 1975). Table 1 contains a description of the scale references and definitions associated with the desirability and feasibility scales. Table 2 contains a description of the scale references and definitions associated with the importance and confidence scales.

Table 1

Desirability/Benefits Scale and Feasibility/Practicality Scale

Desirability/benefits scale	
Scale reference	Definitions
1. Highly desirable	Will have a positive effect and little or no negative effect. Social benefits will far outweigh social costs. Justifiable on its own merit. Valued in and of itself.
2. Desirable	Will have a positive effect with minimum negative effects. Social benefits greater than social costs. Justifiable in conjunction with other items. Little value in and of itself.
3. Neither desirable nor undesirable	Will have equal positive and negative effects. Social benefits equals social costs. May be justified in conjunction with other desirable or highly desirable items. No value in and of itself.
4. Undesirable	Will have a negative effect with little or no positive effect. Social costs greater than social benefits. May only be justified in conjunction with a highly desirable item Harmful in and of itself.
5. Highly undesirable	Will have major negative effect. Social costs far outweigh any social benefit. Not justifiable. Extremely harmful in and of itself.

(table continues)

 Feasibility/practicality scale

Scale reference	Definitions
1. Definitely feasible	Can be implemented. No research and development work required (necessary technology is presently available). Definitely within available resources. No major political roadblocks. Will be acceptable to general public.
2. Probably feasible	Some indication this can be implemented. Some research and development work required (existing technology needs to be expanded and/or adopted). Available resources would have to be supplemented. Some political roadblocks. Some indication this may be acceptable to the general public.
3. May or may not be feasible	Contradictory evidence this can be implemented. Indeterminable research and development effort needed (existing technology may be inadequate). Increase in available resources would be needed. Political roadblocks. Some indication this may not be acceptable to the general public.
4. Probably infeasible	Some indication this cannot be implemented. Major research and development effort needed (existing technology is inadequate). Large scale increase in available resources would be needed. Major political roadblocks. Not acceptable to a large proportion of the general public.
5. Definitely infeasible	Cannot be implemented (unworkable). Basic research needed (no relevant technology exists). Basic scientific knowledge lacking). Unprecedented allocation of resources would be needed. Politically unacceptable. Completely unacceptable to the general public.

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Table 2

Importance Scale and Confidence Scale

Importance scale	
Scale reference	Definitions
1. Very important	A most relevant point First order priority Has direct bearing on major issues Must be resolved, dealt with or treated
2. Important	Is relevant to the issue Second order priority Significant impact but not until other items are treated Does not have to be fully resolved
3. Moderately important	May be relevant to the issue Third order priority May have impact May be a determining factor to major issue
4. Unimportant	Insignificantly relevant Low priority Has little impact Not a determining factor to major issue
5. Most unimportant	No priority No relevance No measurable effect Should be dropped as an item to consider
Confidence scale	
Scale reference	Definitions
1. Certain	Low risk of being wrong. Decision based upon this will not be wrong because of this 'fact.' Most inferences drawn from this will be true.
2. Reliable	Some risk of being wrong. Willingness to make a decision based upon this. Assuming this to be true but recognizing sonic chance of error. Some incorrect inferences can be drawn.
3. Not determinable	The information or knowledge to evaluate the, validity of

(table continues)

this assertion is not available to *anyone* -expert or decisionmaker.

- | | |
|---------------|---|
| 4. Risky | Substantial risk of being wrong.
Not willing to Make a decision based upon this alone.
Many incorrect inferences can be drawn.
The converse, if it exists, is possibly RELIABLE. |
| 5. Unreliable | Great risk of being wrong.
Worthless as a decision basis.
The converse, if it exists, is possibly CERTAIN. |

Note. From *The Delphi Method: Techniques and Applications*, by Harold A. Linstone and M. Turoff, 1975, Addison-Wesley Educational Publishers Inc., pp. 130-132 and p. 212. Copyright by Harold A. Linstone and M. Turoff. Reprinted with permission.

Consensus in Delphi studies. Consensus is central to the classical Delphi method. Researchers use classical Delphi to ascertain the degree of consensus among a panel of experts on a particular subject or issue (Linstone & Turoff, 1975). According to von der Gracht (2012), researchers have used a vast array of measures to determine consensus due to a lack of established standards and clear explanation within the literature. As indicated in Table 3 and Table 4, Delphi researchers have employed inferential statistics, qualitative analysis, and descriptive statistics to measure consensus.

Table 3

Consensus Measured by Inferential Statistics

Measure of consensus	Criteria
Chi square test for independence	Ludlow [88] used Chi square tests to analyse disagreement between subgroups of homogeneous participants.

(table continues)

McNemar change test	Weir et al. [89] as well as Rayens and Hahn [21] used the McNemar test to quantify the degree of shift in responses between Delphi rounds.
Wilcoxon matched-pairs signed-ranks test	Changes in consensus between the second and third rounds were assessed using Wilcoxon signed-rank tests [63].
Intra-class correlation coefficient, kappa statistics	<p>The levels of agreement among participants in the first and second rounds were assessed with intraclass correlation coefficient [90].</p> <p>Overall agreement of importance (5-point Likert scale) among panellists was measured using interclass correlation coefficients, whereas within-question agreement was measured by Cohen's kappa [89].</p> <p>Brender et al. [91] used the intraclass correlation coefficient in order to assess the consistency of responses (5-point rating scale).</p> <p>Molnar et al. [92] used the kappa statistic for measuring agreement level among experts rated on 3-point rating scales.</p> <p>Questions equal or below a kappa value of 0.74 were reassessed in a following round.</p>
Spearman's rank-order correlation coefficient	<p>“A Spearman rank correlation was calculated to reflect the degree of consensus between Round 2 ratings and Round 3 rankings...A high correlation reflected a high degree of consensus.” [93, p.8]</p> <p>“The overall scores combined together had a moderate negative correlation coefficient of minus .40. This suggested that consensus was being achieved between rounds 2 and 3 overall.” [94]</p>
Kendall's <i>W</i> coefficient of concordance	<p>“A high and significant <i>W</i> means that the participants are applying essentially the same standard in judging the importance of the issues. For the final round <i>W</i> was calculated ($W=0.618$) and found to be statistically significant (at $p<0.001$).” [95, p.29]</p> <p>Usage of Kendall's coefficient of concordance (<i>W</i>) in ranking-type Delphi surveys for measurement of reaching consensus, its increase and relative strength; $W=0.1$ (very weak agreement), $W=0.7$ (strong agreement) [38,96].</p> <p>Cooper et al. [97] measured Kendall's <i>W</i> in 2 subgroups of the sample and find them to be $W=0.65$ and $W=0.34$.</p>

An analysis of the final rankings resulted in a W of 0.54, which was significant at $p < 0.001$ [62].

t-statistics, *F*-tests

Hakim and Weinblatt [98] used *t*-statistics to test for significant differences between the means for successive rounds and decided to stop after round 2 since only slight changes occurred.

Hakim and Weinblatt [98] also used *F*-statistics in order to test whether the variance (or the lack of consensus) within one subgroup was significantly different from the variance within another subgroup.

Buck et al. [70] tested the consistency between Delphi rounds by use of *t*-statistics and found no significant differences in mean weights after the second round, indicating a high level of consistency.

Ludlow [88] used *F*-tests to analyse disagreement among subgroups of homogeneous participants.

Weir et al. [89] used paired-sample *t*-tests to identify changes in preferences between the Delphi rounds 2 and 3.

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Table 4

Consensus Measured by Qualitative Analysis and Descriptive Statistics

Measure of consensus	Criteria
Stipulated number of rounds	“Research indicated that 3 iterations are typically sufficient to identify points of consensus... Thus, 3 rounds were used in this study.” [46, p.218]
Subjective analysis	The expert's rationale for a response had to be consistent with the mean group response [47]. “Overall, it was felt that a third round of the study would not add to the understanding provided by the first 2 rounds and thus the study was concluded.” [48, p.800]

(table continues)

	<p>“A consensus...was pursued through a series of personal interviews over several days.” [49, p.15]</p>
Certain level of agreement	<p>“In keeping with most other Delphi studies, consensus was defined as 51% agreement among respondents.” [50, p.103]</p> <p>“Consensus was achieved on an item if at least 60% of the respondents were in agreement and the composite score fell in the “agree” or “disagree” range.” (on a 5 point Likert scale) [51, p.1]</p> <p>More than 67% agreement among experts on nominal scale (yes/no) was considered consensus. [52,53]</p> <p>More than 80% on 5-Point Likert scale in the top 2 measures (desirable/highly desirable) was considered consensus [54].</p> <p>Stewart et al. [55] defined consensus as more than 95% agreement in the first Delphi round.</p>
APMO Cut-off Rate (average percent of majority opinions)	<p>Cottam et al. [56] calculate an APMO Cut-off Rate of 69.7%, thus, questions having an agreement level below this rate have not reached consensus and are included in the next round.</p> <p>Islam et al. [57] calculate APMO Cut-off Rates of 70% (first round) and 83% (second round) for consensus measurement.</p>
Mode, mean/median ratings and rankings, standard deviation	<p>“In our case, mode was used as an enumeration of respondents who had given 75% or more probability for a particular event to happen. If this value was above 50% of the total respondents, then consensus was assumed.” [58, p.159]</p> <p>Mean responses within acceptable range (mean\pm0.5) and with acceptable coefficient of variation (50% variation) were identified as opinion of firm consensus [59].</p> <p>Consensus was achieved, if ratings (4-point Likert scale) for the items fell within the range of mean\pm1.64 standard deviation. [60,61]</p> <p>“An analysis of mean rank, percent of managers ranking a variable in the top 10, and standard deviation, indicated a sufficient level of consensus had been attained.” [62, p.176]</p>
Interquartile range (IQR)	<p>Consensus is reached when the IQR is no larger than 2 units on a 10-unit scale [19].</p>

(table continues)

Consensus was obtained, if the IQR was 1 or below on a 7-point Likert scale [63].

The respective consensus criterion was an IQR of 2 or less on a 9-point scale [64].

IQR of 1 or less is found to be a suitable consensus indicator for 4- or 5-unit scales [21,65]

IQRs ranged from 0.00 (most agreement) to 3.00 (least agreement). Items with an IQR larger than 1.00 indicated a lack of consensus and were retained for the second interview. [65,66]

Spinelli [67] measured consensus in his study as more than a 1-point change in the interquartile range over 3 Delphi rounds.

Ray and Sahu [68] calculate the amount of convergence of group opinions by a formula using the interquartile ranges. A higher value of its outcome near to 1.0 indicates a higher degree of convergence.

Coefficient of variation

The authors found the coefficient of variation at or below 0.5, which was to them a cut-off point conventionally accepted as indicating reasonable internal agreement [69].

“A consistent decrease of the coefficients of variation between the first and the second round, indicated an increase in consensus (greater movement toward the mean).” [70, p.284]

Post-group consensus

“Post-group consensus concerns the extent to which individuals – after the Delphi process has been completed – individually agree with the final group aggregate, their own final round estimates, or the estimates of other panellists.” [71, p.363]; post-group consensus has been examined by Rohrbaugh [72] as well as Erffmeyer and Lane [73].

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Consensus in the legal profession. References to the construct of consensus appear in several contexts within legal scholarship. According to Joy (2014), a consensus

exists that greater efforts are necessary for legal education to better prepare graduates for the future practice of law. Research by Lande (2013) and Kloppenberg (2013) provides further support for this view. Senden and Visser (2013) asserted the semblance of a global consensus regarding efforts to pursue gender balance in corporate boardrooms. Read and Bailey (2015) identified a consensus among legal practitioners that a basic understanding of estate planning is commonly the foundation to the study of advanced estate planning. Research on processes used by justices of the United States Supreme Court to build majority support for their preferred legal rulings also reflects elements of consensus (Carrubba, Friedman, Martin, & Vanberg, 2012; Enns & Wohlfarth, 2013; Lax & Rader, 2015). Although Miethé (1984) authored an article on analyzing strategies for measuring consensus on the public evaluations of criminal behavior, few scholars beyond Herzog and Rattner (2003) and Stylianou (2002, 2003) have referenced Miethé's consensus classifications. Although the above research includes an examination of consensus in the legal context, the respective authors failed to describe how consensus was assessed or achieved.

Legal scholarship on alternative dispute resolution (ADR) in the corporate sector provides a more thorough description of the processes used to reach consensus in the business strategy context. ADR refers collectively to the ways in which parties settle disputes without resorting to litigation (Menkel-Meadow, 2015). Common examples of ADR include arbitration, mediation, and neutral evaluation (Burkhart, 2015). Burkhart noted further that the popularity of ADR as a substitute to litigation in the court system stems from perceptions that ADR is swift and cost effective. According to Menkel-

Meadow, the growing application of ADR in diverse settings and contexts will lead to the creation of new consensus building processes in the legal system, wherein parties to a dispute will use a combination of mediation, joint-problem solving, negotiation, and other non adjudicative processes to reach a resolution. Areas of law that incorporate ADR as a decision-making tool include administrative rule-making, animal rights law, whistleblower protection law, labor law, tort law, and environmental law (Avgar, Lamare, Lipsky, & Gupta, 2013; Day, 2013; Kaiser, 2014; Menkel-Meadow, 2015). As noted by Lipsky, Avgar, and Lamare (2016), the use of ADR by U.S. corporations will continue to evolve from a defensive measure for guarding against litigation and other legal threats into a proactive measure for managing workplace conflict and accomplishing organizational goals. In response to the increasing demand for integrated conflict management systems and individuals who possess coaching and mediation skills, law schools and business schools will expand offerings to include courses and programs on ADR (Brubaker, Noble, Fincher, Park, & Press, 2014).

The Delphi design allows researchers to develop consensus on a given problem or topic. Researchers have applied the Delphi method to problems in numerous fields, including medicine, government, social and environmental studies, and industrial/business research (Cegielski et al., 2013; de Vries, Walton, Nelson, & Knox, 2015; Diamond et al., 2014; Laukkanen & Patala 2014). In the legal field, however, scholars have generated minimal scholarship using Delphi as compared to other academic and professional disciplines. Moody (2014) conducted a Delphi study to (a) identify behaviors and actions necessary for reducing special education disputes between schools

and parents, and (b) identify skill sets necessary for principals to reduce special education disputes. A sizable portion of the study's literature review included scholarship on bridging the gap between principals' knowledge of special education law and principals' actions in the field. Presley, Reinstein, and Burris (2015) described a Delphi study performed by the Robert Wood Johnson Foundation Public Health Law Research program (PHLR) to generate technical competencies and standards for developing legal datasets to support the systematic gathering, scrutiny, and distribution of health care law information. Bali, McKiernan, Vas, and Waring (2016) conducted a Delphi study in connection with the examination of competition law, trade, innovation, and productivity in the Singapore manufacturing sector. Although scholars have used the Delphi design to examine issues involving the law, no scholar has connected Delphi to efforts aimed at integrating legal strategy and business strategy in the corporate setting.

Key Themes from the Literature

Based on the purpose of this study, 5 major themes emerged from the existing literature: (a) attitudes toward lawyers and the law; (b) relationships between lawyers and non lawyer managers; (c) leadership in the legal profession; (d) role and functions of in-house general counsel, and (e) law, legal strategy, and competitive advantage. The first theme included research on unreceptive viewpoints held by managers and other non lawyers toward law and the legal profession. The second theme encompassed academic literature illustrating how traditional viewpoints affect relationships between in-house counsel and other organizational employees. The third theme encapsulated scholarly work on the role of leadership in the legal profession. The fourth theme incorporated an

assortment of relevant academic work on the function, responsibility, and value of in-house general counsel within the corporate setting. Finally, the fifth theme captured a collection of academic scholarship on the applications of legal knowledge and legal strategy to the future promotion of business success and competitive advantage. The remaining bulk of this chapter will consist of an in-depth examination of each theme in greater detail, followed by a closing discussion of how this study fills a gap in the existing literature.

Attitudes toward lawyers and the law. The development of techniques designed to alter unreceptive managerial viewpoints toward the strategic value of law will first require an understanding of the substance, degree, scope, and origins driving such viewpoints. This section encompasses a review of current literature on traditional managerial views toward law and the legal profession, as well as a discussion of the 3 major forces driving such views in the organizational context: differences in education, training, and behavior between business professionals and legal professionals. An understanding of these viewpoints and driving forces will assist in developing a frame of reference through which to examine the interactions between lawyers and non lawyer managers in the organizational setting.

Traditional views toward law and the legal profession. A review of the literature revealed that managers perceive the role of law and the regulatory system in diverse ways. Tayyeb (2013) examined managerial proclivities to view the law from a reactive, mechanical perspective. According to Tayyeb, the driving force behind the reactive posture is the belief that law is only relevant in the event an organization faces litigation

or the threat of litigation. Lovett (2015) expanded upon Tayyeb's research by noting that business clients often consider the implications of the legal system only in the narrow context of responding to an incident or event that has potential legal consequences. Gruner (2014) reflected a similar viewpoint by noting managers often conclude that the best course of action is to treat the liabilities stemming from corporate misconduct as an unavoidable cost of doing business. Bird (2010) reached a similar conclusion, noting that common managerial worldviews toward the law include the observation that law is external to managerial competence and control and thus the sole responsibility of company attorneys or outside counsel. Figure 2 depicts a visual representation of the flow of information typical of the conventional, reactive approach to law.



Figure 2. Reactive approach to legal issues.

Note. From “Who let the lawyers out? Reconstructing the role of the chief legal officer and the corporate client in a globalizing world,” by C. E. Bagley, M. Roellig, and G. Massameno, 2016, *University of Pennsylvania Journal of Business Law*. 18, p. 460.

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In contrast to a purely reactive posture, other scholars have revealed how managers view the law with contempt and condescension. Haapio (2015) described the managerial tendency to believe that one's legal knowledge is sufficient for contract negotiation purposes as well as the belief that such negotiations do not require the participation of company counsel. Siedel and Haapio (2010) noted that executives and managers habitually regard the law as a constraint on allowed activities and impairment to organizational growth. Although research by Evans and Gabel (2014) yielded similar findings, they discovered an added component driving such perceptions: anxieties that the unpredictable nature of existing legal regulations will lead to the swift and decisive termination of organizational operations in the event of perceived corporate wrongdoing.

Due to the diverse perspectives driving managerial perceptions toward the legal system at large, numerous scholars have examined the resulting effect on lawyers' reputations among business professionals. In the corporate setting, managerial perspectives of in-house counsel include perceptions that attorneys have excessive authority over decisions affecting the employer-employee relationship, including access to benefits, inter-departmental transfers, demotions, promotions, and terminations (Lovett, 2015). Other common perceptions of company lawyers include the belief that lawyers are not team players, are incapable of devising creative solutions to complex problems, and are a necessary evil in the corporate environment (Barry & Kunz, 2014; Berger-Walliser et al., 2011; Nelson & Nielsen, 2000; Siedel & Haapio, 2016). According to Travis and Tranter (2014) and Jensen and Gunn (2014), such beliefs derive

from cultural mistrust and a lack of esteem for lawyers. Haapio (2015) noted that fictional depictions of aggressive “fighter” attorneys in movies and television shows might foster unrealistic expectations and affect perceptions of attorneys in practice. Due to the differences in substance, degree, and scope among the numerous perspectives toward attorneys, it is necessary to examine the forces driving such views in the organizational context.

Difference in education, training, and behavior. Differences in education, training, and behavior between business professionals and legal professionals represent 3 major forces driving managerial views toward attorneys in the corporate setting. According to Lewis et al. (2014), interpersonal conflicts between managers and lawyers are expected, as individuals with a legal education in their background display patterns of decision-making and behavior that are markedly different from individuals without a legal education. Three key areas where the education, training, and outlook of managers and lawyers diverge on a routine basis include perspectives on risk aversion, views on the importance of teamwork, and the use of discipline-specific language. Regarding risk aversion, Evans and Gabel (2014) noted that a goal of legal training is to produce attorneys with the skills necessary to mitigate client risks through advocacy rather than consultation. Berger-Walliser et al. (2011), McGinnis and Pearce (2014), Rizer III (2015), and Zamir (2014) have all stated that tendencies toward risk aversion often typify members of the legal profession. In contrast, managers are known to act in a more expeditious manner (Evans & Gabel, 2014).

Perceptions of lawyers' risk adversity have a corresponding effect on perceptions of lawyers' ability to work in teams. As noted by Lees et al. (2013), lawyers' reticence to act quickly due to risk aversion proclivities reinforces the perception noted above that company lawyers are not team players. In contrast to the emphasis placed on teamwork in business education (Betts & Healy, 2015; Bravo et al., 2016; Hervani et al., 2015), legal education has traditionally prized individual accomplishment, competition, and self-sufficiency (Douglas, 2015; Knauer, 2015; Perlin & Lynch, 2015). Although a growing number of academic institutions are beginning to sponsor interdisciplinary courses, degree programs, and joint research centers designed to enhance the collaboration and communication skills between legal professionals and business professionals (Peterson, Bernacchi, Patel, & Oziem, 2016), such efforts are not yet widespread. Consequently, lawyers will continue to struggle in the cultivation of effective relationships with businesspeople (Dangel & Madison, 2015).

Alongside differences in formal training, lawyers' use of discipline-specific language, or legalese, hinders their abilities to collaborate effectively in teams. Legalese refers to a style of writing that is used habitually by lawyers but is often difficult for non legal practitioners to comprehend (Ashipu & Umukoro, 2014; Maxwell, 2013; Ronay, 2014; Sharndama, 2014). Ashipu and Umukoro further asserted that the inability to understand legalese would lead individuals to disregard relevant, even crucial, legal information. Hofer (2015) described the detrimental effects that may result due to errors in connection with the mistaken interpretation of legal language. As noted by Haapio (2015), the use of legalese will lead to the further exclusion of lawyers from

organizational teams through the exacerbation of culture and language barriers. Combined with attitudes toward risk aversion and teamwork, the use of discipline-specific language further complicates the multifaceted dynamics between business professionals and legal professionals.

In summary, 2 important features were evident from the literature on attitudes toward lawyers and the law: (a) managers view lawyers and the law in diverse respects, and (b) a variety of forces drive this diversity. The presence of varied perspectives and driving forces undercut the likelihood of a simple, one-size-fits-all technique for altering unreceptive managerial viewpoints toward the strategic value of law within the corporate setting. As professional-related factors and interpersonal factors often hinder collaboration (Van Dongen et al., 2016), knowledge of these viewpoints and driving forces provided a backdrop for examining the relationships between lawyers and non lawyer managers.

Relationships between lawyers and non lawyer managers. With an understanding of the views and drivers of managerial viewpoints in place, it became possible to examine how those views and driving forces affected exchanges between lawyers and managers in the workplace. As noted by Fisher and Oberholzer-Gee (2013), a solid understanding of the relations between lawyers and non lawyer managers within the firm will drive efforts to bridge the gap between attorneys' and managers' mental models and lead to the development of collaborative relationships. This section will include a brief overview of the tensions between lawyers and managers, as well as an examination of the benefits of managing relationships between these 2 distinct groups of

organizational employees. Much of the literature explored in this section established a foundation for the overall significance of the study topic, as an understanding of the relationships between lawyers and managers provided a context for observing how small attitudinal changes may spread across the organization.

Tensions between lawyers and managers. A variety of factors drives tension between lawyers and managers. The resulting tensions stemming from differences in decision-making and behavior will lead to tensions in the relationships between lawyers and non lawyer managers, hindering cooperative decision-making (Lewis et al., 2014). As noted by De Anca and Vega (2016), the capacity to acknowledge and integrate diverse points of view is a crucial catalyst for business success. In recognition of this connection, scholars have examined the effect of numerous types of diversity on team performance, including racial diversity, gender diversity, value diversity, and cultural diversity (Hoogendoorn, Oosterbeek, & Van Praag, 2013; Joecks, Pull, & Vetter, 2013; Nielsen, & Nielsen, 2013; Pieterse, Van Knippenberg, & Van Dierendonck, 2013; Schneid, Isidor, Li, & Kabst, 2015; Van Knippenberg, van Ginkel, & Homan, 2013). Pieterse et al. noted that a failure to manage diversity might inhibit communication by stimulating biases that lead individuals to disregard the contributions of others. Applying this concept to the context of in-house legal departments, company lawyers will face significant challenges in their efforts to develop collaborative partnerships with other members of the organization (Lees et al., 2013). Despite lawyers' recognition of the fundamental need to work collaboratively with diverse types of business professionals, obstacles to interdisciplinary collaboration will continue to include the use of discipline-

specific professional language, differences in skills and subject matter expertise, perspectives on teamwork, and stances on risk aversion (Ashipu & Umukoro, 2014; Chen et al., 2015; Evans & Gabel, 2014; Maxwell, 2013).

In addition to lawyers' personality characteristics, the rules and regulations governing the U.S. legal profession constitute a further barrier to collaboration between lawyers and managers. The combination of state bar association licensing requirements, the doctrines of attorney-client privilege and attorney work product, and the Model Rules of Professional Conduct will serve to encumber progress toward interdisciplinary collaboration, leading to further tensions in the relationships between lawyers and non legal professionals (DeStefano, 2012, 2014). As suggested by Lees et al. (2013), the absence of collaboration and communication between managers and lawyers is unsurprising.

The effect of such tensions is visible in company lawyers' interactions and relationships with other members of the organization. By her position as internal counsel, an in-house lawyer will need to balance competing interests and requirements that will often lead to conflicts between obligations to the legal profession and obligations to the company (Bryans, 2015; Dinovitzer et al., 2014; Haapio, 2015). As noted by Remus (2013), corporate lawyers often support aggressive business policies to please certain members of the organization. As company lawyers owe professional and fiduciary duties to the organization, they cannot allow their endorsement of such policies (or the individuals proposing them) to hinder their responsibilities to act in the best interests of the company (Hamermesh, 2012; Pepper, 2015; Remus, 2013). General counsel will find

themselves faced with a dilemma: breach their fiduciary duties to their organizations but perform their roles of chief legal strategists to the best of their abilities, or breach attorney-client privilege to perform their duties as chief compliance officers (Das, 2014). In light of growing uncertainty in the legal environment, lawyers will face an inherent tension between their duties to preserve clients' confidentiality and their duties to act as company fiduciaries (DeMott, 2013; Ruffi, 2014). This tension will create pressures between lawyers' abilities to identify with senior managers and their obligations to preserve professional detachment (DeMott, 2013).

The tensions between lawyers and managers will also affect lawyers' abilities to do their jobs effectively. Kim (2016) noted that the need for an in-house lawyer to inhabit multiple roles within an organization would affect his or her decision-making ability by imposing a series of psychological pressures. Kim noted that the different pressures faced by in-house counsel, including conformity pressures, obedience pressures, and alignment pressures, provide a potential explanation for the failure of some company lawyers to report unethical or illegal behavior. According to Kaster (2012), internal pressures often lead in-house lawyers to reflexively ignore critical facts that may affect key decisions, a phenomenon known as "client-think." Wald (2015) noted that to foster perceptions that he or she is a team player; a company lawyer will routinely face pressures to support the decisions or activities of his or her non lawyer colleagues. Ahmed and Farkas (2015) examined the pressures stemming from the wide-ranging influence held by the CEO over attorneys' actions and the development of overall legal policy for the organization. Due to such pressures, Hamermesh (2012) acknowledged the limited capacity of in-house

general counsel to act in the best interests of the company in the face of actions by senior managers that are contrary to such interests.

The combined influence of such pressures will affect the behavior of in-house counsel within the organization. Nelson and Nielsen (2000) examined how lawyers' perceptions of managers' attitudes toward the law affect lawyers' work performance. Lawyers manage the tensions between lawyers and non lawyer managers by utilizing different tactics to deliver legal advice tailored to a business executive's legal acumen and personal views of the legal system (Nelson & Nielsen, 2000). Table 5 contains information on the typical ideal roles of corporate counsel.

Table 5

Ideal Typical Roles of Corporate Counsel by Conceptual Dimensions

Ideal type	Gatekeeping functions	Scope of advice	Knowledge claims
Cop	defines role.	rule-based/legal risk.	primarily legal.
Counsel	major/not sole.	mixed law/business ethics.	legal/situational.
Entrepreneur	beyond law avoidance.	mixed law/business strategy.	economic/managerial/legal.

Note. From "Cops, counsel, and entrepreneurs: Constructing the role of inside counsel in large corporations," by R. L. Nelson and L. B. Nielsen, 2000, *Law & Society Review*. 34(2), p. 462. Copyright by the Law and Society Association. Reprinted with permission.

Other scholars have supported Nelson and Nielsen's research. Dinovitzer et al. (2014) observed that the behaviors characterizing corporate lawyers' relationships with non lawyers fall along 2 axes: (a) degree to which a lawyer relies on prior experience or

legal knowledge in support of her decisions and actions, and (b) degree to which a lawyer frames her role in terms of membership in a collective group or in terms of individual action. Dinovitzer et al. outlined the diverse profiles for 4 types of in-house lawyers:

- Lawyers' lawyer: Places primary emphasis on his or her legal knowledge during the decision-making process. Although such lawyers are familiar with their clients' business objectives, legal considerations take precedence over business considerations.
- Team lawyer: Places priority on legal considerations over business considerations similar to the lawyers' lawyer, but gives greater deference to personal experience in decision-making.
- Lone ranger: References law in decision-making but places primary emphasis on personal experience. Identity is individual-focused rather than collective-focused.
- Team player: Places greater emphasis on experience rather than legal knowledge while demonstrating an appreciation of firm collectivity.

Benefits of managing relationships between lawyers and managers. The tenuous relationship between lawyers and managers will also have an effect at the organizational level. As noted by Evans and Gabel (2014), a conflict between lawyers and managers results in managers paying scant attention to the use of law as a strategic business resource. Such differences in perspective led Masson (2010) to remark that tension exists even on the specific areas covered by the term "legal strategy." In-house counsel will face significant challenges in their efforts to assist management in grasping the strategic

aspects of legal decision-making and their efforts to promote the corporate legal department as an internal strategic partner (Orozco, 2010; Lees et al., 2013).

Numerous benefits connected to improving relationships between lawyers and managers exist. According to Kim (2014), prior studies often placed undue emphasis on the role of conflict in inter-professional relationships, thereby ignoring the potential for cooperation and collaboration. Diverse problems may overwhelm the organization if proper consideration is not given to cultivating relationships between lawyers, managers, and executives, whereas a proper balance between these relationships will support effective compliance and business performance (Perrone, 2014). As noted by Haapio (2015), the prevention and mitigation of conflict between lawyers and managers will require the integration of the knowledge and abilities of each group through communication and collaboration. Lovett (2015) further highlighted the importance of such relationships by noting that most, if not all, organizational employees interact with general counsel and other members of the legal department on a routine basis. By fostering a corporate culture of proactive partnership, members of the legal department will have the ability to further strengthen relationships by understanding organizational needs and providing proactive strategic advice to achieve the associated goals (Lees et al., 2013). In-house attorneys working as general counsel will stand in a better position to manage risk, organize resources, and create value when they work collaboratively as strategic partners with non lawyer managers (Bagley et al., 2016). Figure 3 provides a visual representation of the interactions between managers and legal counsel under a proactive, legally astute approach to law.

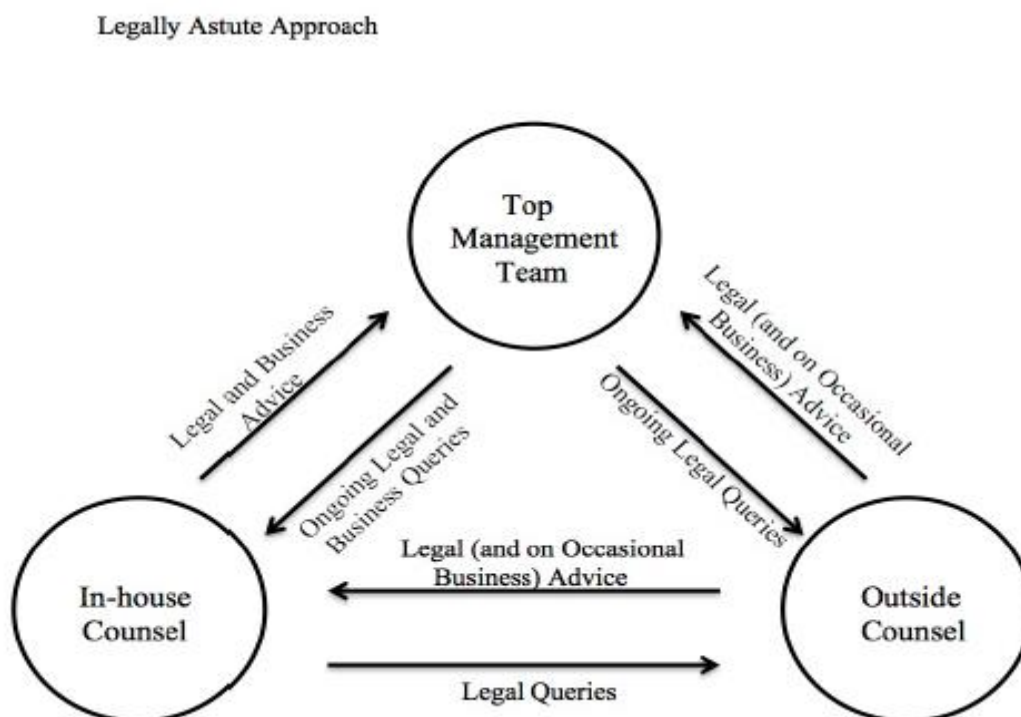


Figure 3. Legally astute approach to law and management.

Note. From “Who let the lawyers out? Reconstructing the role of the chief legal officer and the corporate client in a globalizing world,” by C. E. Bagley, M. Roellig, and G. Massameno, 2016, *University of Pennsylvania Journal of Business Law*. 18, p. 460. Copyright by the University of Pennsylvania Journal of Business Law. Reprinted with permission.

Barry and Kunz (2014) noted that collaborative in-house counsel support contributions to overall employee empowerment and product development efforts. Orozco (2010) described how collaboration between managers and attorneys will lead to group learning and the generation of advanced legal knowledge. Echoing this research, Bird (2010) asserted that the knowledge generated through group learning will act as a channel for the further creation of collaborative solutions to complex business processes.

The business contracting process is a common challenge requiring such collaboration. As noted by Haapio (2015) and Siedel and Haapio (2013), business contracts are not the sole purview of company lawyers: synchronization is necessary between numerous individuals within the organization, including project managers, financial managers, sales managers, procurement managers and other business professionals. Barton et al. (2013) asserted that the application of visualization strategies to the contracting process will foster more robust commercial dealings with third-party customers outside the organization and cross-professional collaboration between managers and lawyers within the organization. Research by Curtotti et al. (2015), Passera et al. (2014), and Pohjonen and Noso (2014) provides further support for the promotion of collaboration through the increased use of contract visualization practices. Managers and lawyers who work together will have a better chance of successfully managing the challenges associated with contract development (Haapio, 2015).

The improvement of lawyer-manager collaborative relationships has larger implications for the efficiency and effectiveness of organizational legal strategy. Given that managers' attitudes toward attorneys influence an organization's susceptibility toward legal strategy (Bird, 2011), in-house counsel will need to dispel the stereotype that the legal department represents an intrusion on the organizational value creation process (Wald, 2015). To accomplish this goal, in-house counsel will need to find a way to engineer a shift in perspective so that managers will begin viewing the law as a valuable strategic resource for the organization (Bird & Orozco, 2014). As noted by Henderson (2014), established mental frames represent a significant hurdle to

accomplishing this objective. Mental frames, if left unchallenged and unchecked, will hinder innovation by rendering it nearly impossible for an individual to consider options outside the status quo (Henderson, 2014). Rapoport (2014) indicated that recognition of cognitive biases toward the law will help organizations modify policies and approaches to legal strategy to facilitate the improved delivery of legal services.

The identification of existing viewpoints represents an essential first step in the change process. Upon the identification of managerial mental frames and biases toward the law, the legal department may begin to eliminate the divide between managerial and legal perspectives (Inside Counsel, 2015). According to Bird (2011), managers' attitudinal variables may lead to either the deterrence or the promotion of legal strategy. Attitudinal variables denote the perspectives and opinions of a person that may affect his or her behavior, values, and decisions (Bird, 2011). Bird also noted that the attitudinal variables held by key organizational decision-makers will have the potential to manipulate company strategy. Bagley et al. (2010) observed the presence of conflicting viewpoints in students who viewed the law as both a weapon and a tool that can either harm or help organizations. Bagley et al. also noted that increased experience with legal strategy issues transformed students' views on the relationship between business decision-making and legal strategy. Kim (2014) studied the relationships between lawyers and non lawyer professionals by examining lawyers' ecological exchanges with non lawyers in the real estate, insurance, finance, and law-affiliated industries. Kim concluded that lawyers had cooperative relationships with professionals in law-affiliated and financial areas. Although the validity of Kim's research is questionable given his

substantial reliance on assumed interactions stemming from demographic data, it supports the assertion that lawyers can work collaboratively with other professionals despite differences in viewpoints, education, and training.

In summary, the tensions between lawyers and managers originating from differences in perspective and behavior will have a visible effect on the organization in the following areas: (a) interactions and collaborative relationships between lawyers and managers; (b) lawyers' abilities to perform their jobs, and (c) the overall capacity to pursue legal strategy at a companywide level. The detriments of poor relationships and the benefits of improved relationships alike between lawyers and managers highlight the need to develop leadership skills among members of the legal profession.

Leadership in the legal profession. A growing level of scholarship connects the necessity of collaborative relationships between lawyers and managers and the leadership skills and competencies required for success in modern in-house corporate legal practice. This section will contain an overview of current scholarship on the growing need for members of the legal profession to possess effective leadership skills, followed by a discussion on how the cultivation of such skills remains largely overlooked in formal legal education. The literature in this section emphasizes the challenges that will hinder lawyers' efforts to lead organizational change efforts within the organization, supporting the need to identify techniques that will alter unreceptive managerial viewpoints toward the strategic value of law within the corporate setting.

Necessity of leadership in the legal profession. Leadership represents an indispensable component of modern legal practice. As noted by Rhode (2011), nearly

every lawyer will, at some point in his or her legal career, assume a significant leadership role in the workplace or the community. Corporate legal departments often promote lawyers to management positions that place emphasis on leadership (Cochran, 2014). Attorneys will require a diverse array of leadership skills to succeed in in-house legal practice (Rhode, 2010, 2011). According to the results of a survey of leaders working in law firms and other professional service firms, the most critical leadership attributes and qualities will include the ability to attract followers, build coalitions and influence people, exercise good communication skills, humility, empathy, integrity, business understanding, respect for others, listening, passion and inspiration (Broderick, 2010). Broderick noted how ‘business understanding’ was the only leadership quality that encompassed specialist or professional skills. Mottershead and Magliozzi (2013) noted that the core competencies necessary for success in the modern legal profession will include legal knowledge, business acumen, problem-solving, emotional intelligence, project management, leadership, flexibility and adaptability, cultural competency, working with people, and relationship building and collaboration. Similar to Broderick, the ‘working with people’ competency identified by Mottershead and Magliozzi also encompassed team building, team contribution, interpersonal communication, and engagement. Both sets of results also included the perception that legal knowledge consisted of only 1 component of a larger set of skills necessary for successful legal practice. Cochran (2014) and Perrone (2014) emphasized the importance of similar skills. Attorneys who wish to succeed in contemporary in-house legal practice will need to internalize and exhibit these assorted skills, competencies, and behaviors.

Absence of leadership training in legal education. Despite the rising importance of leadership in the legal profession, attorneys sometimes routinely fail to exhibit the same skills, competencies, and behaviors in this area as their managerial counterparts. Many lawyers often lack the necessary preparation, ability, and comfort to engage in effective leadership practices within the business community (Rhode, 2010, 2011; Trezza, 2013; Weinstein et al., 2013). Although in-house attorneys are expected to work effectively across departments, offices, and geographic regions, they have scant formal training or education on how to work as part of an executive or management level team (Cochran, 2014; Weinstein et al., 2013). Attorneys who assume the role of in-house counsel often scuffle to accomplish the responsibilities that are inherent in the position but external to the traditional practice of law (Lovett, 2015). The vast array of writings on the subject of business leadership notwithstanding, scholars have paid scant attention to the unique considerations and leadership challenges in-house counsel will face in the corporate environment (Cochran, 2014; Rhode, 2012). An emphasis on competition has historically supplanted an emphasis on collaboration in the law school setting (Condlin, 2014; Koh & Welch, 2014; Meyerson, 2015; Weinstein & Morton, 2015).

Some scholars have examined the connection between the skills deficiencies exhibited by newer generations of legal practitioners and the learning environments that often characterize contemporary legal education. As noted by Morton, Taras, and Reznik (2010), the traditional characteristics of legal study, which include an emphasis on linear thinking and competition, constitute a natural obstacle to teamwork. Morton et al. noted that the interpersonal traits created by such a method of study, which include inflexibility,

an absence of self-awareness, belligerence, and the need for individual accomplishment, further hinder successful interdisciplinary collaboration. The works of Douglas (2015), Knauer (2015) and Perlin and Lynch (2015) further support these assertions. These findings collectively provide additional context for the conclusions reached by Smith and Marrow (2008). Smith and Marrow indicated that attorneys who occupied various leadership positions in major law firms acknowledged 5 central areas in which they experienced difficulties, including:

- Promoting client satisfaction and client retention.
- Managing firm growth through the development of new markets and practice areas.
- Managing internal talent, improving firm culture, and engaging in succession planning.
- Cultivating strategic leadership skills, improving teamwork, and developing employee buy-in to long-term vision.
- Building consensus, implementing strategic planning and repositioning firm resources.

Over the last few years, the momentum of leadership development in the legal field has started to progress. An emphasis on leadership now occupies a greater role in programs geared toward law students with a variety of career interests and aspirations, such as business and law school joint degree programs, clinical programs, and legal skills programs (Mottershead & Magliozzi, 2013; Trezza, 2013). In contrast, only 8% of ABA-accredited law schools in the United States offer courses catered specifically to in-house

legal practice (Lovett, 2015). As noted by Trezza (2013), the emerging challenges now facing the legal profession will mandate an increased emphasis on leadership tools.

Although major law firms are spearheading change in this area, all lawyers, especially in-house counsel, must respond to the need for increased leadership tools (Trezza, 2013).

The increased need for leadership proficiencies is chiefly evident for lawyers employed in the position of in-house general counsel. To thrive as successful leaders in general counsel positions, lawyers will need to look beyond the skills traditionally taught in law school and cultivate new techniques for solving complex problems and working in interdisciplinary teams across departments, organizations, and countries (Cochran, 2014). According to Rhode (2012), the successful resolution of existing leadership challenges will require strategies along 2 separate dimensions: (a) lawyers will need methods to identify and address their respective leadership weaknesses, and (b) lawyers will need techniques for developing and cultivating leadership objectives in an effective manner. As noted by Bird and Orozco (2014), leadership development will become increasingly crucial for individuals working in the position of corporate general counsel.

In summary, 2 important features were evident from the literature about leadership in the legal profession: (a) effective leadership skills will constitute an indispensable tool for addressing the diverse challenges of modern in-house corporate legal practice, and (b) despite recent progress, many in-house attorneys often lack the leadership preparation, abilities, and comfort necessary to meet these challenges. As noted by Rhode (2012), resolution of these leadership challenges will call for new techniques geared toward the development and cultivation of leadership objectives. This

section of the literature review built upon the prior 2 sections by supporting the connection between attitudes toward lawyers and the law, relationships between lawyers and non lawyer managers, and leadership in the legal profession, as well as demonstrating the need to develop new leadership techniques for altering managerial views of the law. As individuals employed in the position of general counsel often possess skills in numerous areas beyond legal acumen, including leadership, management, and human resources (Bagley & Roellig, 2013; Bird & Orozco, 2014; Conley, Bican, & Summer, 2013), they represented a reasonable foundation to assist in the development of such techniques.

Role and functions of in-house general counsel. In light of the challenges posed by the frequent absence of leadership training and leadership competencies in the legal profession, elements that are central to the development of techniques that will alter unreceptive managerial viewpoints toward the strategic value of law, it was necessary to draw from sources where these elements were more common: in-house general counsel. This section will contain a review of current scholarship on the growth of general counsel in the corporate environment, the ways in which general counsel create value, the roles and responsibilities that characterize the general counsel position, and the growing responsibilities general counsel will face to bridge the gaps between the legal and business spheres of the organization. In addition to advanced business knowledge, general counsel often possess the skills, knowledge, and expertise needed to bridge the gap between the business perspective and the lawyer mentality by altering managerial views of the law and managerial views of the legal department's role in the organization.

The literature in this section underlines the important role that general counsel will play in the facilitation of organizational legal strategy, supporting the decision to draw experts for the Delphi panel from the ranks of general counsel across the United States.

Growth of general counsel in the corporate environment. Occupational statistics related to the position of in-house general counsel reveal new demographic shifts within the legal profession. As noted by Bryans (2015), lawyers traditionally viewed employment in private practice law firms as superior to employment as in-house counsel in the corporate setting. This viewpoint is changing as in-house counsel wield great power in the corporate sector (Glidden, 2013). An estimated 13% to 16% of all practicing attorneys worked as in-house counsel in 2014 (Lovett, 2015). The Association of Corporate Counsel (2016b) reported a 10% increase in available in-house lawyer positions in 2015. An analysis of all general counsel appointments within Fortune 500 companies between 2011 and 2012 conducted by Russell Reynolds Associates (2015) revealed a 25% increase in the practice of hiring general counsel who previously served in such positions, suggesting an increased demand for individuals with previous experience managing in-house legal departments. Litov et al. (2014) chronicled similar trends on the increasing number of lawyers serving on the board of directors or in the position of chief executive officer. As a result of this massive demographic shift, the American Bar Association and many state bar associations now offer sections and committee memberships geared toward the niche practice of business law in the corporate setting (Lovett, 2015).

Redistributions of companywide resources are beginning to accompany demographic shifts associated with the increasing reallocation of attorneys to in-house counsel positions. As noted by Mintzer (2015), results from a 2015 Global General Data Counsel Survey of general counsel from Fortune 1000 companies indicated that corporate legal departments are beginning to see increased human resource and financial support from their respective organizations. Approximately 70% and 59% of respondents noted increases in staff and increases in department budgets respectively over a 12 month period (Mintzer, 2015). Several third-party associations, such as the Association of Corporate Counsel (2016a), are dedicated to serving the professional interests of in-house legal counsel. Membership in the Association of Corporate Counsel now encompasses over 35,000 in-house lawyers from more than 10,000 companies worldwide.

Scholars have attributed the rise in prominence of general counsel positions to a variety of factors. According to Lovett (2015), the complexities, demands, and expectations placed upon in-house legal departments will increase dramatically over the next several years. The increasingly complex and litigious nature of the regulatory environment of business will continue to demand the presence of effective in-house legal counsel (Ham & Koharki, 2016; Kwak, Ro, & Suk, 2012; Lovett, 2015). Phillips (2014), Rapoport (2014), and Susskind (2013) attributed the rising prominence of in-house counsel to ongoing changes within the legal community, including (a) rapid advancement of information technology innovations; (b) changing business models within the legal services industry, and (c) mandates for legal cost reductions from business clients. Litov et al. (2014) noted an increase in the number of lawyers serving on boards of directors.

Litov et al. further ascribed the rising need for in-house counsel to escalating trends in governmental regulation, litigation, and corporate reliance on intangible assets. Tying each of these factors together, Orozco (2016) noted that the rise of in-house legal counsel reflects an increased understanding of the need for, and value of, effective corporate legal strategy.

General counsel value creation. Numerous scholars have emphasized the connection between the presence of general counsel and the creation of organizational value. Ham and Koharki (2016) examined whether the decision by a firm to appoint corporate general counsel to senior management affected the firm's credit risk assessment. Litov et al. (2014) concluded that placing a lawyer on the board of directors led to a 9.5% increase in company value. In instances where a lawyer maintained dual positions as both a company director and a company executive, Litov et al. found that the company's overall value increased by over 10%. Ham (2014) concluded that financial market statistics reflect favorably on the appointment of a company's general counsel to a position on the top management team.

In addition to creating value through mere presence, general counsel drive value through their day-to-day functions. Bird et al. (2015) found that the chief legal officer (CLO) drives company value by operating as a gatekeeper to protect the company from legal hazards through serving as the preventer of corporate wrongdoing. The vision of "lawyers as gatekeepers" supports the proposition that in-house lawyers will need to protect the organization from both external and internal threats (Kim, 2016). Choudhary et al. (2014) concluded that a company is more likely to employ a top-tier corporate

attorney if it faces complex financial reporting obligations. Kwak et al. (2012) examined whether the presence of general counsel in senior management positions affected companies' earnings forecasts disclosures. Kwak et al. concluded that if a company has a general counsel in senior management, then the company is more likely to issue more frequent and more accurate earnings forecasts than companies without a general counsel on its senior management team. Goh, Lee, and Ng (2015) found that companies with general counsel in senior management teams exhibit more untrustworthy tax positions and an increased likelihood of participating in tax shelter activities than companies without a general counsel in senior management. These results are consistent with the findings of Bozanic, Choudhary, and Merkley (2016), as well as Hopkins et al. (2014), who concluded organizations that possess well-compensated general counsel exhibit aggressive accounting practices and low financial reporting quality. These results are inconsistent with the results of Ham (2014) and Morse, Wang, and Wu (2016), who concluded that the presence of general counsel has a tendency to promote more conservative accounting practices.

Roles of general counsel. The value creation attributed to general counsel is a reflection of the variety of roles that they occupy within organizations. According to Morse et al. (2016), 3 spheres comprise the tasks of senior in-house counsel: corporate governance monitoring, regulatory compliance, and business development. A variety of responsibilities and functions emerge from these 3 spheres, including legal advisor and educator, arbitrator, negotiator, strategic planner, and crisis manager (Bagley & Roellig, 2013). Hopkins et al. (2014) asserted that general counsel would continue to have

numerous oversight responsibilities within organizations related to the preservation of firm compliance with applicable laws and regulations. Other scholars have noted that the roles and responsibilities of general counsel will also encompass shareholder litigation and regulatory sanction management, maintaining responsible corporate practices and financial performance, and projecting the effect of regulatory changes on firm performance (Ham, 2014; Ham & Koharki, 2016; Jagolinzer, Larcker, & Taylor, 2011).

In light of these diverse responsibilities, the perspectives toward the roles of in-house general counsel within organizations will continue to change. According to Barry and Kunz (2014) and Ham and Koharki (2016), the importance, prestige, size, roles, and responsibilities of general counsel within organizations will continue to transform over the next few years. Due to the increased broadening and blurring of the boundary between law and business, general counsel will continue to gain recognition as valued members of senior/executive level management (DeMott, 2013; Remus, 2013). The growing pressures imposed by an increasingly massive and convoluted patchwork of local, state, and federal regulations in the business environment will drive this expansion (Bird & Park, 2016; Ham & Koharki, 2016). Mounting acknowledgment that law is also a potential source of value creation within the organization will also drive the expansion of roles and responsibilities allocated to the general counsel's office (Orozco, 2015). Scholars have asserted that the presence of well-rounded, business-oriented counsel at the strategic planning table will constitute a core requirement for long-term success (Lovett, 2015; Orozco, 2015). As general counsel now possess dual responsibilities as both legal

counsel and business value creators, Bagley et al. (2016) referred to general counsel as “strategic partners” within the organization.

In a continuous cycle, the changing perspectives toward the roles of in-house general counsel in organizations will lead to changes in how general counsel must approach their jobs. The modern role of in-house counsel will include a vast array of features that go beyond the traditional practice of law (Lovett, 2015). General counsel will maintain entrepreneurial and business advisory duties within the organization in addition to overseeing legal matters (DeMott, 2013; Didday, 2013; Ham & Koharki, 2016; Inside Counsel, 2015; Kaplan, 2012). The role of the general counsel in the business environment is quickly becoming 1 of the most challenging and demanding roles in the entire legal profession (Lovett, 2015). According to King and Wood Mallesons (2016), the top 5 future challenges that corporate lawyers will face include: business strategy, legal risk management, management of legal function, compliance matters, and managing relationships with internal clients. General counsel will need to continually develop and refine their business skills as a means to create effective processes and controls in response to organizational strategic objectives (KPMG, 2014).

Expansion of general counsel roles to include business strategy. General counsel possess a diverse array of skills beyond legal knowledge and acumen. The non legal skills required of general counsel will need to include a developed understanding of business management, project management, financial management, human resources, budgeting, information technology, procurement, sales, asset management and marketing (Association of Corporate Counsel, 2013, 2014, 2015; Conley et al., 2013; Kaplan,

2012). Lovett (2015) noted that chief legal officers will need emotional intelligence and an “executive presence.” According to a survey of chief legal officers conducted by the Association of Corporate Counsel (2014), 76% have played an increasing role in corporate strategy development in recent years, 89% recognize the importance of developing non legal skills, and 81% favor being involved in strategic corporate issues. The Association of Corporate Counsel also noted that the most coveted non legal skills among staff in the corporate law department related to business management, project management, and communication.

General counsel will need to apply their combined legal knowledge and business acumen in numerous ways. In addition to their participation in business strategy discussions, general counsel, often acting as chief legal strategists, will champion high-level legal strategies (Bird & Orozco, 2014). General counsel will set the overall tone for legal strategy within the organization and encourage non lawyer managers to assume more participatory, hands-on roles in legal affairs affecting their organizations (Bagley & Roellig, 2013; Lovett, 2015). The role of general counsel will require an understanding of the roles played by diverse parties throughout the firm and the skills necessary to act as a buffer between lawyers and non lawyer managers (Dinovitzer et al., 2014). As noted by Bird and Orozco, to drive legal strategies in such an interdisciplinary context, chief legal strategists will require the following qualities:

- Effective communication skills.
- Strong business fluency, financial literacy, and operational experience.
- Creative problem-solving capabilities.

- Prior business leadership experience.
- The ability to act as team-players and team-builders.
- Change-agent mentality.
- Strategy execution capabilities.

Weise (2014) proposed a similar set of skills:

- Providing advice that goes beyond discussion of potential legal obstacles.
- Acting as team players rather than isolationists.
- Possessing legal and business acumen.
- Serving as problem solvers.
- Aiding in deal creation.

General counsel as boundary spanner. The skills and expertise of general counsel will have significant implications outside of business strategy discussions. General counsel will serve an important strategic role as boundary spanners between the business perspective and the lawyer mentality (Bird & Park, 2016; Inside Counsel, 2015). As noted by Orozco (2010), bridging the gulf between lawyers' and managers' respective mental models will represent a crucial factor to the assimilation of collective knowledge into innovative processes that combine legal tactics with managerial insight. General counsel occupy unique positions within organizations that will allow them to question and contest legal groupthink stemming from close ties between company managers and company directors (Pacella, 2015). To identify how the legal department will play a leading role in achieving the company vision, general counsel will need to consider their connections and interactions with other organizational departments (Inside Counsel,

2015). General counsel will have the potential to positively alter managerial views of the law as well as managerial views of the legal department's role in the organization (Lovett, 2015).

The ability to change managerial viewpoints will require an understanding of how managers view the law. Confirming that individuals working as general counsel possess comprehensive knowledge of the organization's short-term and long-term strategic initiatives will constitute a critical step in making the shift in managerial viewpoints a reality (Lees et al., 2013). It will not be enough for general counsel to understand and acknowledge the existing legal knowledge held by managerial employees, rather they will need to comprehend how legal knowledge circulates throughout their companies (Bird, 2010). According to Bagley et al. (2010), corporate counsel who recognize how managers view the law and who understand how those views spread throughout the organization will stand in a better position to generate stronger, more effective connections between legal strategy and business value creation. Although the routines and patterns that characterize the spread of legal viewpoints throughout the firm are often undetectable, such managerial knowledge will represent an important asset in the development of competitive advantages (Bird, 2010).

In summary, 2 important features were evident from the literature on attitudes toward lawyers and the law: (a) general counsel often possess the legal acumen, advanced business knowledge, and leadership skills that will become necessary to bridge the gap between the business perspective and the lawyer mentality by altering managerial views of the law and managerial views of the legal department's role in the organization, and

(b) general counsel represented a proper and suitable population from which to draw experts for the panel in this Delphi study. Because the challenges, obstacles, and risks involved in change initiatives (Alvesson & Sveningsson, 2015; Boyd et al., 2014; Hon et al., 2014; Lewis, Laster, & Kulkarni, 2013), an understanding of the knowledge and skills possessed by general counsel set the stage for considering why altering unreceptive managerial viewpoints toward the strategic value of law within the corporate setting will become so critical to future organizational success.

Law, legal strategy, and competitive advantage. In light of the literature on unreceptive managerial attitudes toward law, tensions between lawyers and non lawyer managers, leadership challenges in the legal profession, and resistance to change in general, it is natural to ask the following question: Why should general counsel bother to develop techniques that will alter unreceptive managerial viewpoints toward the strategic value of law within the corporate setting? In response to this question, the literature in the following section features emerging scholarship on the benefits of applying legal strategy to competitive advantage and business success. The bulk of this section supports the application of the Delphi design by including a discussion of the proactive law movement and the various frameworks, concepts, and tools developed by legal scholars to generate competitive advantage from the law by changing the role of law and legal strategy in business decision-making.

Emerging viewpoints toward legal strategy. The connection between legal strategy and business strategy represents a growing phenomenon within legal and management scholarship. As noted by Bagley et al. (2010), organizations historically

viewed the primary function of the legal system regarding setting up the “rules of the game” by delineating the margins that society should impose upon business sector operations from a public policy standpoint (Bagley et al., 2010). Failure to comply with legal regulations often results in considerable punishments, including forced changes in senior management, increased regulatory oversight, exorbitant financial penalties, personal liability for managers and executives, and a decline in company share price (English & Hammond, 2014). Traditional legal strategists placed a primary emphasis on risk management and litigation strategy, largely ignoring the relationship between business and law (Siedel & Haapio, 2010). Legal scholars and practitioners focused principally on the methods and practices for responding to past events with legal significance through court proceedings, fines, and sanctions (Haapio, 2015). In a similar fashion, management scholars rarely incorporated analyses of legal issues in their examinations of the critical success factors driving effective business strategies (Bird, 2010). This combined lack of consideration largely prevented traditional researchers from the management and legal spheres alike from recognizing the methods through which in-house legal departments afforded competitive advantage (Bird & Orozco, 2014; Orozco, 2010).

Despite traditional perspectives and viewpoints regarding legal strategy, the dynamic challenges of commerce will catalyze the need for change. As noted by Siedel (2000), 6 forces have catapulted legal strategy considerations to the vanguard of future management concerns: regulation, litigation, entrepreneurship, globalization, compliance, and technology. In response to the growing hypercompetitive nature of the business

environment, organizations will increasingly seek to develop sustainable competitive advantages by employing the law for strategic business purposes (Bagley, 2010; Bird, 2011; Orozco, 2015). Evans and Gabel (2015) noted that 3 categories of flexibility are intrinsic to every legal system: systemic flexibility, substantive flexibility, and enforcement flexibility. An organization that acknowledges and manages these inherent flexibilities will develop the ability to cultivate legal competitive advantage (Evans & Gabel, 2015; Glidden et al., 2014). As noted by Bagley (2010) and Bagley (2015), law will continue to affect each of the 5 forces that define an enterprise's attractiveness to customers: (a) supplier power; (b) buyer power; (c) competitive threats posed by rivals; (d) availability of substitutes, and (e) threat of new entrants (see Table 6). As indicated in Table 7, many of the approaches that organizations will use in the pursuit of competitive strategies in the marketplace will incorporate legal elements and considerations. Law will affect every activity in the value chain, including sales, warranties, manufacturing, distribution, and design (Bagley, 2015). The growing acknowledgment of legal strategy reflected in the *American Business Law Journal* emphasizes the diverse future implications and applications of integrating law and business strategy (Dhooge, 2013).

Table 6

Using Law to Affect the Competitive Environment

<i>Porter's 5 forces</i>					
<i>Public policy objectives</i>	<i>Direct competition</i>	<i>Threat of entry</i>	<i>substitutions</i>	<i>Supplier power</i>	<i>Buyer power</i>
Promote economic growth	Obtain development subsidies, tax breaks for domestic firm; litigate application of antitrust law.	Secure patents and other intellectual property rights; lobby for protectionist tariffs to advantage domestic firms.	Secure trademarks; bundle products.	Enter into long-term supply contracts.	Secure cost-plus government contracts and no-bid contracts from Department of Defense; enter into exclusive dealing contracts; use contracts or IP to bundle products.
Protect worker interests	Restrict availability of visas needed by rivals; lobby for tighter OSHA or FDA regulations to detriment of lesser rivals.	Seek limits on overseas Outsourcing.	Enter into employment agreements with covenants not to compete; subject stock to vesting.	Litigate definition of "employee."	Lobby for ban on products made with child or slave labor.

(table continues)

Promote consumer welfare	Seek to outlaw competing products on safety grounds; promote expedited regulatory approval of generic drugs; disclose product ingredients and place of manufacture.	Impose licensing regime; demand posting of bond by service providers.	Seek to outlaw substitute products on safety grounds.	Require labeling of “foreign” parts.	Require purchasers to buy services from state-licensed providers.
Promote public welfare	Obtain ethanol-style subsidies for firm’s product; lobby for tougher environmental standards.	Resist reforms designed to reduce the costs of incorporating, obtaining licenses, and issuing securities.	Seek to grandfather existing products and facilities from new taxes and regulatory requirements.	Lobby for reduced import duties on foreign suppliers.	Lobby for domestic content requirements and higher transportation taxes; promote bans on the payment of bribes.

Note. From “What’s law got to do with it? Integrating law and strategy,” by C. E. Bagley, 2010, *American Business Law Journal*. 47(4), p. 599. Copyright by John Wiley & Sons Inc. Copyright of American Business Law Journal is the property of Wiley-Blackwell and its content may not be copied or emailed to multiple sites or posted to a listserv without the copyright holder’s express written permission. However, users may print, download, or email articles for individual use. Reprinted with permission.

Table 7

Legal Aspects of 5 Generic Strategies

Strategies	Legal aspects
Low total cost	<p data-bbox="646 520 1435 588">Secure process patents and preserve trade secrets to protect low-cost production and service process innovation.</p> <p data-bbox="646 625 1435 693">Enter into contracts to create outstanding supplier Relationships.</p> <p data-bbox="646 730 1435 766">Avoid environmental and safety incidents.</p> <p data-bbox="646 804 1435 835">Contribute to communities.</p>
Product leadership	<p data-bbox="646 877 1435 913">Minimize product liability and environmental impact.</p> <p data-bbox="646 951 1435 982">Secure strong intellectual property protection.</p> <p data-bbox="646 1020 1435 1087">Require employee assignments of inventions and nondisclosure agreements.</p> <p data-bbox="646 1125 1435 1157">Contribute to communities.</p>
Complete customer solutions	<p data-bbox="646 1192 1435 1228">Gain regulatory approval for new offerings.</p> <p data-bbox="646 1266 1435 1297">Protect customer lists as trade secrets.</p> <p data-bbox="646 1335 1435 1371">Protect customer data and privacy.</p> <p data-bbox="646 1409 1435 1444">Restrict employees' ability to compete.</p> <p data-bbox="646 1482 1435 1518">Enter into contracts to strengthen customer relationship.</p> <p data-bbox="646 1556 1435 1623">Avoid illegal ties by bundling products to create greater functionality instead of bolting 2 separate products together.</p> <p data-bbox="646 1661 1435 1791">Secure intellectual property protection (especially patents, copyrights, and trade secrets) so can deny competitors the right to offer postsale service even if have market power in primary market. Contribute to communities.</p>

(table continues)

Lock-in	<p>Secure and defend proprietary position by obtaining patents and copyrights and by protecting trade secrets.</p> <p>Litigate to defend right to refuse to sell replacement parts and other refusals to deal.</p> <p>Enforce contracts to ensure customers, suppliers, and complementors do not deviate from proprietary standard or rules of exchange.</p> <p>Avoid illegal bundles and potential antitrust litigation.</p>
Value innovation	Combine legal aspects for low total cost and product leadership.

Note. From “What’s law got to do with it? Integrating law and strategy,” by C. E. Bagley, 2010, *American Business Law Journal*. 47(4), p. 603. Copyright by John Wiley & Sons Inc. Copyright of American Business Law Journal is the property of Wiley-Blackwell and its content may not be copied or emailed to multiple sites or posted to a listserv without the copyright holder’s express written permission. However, users may print, download, or email articles for individual use. Reprinted with permission.

Scholars have applied legal strategy concepts to numerous areas of business strategy. Steinitz (2014) examined the application of corporate governance practices to litigation governance, noting that such integration will diminish the costs imposed by litigation in transactions related to future mergers or acquisitions. DeStefano (2014b), Sahani (2015), Sebok (2014), and Lovell (2015) used legal strategy concepts to analyze future trends in commercial claim funding. Peterson (2013) and Weber and Wasieleski (2013) examined the potential for competitive advantage stemming from the future integration of legal compliance and ethics programs processes into overall strategic processes. Mortan, Rațiu, Vereș, and Baci (2015) examined the challenges that will surround the integration of legal strategies designed to address environmental issues with global company practices. In the area of products liability, Peterson (2013b) examined

the future feasibility of product discontinuance, product relocation, and product offering modification strategies in response to increased litigation and pending FDA regulation in the alternative beverage market. Peterson (2014) examined how companies will need to address the legal issues stemming from social media activities from a broader strategy-oriented perspective. Iqbal, Khan, and Naseer (2013) surveyed the potential strategic benefits associated with future revisions to e-commerce regulations. Rahim (2013) studied how legal strategies designed to unite corporate social responsibility (CSR) principles with production standards will lead to a potential competitive advantage. Remus (2014) examined how corporate lobbying practices may influence future legal changes by the national legislature.

Alongside defensive legal strategies, the use of aggressive litigation practices represents a common but controversial implementation of legal strategy principles. The future strategic use of aggressive litigation to protect the property rights of an organization's intangible assets and drive firm value creation will continue to affect the area of patent law (Chen et al., 2016; Hubbard, 2013, 2014). Commonly referred to as patent trolling, the aggressive litigation process involves the following features: (a) the acquisition of patent ownership rights for the sole objective of extracting payments from alleged patent infringers; (b) the absence of any research or development connected to products or technology related to the subject matter of the patent, and (c) the opportunistic assertion of patent infringement claims after alleged infringers have made irreparable resource investments (Hagiu & Yoffie, 2013; Osenga, 2014; Pohlmann &

Opitz, 2013; Tekic & Kukolj, 2013). Although the exercise of patent trolling is permissible under existing federal regulations, the use of such practices will continue to generate extensive debate within the legal and business communities (Ashtor, Mazzeo, & Zyontz, 2013; Helmers, Love, & McDonagh, 2013; Hu, 2014; Weiss, 2014). According to Hagiu and Yoffie, 2 factors will continue to drive the heated nature of the debate: (a) patent trolls engage in nuisance value litigation by suing numerous alleged infringers at 1 time in the hope of reaching a quick out-of-court settlement, and (b) patent trolls initiate litigation when their targets are most vulnerable, such as immediately before new product releases. Mannella and Hopkins (2014) criticized the unscrupulous nature of the process, noting that patent trolls will send thousands of letters to potential infringers, fail to provide sufficient explanation of the alleged infringement, and place unreasonable time constraints on requests for excessive financial compensation. According to Mazzeo, Ashtor, and Zyontz (2013), the practices of patent trolls simply constitute an innovative means of generating firm value through the exercise of legitimate patent ownership rights. Increasing discussion exists within the legislature regarding future reforms and modifications to patent regulations necessary to counteract the aggressive nature of such practices (Agarwal, 2015; Gugliuzza, 2015; Sautier, 2014; Taylor, 2015). In contrast, other scholars have examined ways to strategically use exemptions and exceptions within existing patent regulations as a defense to future infringement suits brought by patent trolls (Hopkins, 2015; Love & Yoon, (2013). Despite the controversy, aggressive

litigation practices reflect changing perspectives toward the role of legal strategy in the business context: a shift from a reactive posture to a proactive posture.

Proactive law. Proactive law represents a newer development in the area of legal scholarship. It began in late 1990s Scandinavia as a movement to enhance business contracting processes (Berger-Walliser & Shrivastava, 2015). Even though proactive behavior existed within the legal community before that time, the concept was not widely examined or exercised in contrast to other legal disciplines (Nordic School of Proactive Law, n.d.). Despite its initial standing as a European legal model, scholars within the United States legal community are increasingly viewing proactive law as a source of future competitive advantage in the business marketplace (Berger-Walliser et al., 2016).

A unique set of future-oriented operating principles, characteristics, and applications will continue to drive the practice of proactive law. As noted by Berger-Walliser (2012), proponents of proactive law will seek to generate innovative methods for tackling emerging legal concerns in the commercial setting. Proactive law encompasses practices, skills, procedures, and knowledge that support the identification of forthcoming legal difficulties while preventive action remains feasible, as well as the identification of business opportunities in sufficient time to exploit conceivable benefits (Nordic School of Proactive Law, n.d.). The principles of proactive law center on using the law as an empowering mechanism to foster relationships, cultivate value, and manage future risk, rather than relegating law to the inconsequential status of an encumbrance, constriction, or cost feature (Berger-Walliser, 2012; Nordic School of Proactive Law,

n.d.). Proactive law consists of the following elements: (a) supporting compliance with applicable legal rules and regulations; (b) minimizing the risks, problems, and losses associated with non-compliance; (c) eliminating the chief causes of compliance failures; (d) lawyers serving as strategic advisors; (e) assisting in the attainment of mutual goals and objectives; (f) maximizing the positive benefits and outcomes of upcoming business opportunities; (g) driving impending business success factors, and (h) promoting the involvement of lawyers in cross-professional collaborative teams. A central tenet of proactive law centers on the cultivation of inter-professional collaboration between managers, lawyers, and other subject matter experts (Berger-Walliser, 2012; Haapio, 2015).

The proactive law movement is not localized to Europe. In the United States, legal scholars and practitioners have applied the fundamental concepts of proactive law to efforts geared toward assisting in-house legal departments in transitioning from reactive postures to proactive postures (Lees et al., 2013). According to Lees et al., a reactive law department constantly functions in firefighter mode by reacting to critical events only as they arise. A major disadvantage of such an approach lies in the department's reduced capacity to establish a chain of priorities and identify future business risks in a systematic manner. In contrast, Lees et al. referred to a proactive law department as one that will maintain the necessary behaviors, resources, processes, and procedures to successfully respond to emerging issues in a timely and efficient manner. The reduced emphasis on firefighter mode inherent in the proactive approach will provide the law department with

additional time to prepare for future problems preemptively, generate creative methods for legally achieving strategic business objectives, examine the potential legal consequences of developing business trends, and address known risks in a pre-emptive manner (Lees et al., 2013). Proactive law moves beyond the mere consideration of preventing legal problems to the future-oriented integration of legal skills and knowledge firmly into corporate culture, strategy, and day-to-day business activities (Haapio, 2015).

Over the last several years, scholars have applied proactive law to a variety of emerging issues, disciplines, and events affecting the business environment. The forward-thinking application of proactive law to a variety of disciplines, including marketing, risk management, contract economics, tax law, and outsourcing, reflects the movement's interdisciplinary nature (Berger-Walliser, 2012; Berger-Walliser & Shrivastava, 2015). Scholars have conducted extensive research on how businesses can approach contracting to promote the development of holistic business opportunities (Haapio, 2015; Passera et al., 2013; Pohjonen & Koskelainen, 2013; Tvede & Andersen, 2013). Cumming and Johan (2013) and Wroldsen (2015) applied proactive law concepts to the examination of entrepreneurship and crowdfunding strategies. Kerikmäe and Rull (2016) applied proactive law principles to escalating critical issues surrounding the relationship between law and technology. Barton (2015) noted that technological advancement will continue to test old-fashioned legal methodologies and prompt a re-design of legal systems using proactive law approaches. Contract visualization techniques stemming from proactive law will better promote contracts as collaborative communication tools (Curtotti et al.,

2015; Passera et al., 2014; Pohjonen & Noso, 2014). Berger-Walliser et al. (2016) noted that proactive law will enhance organizational environmental sustainability strategies. Proactive law has not yet achieved widespread general acceptance or universal comprehension among legal scholars and business practitioners (Barton, 2015; Berger-Walliser, 2012; Jorgensen, 2014).

Legal strategies do not encompass a one-size-fits-all approach. Implementing an effective legal strategy is an iterative process that will take time, requiring careful consideration of important factors, including financial resources, reporting structures, and the competitive landscape (Bird & Orozco, 2014). A more important consideration relates to the challenges imposed by managerial attitudes on efforts to use the law for competitive advantage (Siedel & Haapio, 2010). Bird (2011) noted that it is essential to identify, understand, and encourage the conditions and characteristics that will drive legally strategic behavior in managerial employees. As noted by Berger-Walliser, although scholars have addressed the paradigm shift accompanying the new objectives of proactive law, they have largely failed to examine approaches for actually facilitating the shift. Berger-Walliser identified a need for methods and tools to turn proactive law into practice. The work of Siedel and Haapio (2010) supports this viewpoint. Siedel and Haapio noted that once an organization identifies the attitudinal variables necessary for encouraging the development of legal strategy among managers, it will need a framework to encourage behaviors and practices based on those new understandings. A fundamental component of proactive law, stemming from the movement's future-oriented emphasis on

the integration of legal and business acumen, is the facilitation of inter-professional collaboration (Haapio, 2015). Haapio further noted that by learning and working together collaboratively, managers and lawyers will develop enhanced actions plans to achieve business success.

Future legal trends in business. Emerging trends and developments affecting the legal environment of business will present ongoing challenges for organizations that cannot alter unreceptive managerial viewpoints toward the law and bring the legal and management spheres within a corporation together. According to DLA Piper (2016), data protection and cybersecurity issues represent 2 of the top growing concerns in the areas of business litigation, risk management, and compliance. Corporations that fail to take adequate measures to guard against cyber-attacks will face new sanctions and penalties under a growing network of statutory regulations (Shackelford, Proia, Martell, & Craig, 2015). According to Hawes (2013), cybercrime incidents in 1 year alone affected over 100 million people in the United States, China, Korea, Turkey, and Germany. In the United States, hackers and data thieves have targeted corporations, non-profit institutions, and governmental entities alike, including Target, Apple, the Internal Revenue Service, Ashley Madison, and numerous colleges and universities (Groshoff, 2016; Jackson, 2016). Due to the potential for damage to global innovation, trade, and economic growth posed by cybercrime, technology experts, corporate executives, and legal counsel will need to work collaboratively on the development of proactive approaches to cyber

security and risk management (McAfee, 2014; Shackelford, 2016; Touhill & Touhill, 2014).

Recent developments in the areas of securities and consumer protection law further emphasize the need for integration. Starykh and Boettrich (2016) noted a record number of securities class action litigation filings in 2015. As noted by Skelton and Lee (2016), retailers in diverse industries are witnessing a rise in consumer class action lawsuits alleging deceptive and predatory sales practices. The escalating regularity of class action litigation filings has generated a new trend within the legal community, the practice of entrepreneurial litigation. Entrepreneurial litigation refers to efforts by law firms to operate as risk-taking entrepreneurs by funding, coordinating, overseeing, and resolving massive class action lawsuits (Coffee, 2016). As noted by Coffee, the spread of entrepreneurial litigation to Japan and Europe from the United States will present new challenges for organizations transacting business in an increasingly global business environment. Recent product liability and fraud lawsuits filed against Samsung in Korea and Volkswagen in Germany respectively reflect signs of the growing spread of entrepreneurial litigation across the globe (Boston, 2016; Ghosh, 2016). Beyond the province of cybersecurity and consumer protection, organizations are increasingly defending against claims filed by their employees. According to Foose (2016), the percentage of claims filed with the U.S. Equal Employment Opportunity Commission (EEOC) alleging retaliation against employees hit a record high in 2015. Organizations

will need to develop new techniques for fostering collaboration between managers and lawyers in the organization to address these mounting trends and developments

Frameworks. Scholars have developed numerous frameworks, concepts, and tools geared toward obtaining a competitive advantage from the law by changing the role of law in business decision-making. As noted more fully below, the frameworks differ along 3 dimensions: (a) the specific tactics used to promote legal strategy; (b) the degree of response regarding managerial attitudes toward the law, and (c) the identification of tangible, concrete action steps for implementing the proposed tactics.

Zero-expense legal department. This framework involves the reorganization of the legal department to eliminate unnecessary expenses. Di Cicco Jr. (2013) asserted that corporate counsel might change managerial perceptions of lawyers' roles within the company by transforming the legal department into a zero-expense legal department. Di Cicco Jr. suggested that legal departments will use a variety of tools to cause this transformation, including the implementation of alternative fee schedules, increased emphasis on alternative dispute resolution (ADR), establishing clear performance metrics on managing the costs of litigation and transactional legal work, and the creation of a budget for every legal matter.

Although such an approach addresses unreceptive managerial views of the legal department stemming from cost concerns, it largely ignores the variety of other reasons managers are unreceptive to law and legal strategy. Di Cicco Jr. failed to identify how the proposed zero-expense legal department framework will affect future relations with other

departments within the organization. If the goal of Di Cicco Jr.'s approach is to change managerial perceptions of the role of lawyers and the legal department within the company, employees cannot view forthcoming law department changes in isolation from other departments and employees. The implementation of alternative fee schedules may affect operations of the accounting and finance departments. An increased emphasis on (ADR) may affect how account managers perform their job duties in the future. Di Cicco failed to offer practical guidance or action steps for organizations wishing to implement his suggestions. By failing to consider the status of the legal department as only 1 element within the larger organizational system, as well as the degree to which expenditure related changes may alter multifaceted viewpoints, the future effect of the zero-expense legal department approach is unclear.

5 pathways of legal strategy. This framework reflects an attempt to categorize the various ways in which organizations view the law along a continuum. Bird and Orozco (2014) identified 5 different legal pathways on a continuum of strategic affect that organizations will employ to identify value-creating opportunities from the law: (a) avoidance; (b) compliance; (c) prevention; (d) value, and (e) transformation. Table 8 includes a brief review of the key elements associated with each pathway. While the first 3 pathways center on legal risk management, the final 2 pathways focus on the generation of future-oriented business opportunities (Bird & Orozco, 2014).

Table 8

Pathways of Legal Strategy

	Managers' perceptions of the law	Managers' level of legal knowledge	Role of legal counsel	Strategic opportunities
1. Avoidance	Law is viewed as a costly and random or arbitrary barrier to business.	Basic legal knowledge and awareness are often lacking. Legal knowledge is sought in limited cases to exploit regulatory loopholes or ambiguity.	Legal counsel often serves in an emergency role, fending off legal threats and crises in a reactionary mode. In some cases, attorneys consciously avoid providing guidance on business matters.	Regulatory arbitrage.
2. Compliance	Law is viewed as a necessary constraint on managerial action.	Managers possess basic knowledge of law as the external "rules of the game."	Legal counsel plays a policing role, viewing its oversight role as necessary to police managerial conduct.	Limited to cases of strategic noncompliance.
3. Prevention	Law can be used to preempt future discrete business-related risks.	Managers possess a good level of functional area-specific legal knowledge sufficient to coordinate a business-issue preemption strategy with attorneys.	Legal counsel works with managers to identify specific future business risks that can be addressed with the law.	Available when the legal and competitive landscapes are strategically assessed.

(table continues)

4. Value	Law is used with the goal of creating tangible, identifiable value.	Managers have a high degree of legal knowledge and its impact on the company, although it can still be limited to functional areas, such as R&D and patent law.	Legal counsel is entrepreneurial and a partner in creating value.	Legal strategies that result in tangible value creation that can be accounted for in a financial statement, such as a cash-flow statement, income statement or balance sheet.
5. Transformation	Law is an essential aspect of long-term strategic planning for the business.	Sophisticated and broad levels of legal knowledge often cut across functional domains, for example, linking R&D and patent strategy with branding and trademark strategy.	Legal counsel is entrepreneurial and a partner at the highest levels of strategic decision making.	Available as a long-term resource when law is combined with the business model and core competencies of the company.

Note. From “Finding the right corporate legal strategy,” by R. C. Bird and D. Orozco, 2014, *MIT Sloan Management Review*. 56(1), The 5 Pathways of Corporate Legal Strategy section, para 5. Copyright 2014 by the Massachusetts Institute of Technology Sloan Management Review. Reprinted with permission. All Rights reserved. Distributed by Tribune Content Agency, LLC.

The framework identified by Bird and Orozco (2014) promotes legal strategy by identifying the strategic opportunities connected to policies along a continuum of 5 pathways of legal strategy. This approach addresses managerial perceptions of the law in more concrete terms than the zero-expense legal department framework identified by Di Cicco Jr. (2013). Although a considerable bulk of Bird and Orozco’s article centered on a

description of each pathway, they also indicated that the execution of a legal strategy audit and the appointment of a chief legal strategist represented 2 action steps for implementing the concepts noted in their overall framework. Despite these contributions, an absence of any discussion on how to conduct a legal strategy audit effectively or manage any accompanying resistance limits the overall influence of their work. Bird and Orozco also failed to discuss steps that may facilitate future collaborative efforts between the chief legal strategist and other senior level managers and executives.

Manager's legal plan. The Manager's Legal Plan (MLP) provides managers with a method for identifying and creating value from the legal elements inherent in routine business situations. The MLP is a proactive decision-making process focused on altering the belief that law attaches solely to legal problems (Siedel & Haapio, 2016). The goal of the MLP is to support the future transformation of managerial viewpoints away from reactive perceptions of the law toward proactive perceptions of the law (Siedel & Haapio, 2016). According to Siedel and Haapio, the MLP consists of the following 4 steps:

- Step 1: Understand the legal dimensions of business and learn how to work alongside legal professionals.
- Step 2: Recognize methods for dealing with a legal problem by handling its costs and learning from the challenges it creates.
- Step 3: Concentrate on developing business solutions and strategies to prevent the legal problem from occurring again in the future.

- Step 4: Reframe the legal problem as a business opportunity to cultivate new options for creating value.

In spite of the unique features of the MLP, the framework shares common features and traits with the frameworks developed by other legal scholars. Similar to Bird and Orozco's (2014) framework, the MLP places a primary emphasis on addressing managerial perceptions of the role of law and legal strategy within the organization. A unique feature of the MLP is that Siedel and Haapio (2016) tied it specifically to a variety of decisions and issues that managers will encounter on a routine basis, including environmental regulation, human resource management, product development, intangible asset management, business contracting and negotiations, ethics and compliance. Despite the breadth and depth of the MLP, Siedel and Haapio failed to provide tangible action steps for putting the framework into practice. Similar to the zero-expense legal department framework identified by Di Cicco Jr. (2013), little clarity exists as to how the MLP will address the complex factors driving managerial opposition toward legal strategy within the organization.

Legal astuteness. The legal astuteness framework places a heavy emphasis on proactive attitudes toward legal regulation and the importance of law. As noted by Bagley (2008), legal astuteness will support the realization of competitive advantage by enhancing innovation in response to shifting market, institutional, and technological conditions. Legal astuteness encompasses the capability of a top management team (TMT) to collaborate with in-house counsel toward the resolution of future complex

challenges (Bagley, 2008; Bagley, 2015; Chen et al., 2015; Tayyeb, 2013). Four central components comprise legal astuteness: (a) value-laden attitudes toward the importance of law to business success; (b) proactive attitudes toward legal regulation; (c) the capacity to use informed judgment in the management of legal issues affecting the business, and (d) the ability to use suitable legal tools in conjunction with context-specific legal knowledge (Bagley, 2008). Table 9 includes a summary of the key features connected to the low and high degrees of legal astuteness.

The legal astuteness framework is unique in that it focuses predominantly on a specific tactic for promoting legal strategy within the organization: collaboration between TMT's and in-house counsel. Although the 5 pathways of legal strategy approach identified by Bird and Orozco (2014) incorporated collaboration between managers and lawyers, it did so only in the final 2 pathways of value and transformation. Unlike the MLP identified by Siedel and Haapio (2016), Bagley emphasized a series of general strategies that organizations will pursue to increase legal astuteness, including involving managers in the resolution of business disputes and contract negotiations. Unfortunately, Bagley failed to discuss suggestions for implementing the components of legal astuteness, as well as methods for addressing any accompanying managerial resistance.

Table 9

Degrees of Legal Astuteness

Degree of legal astuteness		
Characteristics	Low High	
Attitude of TMT toward legal dimensions of business.	Not my responsibility.	Important part of my job.
TMT view of lawyers.	Necessary evil.	Partner in value creation and risk management.
Role of general counsel (GC).	Cop.	Counsel. Entrepreneur.
Frequency of GC contact w/CEO.	Low.	High.
Flow of business information and legal queries.	On a discrete issue-by-issue basis.	Ongoing.
GC is member of TMT.	No.	Yes.
TMT approach to legal issues.	Reactive.	Proactive.
Involvement of TMT in managing legal aspects of business.	Hands off.	Hands on.
TMT approach to regulation.	Do minimum to Comply.	Exceed regulatory requirements as result of operational changes that increase realizable value.
Involvement of lawyers in strategy formation.	Low.	High.

(table continues)

Involvement of managers in resolving business disputes.	Low.	High.
Involvement of managers in contract negotiation.	Low.	High.
Involvement of lawyers in striking deals.	Low.	High.
Legal literacy of managers	Low.	High.
Business acumen of lawyers.	Low.	High.

Note. From “Winning legally: The value of legal astuteness,” by C. E. Bagley, 2008, *Academy of Management Review*, 33(2), p. 384. Copyright 2008 by the Academy of Management Review. Reprinted with permission.

Concept-sensitive managerial analysis. The concept-sensitive managerial analysis sheds new light on the role of legal analysis in business decision-making. This framework relies on managerial prudence and judgment to recognize circumstances where identified legal, financial, and other factors will hinder managerial flexibility in decision-making (Holloway, 2015). Holloway described the core essence of the concept-sensitive managerial analysis with law as centering on the integration of information from the business environment with legal analysis and business methods to facilitate future business decision-making. The analytical method will allow managers to comprehend the effect of legal regulations on business decisions. The process is an integrated conceptual framework comprised of 3 components: (a) the application of business concepts to legal regulations to detect conditions that will promote business opportunities; (b) the identification of environmental conditions where the flexibility to exploit business

opportunities will remain absent due to existing legal regulations, business concepts, and other constraints, and (c) the engagement of a legal-analytical methodology in each step of the decision-making process to ensure compliance with legal requirements (Holloway, 2015).

In contrast to the other frameworks noted above, the reliance placed upon managerial legal judgment in the concept-sensitive managerial analysis framework suggests that the framework is more advanced, appropriate for managers who will already possess legal knowledge and will recognize its importance alongside other factors driving business decision-making. The complexity and advanced nature of Holloway's approach may limit the framework's applicability beyond managerial employees with a favorable predisposition to legal strategy.

Systems approach to law, business, and society. The systems approach to law, business, and society is a graphical framework that illustrates the relationship between TMTs, the value chain, law, company resources, and the competitive environment. The framework integrates legal issues into mental models that will drive the pursuit of competitive advantage (Bagley, 2010; Bagley et al., 2010). Researchers will use the framework to evaluate the degree of fit between an organization's legal, corporate social responsibility (CSR), and political routines against the organization's resources, value chain, and competitive environment in a holistic fashion (Bagley, 2010). According to Bagley, by utilizing the framework, top management teams will assess and pursue

strategic opportunities for value creation in the value chain while managing the associated hazards.

Similar to the legal astuteness framework, the systems approach to law, business, and society focuses on TMTs as the central unit of analysis. A substantial portion of Bagley's discussion emphasized the connection between legal strategy and competitive advantage, leaving little room for a more in-depth explanation of the framework's individual elements. Difficulties surround assessing the degree to which the systems approach to law, business, and society will address managerial attitudes toward the law. Bagley also failed to provide any substantial discussion on processes and procedures for actualizing the framework within the organizational environment.

Pharmaceutical public-private partnership (PPPP). The PPPP framework possesses a unique feature that sets it apart from competing frameworks: the incorporation of tactics for supporting the pursuit of shared goals. According to Bagley and Tvarnoe (2014), PPPP's will provide an effective collaboration framework if they include instruments for promoting cooperative performance. Contractual agreements driving PPPP arrangements ought to inspire diverse groups to collaborate as well as place a solid emphasis on the accomplishment of shared goals and objectives (Bagley & Tvarnoe, 2014). Transparency in information, communication, and innovation through shared risk/reward systems will support the pursuit of shared goals through the equal distribution of gains and losses (Bagley & Tvarnoe, 2014). Although the connections to the pharmaceutical setting inherent in the current articulation of the framework may limit

its applicability to other industries, it serves as a foundation for other industry-specific approaches.

Corporate legal standard (CLS). CLS denotes an all-inclusive framework for integrating change management, content, process, and technology in corporate law departments by predicting theoretical solutions to fundamental challenges. Wong (2014) noted that a core component of CLS is to create universal legal business process classification systems and universal metrics classification systems for in-house legal departments. Wong noted also that the rising movement among prominent in-house legal departments to use business process improvement techniques drove the development of CLS. The CLS framework will promote collaboration and knowledge sharing by supporting the transformation of in-house legal departments from cost centers to profit centers (Wong, 2014). Although CLS framework reflects the same goals as the zero-expense legal department approach noted by Di Cicco Jr. (2013), the same shortcomings are present as well.

Lean compliance management. Lean compliance management denotes an approach for encouraging and upholding legal compliance practices in an uncertain and ambiguous regulatory environment. As noted by Gruner (2014), the use of continuous improvement and analysis to create effective compliance processes and procedures is the cornerstone of lean compliance management. Gruner also noted that by following this process, legal compliance specialists and business executives will collaboratively shape future compliance practices in response to changing environmental conditions.

Proactive approach to sustainable governance. The proactive approach to sustainable governance is a response to the deficiencies displayed by existing sustainable development frameworks. According to Berger-Walliser and Shrivastava (2015), the legal framework for sustainable development is disorganized and inadequate. To resolve the insufficiency, Berger-Walliser and Shrivastava applied the fundamental principles of proactive law to develop a method that will facilitate better control over enterprise sustainability and improve private sector sustainable governance strategies. Their approach includes the following core elements: (a) participation and collaboration (i.e. stakeholder participation, multi-party collaboration, shift from adversarial to win-win relationships); (b) shared power and responsibility (i.e. empowering public-private partnerships, shared expertise and responsibility, decentralization, competition, pragmatism, and flexibility), and (c) problem-prevention and value-creation.

Illustrating the gap in the literature. Existing frameworks for integrating law and business strategy differ significantly regarding the specific tactics used to promote legal strategy, the degree of response regarding managerial attitudes toward the law, and the identification of tangible, concrete action steps for implementing the proposed tactics. As noted by Fisher III and Oberholzer-Gee (2013), no common framework exists between the legal and management spheres within a corporation. The scholarly literature related to this dissertation topic revealed the need to examine 5 key areas: (a) attitudes toward lawyers and the law; (b) relationships between lawyers and non lawyer managers; (c) leadership in the legal profession; (d) role and functions of in-house general counsel, and

(e) law, legal strategy, and competitive advantage. Six open-ended questions for the first round questionnaire emerged from a review of the scholarship on these critical focal points:

1. What processes will help increase managers' understanding of the diverse legal implications of their business decisions?
2. What activities will help improve workplace collaboration between in-house lawyers and managers?
3. What behaviors will in-house lawyers need to display to be viewed as valued participants on management-level teams?
4. What types of practices will help in-house lawyers demonstrate how the legal department brings strategic value to the company?
5. What actions will support the successful implementation of initiatives designed to better integrate legal considerations with company business processes?
6. Is there anything else that you believe will help change unreceptive managerial viewpoints toward the strategic value of law within the corporate setting that you have not yet included in your answers to questions 1 through 5 above?

Questions 1 through 5 corresponded to the 5 key areas of scholarship related to this dissertation topic. The inclusion of Question 6 in the first round questionnaire was intended to reduce the potential exclusion of responses that were relevant to the study purpose but not directly addressed by the first 5 questions.

Summary and Conclusions

As indicated by the key themes examined in this literature review, the subject of legal strategy in the context of organizational business strategy is multifaceted and diverse. The varied array of forces driving unreceptive viewpoints toward law and the legal profession complicates the working relationships between managers and in-house counsel. Despite the historical lack of attention paid to the importance of collaboration, teamwork, and leadership in legal education, a growing need exists for attorneys well versed in these skills. Due to the rising importance of legal knowledge and legal strategy to the promotion of business success and competitive advantage, such skills will become especially crucial for general counsel tasked with bridging the gaps between the traditional legal and business spheres of the organization. A review of the existing literature revealed both the absence of a common framework for bringing the legal and management spheres within a corporation together (Fisher III & Oberholzer-Gee, 2013) as well as an absence of agreement on the techniques legal professionals will need to exercise influence, manage conflict, and change behavior in the corporate setting (Rhode, 2011). Growing regulatory enforcement and litigation trends affecting numerous business industries, including health care, financial services, energy and insurance, will intensify the need for such techniques (Heinrich et al., 2014). The Delphi design provided a means to build consensus among in-house general counsel working across business industries in the United States with regard to techniques that will alter unreceptive managerial viewpoints toward the strategic value of law within the corporate setting. Chapter 3

contains an overview of the Delphi method as well as a more detailed discussion of the method's applicability to this study.

Chapter 3: Research Method

The general problem that I addressed in this study is that organizations are severely limited in their ability to derive strategic value from the law due to the lack of integration between legal strategy and business strategy in the corporate setting (Chen et al., 2015). To address this encumbrance, in-house general counsel must develop techniques for altering unreceptive managerial viewpoints toward the law (Berger-Walliser, 2012; Lovett, 2015). The specific problem that I addressed in this study is that managers hold unreceptive viewpoints toward the strategic value of law within the corporate setting (Evans & Gabel, 2014). Based on this problem, the purpose of my qualitative Delphi study was to build consensus among in-house general counsel working across business industries in the United States with regard to techniques that will alter unreceptive managerial viewpoints toward the strategic value of law within the corporate setting. The Delphi method was appropriate given the need for in-house general counsel to develop techniques that will alter unreceptive managerial viewpoints toward the law to spearhead the advancement of legal knowledge within the organization (Bird & Orozco, 2014; Evans & Gabel, 2014).

This chapter contains information on the following items: summary of research tradition and study design rationale; a general overview of the methodology; procedures for recruitment, participation, and data collection; data analysis plan; and recommended measures to enhance credibility, transferability, dependability, and confirmability.

Research Design and Rationale

The following research question guided this qualitative Delphi study: What is the level of consensus among in-house general counsel working across business industries in the United States with regard to techniques that will alter unreceptive managerial viewpoints toward the strategic value of law within the corporate setting?

As noted by Barnham (2015), qualitative research embraces a psychological, in-depth approach wherein a researcher seeks to comprehend why individuals behave or think in particular ways. As noted by Fassinger and Morrow (2013), the benefits of qualitative research include helping study participants to proclaim their narratives, cultivating dialogues and relationships between participants and researchers, stimulating theory development, and catalyzing social change. Qualitative research allows researchers to comprehend and describe human behavior and evaluate the external world (Gergen, Josselson, & Freeman, 2015). Qualitative research gives emphasis to flexibility, fluidity, and emergence (Sinkovics & Alfoldi, 2012).

Quantitative research is markedly different from qualitative research. As the dominant research tradition used by natural scientists and social scientists, quantitative methods differ greatly from qualitative methods concerning question formation, data analysis, and sampling procedures (Cokley & Awad, 2013; Sinkovics & Alfoldi, 2012). The benefits of a quantitative approach include the capacity to clearly and cogently summarize large amounts of numerical data, confirm a hypothesis, and identify cause-and-effect relationships between variables (Fassinger & Morrow, 2013).

The third research tradition, mixed-methods research (MMR), represents a combination of qualitative and quantitative research. MMR, which involves the joint integration of quantitative and qualitative methods in a single study, is appropriate in instances where reliance on either method individually would fail to produce an adequate perspective on a research problem (Sparkes, 2014). As noted by Caruth (2013), MMR can provide fuller insights into the relationships between variables and lead to a greater array of future research considerations. The use and acceptance of MMR are growing within the academic community as a viable alternative to both qualitative and quantitative research (Frels & Onwuegbuzie, 2013; Gambrel & Butler, 2013; Hayes, Bonner, & Douglas, 2013).

Based on the purpose of my study and the nature of the research question, a qualitative research tradition was appropriate. The significance of my research to the progression of new theories within the combined fields of law and management reflected the benefit of theory development stimulation inherent in qualitative research. The potential reductions in prospective injuries to consumers originating from increased risk management strategies devised collaboratively by lawyers and managers showcased the capacity of qualitative research to promote social change. As the purpose of my study was not to examine the relationships, differences, effects, or predictions between independent and dependent variables, both the quantitative research tradition and the mixed-methods research tradition were inappropriate.

Alongside the qualitative research tradition, the Delphi design supported the purpose and research question that drove this study. The Delphi process is an iterative process for developing a consensus among a panel of experts through the distribution of questionnaires and feedback (Habibi et al., 2014; Von der Gracht, 2012). The technique was pioneered by the RAND Corporation in the 1950s as a means to generate forecasts in connection with military technological innovations (Dalkey & Helmer, 1963; Linstone & Turoff, 1975). The Delphi design consists of 4 principal characteristics: (a) selection as an expert panelist is contingent on predefined qualifications; (b) participants interact solely with the study coordinator and remain anonymous to other participants; (c) information is gathered and redistributed to study participants by the study coordinator over a series of rounds or iterations, and (d) the responses of individual participants are combined by the study coordinator into a group response (Cegielski et al., 2013; Eleftheriadou et al., 2015). According to Skinner et al. (2015), a Delphi study consists of 3 stages: (a) exploratory stage—development of the research question, testing the instrument, panelist recruitment, and final panel selection; (b) distillation stage—development of the questionnaire, data collection, and data analysis; and (c) utilization stage—final reporting of study results to the panelists and preparation of findings for publication.

In addition to alignment with the research purpose and research question, several characteristics inherent in the Delphi design further supported its application to this study. Benefits of a Delphi study include the elimination of protracted face-to-face

meetings (Cegielski et al., 2013), the facilitation of greater inclusion from groups of individuals who are routinely excluded from participation in traditional research (Brady, 2015), the assembly of diverse experts from isolated geographic locations (Habibi et al., 2014; Merlin et al., 2016), and the minimization of biases that stem from face-to-face interaction (Kerr et al., 2016; Lai et al., 2015; Merlin et al., 2016). The Delphi research design is suitable for forming a consensus among a group of experts in instances where a deficiency of existing scholarship exists on a research topic (Afshari, 2015; Merlin et al., 2016; Wester & Borders, 2014). Scholars have applied the Delphi method to problems in multiple areas, including medicine, government, social and environmental studies, and industrial/business research (Cegielski et al., 2013; de Vries et al., 2015; Laukkanen & Patala 2014).

Other research designs were unsuitable for this study. The phenomenological research design focuses on the inner dimensions of cognition processing by exploring the lived experiences of individuals who experience a phenomenon (Percy et al., 2015; Robertson & Thomson, 2014). As the research objectives driving this study focused on external actions and techniques rather than on internal feelings, beliefs, and emotions toward a phenomenon, phenomenology was not appropriate. The goal of ethnographic research is to develop a detailed account of cultural experiences through extended data collection in the field (Cunliffe & Karunanayake, 2013). Given that the intent was not to examine the cultural interactions between in-house general counsel and managerial employees, but rather to develop techniques in response to forces negatively affecting

such interactions, an ethnographic design was likewise inappropriate. Narrative inquiry consists of biographically following the life of 1 or more individuals or exploring their personal reflections on a particular event or series of events (Petty et al., 2012). Because this research was not focused on specific individuals or specific events, a narrative inquiry would not have met the research needs.

Role of the Researcher

I assumed the role of an observer and facilitator in this Delphi study. Although I facilitated the data collection process by developing the requisite questionnaires and providing feedback to study participants, I did not participate in the study directly by responding to any questionnaires. Given that I drew potential experts from my personal and professional networks, personal and professional relationships existed between myself and study participants. I shared membership in a university alumni association and state bar association with members of the study panel. I may have shared membership in a professional association, such as the Academy of Legal Studies in Business, with panel participants. Due to my position as a full-time faculty member at a university in the Midwest, a remote possibility existed that I would possess a faculty-student relationship with a panelist. In light of the criteria necessary for membership on the Delphi panel, the likelihood of such an occurrence was extremely small. I eliminated the potential for undue influence by excluding current students of my university employer from participation in the study. I did not have any other supervisory or instructor relationships with study participants. I also shared personal or professional relationship to

third-party individuals with members of the study panel due to our mutual connections on LinkedIn.

The role of the researcher is central to data collection in a qualitative study. In light of this centrality (Marshall & Rossman, 2015), the researcher must acknowledge any potential biases on the chosen research topic. Due to my combined prior education in the fields of law and business, my research interests center on how managers view the relationship between law and business, as well as on the ways organizations use legal knowledge as a competitive business tool. I have published several articles in peer-reviewed journals related to various aspects of this topic. I acknowledged that my education, publication history, and views on the value of legal strategy influenced my approach to the study topic. I managed these biases in 3 ways. First, I disclosed the assumptions, limitations, and delimitations of this study in Chapter 1. Second, I framed the overall research purpose in such a way that it was not designed to validate my personal views. Third, as part of the Delphi design, I shared the results of my data collection and data analysis with the panelists during each round of the study. I did not anticipate any other ethical issues. I did not share panelists' identities with other panelists or disclose them in the final dissertation. I secured all research data in a password protected computer system. I did not conduct the study within my work environment. To the best of my knowledge, I had no direct connection to any individual currently working as in-house general counsel in the United States, reducing the potential for conflicts of

interest. Former students of my university employer were welcome to participate in the study.

To increase participant retention, I offered panelists several reasonable incentives. First, I communicated to participants that their views would set the stage for future research on the topic. Second, I provided participants with the results of my data analysis during each stage of the Delphi process. Third, I provided participants with a 1 to 2 page summary of the study results. Fourth, I offered to provide participants with an electronic copy of the finished dissertation, as well as electronic copies of any published papers that take place as a result of the study, upon request.

Methodology

Participant Selection Logic

A fundamental component of the Delphi design encompasses the selection of experts to serve as study participants. According to Laukkanen and Patala (2014) and Xia et al. (2013), the selection of suitable participants is 1 of the most significant elements in the Delphi technique. Instead of selecting participants using a random sample that is representative of the target population, a researcher conducting a Delphi study will select participants who are experts on the issue(s) involved in the study (Keeney, Hasson, & McKenna, 2001). Brady (2015) noted that the Delphi method involves the identification of individuals who possess particular knowledge on a topic rather than the development of a generalizable sample. As noted by Habibi et al. (2014), no universal approach exists for outlining the criteria necessary to qualify someone as an expert for a Delphi panel.

Scholars have used a variety of criteria to assess experts' qualifications, including years of work experience, education, project involvement, professional qualifications, licensures, and professional publications (Bahl et al., 2016; Mollaoglu et al., 2015; Regan et al., 2014).

Participants had to meet several criteria to qualify as experts for this study. First, each participant had to possess a juris doctor degree from an ABA-accredited law school located in the United States. Second, each participant had to possess a license to practice law in at least 1 state. Third, each participant needed at least 5 years of business industry experience. Finally, each participant had to serve currently in the role of general counsel for an organization headquartered in the United States. I did not restrict participants to a particular organization or commercial industry. To ensure that study participants met the required qualifications, I asked participants to certify that they met the enumerated eligibility criteria on the informed consent form.

The sampling strategy consisted of purposive and snowball sampling. In purposive sampling, the researcher uses his or her knowledge of the field to identify study participants from targeted networks or groups (Barratt, Ferris, & Lenton, 2015; Barratt & Lenton, 2015; Christie et al., 2016). Snowball sampling, a form of purposive sampling, relies on using individuals from targeted networks or groups to recommend other individuals who may satisfy the eligibility requirements and agree to participate in the study (Emerson, 2015; Seifert, Perozzi, & Li, 2015; Wu et al., 2016). As noted by Habibi et al. (2014), Heitner et al. (2013), and Merlin et al. (2016), purposive sampling is

a common sampling strategy in Delphi studies. Lai et al. (2015) and Wester and Borders (2014) noted that snowball sampling is an appropriate sampling strategy for researchers employing a Delphi design. Given that I recruited a sufficient number of participants for my study panel by contacting directly individuals who satisfied the eligibility criteria, snowball sampling was not necessary or used in this study.

I set the minimum target number of expert participants for the study panel at 32. No consensus exists on the minimum number of participants required for a Delphi study (Habibi et al., 2014; Merlin et al., 2016). Habibi et al. further noted that panel size might differ according to the study topic and available resources. Che Ibrahim et al. (2013) reviewed a series of published Delphi studies in the field of accounting information systems research, noting that the number of panel experts ranged between 9 and 83 people. A target panel of 32 participants represented an approximate midpoint between the lower and upper range identified by Che Ibrahim et al. The rationale behind a minimum target of 32 participants was that such a number accounted for potential attrition between the initial round and the final round of the study. Based on a review of prior Delphi studies (Annear et al., 2015; Brody et al., 2014; Munck et al., 2015; Sinclair et al., 2016; Willems et al., 2015), overall attrition rates ranged from 10% to 33.3%, with an average attrition between the 5 examined studies of approximately 25%. Applying the projected 25% attrition rate to the targeted panel size of 32 participants, I estimated that 24 panelists would participate for the entire duration of the study. Even if the actual attrition rate at the end of the study was closer to 40%, a full 15% higher than the

projected attrition rate of 25%, the remaining 19 panelists would still constitute an acceptable panel size as noted by Che Ibrahim et al.

I used a combination of 4 approaches to identify and contact potential participants to serve on the Delphi panel. First, I reached out to individuals in the alumni network database of my university employer who may have satisfied the study eligibility criteria. Second, I examined the professional networking site, LinkedIn, to identify suitable study participants. As noted by Worrell et al. (2013), scanning social networks on professional networking sites is a valuable method for identifying potential panelists. Third, I reached out to the leaders of the Association of Corporate Counsel, the Academy of Legal Studies in Business, and the Academy of Management for their assistance in distributing notices of the study to their respective membership networks. Finally, I relied on study participants to pass on my contact information to others in their professional networks who may also have satisfied the study eligibility criteria.

Once I identified a potential participant, I contacted that individual by e-mail. E-mail constituted the preferred method of communication. I sent each person an invitation letter by email (see Appendix B). Although my recruitment strategy included measures to contact individuals by phone, it was not necessary to do so as I recruited a sufficient number of participants using e-mail. If I had needed to contact individuals by phone, in my initial communication I would have introduced myself briefly, outlined the reason for the telephone call, and described the purpose of my study. In addition to building rapport, I would have attempted to gain answers to 3 questions: (a) whether the individual meets

the qualifications necessary to qualify as an expert for the Delphi panel; (b) whether the individual is willing to participate in the study, and (c) whether the individual can recommend other potential candidates for the study. Before ending the call, I planned to request an email address to send a copy of the invitation letter. If an individual was unwilling to participate and requested that communications cease, I would cease future contact with that person.

Alongside the study invitation letter, I also included an informed consent form approved by the IRB. The informed consent form contained information on the purpose and procedure of the study, requirements for participation, anonymity and confidentiality assurances, potential risks and benefits, and contact information for the IRB. In addition to signifying that the study conformed to all IRB policies and procedures, the use of an approved informed consent form also served as a source of information on the study. I protected participants' privacy by not sharing their identities with other panelists or including them in the study results.

In light of the study topic and purpose, I attempted to gather a purposeful sample of experts with the required skills and expertise necessary to develop a consensus. Brady (2015) noted that Delphi researchers are not focused on developing a generalizable sample. Habibi et al. (2014) noted that the size of the expert panel in a Delphi study might fluctuate depending on available resources and the chosen topic. de Loë et al. (2016) noted that statistical representativeness is not a goal in developing a Delphi study panel. As the Delphi study design does not require data saturation or a minimum sample

size, the relationship between data saturation and sample size was inapplicable to the study.

Instrumentation

The data collection instruments consisted of researcher-developed questionnaires. According to Brady (2015), questionnaires comprise the customary data collection tools in Delphi studies. To safeguard any prospective legal protections afforded to participants' respective organizations through the doctrines of attorney-client privilege and work-product (DeStefano, 2014b; Heiring & Widmer, 2015; Yoo, 2014), I did not include other forms of data collection, such as document review, in the study.

I distributed a questionnaire to the expert panel during each round of the 3-round Delphi study to facilitate the data collection process. I developed the first round questionnaire based on a literature review, field test, and feedback from the members of my dissertation committee. Development of the second-round questionnaire stemmed from an aggregate list of statements derived from key themes uncovered from panelists' responses to the first round questionnaire. Panelists did not have the ability to revise their individual first round answers after reviewing the first round answers submitted by other panelists. This helped to avoid unnecessary complications to data analysis, decreased potential confusion among participants, and reduced the time gap between the distribution of the first round questionnaire and the second round questionnaire. To facilitate member checking, I provided spaces for panelists to provide optional comments on how I derived themes from their individual first round responses.

Panelists rated each statement on the second round questionnaire against 2 separate 5-point Likert scales described by Linstone and Turoff (1975): desirability and feasibility. The scale measuring desirability ranged from (1) highly undesirable to (5) highly desirable, whereas the scale measuring feasibility ranged from (1) definitely infeasible to (5) definitely feasible. The instructions asked panelists to explain their reasoning if they applied a rating of 1 or 2 to a statement on either the desirability or the feasibility scale. I did not include the importance scale or confidence scale in the second round questionnaire as data collection on such scales was unnecessary for statements that did not pass to the third round.

The second round questionnaire included the following references and definitions to provide panelists with clarity as to the meaning of each item on the desirability scale:

- (1) – Highly undesirable: Will have major negative effect.
- (2) – Undesirable: Will have a negative effect with little or no positive effect.
- (3) – Neither desirable nor undesirable: Will have equal positive and negative effects.
- (4) – Desirable: Will have a positive effect with minimum negative effects.
- (5) – Highly desirable: Will have a positive effect and little or no negative effect.

The second round questionnaire included the following references and definitions to provide panelists with clarity as to the meaning of each item on the feasibility scale:

- (1) – Definitely infeasible: Cannot be implemented (unworkable).
- (2) – Probably infeasible: Some indication this cannot be implemented.
- (3) – May or may not be feasible: Contradictory evidence this can be implemented.

- (4) – Probably feasible: Some indication this can be implemented.
- (5) – Definitely feasible: Can be implemented.

Although Linstone and Turoff included additional definitions to describe each item on the desirability scale and on the feasibility scale respectively, I included only the first definition for each item to simplify the rating process and reduce the potential for panelist fatigue.

I flagged any statement for inclusion in the third round questionnaire where the frequency of panelists' top 2 responses was 70% or higher on both the desirability and feasibility scales. Setting the level of consensus at 70% set a relatively high bar indicating that a substantial majority leaned toward consensus. My initial intent was to apply the second measure of consensus, median score, in the event a statement did not meet the 70% threshold on both the desirability scale and the feasibility scale. Any statement with a median score of 3.5 or higher would pass to the third round. I later removed median score as the second measure of consensus to set a higher threshold for consensus in the study. Panelists did not have the ability to revise their responses to the second round questionnaire.

In the third round, panelists rated each statement carried over from the second round against the other 2 scales described by Linstone and Turoff (1975): importance and confidence. The scale measuring importance ranged from (1) most unimportant to (5) very important, whereas the scale measuring confidence ranged from (1) unreliable to (5)

certain. The third round questionnaire included the following references and definitions to provide panelists with clarity as to the meaning of each item on the importance scale:

- (1) – Most unimportant: No relevance to the issue.
- (2) – Unimportant: Insignificantly relevant to the issue.
- (3) – Moderately important: May be relevant to the issue.
- (4) – Important: Relevant to the issue.
- (5) – Very important: Most relevant to the issue.

The third round questionnaire included the following references and definitions to provide panelists with clarity as to the meaning of each item on the confidence scale:

- (1) – Unreliable: Great risk of being wrong.
- (2) – Risky: Substantial risk of being wrong.
- (3) – Not determinable: Information needed to evaluate risk is unavailable.
- (4) – Reliable: Some risk of being wrong.
- (5) – Certain: Low risk of being wrong.

Similar to the second round questionnaire, I included only the first definition for each item described by Linstone and Turoff (1975) on the respective importance and confidence scales to simplify the rating process and reduce the potential for panelist fatigue. The instructions asked panelists to explain their reasoning if they applied a rating of 1 or 2 to a statement on either the importance or the confidence scale. Statements in the third round questionnaire where the frequency of panelists' top 2 responses was 70% or higher for both scales formed a consensus on techniques that will alter unreceptive

managerial viewpoints toward the strategic value of law within the corporate setting. Panelists did not have the ability to revise their responses to the third round questionnaire.

I strengthened the content validity of the first round questionnaire in 3 ways. First, I conducted a field test to evaluate the language of the questionnaire. According to Pincombe, Blunden, Pincombe, and Dexter (2013), a researcher may assess and bolster the content validity of a questionnaire by presenting the instrument for comment and feedback before distribution in the main study. Spickermann, Zimmermann, and Heiko (2014) noted that pre-testing a questionnaire to expose prospective ambiguity or clarity difficulties reinforces content validity. Testing provides a means to ensure a study's purpose is clear, instructions are easy to follow, distribution procedures are appropriate, and questions are concise and unambiguous (Skinner et al., 2015). The use of testing to preview the language for the initial questionnaire is common in Delphi studies (Davies et al., 2016; Mollaoglu et al., 2015; Pinnock et al., 2015; Raley et al., 2016; Xia et al., 2013). The field testing had 2 objectives: (a) to detect potential clarity problems or ambiguities in the instructions accompanying the first round questionnaire; and (b) to detect potential clarity problems or ambiguities in the questions contained in the first round questionnaire. Participants in the field test were ineligible to participate in the main study. Second, the innate characteristics of the Delphi design supported content validity by cultivating a consensus from a panel of experts over a series of rounds or iterations

(Hasson & Keeney, 2011). Finally, the presence of a comprehensive literature review in Chapter 2 provided additional evidence of content validity.

I conducted a Cronbach's alpha analysis using SPSS to assess the internal consistency of panelists' responses to the second and third round questionnaires. As suggested by Heitner et al. (2013), I assessed internal consistency by separating panelists' ratings into categories corresponding to the open-ended questions in the first round questionnaire. I then used Cronbach's alpha to assess the internal consistency of each grouping. Cronbach's alpha provides a means to assess the degree of which items on an instrument produce consistent results (Cronbach, 1951). Cronbach's alpha is a common means of measuring internal consistency reliability in Delphi studies that employ a Likert scale (Lakanmaa et al., 2014; Savran et al., 2015). Bonett and Wright (2015) indicated that although a measure for Cronbach's alpha greater than .70 indicates that a questionnaire is reliable, no minimum acceptable value exists for reliability. Ahire and Devaraj (2001) noted that .60 and .70 represent acceptable values for emerging construct scales and established scales respectively. As I used researcher-developed instruments rather than a published instrument in this study, I set the minimum acceptable value for Cronbach's alpha to .60.

The data collection instruments were suitable for answering the research questions. The scholarly literature related to the dissertation topic revealed the need to examine 5 key areas: (a) attitudes toward lawyers and the law; (b) relationships between lawyers and non lawyer managers; (c) leadership in the legal profession; (d) role and

functions of in-house general counsel, and (e) law, legal strategy, and competitive advantage. As the open-ended questions contained in the first round questionnaire corresponded to these 5 key areas, the first round questionnaire solicited responses that relate directly to the study's research question. Statements on the second and third round questionnaires flowed from panelists' responses in the first round.

Procedures for Recruitment, Participation, and Data Collection

I collected data from the Delphi panel using 3 electronic questionnaires. All data collection took place by email to preserve the confidentiality of panelists' individual responses and identities. Similar to the procedure outlined by Cegielski et al. (2013) and Wester and Borders (2014), panelists received an e-mail during each phase of the study with instructions for the upcoming round and the electronic survey in Microsoft Word format. Regarding study duration, a review of previous Delphi studies by Che Ibrahim et al. (2013) indicated that the average duration of a Delphi study is between 3 and 6 months. The average duration of a Delphi study round is between 2 and 4 weeks (Davies et al., 2016; Eleftheriadou et al., 2015; Raley et al., 2016; Regan et al., 2014).

Respondents had 3 weeks to respond to each questionnaire. I initially intended to send out reminder emails 5 days prior and 2 days prior to the round completion dates. After beginning the first round, however, I requested a change in procedures from the IRB to send out the reminder emails 7 days prior and 3 days prior to the round completion dates. The change was made to allow participants more time to respond to the questionnaire in the event they missed my prior email. A 3-week gap was necessary between each round

to afford sufficient time for data analysis and IRB approval of successive questionnaires.

The time duration of the main study was approximately 4 months.

If my initial recruitment plan had resulted in too few participants, I planned to take the following additional steps: (a) contact general counsel working at local corporations in the metro-Detroit area; (b) solicit potential recommendations from my colleagues at the university where I am employed; (c) conduct internet searches to identify additional professional organizations geared toward general counsel; and (d) conduct internet searches to identify individuals employed currently in general counsel positions across the U.S. It was not necessary to engage in additional recruitment measures as a sufficient number of individuals consented to participate in the study based on the primary recruitment measures.

Upon conclusion of the third Delphi round, I tabulated all responses from study participants to identify the areas of final consensus. I distributed the results to all remaining panelists via an end-of-study notification email within 1 week of the final tabulation, along with a final note thanking them once again for their participation in the study. The end-of-study notification email also served as a reminder to participants that their identities and responses to the questionnaires would remain confidential after completion of the study. No other debriefing or follow-up procedures took place.

Data Analysis Plan

Data collection and data analysis occur concurrently in a Delphi study. As noted by Kerr et al. (2015), a Delphi study occurs through a series of rounds or iterations,

starting routinely with the distribution of broad, open-ended questions and progressing toward consensus in the final phase. The Delphi method does not mandate that the same number of rounds occur from study to study. Although the typical Delphi study contains either 2 (Maijala et al., 2015; Raley et al., 2016; Rosenthal et al., 2015) or 3 (Austin et al., 2015; Bahl et al., 2016; Uyei et al., 2015; Van de Ven-Stevens et al., 2015) rounds of data collection, researchers may incorporate additional rounds as necessary to achieve consensus. Merlin et al. (2016), Maaden et al. (2015), and Kennedy et al. (2015) conducted 4 round, 5 round, and 9 round Delphi studies respectively. This study consisted of 3 rounds of data collection.

Round 1. I used a researcher-developed instrument (see Appendix C) to solicit participants' views on techniques that will alter unreceptive managerial viewpoints toward the law within the corporate setting. In a 3-round Delphi study, the first round begins commonly with the distribution of broad, open-ended questions (Brady, 2015; Kerr et al., 2015; Raley et al., 2016). I used thematic analysis to analyze and code participants' responses to the first round questionnaire. As noted by Brady (2015), de Loë et al. (2016), Heitner et al. (2013), and Wester and Borders (2014), thematic content analysis, whereby a researcher detects patterns across responses to an open-ended question, constitutes the most frequently used analytical process to evaluate first round data in a Delphi study.

To reduce the gap in time between the first and second round, I began the process of data analysis as soon as panelists begin to submit their first round questionnaires. As

data analysis occurred on a continuous basis, I adjusted the codes and contents of the key theme categories as I receive subsequent responses to the first round questionnaire. To facilitate the data organization process, I created an initial spreadsheet using Microsoft Excel containing the following information: (a) participant ID (generated randomly to help preserve confidentiality); (b) data generated by panelist; (c) code/theme generated by researcher, and (d) research notes. Shortly after beginning data collection, it became necessary to adjust the spreadsheet to simplify the data analysis process. I separated the *code/theme generated by researcher* column into 2 individual columns: (a) themes generated by researcher, and (b) codes applied by researcher. I also created additional tabs within the Excel spreadsheet for first round data, 1 corresponding to each of the 6 questions contained in the first round questionnaire.

Round 2. In the second round questionnaire, I provided each panelist with a list of themes derived from all panelists' first round responses. These statements reflected the collective list of techniques developed by the panel in Round 1 that will alter unreceptive managerial viewpoints toward the strategic value of law within the corporate setting. Although I grouped similar responses together to minimize redundancy, I included every theme submitted by a panelist in the first round in the second round questionnaire to minimize researcher bias. I did not set a minimum number of responses necessary for a theme to carry over from Round 1 to Round 2. According to Bazeley (2009), a single statement may provide sufficient grounds to establish a theme. Responses submitted by panelists did not carry over to Round 2 if they failed to answer the questions, such as in

instances where panelists did not provide a response that answered the question or where they indicated an inability to answer due to a misunderstanding of the question. To structure the flow of information in a Delphi study, the researcher must screen out comments that are extraneous or unrelated to the study's purpose (Martino, 1993). Panelists rated each statement against 2 separate 5-point Likert scales: desirability and feasibility. The scale measuring desirability ranged from (1) highly undesirable to (5) highly desirable, whereas the scale measuring feasibility ranged from (1) definitely infeasible to (5) definitely feasible. To facilitate member checking, panelists also had the ability to provide optional comments on how I derived themes from their individual first round responses. The instructions also asked panelists to explain their reasoning if they applied a rating of 1 or 2 to a statement on either the desirability or the feasibility scale. Panelists did not have the ability to revise their responses to the second round questionnaire.

In developing the second round questionnaire, I needed to identify an appropriate size for the Likert scale. A review of existing scholarship revealed a high degree of variation in the Likert scales used by researchers in prior Delphi studies, including a 4-point Likert scale (Che Ibrahim et al., 2013; Thomassen, Ahaus, Van de Walle, & Nabitz, 2014), 5-point Likert scale (de Vries et al., 2015; Eleftheriadou et al., 2015; Pousttchi, Tilson, Lyytinen, & Hufenbach, 2015), 6-point Likert scale (Austin et al., 2015), 7-point Likert scale (Huang et al., 2013; Lai et al., 2015; Laukkanen & Patala, 2014) and 9-point Likert scale (Bahl et al., 2016; Cegielski et al., 2013). As the use of a 5-point Likert scale

appeared most frequently in the literature and was supported by Linstone and Turoff (1975), I adopted it as the relevant measure for the second round questionnaire.

In conjunction with the 5-point Likert scale, it was also necessary to consider how to measure consensus among participants' responses. According to Afshari (2015) and Wester and Borders (2014), the Delphi design is suitable for forming a consensus among a group of experts in instances where existing scholarship on a research topic is deficient. Researchers have employed a variety of measures to assess consensus in Delphi studies. Von der Gracht (2012) outlined 15 separate consensus measures, including a stipulated number of rounds, coefficient of variation, post-group consensus, subjective analysis, and percentage agreement. Despite the variation, de Loë et al. (2016) and Diamond et al. (2014) noted that percentage agreement among panel respondents is the most common method for determining consensus in a Delphi study. Von der Gracht (2012) noted that the assessment of consensus among experts using an identified level of agreement is especially illustrative when used in conjunction with a Likert scale. As a result, I adopted percentage agreement as 1 measure of consensus in this study.

It was necessary to determine what level of percentage would constitute a consensus to use percentage agreement as a measure of consensus. Similar to the variation in techniques for measuring consensus, scholars have noted a wide variation in the level of percentage agreement necessary for achieving consensus in a Delphi study (Habibi et al., 2014; Van de Ven-Stevens et al., 2015). Percentages may range anywhere from 51% (Maijala et al., 2015) to over 80% (Bahl et al., 2016; Pinnock et al., 2015;

Thomassen et al., 2014). I adopted 70% as the level of percentage required for achieving consensus. I flagged any statement where the frequency of the top 2 responses was 70% or higher on both the desirability and feasibility scale for inclusion in the third round questionnaire. Sumsion (1998) asserted that setting the minimum percentage of consensus at 70% in a Delphi study was necessary to maintain rigor.

Round 3. For the third round, I created and distributed a questionnaire including all items flagged in the second round. Panelists rated each statement on the third round questionnaire against 2 separate 5-point Likert scales: importance and confidence. The scale measuring importance ranged from (1) most unimportant to (5) very important, whereas the scale measuring confidence ranged from (1) unreliable to (5) certain. The instructions asked panelists to explain their reasoning if they applied a rating of 1 or 2 to a statement on either the importance or the confidence scale. Panelists did not have the option to reconsider their ratings. Statements in the third round questionnaire where the frequency of panelists' top 2 responses was 70% or higher for both scales formed a consensus on techniques that will alter unreceptive managerial viewpoints toward the law within the corporate setting.

Issues of Trustworthiness

Every researcher must address concerns related to the legitimacy of his or her research. As noted by Noble and Smith (2015), researchers cannot apply the traditional measures used to establish the validity and reliability of quantitative research to establish the validity and reliability of qualitative research. Qualitative researchers evaluate the

trustworthiness of qualitative research using credibility, transferability, dependability, and conformability (Anney, 2014; Elo et al., 2014; Hasson & Keeney, 2011). According to Hays, Wood, Dahl, and Kirk-Jenkins (2016): (a) credibility denotes the extent to which results are believable and appear accurate in light of the research methodology; (b) transferability relates to the ability to apply the study's processes and procedures to new settings, time frames, and participants; (c) dependability encompasses the consistency of results across researchers and time frames, and (d) confirmability represents the extent to which the results reflect the genuine views of study participants. This section outlines the strategies for establishing credibility, transferability, dependability, and confirmability used in this Delphi study.

Credibility

Researchers may employ numerous strategies to establish credibility in a qualitative research study. Researchers may use peer debriefing, member checking, prolonged field experience, triangulation, and time sampling (Anney, 2014; Cho & Lee, 2014; Greene, 2014). Member checking encompasses the process of providing each study participant with the opportunity to review and comment on the interpretations of collected data made by a researcher (Anney, 2014; Noble & Smith, 2015). To facilitate member checking, I provided spaces in the second round questionnaire for panelists to provide optional comments on how I derived themes from their individual first round responses. Hasson and Keeney (2011) noted the inherent presence of member checking in

the Delphi process. The confidence ratings that panelists applied to each statement on the third round questionnaire also supported the credibility of the results in this study.

Transferability

Alongside credibility, researchers must also ensure transferability in a qualitative study. As noted by Zitomer and Goodwin (2014), thick description represents a common strategy for ensuring transferability of qualitative findings. Anney (2014) noted that thick description encompasses efforts by the qualitative researcher to explain each step of the research process with as much clarity and detail as possible, thereby providing future researchers with sufficient information to evaluate the study's applicability to other contexts. Hasson and Keeney (2011) noted the use of thick description to ensure transferability in the Delphi context. I incorporated extensive details and descriptions in this study to facilitate transferability.

Dependability

A researcher may use a variety of tactics to establish dependability in a qualitative research study. Specific strategies for safeguarding dependability include triangulation, peer examination, code-recode, audit trails, and stepwise replication (Anney, 2014; Berger, 2015; Fusch & Ness, 2015). Peer examination, whereby a researcher engages in a dialogue regarding his or her research progress and results with impartial colleagues (Anney, 2014), supported the dependability of the results in the present study. I engaged in peer examination by discussing my research progression with the members of my dissertation committee and other Walden University students. I will also present my

results to other researchers at professional and academic conferences. I also created an audit trail by retaining my research notes on my thoughts and observations during study development, data collection, and data analysis, as well as any comments and correspondence provided by the study's participants.

Confirmability

Confirmability denotes the final criterion for ensuring trustworthiness in a qualitative study. A qualitative researcher may ensure confirmability through the use of audit trails and reflexive journals (Anney, 2014). Hasson and Keeney (2011) also noted the use of thick description and audit trails by other researchers to establish confirmability in Delphi studies. Audit trails and reflexive journals provide transparency in the research process by allowing others the opportunity to review the notes and materials depicting an author's methodological choices, interpretative judgments, and assumptions (Cope, 2014; Houghton, Casey, Shaw, & Murphy, 2013; Ward, Furber, Tierney, & Swallow, 2013). I used a reflexive journal (see Appendix I) to substantiate the confirmability of my results by including comprehensive notes on my methodological choices, judgments, assumptions, and experiences during the research process.

Ethical Procedures

Data collection did not occur prior to IRB approval notification. Study participants received an informed consent form, providing background information on the voluntary nature of their participation, study purpose, procedure, risks and benefits, and relevant contact information in the event they had questions or concerns. As a result of

the Delphi design, my study required additional approval from the IRB beyond the initial approval necessary to conduct the first round of data collection. Once I developed the second round questionnaire, I submit it for IRB approval before distributing it to the panel. I followed the same procedure for the third round questionnaire.

It was necessary to obtain the necessary permissions from the applicable gatekeepers before soliciting potential study participants. Based on communications with the IRB, I obtained clarification as to the permissions I needed to obtain before recruiting study participants. I needed to obtain a letter of cooperation to contact individuals in my university's alumni network database who may have satisfied the panel eligibility criteria (see Appendix A for a copy of the letter of cooperation). I did not need to obtain a letter of cooperation to contact potential participants using LinkedIn, provided that I complied with the website's terms of service. I did not need to obtain a letter of cooperation to ask the leaders of professional organizations, or panelists in this study, for their assistance in distributing notices of the study to others who may have satisfied the eligibility criteria. Their respective forwarding of the study notices would have implied their approval.

No ethical concerns related to recruitment materials or processes were known prior to, during, or after study recruitment. I identified and contacted potential study participants using the recruitment strategies identified above. If a potential participant indicated a wish not to participate, I thanked the individual for his or her time and ceased further communications. Individuals who had questions or concerns had the ability to

contact me directly or the IRB using the contact information provided on the informed consent form.

Similar to the recruitment phase, no ethical concerns related to data collection occurred during the data collection process. I am the only person who knew the identity of participants in both the field test and the main study. Participants remained anonymous to each other throughout the duration of the study. Although I planned to redact any references to specific individuals, companies, or other personal identifying information (PII) provided by study participants in their first round responses, no such redactions were necessary. I did not disclose participants' identities in the published dissertation.

I used several measures to safeguard data provided by the participants. First, I stored all data in a password protected computer system or password protected flash drive within a locked office or file cabinet. I randomly assigned study participants a participant ID to help preserve confidentiality and did not collect personal demographic data beyond the minimal data necessary to ensure Delphi panel eligibility. I did not ask participants to provide data on sensitive topics or data that could violate attorney-client privilege or attorney work product protections. Although I distributed the individual data provided by the panelists to the entire Delphi panel, I did not connect individual responses to specific participants. I maintained sole control over submitted materials and will retain all data for at least 5 years to facilitate future publications.

Summary

The following research question guided this qualitative Delphi study: What is the level of consensus among in-house general counsel working across business industries in the United States with regard to techniques that will alter unreceptive managerial viewpoints toward the strategic value of law within the corporate setting? The Delphi research design is suitable for forming a consensus among a group of experts in instances where existing scholarship on a research topic is deficient. For this Delphi study, the panel experts had to meet 4 criteria: (a) juris doctor degree from an ABA-accredited law school located in the United States; (b) license to practice law in at least 1 state; (c) at least 5 years of business industry experience, and (d) current employment as general counsel for an organization headquartered in the United States. I recruited study panelists using the alumni network database of my university employer, the professional networking site LinkedIn, and the leaders of relevant professional organizations. Although I initially set out to recruit at least 32 participants, 39 individuals agreed to participate in the study. I accepted additional participants beyond the 32 person mark to account for potential attrition between the initial round and the final round of the study.

Panelists received a researcher-developed questionnaire in each round. I used thematic analysis to evaluate and code participants' responses to the open-ended first round questionnaire according to key themes. The second round questionnaire consisted of an aggregate list of items derived from key themes uncovered from panelists' first round responses. Panelists rated each statement against 2 separate 5-point Likert scales:

desirability and feasibility. I flagged any statement where the frequency of the top 2 responses was 70% or higher for both scales for inclusion in the third round questionnaire. In the third round, panelists rated the items carried over from the second round against 2 separate 5-point Likert scales: importance and confidence. Items in the third round questionnaire where the frequency of panelists' top 2 responses was 70% or higher for both scales formed a consensus on techniques that will alter unreceptive managerial viewpoints toward the strategic value of law within the corporate setting. Participants had 3 weeks to complete each round. Although I allocated a 3-week period between rounds to allow sufficient time for data analysis and IRB approval, I was able to begin each round sooner than expected.

The study included measures to enhance content validity, reduce bias, increase trustworthiness, and ensure the preservation of participants' rights. The use of a field test, iterative process of the Delphi design, and comprehensive literature review supported content validity. Various measures supported the trustworthiness of the results, including member checking, thick description, peer examination, an audit trail, and a reflexive journal. Each panelist received an informed consent form containing key information on the study, including anonymity and confidentiality assurances, purpose and procedures, requirements for participation, potential risks and benefits, and contact information for the Walden IRB. Chapter 4 contains a discussion and an analysis of the research results.

Chapter 4: Results

The purpose of my qualitative Delphi study was to build consensus among in-house general counsel working across business industries in the United States with regard to techniques that will alter unreceptive managerial viewpoints toward the strategic value of law within the corporate setting. The Delphi method was appropriate based on the need for in-house general counsel to develop common techniques for altering unreceptive managerial viewpoints toward the law to spearhead the advancement of legal knowledge within the organization (Bird & Orozco, 2014; Evans & Gabel, 2014). Based on this purpose, the following research question guided this qualitative Delphi study: What is the level of consensus among in-house general counsel working across business industries in the United States with regard to techniques that will alter unreceptive managerial viewpoints toward the strategic value of law within the corporate setting? This chapter includes information on the research setting, participant demographics, data collection, data analysis, and evidence of trustworthiness. The bulk of the materials in this chapter will center on the results of this study.

Research Setting

Because data collection occurred electronically rather than at a physical location, I lacked the capacity to observe personally any personal or organizational conditions that may have influenced participants' involvement in the study. Aside from the certification provided by each participant in connection with the informed consent form that he or she satisfied the study eligibility criteria, I did not collect any other personal demographic

data. The instruments in this study did not ask participants to disclose information related to personal or organizational conditions. I do not have any knowledge of any personal or organizational conditions that influenced participants or their experience at the time of the study that may influence the interpretation of the final results.

Demographics

Each participant in this study possessed the following characteristics: (a) a juris doctor degree from an ABA-accredited law school located in the United States; (b) a license to practice law in at least 1 state; (c) at least 5 years of business industry experience, and (d) currently serve in the role of general counsel for an organization headquartered in the United States. These 4 characteristics represent the study eligibility criteria. I did not collect any personal demographic data aside from obtaining a certification from each participant that he or she satisfied the study eligibility criteria.

Data Collection

Recruitment

Before obtaining approval from the IRB to conduct the study, I compiled a list of potential participants using 4 sources: (a) alumni network database of my current university employer; (b) LinkedIn; (c) the Association of Corporate Counsel, the Academy of Legal Studies in Business, and the Academy of Management; and, (d) recommendations from study participants themselves. LinkedIn provided the most productive source of potential study participants. I used the site's advanced people search feature to identify individuals who matched the study eligibility criteria. If an individual

appeared to meet the study eligibility criteria based on the information contained in his or her LinkedIn profile, I then searched for his or her contact information using the applicable state bar association website. To simplify the recruitment process and ensure compliance with IRB requirements, I separated my list of potential participants into the following categories: (a) email address and phone number available; (b) only email address available; (c) only phone number available, and (d) no email address or phone number available.

Participant recruitment began on February 13, 2017. I allocated 4 weeks to the recruitment process to afford sufficient time for follow-up emails and phone calls if necessary. Despite utilizing 4 sources to recruit participants, every individual who participated in this study was identified and recruited through LinkedIn. I sent a study invitation email (see Appendix B) to roughly 400 people along with a copy of the informed consent form. I received responses from approximately 60 people, for an overall response rate of about 15%. Of the 60 responses, around 20 individuals indicated they could not or did not wish to participate in the study. Although a few individuals contacted me about participating in the study after receiving notice from a professional association, none of those individuals satisfied the panel eligibility criteria. None of the individuals I contacted about participating in this study recommended other individuals who may have satisfied the study eligibility criteria.

By March 3, 2017, 39 individuals agreed to participate in the study, reaching and exceeding the target panel size of 32. In anticipation of potential attrition, I accepted

additional participants beyond the target panel size. On March 6, 2017, each participant received an email confirming their participation in the study and the first-round start date of March 13 (see Appendix B).

Participation Overview

Thirty-nine general counsel who satisfied the study eligibility criteria agreed to participate in this study by following the procedures outlined in the informed consent form. Of the 39 general counsel who agreed to participate in the study, 19 participated in all 3 rounds. Table 10 contains the response rate for each round of the Delphi study. I did not engage in any special follow-up with individuals who dropped out of the study. Although no indications existed to suggest that panelists dropped out of the study due to concerns that other panelists did not share their viewpoints, existing evidence did illustrate that panelists dropped out due to other time commitments. I received out-of-office notifications in response to certain emails from several panelists throughout the 3 rounds of the study. The timelines connected to these out-of-office notifications ranged from a few days to multiple weeks.

Table 10

Questionnaire Response Rate

Round	Questionnaires distributed	Questionnaires returned	Response rate %
1	39	29	74%
2	29	23	79%
3	23	19	83%

Location, Frequency, and Duration of Data Collection

Data collection took place between March 13, 2017, and June 5, 2017. The 3 data collection instruments used in this Delphi study consisted of electronic questionnaires formatted in Microsoft Word. The exchange of all 3 questionnaires between the participants and me occurred electronically through email. Participants had 3 weeks to complete and return each questionnaire (1 per Delphi round). I sent out 2 separate reminder emails before each round completion date to participants who had not yet responded. As noted in Chapter 3, IRB policies require the separate approval of each Delphi questionnaire before distribution to the Delphi panel. Although I allocated a 3-week period between rounds to allow sufficient time for data analysis and IRB approval, I was able to begin each round sooner than expected. Table 11 contains an overview of the timeline for data collection in this study.

Table 11

Data Collection Timeline

Event	Start date	End date
Round 1	3/13/17	4/03/17
Analysis of Round 1 data	4/04/17	4/09/17
Round 2	4/10/17	5/01/17
Analysis of Round 2 data	5/02/17	5/14/17
Round 3	5/15/17	6/05/17

Round 1. Before beginning Round 1 data collection, I conducted a field test of the first round questionnaire and accompanying instructions email to detect potential clarity problems or ambiguities with both documents. The individuals who participated in the field test did not participate in the main study. I contacted 5 individuals in my professional network by email and asked for their participation in the field test. The email (see Appendix B) included copies of both the first round questionnaire and accompanying instructions email in Microsoft Word format. The field test participants, all of whom agreed to participate in the field test, possessed the following characteristics: (a) juris doctor degree from an ABA-accredited law school located in the United States; (b) license to practice law in at least 1 state, and (c) at least 5 years of business industry experience. These characteristics mirror the first 3 eligibility criteria necessary for participation in the main Delphi study. As the purpose of the field test was the

identification of clarity problems and ambiguities rather than data collection, I determined that a position as general counsel was unnecessary for participation in the field test.

Participants in the field test provided comments and suggested changes to both the first round questionnaire and accompanying instructions email. I made 2 modifications in response to comments from 1 field test participant that the questionnaire should include additional information on the types of responses expected for the first round questionnaire. First, I modified the instructions to ask participants to provide a minimum of 3 – 5 recommended techniques in response to each question. Second, I asked participants to list their recommendations in bullet point format alongside a short description for each recommendation. One field test participant commented that the terms *processes*, *activities*, *practices*, and *actions* were ambiguous and subject to different interpretations. The same participant also pointed out that the use of such terms could unduly restrict potential first-round responses, such as instances where panelists could identify *processes* but not *activities* to improve workplace collaboration between in-house counsel and managers. Another field test participant suggested changing the wording of *in-house lawyers* to *in-house counsel* due to the more common usage of the later term. Additional changes to the questionnaire based on field test comments included the removal of superfluous language to enhance question clarity. The following open-ended questions denote the revised questions distributed to panelists in the first round:

1. What will increase managers' understanding of the legal implications of their business decisions?
2. What will improve workplace collaboration between in-house counsel and managers?
3. What leadership qualities will in-house counsel need to display to be viewed as valued participants on management-level teams?
4. How can in-house counsel demonstrate to managers that the legal department adds strategic value to the company?
5. What initiatives will integrate legal considerations with company business processes?
6. Is there anything else that you believe will help change any unreceptive viewpoints that managers may hold toward the strategic value of law within the corporate setting that you have not yet included in your answers to questions 1 through 5 above?

As noted in Chapter 2, Questions 1 through 5 corresponded to the 5 key areas of scholarship related to the dissertation topic. The inclusion of Question 6 in the first round questionnaire was intended to reduce the potential exclusion of responses that were relevant to the study purpose but not directly addressed by the first 5 questions.

The field test participants also provided helpful comments and suggestions for clarifying the language in the first round instructions email. Based on suggestions from 2 of the field test participants, I modified the language email language to articulate more clearly that participants should include their typed responses to the first round questions directly in the questionnaire document. I did not incorporate other comments or suggested changes from field test participants that resulted from differences in

grammatical style, personal preferences, or unfamiliarity with the study topic or purpose. Appendices B and C include the revised versions of the first round instructions email and first round questionnaire respectively.

Round 2. In the second round, I provided panelists with the themes derived from their individual first round responses as well as a complete list of key themes derived from all panelists' first round responses. Panelists did not have the ability to revise their individual first round answers after reviewing the first round answers submitted by other panelists. To facilitate member checking, I provided spaces for panelists to provide optional comments on whether I correctly or incorrectly derived themes from their individual first round responses. Panelists rated each statement on the second round questionnaire against 2 separate 5-point Likert scales: desirability and feasibility. The scale measuring desirability ranged from (1) highly undesirable to (5) highly desirable, whereas the scale measuring feasibility ranged from (1) definitely infeasible to (5) definitely feasible. The second round questionnaire included references and definitions for each scale item to provide panelists with clarity as to the meaning of each item on the desirability and feasibility scales. The instructions also included a statement asking panelists to explain their reasoning if they applied a ranking of 1 or 2 to a statement on either scale. See Appendix D for a copy of the second round questionnaire.

Round 3. In the third round, panelists rated each statement carried over from the second round against 2 separate 5-point Likert scales: importance and confidence. The scale measuring importance ranged from (1) most unimportant to (5) very important, whereas

the scale measuring confidence ranged from (1) unreliable to (5) certain. The third round questionnaire included references and definitions for each scale item to provide panelists with clarity as to the meaning of each item on the importance and confidence scales. The instructions also included a statement asking panelists to explain their reasoning if they applied a ranking of 1 or 2 to a statement on either scale. See Appendix E for a copy of the third round questionnaire.

Data Recording Procedures

I distributed all 3 questionnaires to study participants in Microsoft Word format. The instructions directed panelists to type their responses to each questionnaire directly in the respective documents. I compiled the data from each submitted questionnaire into a spreadsheet using Microsoft Excel. I copied the data submitted by participants in the first round into the spreadsheet exactly as it appeared in each panelist's questionnaire. I recopied the contents of 3 questionnaires submitted by panelists in PDF format into Word format to facilitate the inclusion of all first round data in the master spreadsheet. I conducted a side-by-side comparison of the original PDF questionnaires and the recopied data to ensure accuracy. See Appendix F for a copy of the recorded data from Round 1. As I chose to distribute the second and third round questionnaires in Microsoft Word format, I manually transferred the data from each questionnaire to the master spreadsheet. Similar to the first round, I conducted a side-by-side comparison of the second and third round questionnaires submitted by panelists with the data contained in my spreadsheet to

ensure accuracy. Appendices G and H include copies of the rating data from Round 2 and Round 3 respectively.

Variations in Data Collection

Several differences existed between the Chapter 3 data collection plan and the actual data collection process in this study. Prior to beginning data collection, I indicated that I would create a spreadsheet using Microsoft Excel with the following categories: (a) participant ID (generated randomly to help preserve confidentiality); (b) data generated by panelist; (c) code/theme generated by researcher, and (d) research notes. Shortly after beginning data collection, it became necessary to adjust the spreadsheet to simplify the data analysis process. I modified the *code/theme generated by researcher* column to read *code applied by researcher*. I created additional tabs within the Excel spreadsheet for first round data, 1 corresponding to each of the 6 questions contained in the first round questionnaire. The tabs corresponding to each question included the following categories: (a) participant ID; (b) data generated by panelist; (c) codes applied by researcher; (d) code short description, and (e) theme statement.

Two other variations centered on the sampling strategy and measure of consensus respectively. I initially intended to use snowball sampling to draw potential study participants from personal and professional networks. Given that I recruited a sufficient number of participants for my study panel by contacting directly individuals who satisfied the eligibility criteria, snowball sampling was not necessary or used in this study. Regarding utilizing median score as the second measure of consensus in this study,

I removed median score as the second measure of consensus to set a higher threshold for consensus in the study.

Unusual Circumstances in Data Collection

An unusual circumstance encountered during data collection occurred during the recruitment phase of the study. In reviewing the LinkedIn profiles of individuals and contacting potential participants, I discovered a moderate amount of variation in the terminology used to describe the roles of senior lawyers or senior legal officers across the organizations in the United States. While many senior attorneys and senior legal officers possessed the title of *general counsel*, others' titles included *director*, *managing counsel*, *legal counsel*, and *senior counsel*. Although every individual who participated in this study held the title of *general counsel*, the variation suggests that individuals who possessed different but similar titles may also have satisfied the eligibility requirements for this study.

Data Analysis

Data analysis represents a critical component of any qualitative study. Participants in this qualitative Delphi study completed 3 separate questionnaires over a 4 month period. The iterative 3-round Delphi study led to the generation of a voluminous amount of data and information. Figure 4 depicts a graphical representation of the data reduction results by category and round.

Round 1

- Questionnaire containing 6 open-ended questions
- Panelists generated 482 statements
- 46 statements spanning 5 categories emerged through thematic content analysis
 - Category 1: Understanding legal implications of business decisions (7 items)
 - Category 2: Improving Workplace Collaboration between In-House Counsel and Managers (8 items)
 - Category 3: Leadership Qualities/Expectations of Counsel (10 items)
 - Category 4: Demonstration of Strategic Value (10 items)
 - Category 5: Integrating Legal Considerations with Business Processes (11 items)

**Round 2**

- Panelists first-round items for desirability and feasibility using 5-point Likert scale
- Statement passed to third round if frequency of panelists' top 2 responses (rating of 4 or 5) was $\geq 70\%$ for both desirability and feasibility
- 36 statements spanning all 5 categories passed to Round 3
 - Category 1: Understanding legal implications of business decisions (6 items)
 - Category 2: Improving Workplace Collaboration between In-House Counsel and Managers (6 items)
 - Category 3: Leadership Qualities/Expectations of Counsel (8 items)
 - Category 4: Demonstration of Strategic Value (8 items)
 - Category 5: Integrating Legal Considerations with Business Processes (8 items)

**Round 3**

- Panelists first-round items for importance and confidence using 5-point Likert scale
- Statement included on final list of consensus items if frequency of panelists' top 2 responses (rating of 4 or 5) was $\geq 70\%$ for both importance and confidence
- 25 statements spanning all 5 categories formed final list of consensus items
 - Category 1: Understanding legal implications of business decisions (4 items)
 - Category 2: Improving Workplace Collaboration between In-House Counsel and Managers (5 items)
 - Category 3: Leadership Qualities/Expectations of Counsel (5 items)
 - Category 4: Demonstration of Strategic Value (4 items)
 - Category 5: Integrating Legal Considerations with Business Processes (7 items)

Figure 4. Data reduction results.

I used thematic content analysis to analyze and code participants' first round responses according to key themes. I began by separating the first round data into separate tabs in the spreadsheet according to each of the 6 questions contained in the first round questionnaire. I next reviewed the data within each tab multiple times to develop familiarity and deeper understanding. Once I felt I had a solid understanding of the data, I began to code the raw data to start developing a list of potential categories. To avoid injecting potential bias, I did not begin the data analysis process with a predetermined set of codes. I adopted the technique of constant comparison and began the coding process as soon as panelists began to submit their first round questionnaires. I searched for commonly used words and phrases to develop tentative categories and grouped similar items together to minimize redundancy. To simplify the coding process, I duplicated responses to questions in instances where a single statement provided by a participant included multiple statements applicable to different categories. I adjusted the codes and categories each time a new panelist submitted a response to the first round questionnaire.

After I had applied a code to each statement corresponding to each of the 6 questions in the first round questionnaire, I sorted the spreadsheet to compare statements with the same code, ensured consistency in coding, and adjusted codes as needed. Once I coded the 6 tabs corresponding to the 6 first round questions, I merged the data from all tabs together into a single master list to compare all data. Merging the data helped to ensure consistent coding in the event panelists provided similar or verbatim recommendations in response to multiple questions. The analysis of first round resulted

in a final list of 46 codes. I chose not to condense the codes down any further than 46 to avoid potential researcher bias. Appendix F contains all data and the 46 codes generated from the first round.

I applied a 3-level numerical coding scheme to analyze the first round data. The numerical coding scheme ranged from a 2-digit number to a 4-digit number. The 2-digit codes identified the main categories of the data. The 3-digit codes identified sub-categories within each main category. I applied a 4-digit code in instances where specificity in the data required the further separation of a sub-category within the main categories. In instances where the separation of the data beyond sub-categories was not necessary, I applied only 3-digit codes. To incorporate the data from question 6 on the first round questionnaire, I added the digit 6 to the end of each code. Any 4-digit or 5-digit code ending in 6 signified that a panelist provided the associated statement in response to Question 6 on the first round questionnaire. The numerals in the codes did not signify precedence, importance, frequency, or any other relationships or themes regarding the coded data.

Due to the potential for dramatic differences in thematic content analysis between researchers, the application of thick description to the data reduction process is instrumental to the assurance of clarity in the research process. Based on the purpose of my study, 1 major theme that emerged from the literature review centered on the unreceptive viewpoints held by managers and other non lawyers toward law and the legal profession (attitudes toward lawyers and the law). The literature included a range of

viewpoints toward lawyers and the law, such as law sole responsibility of company attorneys (Bird, 2010), law is only relevant if the company is facing litigation or the threat of litigation (Tayyeb, 2013), and law is an impairment to organizational growth (Siedel & Haapio, 2010). A fundamental lack of understanding of the legal implications of managerial business decisions represents a common thread uniting many of these diverse viewpoints. To address the theme of attitudes toward lawyers and the law and develop techniques for altering unreceptive managerial viewpoints toward the strategic value of law within the corporate setting, the initial open-ended question in Round 1 solicited panelists' recommendations for techniques that would increase managers' understanding of the legal implications of their business decisions.

The coding process itself began with a search for commonly used words and phrases. In response to the open-ended question related to increasing managers' understanding of the legal implications of their business decisions, comments such as *getting burned and learning the hard way*, *feeling the pain from the legal consequences*, and *telling the child not to touch the hot stove* alluded to education or training through exposure to negative legal outcomes or avoidable loss. Comments such as *keep managers abreast of changes to the law*, *timely bulletins on relevant topics*, and *conferences where managers and legal professionals present timely topics or issues* all denoted the importance of regular and open dialogue between managers and legal counsel. I adjusted the codes and categories each time a new panelist submitted a response to the first round questionnaire.

Unlike the first round, the data analysis process in the second and third rounds did not involve thematic content analysis. In line with the Delphi study design, I used percentage agreement as the measure of consensus to analyze data submitted by the panel in the second round. Although I initially planned to use median score alongside percentage agreement as the second measure of consensus for analyzing second-round data, I decided to remove median score as the second measure of consensus to set a higher threshold for consensus. I flagged any statement for inclusion in the third round questionnaire where the frequency of panelists' top 2 responses (rating of 4 or 5) was 70% or higher on both the desirability and feasibility scales. I applied the same measure of consensus to analyze data submitted by the panel in the third round.

I addressed several discrepant cases during the data analysis process. In response to Question 6 on the first round questionnaire, 2 participants supplied responses containing general viewpoints and commentary on the study topic. I did not apply codes to these 2 responses, as they did not address the call of the question. In instances where participants did not apply a rating to a specific theme statement in Rounds 2 or 3, I entered a *No rating* designation in the spreadsheet. I applied 7 *No rating* designations in Round 2 and 1 *No rating* designation in Round 3. If participants provided comments to the effect of *see previous comment*, *see comment to statement 13*, or *same as comment 27*, I reproduced the exact text of the referenced comment to assist in data clarity whenever possible. In cases where such references were ambiguous, or where

reproduction/modification of comments could lead to confusion, I made no editorial changes to the provided comments.

The discrepancy between the Cronbach's alpha values associated with the second-round and third-round questionnaires may indicate a lack of internal consistency reliability in the third-round questionnaire. As noted by Savran et al. (2015), Cronbach's alpha is a common means of measuring internal consistency reliability in Delphi studies that employ a Likert scale. Although the second-round Cronbach's alpha values exceeded a value of .60 for each of questions from the first-round questionnaire, the third-round Cronbach's alpha values relative to Questions 2, 4, and 5 failed to exceed a value of .60. Although Bonett and Wright (2015) indicated that a measure for Cronbach's alpha greater than .70 indicates that a questionnaire is reliable, they did not identify a minimum acceptable value for reliability.

Evidence of Trustworthiness

Credibility

Researchers may use several strategies to establish credibility in a qualitative research study. Examples of strategies to establish credibility include peer debriefing, member checking, prolonged field experience, triangulation, and time sampling (Anney, 2014; Cho & Lee, 2014; Greene, 2014). As indicated by Noble and Smith (2015), member checking encompasses the process of providing each study participant with the opportunity to review and comment on the interpretations of collected data made by a researcher. To facilitate member checking, the individual instructions email I sent to each

participant alongside the second round questionnaire included a personalized list of Round 2 statement numbers generated by his or her first round responses. Both the second and third round questionnaires included spaces for optional comments below each theme statement. I did not detect any instances within the second-round optional comments where participants questioned or challenged how I derived the Round 2 theme statements from their first round responses.

The confidence ratings that panelists applied to each statement on the third round questionnaire also supported the credibility of the results in this study. The combined confidence scale ratings of *reliable* (4) and *certain* (5) applied by the panelists exceeded 70% consensus for each of the 25 items in the final list of consensus statements. The combined reliability and certainty ratings for ten of the final 25 statements exceeded 80% consensus. The high consensus levels indicate strong feelings of confidence that each item in the final list of 25 statements reflects a technique that will alter unreceptive managerial viewpoints toward the strategic value of law within the corporate setting.

Transferability

Researchers must also ensure transferability in a qualitative study. Thick description represents a common strategy for ensuring transferability of qualitative findings (Zitomer & Goodwin, 2014). As noted by Anney (2014), thick description encompasses efforts by the qualitative researcher to explain each step of the research process with as much clarity and detail as possible, thereby providing future researchers with sufficient information to evaluate the study's applicability to other contexts. The use

of thick description is a suitable means of ensuring transferability in the context of a Delphi study (Hasson & Keeney, 2011). I incorporated extensive details and descriptions into my explanations at each stage of the research process in this study to facilitate transferability.

Dependability

A researcher may use a variety of tactics to establish dependability in a qualitative research study. Strategies for safeguarding dependability include triangulation, peer examination, code-recode, audit trails, and stepwise replication (Anney, 2014; Berger, 2015; Fusch & Ness, 2015). Peer examination, whereby a researcher engages in a dialogue regarding his or her research progress and results with impartial colleagues (Anney, 2014), supported the dependability of the results in the present study. I engaged in peer examination by discussing my research progression with the members of my dissertation committee and other Walden University students. I will also present my results to other researchers at professional and academic conferences. I also created an audit trail by retaining my research notes on my thoughts and observations during study development, data collection, and data analysis, as well as any comments and correspondence provided by the study's participants.

As an additional measure of dependability, I also conducted a Cronbach's alpha analysis to assess the internal consistency of panelists' responses to the second and third round questionnaires. As noted by Lakanmaa et al. (2014) and Savran et al. (2015), Cronbach's alpha is a common means of measuring internal consistency reliability in

Delphi studies that employ a Likert scale. I assessed internal consistency by separating panelists' ratings into categories corresponding to the open-ended questions in the first round questionnaire. I then used Cronbach's alpha to assess the internal consistency of each grouping. As I used researcher-developed instruments rather than a published instrument in this study, I set the minimum acceptable value for Cronbach's alpha to .60.

As indicated in Table 12, each of the Cronbach's alpha values stemming from panelists' responses to the second-round questionnaire exceeded .70, demonstrating the instrument's reliability. The Cronbach's alpha values corresponding to Questions 1 and 3 in the first-round questionnaire exceeded the minimum acceptable value for Cronbach's alpha set in this study of .60. The Cronbach's alpha values corresponding to Questions 2, 4, and 5 from the first-round questionnaire, however, failed to exceed a value of .60.

Table 12

Cronbach's Alpha Analysis Results

Open-ended question from Round 1	Cronbach's alpha value - Round 2	Cronbach's alpha value - Round 3
1	.906	.651
2	.916	.466
3	.833	.613
4	.928	.340
5	.875	.361

Confirmability

Confirmability denotes the final criterion for ensuring trustworthiness in a qualitative study. The qualitative researcher may ensure confirmability with audit trails and reflexive journals (Anney, 2014). Hasson and Keeney (2011) also noted the use of thick description and audit trails by other researchers to establish confirmability in Delphi studies. Audit trails and reflexive journals provide transparency by allowing others to review the notes and materials depicting an author's methodological choices, interpretative judgments, and assumptions (Cope, 2014; Houghton, Casey, Shaw, & Murphy, 2013; Ward, Furber, Tierney, & Swallow, 2013). I used a reflexive journal to substantiate the confirmability of my results by including comprehensive notes on my methodological choices, judgments, assumptions, and experiences during the research process in a reflexive journal. Appendix I contains a copy of the reflexive journal.

Study Results

Round 1

The panel generated 482 statements in response to the 6 open-ended questions contained in Round 1. See Appendix F for a complete copy of the statements generated by panelists in response to the first round questionnaire. During the coding process, I identified several responses by individual panelists to first round questions that contained multiple themes. To more easily sort and code these responses, I duplicated the statements and coded each theme separately. The final list consisted of 497 statements and 46 themes. Table 13 contains the final coding list generated from the first round data.

Table 13

First Round Coding Sheet

Code category/description	Code	Frequency
<u>Understanding legal implications of business decisions</u>	10	
Involvement/participation	101	
Presence in all stages of business process	1011	7
Training/education	102	
Legal consequences using examples/cases/demonstrations	1021	50
Membership trade/professional organizations	1023	1
Negative legal outcome or avoidable loss	1025	11
Knowledge	103	
Access to knowledgeable legal counsel	1031	7
Relationship management	104	
Environment that encourages managers to seek out/involve legal counsel	1042	7
Communication	105	
Regular and open dialogue with legal counsel	1051	9
<u>Improving workplace collaboration between in-house counsel and managers</u>	20	
Involvement/participation	201	
Lawyer/manager actively support the other in all stages of business process	2013	21
Knowledge	202	
Access to knowledgeable legal counsel	2021	11
Relationship management	203	
Lawyer/manager work to understand concerns/focus/perspectives of the other	2031	14
Lawyers build rapport through approachability and socialization	2032	4
Managers view lawyers as valued partners rather than road blocks/deal killers	2034	27
Communication	204	
Open disclosure and timely access to legal department	2041	12
Use of info tech and other tools to support company processes	2042	3

(table continues)

Training/education	205	
Risk management training techniques	2051	2
<u>Leadership qualities/expectations of counsel</u>	30	
Proactive problem solving	302	14
Adaptive	303	5
Knowledge of law and business strategy issues	304	16
Calm and decisive under pressure	306	13
Empathy	307	22
Engagement	309	10
Communication	310	12
Integrity and accountability	312	13
Approachability	313	2
Professionalism	315	5
<u>Demonstration of strategic value</u>	40	
Involvement/participation	401	
Presence in all stages of business process	4011	13
Collaborative efforts to balance risk/reward	4012	6
Training/education	403	
Legal consequences using examples/cases/demonstrations	4031	7
Costs/revenue	404	
Cost effective options to address legal issues	4041	12
Legal department as source of revenue	4042	2
Results	405	
Success in managing legal matters	4051	6
Utilization of appropriate performance metrics	4052	4
Accountability and integrity	406	2
Communication	407	4
Proactivity	408	
Proactively address legal issues/trends/risks by taking active role	4081	28
<u>Integrating legal considerations with business processes</u>	50	
Communication	501	
Timely and effective delivery of legal advice	5011	6
Presence of clear, up-to-date policies and procedures	5012	3
Use of info tech and other tools to support organizational processes	5014	7

(table continues)

Proactive communication of legal department activities	5015	2
Relationship management	502	
Environment where manager/lawyer supports contributions of the other	5022	9
Training	503	
Identification of legal risks and new developments in law	5031	6
Knowledge	505	
Develop skills and knowledge beyond legal acumen	5051	3
Results	506	
Success in managing litigation and other legal matters	5062	3
Oversight	507	
Active corporate compliance infrastructure	5071	4
Policy development	508	
Creation of business policies that directly include legal considerations	5081	10
Involvement/participation	509	
Legal counsel connect with employees at all levels and stages of business process	5092	19

The 497 statements provided by the panel in Round 1 fell into 5 major categories corresponding to open-ended questions contained in the first round questionnaire: (a) understanding legal implications of business decisions; (b) improving workplace collaboration between in-house counsel and managers; (c) leadership qualities and expectations of counsel; (d) demonstration of strategic value, and (e) integrating legal considerations with business processes. The 5 major categories correspond to the 5 major themes in the existing literature. The integrating legal considerations with business processes category contained the largest assortment of codes while the understanding legal implications of business decisions category contained the smallest assortment of codes. Table 14 includes the statements derived from the top 5 themes noted most frequently by panelists in Round 1.

Table 14

Top 5 Statements Based on Frequency

Theme statement	Frequency
Increasing managers' understanding of the legal implications of their business decisions through training on the legal consequences of management decisions using real-world examples, cases, or demonstrations.	50
In-house counsel demonstrating how the legal department adds strategic value by understanding the business and proactively addressing legal issues, trends and risks that impact the company.	28
Improving workplace collaboration between in-house counsel and managers by helping managers to view lawyers as valued partners rather than deal killers.	27
In-house counsel displaying their value as participants on management level teams by supporting the views, perspectives, and concerns of others.	22
Improving workplace collaboration between in-house counsel and managers by involving in-house counsel in company business processes.	21

Round 2

I used the codes derived from the data generated in Round 1 to generate 46 theme statements for the second round questionnaire. To provide participants with information on the context and purpose of the second round, I indicated in the instructions that the second round questionnaire contained theme statements derived from the recommendations submitted by study participants in the first round. I asked participants to evaluate whether each statement represented a desirable and feasible technique that will alter unreceptive managerial viewpoints toward the strategic value of law within the corporate setting using a 5-point Likert scale. The second round questionnaire also

included instructions for participants to provide a brief explanation of their reasoning if they applied a rating of 1 or 2 to a statement on either scale. Participants also had the ability to provide optional comments on each statement. To reduce potential confusion, I included an example with instructions on how to complete the questionnaire. To facilitate member checking, I also sorted all first round data in the master spreadsheet according to participant ID. I then compiled a list to identify the code(s) derived from each piece of data submitted by each participant. I included an individual list specific to each participant in the instructions email accompanying the second round questionnaire identifying the themes derived from his or her first round responses.

Of the 46 theme statements contained in the second round questionnaire, 36 met the threshold for inclusion in the third round questionnaire. See Appendix G for a complete list of all ratings supplied by panelists in Round 2. Table 15 includes a list of the 10 statements that did not pass to the third round. Of the 10 statements that did not pass to Round 3, 90% failed to satisfy the feasibility threshold as compared to 40% of the 10 statements that failed to satisfy the desirability threshold. The ratings for all 46 second-round statements also reflected a sizable disparity between desirability and feasibility as 87% of the 46 theme statements received a higher rating for desirability than for feasibility. Theme statements 36 and 37, which represented 2 of the top 5 themes noted most frequently by panelists in Round 1, failed to meet the consensus threshold in Round 2.

Table 15

Theme Statements Failing to Pass to Round 3

Statement	Percentage (desirability)	Percentage (feasibility)
In-house counsel demonstrating how the legal department adds strategic value by finding innovative ways for the legal department to generate revenue.	57%	17%
Improving workplace collaboration between in-house counsel and managers by fostering their joint use of information technology and other support tools.	70%	43%
In-house counsel demonstrating how the legal department adds strategic value by adopting and meeting appropriate performance metrics.	70%	30%
Integrating legal considerations w/company business processes by employing in-house counsel who possess business skills and business knowledge.	96%	52%
Increasing managers' understanding of the legal implications of their business decisions through membership in trade/professional organizations.	43%	52%
Integrating legal considerations w/company business processes by proactively circulating notices of legal department activities.	43%	74%
Improving workplace collaboration between in-house counsel and managers by helping managers to view lawyers as valued partners rather than deal killers.	96%	61%
In-house counsel displaying their value as participants on management level teams by supporting the views, perspectives, and concerns of others.	78%	61%
In-house counsel displaying their value as participants on management level teams by proactively finding solutions to company problems.	91%	65%
Integrating legal considerations w/company business processes by fostering the joint use of information technology and other support tools by managers and in-house counsel.	65%	35%

In addition to rating the 46 theme statements as to both desirability and feasibility, participants also provided a diverse array of explanations for their reasoning and optional comments. Nine panelists provided 20 separate comments in connection with applying ratings of 1 or 2 to individual theme statements. Fourteen panelists provided 115 optional comments in connection with their ratings of specific theme statements. I did not detect any instances within the optional comments where participants questioned or challenged how I derived the Round 2 theme statements from their first round responses. Appendix G contains lists of all explanations of reasoning and optional comments provided by study participants in Round 2.

Round 3

I used the 36 theme statements flagged in Round 2 to generate the third round questionnaire. I asked participants to evaluate the importance and confidence of each statement as a technique that will alter unreceptive managerial viewpoints toward the strategic value of law within the corporate setting using a 5-point Likert scale. The third round questionnaire also included instructions for participants to provide a brief explanation of their reasoning if they applied a rating of 1 or 2 to a statement on either scale. Participants also had the ability to provide optional comments on each statement. To reduce potential confusion, I included an example with instructions on how to complete the questionnaire.

Of the 36 theme statements contained in the third round questionnaire, 25 satisfied the 70% measure of consensus. See Appendix H for a complete list of all ratings

supplied by panelists in Round 3. Table 16 includes a list of the 11 statements that failed to satisfy the consensus threshold in Round 3. Of the 11 statements that did not satisfy the 70% agreement needed for consensus, only 2 failed to satisfy the importance threshold as compared to 100% of the statements that failed to satisfy the confidence threshold. The ratings for all 36 second-round statements also reflected a sizable disparity between importance and confidence as 78% of the 36 theme statements received a higher rating for importance than for confidence.

Table 16

Theme Statements Failing to Meet Consensus Threshold in Round 3

Statement	Percentage (importance)	Percentage (confidence)
Improving workplace collaboration between in-house counsel and managers through training on legal risk management techniques.	68%	68%
In-house counsel demonstrating how the legal department adds strategic value by collaborating w/managers to balance the risks/rewards associated w/business decisions.	79%	63%
Integrating legal considerations w/company business processes by successfully managing litigation and other company legal matters.	79%	68%
In-house counsel demonstrating how the legal department adds strategic value by accepting responsibility for the department's decisions.	84%	63%
Increasing managers' understanding of the legal implications of their business decisions by using the negative legal outcomes/avoidable losses undergone by those managers as learning experiences.	68%	53%
In-house counsel displaying their value as participants on management level teams by bringing professionalism to their work and conduct w/others.	79%	68%

(table continues)

In-house counsel displaying their value as participants on management level teams by exhibiting adaptability in the face of change.	84%	63%
Increasing managers' understanding of the legal implications of their business decisions by providing access to knowledgeable legal counsel.	84%	68%
In-house counsel demonstrating how the legal department adds strategic value by successfully managing litigation and other legal matters.	79%	63%
In-house counsel displaying their value as participants on management level teams by maintaining a friendly and approachable demeanor.	79%	68%
In-house counsel demonstrating how the legal department adds strategic value by finding cost effective ways to address legal issues.	74%	68%

As indicated in Table 17, 25 statements satisfied the 70% agreement threshold in Round 3. These 25 statements represented a consensus by the panel on techniques that will alter unreceptive managerial viewpoints toward the law within the corporate setting. The list of 25 final consensus items included statements from each of the 5 major categories corresponding to the open-ended questions from the first round questionnaire. The percentage breakdown of statements from the 5 categories represented in the list of 25 final consensus items consisted of the following: integrating legal considerations with business processes (28%), improving workplace collaboration between in-house counsel and managers (20%), leadership qualities and expectations of counsel (20%), understanding legal implications of business decisions (16%), and demonstration of strategic value (16%).

Table 17

Theme Statements that Satisfied Consensus Threshold in Round 3

Statement	Percentage (importance)	Percentage (confidence)
Integrating legal considerations w/company business processes by delivering timely and effective legal advice.	100%	89%
In-house counsel displaying their value as participants on management level teams by exhibiting accountability and integrity.	95%	100%
Integrating legal considerations w/company business processes by stimulating a work environment where managers and lawyers recognize and rely on each other's contributions to the company.	84%	79%
Improving workplace collaboration between in-house counsel and managers by involving in-house counsel in company business processes.	89%	84%
In-house counsel demonstrating how the legal department adds strategic value by understanding the business and proactively addressing legal issues, trends and risks that impact the company.	89%	89%
Increasing managers' understanding of the legal implications of their business decisions by involving in-house counsel in company business processes.	95%	74%
Integrating legal considerations w/company business processes through the dissemination of clear, up-to-date company policies and procedures by in-house counsel.	74%	79%
Integrating legal considerations w/company business processes through corporate compliance programs.	74%	74%
In-house counsel undertaking to improve workplace collaboration between in-house counsel and managers through building rapport w/managers.	74%	79%
Increasing managers' understanding of the legal implications of their business decisions by promoting regular/open dialogue between managers and in-house counsel.	95%	89%

(table continues)

Integrating legal considerations w/company business processes by providing training on identifying legal risks and legal developments affecting the company.	79%	84%
In-house counsel demonstrating how the legal department adds strategic value by participating in business processes.	84%	74%
Integrating legal considerations w/company business processes by involving in-house counsel in company business processes.	95%	79%
Improving workplace collaboration between in-house counsel and managers by fostering easy-access, open communication between managers and in-house counsel.	95%	89%
In-house counsel displaying their value as participants on management level teams by possessing extensive knowledge of the legal and business issues affecting the company.	95%	79%
Improving workplace collaboration between in-house counsel and managers by helping lawyers and managers to understand each other's concerns and perspectives.	84%	74%
Integrating legal considerations w/company business processes by creating business policies that directly include legal considerations.	79%	74%
Increasing managers' understanding of the legal implications of their business decisions by fostering a work environment where managers are comfortable seeking the advice of in-house counsel.	100%	84%
Improving workplace collaboration between in-house counsel and managers by ensuring managers have access to knowledgeable legal counsel.	79%	74%
In-house counsel demonstrating how the legal department adds strategic value by providing training on the legal consequences of management decisions using real-world examples, cases, or demonstrations.	84%	79%
In-house counsel displaying their value as participants on management level teams by actively engaging in business processes.	84%	79%
In-house counsel demonstrating how the legal department adds strategic value by providing timely, effective legal advice and updates on legal matters affecting the organization.	84%	79%

(table continues)

Increasing managers' understanding of the legal implications of their business decisions through training on the legal consequences of management decisions using real-world examples, cases, or demonstrations.	79%	84%
In-house counsel displaying their value as participants on management level teams by exercising calm judgment under pressure.	89%	79%
In-house counsel displaying their value as participants on management level teams by exhibiting strong communication skills.	95%	89%

In addition to rating the 36 theme statements as to both importance and confidence, participants also provided a diverse array of explanations for their reasoning and optional comments. Five panelists provided 21 separate comments in connection with applying ratings of 1 or 2 to individual theme statements. Six panelists provided 62 optional comments in connection with their ratings of specific theme statements. Appendix H contains lists of all explanations of reasoning and optional comments provided by study participants in Round 3.

Summary

This chapter contained the results of a 3-round qualitative Delphi study conducted to address the following research question: What is the level of consensus among in-house general counsel working across business industries in the United States with regard to techniques that will alter unreceptive managerial viewpoints toward the strategic value of law within the corporate setting? The comments supplied by the panel in response to the 6 open-ended questions contained in Round 1 led to the generation of 497 statements and 46 theme statements. The integrating legal considerations with business processes category contained the largest assortment of codes while the understanding legal

implications of business decisions category contained the smallest assortment of codes. The top 5 themes noted most frequently by panelists in the first round consisted of the following statements: (a) training on the legal consequences of management decisions using real-world examples, cases, or demonstrations; (b) efforts by the legal department to understand the business and proactively address legal issues, trends and risks that impact the company; (c) improving workplace collaboration between in-house counsel and managers by helping managers to view lawyers as valued partners rather than deal killers; (d) efforts by in-house counsel to support the views, perspectives, and concerns of others; and (e) involving in-house counsel in company business processes. Figure 5 includes a graphical representation of the top 5 themes based on frequency.

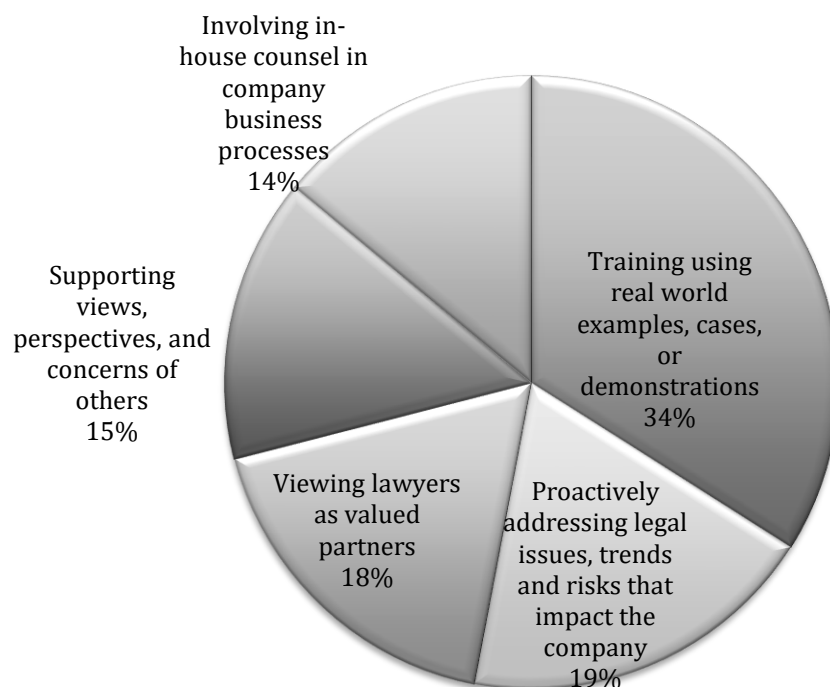


Figure 5. Top 5 statements based on frequency.

Of the 46 theme statements contained in the second round questionnaire, 36 met the threshold for inclusion in the third round questionnaire. Of the 10 statements that did not pass to Round 3, 90% failed to satisfy the feasibility threshold as compared to 40% of the 10 statements that failed to satisfy the desirability threshold. The ratings for all 46 second-round statements also reflected a sizable disparity between desirability and feasibility as 87% of the 46 theme statements received a higher rating for desirability than for feasibility. Theme statements 36 and 37, which represented 2 of the top 5 themes noted most frequently by panelists in Round 1, failed to meet the consensus threshold in Round 2.

Of the 36 theme statements contained in the third round questionnaire, 25 satisfied the 70% measure of consensus. Of the 11 statements that did not satisfy the 70% agreement needed for consensus, only 2 failed to satisfy the importance threshold as compared to 100% of the statements that failed to satisfy the confidence threshold. The ratings for all 36 second-round statements also reflected a sizable disparity between importance and confidence as 78% of the 36 theme statements received a higher rating for importance than for confidence.

The percentage breakdown of statements from the 5 categories represented in the list of 25 final consensus items consisted of the following: integrating legal considerations with business processes (28%), improving workplace collaboration between in-house counsel and managers (20%), leadership qualities and expectations of counsel (20%), understanding legal implications of business decisions (16%), and

demonstration of strategic value (16%). The key findings of this study suggest that organizations may wish to pursue techniques related to integrating legal considerations with business processes ahead of efforts to help managers understand the legal implications of their business decisions or ahead of efforts to demonstrate the legal department's strategic value. Chapter 5 will include an interpretation of the study findings as well as a discussion of the limitations, recommendations, and implications for this study.

Chapter 5: Discussion, Conclusions, and Recommendations

Introduction

The purpose of my qualitative Delphi study was to build consensus among in-house general counsel working across business industries in the United States with regard to techniques that will alter unreceptive managerial viewpoints toward the strategic value of law within the corporate setting. Based on the purpose of my study, a qualitative research tradition was most appropriate. As noted by Barnham (2015), qualitative research embraces a psychological, in-depth approach wherein a researcher seeks to comprehend why individuals behave or think in particular ways. Given that this study did not include the examination of relationships, differences, effects, or predictions between independent and dependent variables, both the quantitative research tradition and the mixed-methods research tradition were inappropriate. The purpose and nature of the research question supported the use of a Delphi design. The Delphi method was appropriate based on the need for in-house general counsel to develop common techniques for altering unreceptive managerial viewpoints toward the law to spearhead the advancement of legal knowledge within the organization (Bird & Orozco, 2014; Evans & Gabel, 2014).

The results of this study include a consensus by the study panel on 25 techniques that will alter unreceptive managerial viewpoints toward the law within the corporate setting. The percentage breakdown of statements from the 5 categories represented in the list of 25 final consensus items consisted of the following: (a) integrating legal

considerations with business processes—statements related to the delivery of legal advice, a supportive work environment, policies and programs, training, and workplace participation; (b) improving workplace collaboration between in-house counsel and managers—statements related to workplace participation, communication, access to knowledgeable legal counsel, and a supportive work environment; (c) leadership qualities and expectations of counsel—statements related to accountability and integrity, access to knowledgeable legal counsel, workplace participation, and communication; (d) understanding legal implications of business decisions—statements related to workplace participation; communication, a supportive work environment, and training; (e) demonstration of strategic value—statements related to training, access to knowledgeable legal counsel, workplace participation, and the delivery of legal advice. Figure 6 includes a visual depiction of the percentage breakdown of statements from the 5 categories represented in the list of 25 final consensus items.

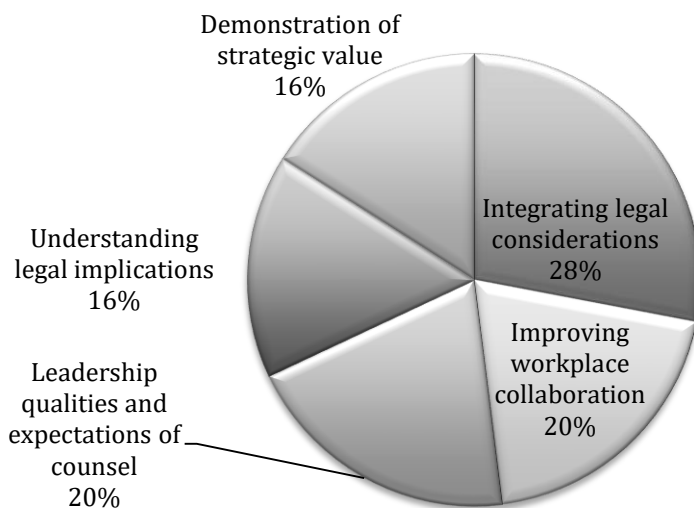


Figure 6. Percentage breakdown of categories in final consensus items.

The key findings of this study indicate that organizations should pursue techniques related to integrating legal considerations with business processes ahead of efforts to help managers understand the legal implications of their business decisions or ahead of efforts to demonstrate the legal department's strategic value. In this chapter, I compare my findings to the peer-reviewed literature described in Chapter 2, analyze and interpret my findings in the context of the theoretical framework, identify limitations, communicate recommendations and implications, and conclude with a final message that captures the key essence of the study.

Interpretation of Findings

The overall findings of this study include a consensus by the study panel on 25 techniques that will alter unreceptive managerial viewpoints toward the law within the corporate setting. Twenty-one of the 46 original theme statements failed to satisfy the

70% consensus threshold in Round 2 and Round 3 collectively. A discussion of non consensus items must fall alongside the final consensus items, as both sets of items highlight the areas where organizations should direct limited time and resources in conjunction with techniques aimed at addressing the central problem explored in this study. Table 18 contains descriptive statistics corresponding to findings from each round of the study. The inclusion of Question 6 in the first round questionnaire was intended to reduce the potential exclusion of responses that were relevant to the study purpose but not directly addressed by the first 5 open-ended questions. Of the 39 statements submitted in response to Question 6, only 31 contained responsive answers. As I incorporated each of the 31 responsive statements into second-round theme statements from the other 5 major categories, they did not lead to the generation of any separate statements on the second-round questionnaire.

Table 18

Overall Study Findings

Category	Statements generated by panel in Round 1	Statements on Round 2 questionnaire	Statements on Round 3 questionnaire	Statements meeting final consensus	Portion of statements representing final consensus
Understanding legal implications of business decisions	92	7	6	4	16%
Improving workplace collaboration between in-house counsel and managers	94	8	6	5	20%

(table continues)

Leadership qualities/expectations of counsel	112	10	8	5	20%
Demonstration of strategic value	86	10	8	4	16%
Integrating legal considerations w/business processes	74	11	8	7	28%
Anything else not included in answers to questions 1 through 5	39	n/a	n/a	n/a	n/a

Delphi Study Round 1

The first-round questionnaire contained 6 open-ended questions derived from main themes within the academic literature. Twenty-nine individuals responded to the first-round questionnaire, leading to the generation of 497 individual statements spanning 5 main categories corresponding to the open-ended questions contained from the first round questionnaire: (a) understanding legal implications of business decisions; (b) improving workplace collaboration between in-house counsel and managers; (c) leadership qualities and expectations of counsel; (d) demonstration of strategic value, and (e) integrating legal considerations with business processes.

Understanding legal implications of business decisions. The panel's first-round recommendations in response to the first open-ended question led to the generation of 7 theme statements for use in the second-round questionnaire spanning the following 5 sub-categories: involvement and participation, training and education, knowledge, relationship management, and communication. Relative to the other 4 categories generated by the first-round data, this category contained the smallest assortment of

codes (7) and the second to smallest total frequency of codes (92). Out of all the topics addressed by the study panelists in response to the first round questionnaire, the panelists made 50 references collectively to training on the legal consequences of management decisions using real-world examples, cases, or demonstrations in connection with recommendations for understanding legal implications of business decisions. Based on the number of references to the concept, I expected that the theme statement would, at a minimum, pass to the third round.

Improving workplace collaboration between in-house counsel and managers.

The panel's first-round recommendations in response to the second open-ended question led to the generation of 8 theme statements for use in the second-round questionnaire spanning the following 5 sub-categories: involvement and participation, knowledge, relationship management, communication, and training and education. These are the same as the 5 sub-categories generated in response to the panelists' recommendations related to the open-ended question on understanding legal implications of business decisions. This indicates the presence of commonalities between the main categories. Relative to the other 4 categories generated by the first-round data, this category contained the second to smallest assortment of codes (8) but the third highest frequency of codes (94). The second open-ended question on the first round questionnaire did not lead to the generation of the largest assortment of codes or the highest frequency of codes. While I derived the other open-ended questions from the literature, I expected that the second open-ended question would generate the most data due to my belief that it had the closest intuitive connection to the main study topic.

Leadership qualities and expectations of counsel. The panel's first-round recommendations in response to the third open-ended question led to the generation of 10 theme statements for use in the second-round questionnaire spanning the following categories: proactive problem solving, adaptability, knowledge of law and business strategy issues, calm and decisive under pressure, empathy, engagement, communication, integrity and accountability, approachability, and professionalism. Relative to the other 4 categories generated by the first-round data, this category tied with the demonstration of strategic value category for the second largest assortment of codes but had the highest total frequency of codes. Figure 7 contains a visual representation of the first-round codes related to leadership qualities and expectations of counsel.



Figure 7. Codes related to leadership qualities and expectations of counsel

Based on the assortment and frequency of codes, I expected that this category would have the highest concentration of theme statements in the final list of consensus statements generated from the third-round questionnaire. Due to suggestions by researchers in the literature that some employees may fear interactions with company lawyers (Jensen & Gunn, 2014; Lovett, 2015; Travis & Tranter, 2014), it was surprising that only 7% of the first-round panelists cited approachability as a potential recommendation in response to this question. I expected that the panelists would recognize the perceptions placed on them by non lawyers with respect to such fears or anxieties and would, therefore, seek to address such perceptions. A potential explanation for this low percentage may stem from beliefs by in-house counsel that approachability cannot come at the cost of professional judgment or obligations to make decisions in the best interest of the company.

Demonstration of strategic value. The panel's first-round recommendations in response to the fourth open-ended question led to the generation of 10 theme statements for use in the second-round questionnaire spanning the following 7 sub-categories: involvement and participation, training/education, costs/revenue, results, accountability and integrity, communication, and proactivity. Three of these sub-categories, communication, involvement and participation, and training and education are also represented in 3 of the other main categories. This further illustrates the presence of commonalities between the main categories. Relative to the other 4 categories generated by the first-round data, this category tied with the leadership qualities and expectations of counsel category for the second largest assortment of codes (10) and had the second-highest total frequency of codes (110). Similar to the leadership qualities and expectations

of counsel category, due to the assortment and frequency of codes I expected that this category would have a high concentration of theme statements in the final list of consensus statements generated from the third-round questionnaire. It was particularly surprising that only 7% of the first-round panelists cited accountability and integrity as a potential recommendation in response to this question. Because of the growing frequency of legal scandals and the growing costs associated with corporate legal malfeasance (DLA Piper 2016; Foose, 2016; Skelton & Lee, 2016), I expected more members of the panel to reference the connection between accountability, integrity, and strategic value.

Integrating legal considerations with business processes. The panel's first-round recommendations in response to the fifth open-ended question led to the generation of 11 theme statements for use in the second-round questionnaire spanning the following 8 sub-categories: communication, relationship management, training, knowledge, results, oversight, policy development, and involvement/participation. Five of these sub-categories, communication, relationship management, training, knowledge, and involvement and participation are also represented in 3 of the other main categories. This main category also shares a sub-category based on results with the demonstration of strategic value category. This further illustrates the presence of commonalities between the main categories. Relative to the other 4 categories generated by the first-round data, this category had the largest assortment of codes (11) but had the lowest total frequency of codes (72). Based on the low frequency of codes relative to other categories, a degree of uncertainty existed regarding how many theme statements would pass to the final list of consensus statements generated from the third-round questionnaire.

Delphi Study Round 2

The second-round questionnaire contained 46 theme statements derived from the recommendations supplied by the study panel in Round 1. Of the 46 theme statements contained in the second round questionnaire, 36 met the threshold for inclusion in the third round questionnaire. Of the 10 statements that did not pass to Round 3, 90% failed to satisfy the feasibility threshold as compared to 40% of the 10 statements that failed to satisfy the desirability threshold. To facilitate the interpretation of the findings for Round 2, I have separated this section into 2 categories: (a) statements that failed to satisfy the consensus threshold, and (b) statements that satisfied the consensus threshold.

Statements that failed to satisfy the consensus threshold.

Revenue generation. The combined ratings in Round 2 reflected doubts by the panel as to the desirability and feasibility of demonstrating the strategic value of the legal department through innovative ideas aimed at revenue generation. The failure of this statement to pass to Round 3 by such a wide margin supports the skepticism evinced by Barton (2015), Berger-Walliser (2012) and Jorgensen (2014) regarding the capacity and suitability of using the law as a tool for value cultivation in the manner described by scholars in the proactive law movement. The comments reflect that even members of the legal department still view it as a cost center, as well as include concerns that making legal counsel responsible for revenue generation will cloud professional judgment and lead to conflicts of interest. This statement received the lowest collective feasibility rating out of the 10 Round 2 statements that did not pass to Round 3. In contrast, this finding

diverges from the assertions by Bird and Orozco (2014), Siedel and Haapio (2016), and Bagley (2008) in their pathways of legal strategy, manager's legal plan (MLP), and legal astuteness frameworks respectively that legal strategy serves as a source of tangible value creation. This finding supports the conclusions by Barton (2015), Berger-Walliser (2012) and Jorgensen (2014) that proactive law, which centers on using the law as a mechanism for value cultivation, has not yet achieved widespread acceptance or universal comprehension among members of the legal community.

The comments and ratings highlight an assortment of viewpoints toward the issue of revenue generation by the legal department. One panelist noted how managers want lawyers to focus on legal issues but not on monetary concerns. This statement, if an accurate description, seems to exemplify the reactive approach to legal issues described by Bagley et al. (2016) that is typical of managerial thinking. If the legal department begins to engage in revenue generation activities, other departments within the organization may view those actions as the legal department overstepping its boundaries or role. The implication is that although revenue generation activities by the legal department may benefit the organization's bottom line as a whole, those activities may not have the desired effect of altering unreceptive managerial viewpoints toward the strategic value of law within the corporate setting. Other comments supplied by the panel in Round 2, including statements by panelists questioning why the legal department would want to generate revenue, indicate that some general counsel do not view revenue generation as a concern or responsibility of the legal department. The implication is that

members of the legal department may view any proposed revenue-generation initiatives as attempts to impose additional or unnecessary responsibilities on the department.

Performance metrics. The combined ratings from the panel in Round 2 indicated feelings of desirability but not feasibility regarding the use of performance metrics to demonstrate the legal department's strategic value. The results are inconsistent with the examined peer-reviewed literature on the issue of applying performance metrics to the legal department. Di Cicco Jr. (2013) suggested that the creation of clear performance metrics on managing the costs of litigation and transactional legal work will need to accompany efforts to create zero-expense legal departments. The ratings and comments weaken Di Cicco Jr.'s contention that zero-expense legal departments will invariably include clear performance metrics. This finding also highlights a potentially serious challenge to the corporate legal standard (CLS) proposed by Wong (2014), a framework that relies on the application of universal metrics classification systems to in-house legal departments.

The comments and ratings further reflect a dichotomy of positive and negative viewpoints toward the issue of performance metrics. One panelist noted that imposing performance metrics on the legal department could elevate perceptions of the department by subjecting it to similar performance requirements as other departments in the organization. This comment suggests that performance metrics for legal may have a positive effect by reducing conflict with other departments through the creation of consistency as to accountability in performance across departments.

The comments by other panelists in Round 2 also suggest that the adoption of performance metrics by the legal department will engender organizational conflict. One panelist commented how organizations struggle to pinpoint meaningful metrics for the legal department. A potential explanation for this difficulty is that the complexities and diverse variable inherent to some legal situations render the application of meaningful metrics unworkable. Another panelist noted that imposing performance requirements on the legal department confuses the basic role(s) of the department itself. These statements suggest that some general counsel may hold the belief that organizations cannot or should not impose the same performance standards on the legal department as they do on other departments. This finding also aligns with the conclusion by Rahim (2002) that incompatible goals, activities, or preferences serve as a source of conflict. The implication is that in addition to the difficulties surrounding the creation of valid and reliable performance metrics for legal department activities, such initiatives will face heavy opposition.

Information technology. The combined ratings from the panel in Round 2 indicated low levels of agreement regarding the desirability and feasibility of efforts to promote the joint use of information technology by managers and in-house counsel. Both theme statements in the second-round questionnaire that focused on the joint use of information technology failed to pass to Round 3. Although these findings do not necessarily discredit prior research by the Association of Corporate Counsel (2013, 2014, 2015), Conley et al. (2013) and Kaplan (2012) that understanding information technology

is an essential skill for general counsel, the findings do highlight additional considerations and challenges relative to the collaborative use of information technology by managers and in-house counsel. The emphasize of such considerations and challenges may pose difficulties for the re-design of legal systems noted by Barton (2015) and for the collaboration between legal counsel, corporate executives, and technology experts envisioned by McAfee (2014) and Shackelford (2016).

The comments supplied by the panel provide some explanation and insight as to why both of the information technology related theme statements in Round 2 failed to pass to Round 3. One panelist noted in more than 1 comment that organizations may face difficulties forcing employees to use shared information technology platforms. Another panelist noted, “I might be a bit of a luddite, but I am generally skeptical of using IT in place of face to face connections.” Combined with the low feasibility ratings, these comments suggest that in-house counsel will oppose efforts to improve workplace collaboration, or efforts to integrate legal considerations into company business processes, through the joint use of information technology by managers and in-house counsel. This finding aligns with statements by Rahim (2002) that organizational conflict may occur in situations where individuals are: (a) compelled to perform activities that are unrelated to their needs; or (b) where individuals have distinct behavioral preferences regarding a joint action. In light of the increased use of information technology within the organization due to changing business models wrought by globalization (Phillips, 2014; Rapoport, 2014; Susskind, 2013), the expressed reticence by general counsel toward the

joint use of information technology may represent a growing, or previously unexamined, topic of divergence between managers and lawyers alongside differences in education, training, and discipline-specific language.

This issue also has accompanying repercussions for organizational change. The successful implementation of organizational change depends on the successful management of employees' interpersonal relationships in the workplace (Bouckenooghe, Devos, & Van den Broeck, 2009). In addition to managing potential interpersonal conflict between managers and in-house counsel that may stem from diverging viewpoints, organizational change agents who consider initiatives aimed at fostering the joint use of information technology will need to address the opposition to such initiatives potentially posed by in-house counsel.

Lawyers who possess business skills. The ratings in Round 2 indicated feelings of high desirability but low feasibility by the panel toward efforts to integrate legal considerations into company business processes by employing in-house counsel with business skills and business knowledge. These findings are consistent with the conclusions noted by Cochran (2014), Rhode (2010, 2011), Trezza (2013) and Weinstein et al. (2013) that many lawyers often lack formal training, ability, and comfort with business and leadership skills. These findings thus potentially conflict with the work of the Association of Corporate Counsel (2014) indicating that a majority of chief legal officers have played an increasing role in corporate strategy development in recent years. The discrepancy in findings may stem from the difference in roles: the Association of

Corporate Counsel study surveyed chief legal officers whereas the present study covered individuals serving as general counsel. Evers (2017) noted, however, that consistency does not exist in legal job titles across organizations. The desirability ratings relative to the expansion of general counsels' roles to include business strategy are relatively consistent with the existing literature. As noted by Conley et al. (2013) and Kaplan (2012), it is important that in-house counsel possess a variety of non legal skills, including an understanding of business management, project management, human resources, budgeting, and marketing.

Viewpoints that lawyers are deal killers. The collective ratings supplied by the panelists in Round 2 indicated feelings of high desirability but low feasibility in connection with the statement that helping managers to view lawyers as valued partners rather than deal killers will improve workplace collaboration between in-house counsel and managers. The feasibility ratings are consistent with the work by Evans and Gabel (2014), as well as and Siedel and Haapio (2010), which highlights that managers routinely view the law as a constraint on allowed activities and impairment to organizational growth. The desirability ratings are consistent with the work of Lees et al. (2013), Lovett (2015) and Perrone (2014) highlighting the benefits stemming from cultivating and improving relationships between lawyers and managers in the organizational setting.

The comments and ratings provided by the panel in Round 2 reflect a unique viewpoint regarding the statement on improving workplace collaboration between in-

house counsel and managers by helping managers to view lawyers as valued partners rather than deal killers. In 1 comment a panelist noted although it is important to find solutions rather than simply identify problems, situations exist where the risk and reward tradeoff will require the avoidance of a particular deal. This comment also reflects the pressures placed upon in-house counsel to support the decisions or activities of their non lawyer colleagues. As noted by Kaster (2012), such pressures may also lead in-house lawyers to ignore critical facts that may affect key decisions. This comment also implicates several of the situations noted by Rahim (2002) that will lead to organizational conflict. The comment provides additional context for the viewpoint that lawyers are deal killers. Although the available comments and ratings supplied by the panelists are consistent with the view that lawyers are not team players, they also emphasize the possibility that it is the position held by the in-house counsel, rather than an absence of knowledge or desire related to teamwork, that requires advocating the termination of certain deals. In-house lawyers cannot escape the deal-killer personification without sacrificing their obligations to examine the risk and reward tradeoff connected to deals pursued by the organization.

Supporting the views, perspectives, and concerns of others. The collective ratings supplied by the panelists in Round 2 indicated high ratings for desirability but low ratings for feasibility in connection with in-house counsel displaying their value as participants on management level teams by supporting the views, perspectives, and concerns of others. This finding casts doubt on the conclusions by Bagley and Roellig

(2013), as well as Lovett (2015), that general counsel will encourage non lawyer managers to assume more participatory, hands-on roles in legal affairs affecting their organizations.

The comments and ratings by the panel in Round 2 reflect an assortment of viewpoints in connection with the statement of in-house counsel displaying their value as participants on management level teams by supporting the views, perspectives, and concerns of others. One panelist commented that it is not the job of the in-house lawyer to support viewpoints but rather to provide legal guidance. This comment serves as a reminder that not all in-house lawyers, even those serving in the role of general counsel, necessarily believe that the roles and responsibilities of company lawyers go beyond the delivery of legal advice. The comment also signifies that not all in-house counsel may serve as effective catalysts for efforts geared toward addressing the promotion of efforts to alter unreceptive managerial viewpoints toward the strategic value of law within the corporate setting. A potential explanation for the low feasibility score is explained by another panelist who noted that others cannot expect in-house counsel to suppress their own judgment and independent thoughts. This comment reflects the organizational conflict described by Wald (2015), wherein in-house lawyers will routinely face pressures to support the decisions or activities of their non lawyer colleagues. This comment by the panelist also implicates several of the situations noted by Rahim (2002) that will lead to organizational conflict.

Communication. The theme statement on integrating legal considerations with business processes through the circulation of legal department activity notices failed to pass to the third round due to a low collective rating for desirability. At first glance, this result may appear inconsistent with conclusions by Haapio (2015) that communication between lawyers and managers will integrate legal and business considerations within the organization. Research by the Association of Corporate Counsel (2014), Bird and Orozco (2014), and Lees et al. (2013) also emphasize the importance of effective communication in an interdisciplinary, organizational setting. A review of the comments accompanying the ratings suggests a possible explanation for the low collective rating. An obstacle to the circulation of legal department activity notices identified by multiple panelists centered on concerns that such communications may erode attorney-client privilege. If additional panelists shared this concern when interpreting the language of the theme statement, this result would reinforce concerns identified by Bryans (2015) and Heiring and Widmer (2015) with respect to the dissolution of attorney-client privilege.

The comments by the panel in Round 2 provide a unique perspective on the circulation of activity notices by the legal department. The comments raise the possibility that even genuine, sincere efforts by the legal department to increase transparency over its activities may have negative, unintended results. One panelist noted that employees outside the legal department might interpret the notices as a means for the legal department to boast about its collective accomplishments. Because of the prevalence of interpersonal conflicts between managers and lawyers in the organizational setting

(Lewis et al., 2014), as well as the numerous factors that drive managerial cognitive biases and mental frames toward the legal department (Henderson, 2014; Rapoport, 2014), it is important not to discount such a possibility. Other comments centered on the possibility that constant reminders about legal actions involving the company may lead employees to worry constantly about litigation issues.

Statements that satisfied the consensus threshold.

Cost savings. The combined ratings from the panelists in Round 2 indicated high levels of agreement with the desirability and feasibility of efforts to demonstrate the strategic value of the legal department by finding cost-effective ways to address legal issues. This lends potential support to the assertions of Di Cicco Jr. (2013) that corporate counsel may change managerial perceptions of lawyers' roles within the company by transforming the legal department into a zero-expense legal department. The findings also extend Di Cicco Jr.'s work by drawing attention to 2 important considerations that should accompany cost cutting measures in the legal department, including: (a) cost efficiency in the legal department cannot come at the expense of quality or decency, and (b) the legal department must examine cost-effectiveness relative to the legal situation at issue. These considerations allude to potential issues of organizational conflict; wherein in-house counsel may face pressure to modify their approaches to different legal issues. As noted by Remus (2013), circumstances often arise where corporate lawyers face pressure to support specific policies or tactics to please certain members of the organization.

Timely delivery of effective legal advice. The collective ratings by the panelists in Round 2 indicated high levels of agreement with the desirability and feasibility of efforts to integrate legal considerations into company business processes through the delivery of timely and effective legal advice. The collective ratings supplied by the panelists in Round 2 also indicated high levels of agreement with the statement concerning efforts by in-house counsel to demonstrate the strategic value of the legal department by providing timely, effective legal advice and updates on legal matters that affect the organization. One panelist in Round 2 noted that this is a must-have value proposition for every legal department. These findings are consistent with indications by Lees et al. (2013) that legal departments will need to maintain the necessary behaviors, resources, processes, and procedures to successfully respond to emerging issues in a timely and efficient manner. The findings are also consistent with Mottershead and Magliozzi (2013) who noted that the ability to swiftly bring legal knowledge to bear to diverse business situations in a flexible and adaptable manner is crucial to success in the modern legal profession.

Accountability and integrity. The collective ratings supplied by the panelists in Round 2 indicated high levels of agreement with the desirability and feasibility of efforts by in-house counsel to display their value as participants on management level teams by exhibiting accountability and integrity. The panel also exhibited a high level of agreement with the statement regarding how the legal department adds strategic value through accepting responsibility for its decisions. These findings are consistent with the work of Broderick (2010) who indicated that integrity is a critical leadership attribute.

These findings are also consistent with research by Das (2014), Pepper (2015) and Remus (2013), who indicated that the professional and fiduciary duties that company lawyers owe to the organization require the exercise of integrity and professional judgment. Several panelists cautioned that in-house counsel will face difficulties in consistently meeting expectations in this area. The findings also highlight the tension and potential for conflict stemming from corporate lawyers' dual obligations to the legal profession and to the company.

Recognition of other's concerns, perspectives, and contributions. The ratings supplied by the panel in Round 2 indicated high levels of agreement with the desirability and feasibility of: (a) stimulating a work environment where managers and lawyers recognize and rely on each other's contributions to the company will integrate legal considerations with company business processes; (b) helping lawyers and managers to understand each other's concerns and perspectives will improve workplace collaboration between in-house counsel and managers, and (c) fostering a work environment where managers are comfortable seeking the advice of in-house counsel will increase managers' understanding of the legal implications of their business decisions. The findings are consistent with research by Lees et al. (2013) who noted that fostering a corporate culture of proactive partnership will help members of the legal department to cultivate and strengthen relationships with other members of the organization. The findings are also consistent with research by Bagley et al. (2016) who noted that risk management, effective resource allocation, and value creation are easier to achieve when in-house

counsel work collaboratively as strategic partners with non lawyer managers. One panelist noted, however, that although these concepts may constitute core values to an organization, they are contingent on the desires of both managers and in-house counsel. Both sides will need to overcome a multitude of factors that lead to interpersonal conflict, including perspectives on risk aversion (Evans & Gabel, 2014), views on the importance of teamwork (Betts & Healy, 2015), and the use of discipline-specific language (Ashipu & Umukoro, 2014).

Involvement by in-house counsel in business processes. Based on the ratings applied to the respective statements in Round 2, the panelists expressed high levels of agreement with the desirability and feasibility of involving in-house counsel in company business processes to improve workplace collaboration between in-house counsel and managers, increasing managers' understanding of the legal implications of their business decisions, demonstrate how the legal department adds strategic value, and integrate legal considerations with company business processes. These findings lend potential support to the assertion by Orozco (2010) that collaboration between managers and attorneys will lead to group learning and the generation of advanced legal knowledge. The findings also potentially support research by Bird (2010) who indicated that knowledge generated through group learning will act as a channel for the further creation of collaborative solutions to complex business processes. These findings also highlight an important aspect of Bird's and Orozco's respective works: organizations must involve in-house counsel in the business process. Several potential areas of organizational conflict

addressed by panelists' comments in response to other theme statements in Round 2 are equally applicable here. In addition to likely resistance from employees at numerous organizational levels who may view the presence of in-house counsel with suspicion or trepidation, some in-house counsel may hold the viewpoint that business processes are not their responsibility.

Programs and policies. According to ratings from the second round, high levels of agreement existed with the desirability and feasibility of integrating legal considerations with company business processes through: (a) the use of corporate compliance programs; (b) the creation of business policies that directly include legal considerations; (c) and the dissemination of clear, up-to-date company policies and procedures by in-house counsel will integrate legal considerations with company business processes. These findings support Bird and Orozco's (2014) pathways of legal strategy framework by further illustrating the connection between strategic opportunities, the roles of in-house legal counsel, and manager's perceptions of the law. These findings appear to contradict statements by Hamermesh (2012), Pepper (2015) and Remus (2013) that in-house counsel must take caution so that their endorsement of such policies will not hinder their responsibilities to act in the best interests of the company.

Although each of these statements passed to Round 3, the explanations and optional comments provided by the panelists encompassed a unique range of opinions with respect to policies and compliance programs. One panelist suggested that the integration of compliance programs into business operations is inevitable due to the level

of potential economic pitfalls for companies that fail to implement such programs. The comments by another panelist, however, reflect doubts as to the acceptance of such policies and procedures. Other panelists indicated a potential lack of cooperation in instances where compliance programs are separate from the operations of the legal department or in cases where policies include other departments in addition to the legal department. The implication is that change agents who seek to implement new policies or compliance programs must include organizational change strategies for addressing the inevitable organizational conflict.

Communication. The collective ratings supplied by the panelists in Round 2 indicated high levels of agreement with the desirability and feasibility of efforts to increase managers' understanding of the legal implications of their business decisions and efforts to improve workplace collaboration between in-house counsel and managers through the use of open communication between managers and in-house counsel. The panelists' ratings also reflected a high level of agreement with the statement that in-house counsel may display their value as participants on management level teams by exhibiting strong communication skills. These findings are consistent with the literature. As noted by Broderick (2010), the exercise of good communication skills is a critical leadership attribute in a legal context. Mottershead and Magliozzi (2013) noted that the ability to work with people, which encompasses interpersonal communication, is a core competency necessary for success in the modern legal profession. The ratings may

signify acknowledgment by the panel that perceptions of open and honest communication may alleviate some managers' feelings of mistrust toward company attorneys.

Training/education. The collective ratings from Round 2 indicated high levels of agreement with the desirability and feasibility of the following statements: (a) increasing managers' understanding of the legal implications of their business decisions through training on the legal consequences of management decisions using real-world examples, cases, demonstrations, or the negative legal outcomes/avoidable losses experienced by managers themselves; (b) improving workplace collaboration between in-house counsel and managers through training on legal risk management techniques; (c) integrating legal considerations with company business processes by providing training on identifying legal risks and legal developments affecting the company, and (d) in-house counsel demonstrating how the legal department adds strategic value by providing training on the legal consequences of management decisions using real-world examples, cases, or demonstrations. As 1 panelist indicated, the feasibility is contingent upon the reception from management. Given that lawyers often lack the formal preparation and training required to engage in effective leadership practices (Koh & Welch, 2014; Meyerson, 2015), in-house counsel will need to approach the negative legal outcomes and avoidable losses experienced by managers very carefully to avoid offending those involved. Mistrust of the legal profession (Travis & Tranter, 2014), the weariness of the authority of corporate counsel (Lovett, 2015), and interpersonal conflicts stemming from

differences in training and education (Lewis, Walls, & Dowell, 2014) may also undercut the effectiveness of any training provided by in-house counsel.

Relationship building. The ratings supplied by the panelists indicated high levels of agreement with the desirability and feasibility of in-house counsel undertaking to improve workplace collaboration between in-house counsel and managers through building rapport with managers. The panelists also applied high collective ratings to the statement that in-house counsel may display their value as participants on management level teams by maintaining a friendly and approachable demeanor. These results are consistent with research by Mottershead and Magliozzi (2013) who noted that emotional intelligence, collaboration, and the ability to build relationships and work with people are among the core competencies necessary for success in the modern legal profession. The results are also consistent with research by Broderick (2010) who noted that critical leadership attributes and qualities include the ability to build coalitions, humility, and empathy. The findings also reinforce the need for research by Barry and Kunz (2014), Kim (2014) and Lovett (2015) on the benefits that collaborative relationships between internal lawyers and managers will bring to the organization. Despite the high ratings provided by the panel, the comments serve as an important reminder that in-house lawyers may approach the exercise of rapport-building behaviors and approachability in different ways. One panelist noted that such behaviors alone are unlikely to sway managerial opinions of the legal department. A potential takeaway is that although such behaviors may lead to a more pleasant working environment, they may lack the force

necessary to alter some of the factors described by Ashipu and Umukoro (2014), Betts and Healy (2015), Knauer (2015) and others that typically drive interpersonal conflict between lawyers and managers.

Knowledge. The combined ratings supplied from the panelists in Round 2 indicated high levels of agreement with the desirability and feasibility of providing managerial access to knowledgeable legal counsel. These findings support research by Haapio (2015), Mottershead and Magliozzi (2013), and Weise (2014) who noted that in-house counsel must possess both legal knowledge and business knowledge. Despite the favorable ratings, several panelists expressed concerns toward the feasibility of access to knowledgeable counsel in large corporations. The comments also drew attention to the fact that the skill level of the legal department staff may also affect feasibility. One panelist noted that access to knowledge resources is not enough by itself; access must also accompany concerted efforts to encourage managers to use such resources. These findings extend the literature by highlighting additional nuances and factors that may affect the feasibility of access to knowledgeable legal counsel in the corporate setting. Another panelist commented that organizations do not want managers to deal with outside counsel (legal counsel not employed by the organization) without the involvement of in-house counsel. This comment speaks to the work by Haapio (2015) who noted that some managers might hold the viewpoint that their legal knowledge is sufficient for contract negotiation purposes and that involving company counsel in such negotiations is unnecessary. These situations may lead to organizational conflict in

instances where in-house counsel interject themselves, whether by their own initiative or at the request of company executives, in contract negotiations facilitated by a company manager.

Delphi Study Round 3

The third-round questionnaire contained 36 theme statements derived from the collective ratings supplied by the study panel in Round 2. Of the 36 theme statements contained in the second round questionnaire, 25 met the threshold for inclusion in the final list of consensus statements. Of the 11 statements that did not satisfy the 70% agreement needed for consensus, only 2 failed to satisfy the importance threshold as compared to 100% of the statements that failed to satisfy the confidence threshold. To facilitate the interpretation of the findings for Round 3, I have separated this section into 2 categories: (a) statements that failed to satisfy the consensus threshold, and (b) statements that satisfied the consensus threshold.

Statements that failed to satisfy the consensus threshold.

Cost savings. Despite a high collective rating for importance in Round 3, the theme statement that centered on the demonstration of the legal department's strategic value through finding cost-effective ways to address legal issues failed to meet the 70% threshold for confidence. These findings add a new dimension to the literature on the zero-expense legal department as described by Di Cicco Jr. (2013). The low collective rating for confidence and the comment supplied by the panel in Round 3 highlight the dimensions of risk overlooked by Di Cicco Jr. that may accompany cost-effectiveness

measures in the legal department. The findings once again highlight potential issues of organizational conflict, wherein in-house lawyers face pressure to support specific policies or tactics that conflict with their obligations to the organization (Remus, 2013). The findings also suggest that characterizations of the legal department as a cost center originate from both inside and outside the department itself. This highlights the potential need for a new paradigm in research that does not examine value creation by the legal department solely in the context of the financial bottom line.

Training/education. The collective ratings supplied by the panel in Round 3 for the following 2 theme statements related to training and education failed to meet the consensus threshold for both importance and confidence: (a) improving workplace collaboration between in-house counsel and managers through training on legal risk management techniques; (b) increasing managers' understanding of the legal implications of their business decisions by using the negative legal outcomes/avoidable losses undergone by those managers as learning experiences. Although these results may appear surprising, the comments supplied by the panel provide additional clarity. With respect to risk management training, panelists asserted that although training may allow in-house lawyers to show managers the value of cooperation, a difference exists between awareness training and expertise. In-house lawyers must avoid overwhelming managers with discussions of hazards that may have the unwanted consequence of stifling managerial creativity. This suggests a limit to drawing responsibilities for law-related risk management techniques to individuals outside the legal department. The frameworks

described by Bagley (2008), Bird and Orozco (2014), Siedel and Haapio (2016), and Holloway (2015) do not include any considerations related to the potential of such unwanted consequences. With respect to the statement on negative legal outcomes and avoidable losses, the panelists indicated that such a technique is risky based on the potential negative reactions by managers whose mistakes are called out for teaching moments. As with the other theme statements that failed to reach consensus in Round 2, mistrust of the legal profession (Travis & Tranter, 2014), weariness of the authority of corporate counsel (Lovett, 2015), and interpersonal conflicts stemming from differences in training and education (Lewis, Walls, & Dowell, 2014) may also undercut the effectiveness of any training provided by in-house counsel.

Results. The collective ratings supplied by the panel for the theme statements related to managing litigation and other legal matters failed to meet the consensus threshold for both importance and confidence. The panelists provided a unique array of comments that may help to explain why these statements failed to meet the final consensus threshold. One panelist commented that managers already assume the purpose of the legal department is to manage litigation issues. This comment suggests that emphasizing expectations that managerial employees may already have regarding the legal department may serve as poor techniques for changing those same managerial perspectives toward legal strategy. The other comments supplied by the panelists appear to reflect concerns about using litigation outcomes as a measure to change managerial viewpoints. One panelist noted that the outcome of litigation is often uncertain and

requires a significant amount of judgment. Another panelist referenced an old adage that if you win, you should have won, and if you lose, you are incompetent and screwed it up. The comments potentially suggest thoughts by the panel that employees outside the legal department may misinterpret failure in litigation as a failure by the legal department itself rather than a potential outcome inherent in all litigation. The findings represent another example of the gap between attorneys' and managers' mental models noted by Fisher and Oberholzer-Gee (2013).

Accountability and integrity. The collective ratings supplied by the panel in Round 3 indicated low levels of agreement with the importance and confidence of efforts by in-house counsel to demonstrate the strategic value of the legal department by accepting responsibility for the department's decisions. Although the panelists did not provide many comments in connection with this theme statement, one panelist felt the technique was risky due to the potential presence of a *blame the messenger* culture or mentality within an organization. This comment may represent concerns shared by other in-house counsel regarding situations where the legal department serves as the scapegoat for ethical failings within the organization at large.

Professionalism and demeanor. The collective ratings supplied by the panel in Round 3 indicated low levels of agreement with the importance and confidence of efforts by in-house counsel to display their value as participants on management level teams by bringing professionalism to their work and conduct. Only 1 panelist provided a comment in response to this statement, indicating that professionalism is a basic requirement of the

job. Similar to the theme statements relate to managing litigation, this comment suggests that emphasizing expectations that managerial employees may already have regarding the legal department may serve as poor techniques for changing those same managerial perspectives toward legal strategy.

The theme statement regarding efforts by in-house counsel to display their value as participants on management level teams by maintaining a friendly and approachable demeanor also failed to pass to the list of final consensus items. The panelists provided a diverse assortment of comments with respect to this theme statement. Although 1 panelist noted civility does not entail risk, other panelists stressed the significance of distinguishing friendly counsel from counsel who are capable of manipulation or who are unwilling to risk unpopularity in managers' eyes. These comments seem to highlight once again an acknowledgment by in-house counsel that their primary obligations are to serve the best interests of the organization and a weariness of situations where they may face pressure to support specific policies or tactics that conflict with their professional obligations (Remus, 2013).

Knowledge. The collective ratings supplied by the panel in Round 3 indicated low levels of agreement with the importance and confidence of increasing managers' understanding of the legal implications of their business decisions by providing access to knowledgeable legal counsel. The limited comments supplied by the panel provide little clarification regarding the panel's views on this statement. One panelist commented that access to knowledgeable legal counsel has no value unless a rapport exists between in-

house counsel and managers such that managers are comfortable seeking counsel's advice. A possible explanation for the statement's failure to satisfy the consensus threshold in Round 3 is that other panelists shared the viewpoint that the statements describe an ineffective standalone technique for addressing the main problem presented in the study. Although this theme statement failed to meet the final consensus threshold in Round 3, other theme statements related to knowledgeable legal counsel in the context of improving workplace collaboration and displaying value as participants on management level teams did meet the final consensus threshold. I will include a discussion of the comments associated with the knowledge-related statements that did pass to the final list of consensus items in the next section.

Adaptability. The collective ratings supplied by the panel in Round 3 indicated low levels of agreement with the importance and confidence of efforts by in-house counsel to display their value as participants on management level teams by exhibiting adaptability in the face of change. Similar to the theme statements on knowledge and professionalism, the few comments supplied by the panel provide only limited clarification of the panel's views. One panelist noted that ignoring certain risks to advance the agenda of particular managers is detrimental to the legal department and to the company in the long-term. This comment highlights another potential area where in-house lawyers may face organizational conflict in the form of pressure to support specific policies or tactics that conflict with their obligations to the organization (Remus, 2013). Another panelist commented that it did not seem as though the statement would resolve

any aspect of the issue. Similar to the theme statements relating to knowledge, a possible explanation for the statement's failure to satisfy the consensus threshold in Round 3 is that other panelists shared the viewpoint that the statement described an ineffective standalone technique for addressing the main problem presented in the study. If the statement does describe an ineffective standalone technique for addressing the main problem, none of the panelists addressed this shortcoming in their Round 2 comments.

Statements that satisfied the consensus threshold.

Delivering timely and effective legal advice. The collective ratings supplied by the panelists in Round 3 indicated high levels of agreement with the importance and confidence of both theme statements related to the delivery of timely and effective legal advice. Both theme statements related to the timely and effective delivery of legal advice satisfied the consensus requirement in both Round 2 and Round 3. As noted by 1 panelist, these are key values of company lawyers. These findings are consistent with indications by Lees et al. (2013) that legal departments will need to maintain the necessary behaviors, resources, processes, and procedures to successfully respond to emerging issues in a timely and efficient manner. The findings are also consistent with Mottershead and Magliozzi (2013) who noted that the ability to bring legal knowledge to bear to diverse business situations in a flexible and adaptable manner is crucial to success in the modern legal profession.

Accountability and integrity. The collective ratings supplied by the panelists in Round 3 indicated high levels of agreement with the importance and confidence of efforts

by in-house counsel to display their value as participants on management level teams by exhibiting accountability and integrity. This finding is consistent with the work of Broderick (2010) who indicated that integrity is a critical leadership attribute. This finding is also consistent with research by Das (2014), Pepper (2015) and Remus (2013), who indicated that the professional and fiduciary duties that company lawyers owe to the organization require the exercise of integrity and professional judgment. As noted by 1 panelist, however, in-house counsel should approach participation on management level teams with caution. Due to the mistrust of the legal profession (Travis & Tranter, 2014), weariness of the authority of corporate counsel (Lovett, 2015), and interpersonal conflicts stemming from differences in training and education (Lewis, Walls, & Dowell, 2014), managers within some organizations will view the participation of attorneys as a form of meddling in managerial affairs.

Recognition of other's concerns, perspectives, and contributions. The ratings supplied by the study panel in Round 3 indicated high levels of agreement with the importance and confidence of the following 2 theme statements: (a) improving workplace collaboration between in-house counsel and managers by helping lawyers and managers to understand each other's concerns and perspectives; (b) integrating legal considerations with company business processes by stimulating a work environment where managers and lawyers recognize and rely on each other's contributions to the company. The findings are consistent with research by Lees et al. (2013) who noted that fostering a corporate culture of proactive partnership will help members of the legal department to

cultivate and strengthen relationships with other members of the organization. The findings are also consistent with research by Bagley et al. (2016) who noted that risk management, effective resource allocation, and value creation are easier to achieve when in-house counsel work collaboratively as strategic partners with non lawyer managers. The theme statement regarding the understanding of others' perspectives and concerns passed the consensus threshold in Round 3, the theme statement regarding the support of others' concerns and perspectives did not. One panelist noted that lawyers and managers have competing interests that affect their respective efforts at vying for power in the eyes of C-level executives. This once again reflects a recurring theme that while in-house counsel are not necessarily anti-collaboration, they are weary of pressures to support specific policies or tactics that conflict with their primary obligations to serve the best interests of the organization (Remus, 2013).

Involvement by in-house counsel in business processes. The combined ratings from the panelists in Round 3 indicated high levels of agreement with the importance and confidence of involving in-house counsel in company business processes to improve workplace collaboration between in-house counsel and managers, increase managers' understanding of the legal implications of their business decisions, demonstrate how the legal department adds strategic value, and integrate legal considerations with company business processes. As in Round 2, these findings support research by Bird (2010) and Orozco (2010). The findings also help to highlight and better define the numerous dimensions encompassed by involving in-house counsel in business processes. As 1

panelist noted, it is important that in-house counsel avoid overwhelming managers with discussions of hazards that may have the unwanted consequence of stifling managers' creativity and decision-making abilities. Another panelist noted that the mere involvement of in-house counsel in business processes alone is not enough; counsel must offer precise, on-target advice. Yet another panelist noted that managers must themselves come to the realization that involving lawyers in the business process creates value. This last comment is particularly important as it highlights the possibility that managers may view the presence of in-house counsel with suspicion or trepidation.

Programs and policies. The combined ratings from the panelists in Round 3 indicated high levels of agreement with the importance and confidence of integrating legal considerations with company business processes through the use of corporate compliance programs, the creation of business policies that directly include legal considerations, and the dissemination of clear, up-to-date company policies and procedures by in-house counsel. As in Round 2, these findings support Bird and Orozco's (2014) pathways of legal strategy framework by further illustrating the connection between strategic opportunities, the roles of in-house legal counsel, and manager's perceptions of the law. These findings appear to contradict statements by Hamermesh (2012), Pepper (2015) and Remus (2013) that in-house counsel must take caution so that their endorsement of such policies will not hinder their responsibilities to act in the best interests of the company. Several of the panelists expressed the view that employees are becoming increasingly receptive to policies, especially in the area of ethics and

compliance. Other comments highlight an important aspect of programs and policies: the company culture must support the programs and policies and require adherence by all employees.

Communication. The combined ratings from the panelists in Round 3 indicated high levels of agreement with the importance and confidence of using open communication between managers and in-house counsel to: (a) increase managers' understanding of the legal implications of their business decisions, and (b) improve workplace collaboration between in-house counsel and managers. The panelists' ratings also reflected a high level of agreement with the importance and confidence of efforts by in-house counsel to display their value as participants on management level teams by exhibiting strong communication skills. These findings are consistent with the literature. As noted by Broderick (2010), the exercise of good communication skills is a critical leadership attribute in a legal context. Mottershead and Maglizzo (2013) noted that the ability to work with people, which encompasses interpersonal communication, is a core competency necessary for success in the modern legal profession. As noted by Haapio (2015), the prevention and mitigation of conflict between lawyers and managers will require the integration of the knowledge and abilities of each group through communication and collaboration.

Training and education. The combined ratings from the panelists in Round 3 indicated high levels of agreement with the importance and confidence of using training on the legal consequences of management decisions using real-world examples, cases, or

demonstrations to demonstrate the strategic value of the legal department as well as increase managers' understanding of the legal implications of their business decisions. The collective ratings supplied by the panelists also reflected high levels of agreement with the importance and confidence of efforts to integrate legal considerations into company business processes by providing training on identifying legal risks and legal developments affecting the company. Although multiple comments from the panel supported the use of real-life experiences, especially in connection with showing managers the value of integrated cooperation, 1 panelist cautioned that in-house must avoid overemphasizing potential hazards. The panelist further articulated that too extensive a discussion on hazards may have the unwanted consequence of stifling managers' creativity and decision-making abilities.

Relationship building. The combined ratings from the panelists in Round 3 indicated high levels of agreement with the importance and confidence of efforts to: (a) improve workplace collaboration between in-house counsel and managers through building rapport with managers, and (b) increase managers' understanding of the legal implications of their business decisions by fostering a work environment where managers are comfortable seeking the advice of in-house counsel. These results are consistent with research by Mottershead and Magliozzi (2013) who noted that emotional intelligence, collaboration, and the ability to build relationships and work with people are among the core competencies necessary for success in the modern legal profession. The results are also consistent with research by Broderick (2010) who noted that critical leadership

attributes and qualities include the ability to build coalitions, humility, and empathy. The findings also reinforce the need for research by Barry and Kunz (2014), Kim (2014) and Lovett (2015) on the benefits that collaborative relationships between internal lawyers and managers will bring to the organization. Despite the high ratings provided by the panel, the comments serve as an important reminder that in-house lawyers may approach the exercise of rapport-building behaviors and approachability in different ways. A comment by 1 panelist that access to legal counsel is meaningless without rapport between managers and in-house counsel showcases the interconnected nature of the techniques examined in this study. Another panelist noted attempts to build rapport with managers might have the opposite effect if managers do not view them as genuine. A potential takeaway is that although such behaviors may lead to a more pleasant working environment, they may lack the force necessary to alter some of the factors described by Ashipu and Umukoro (2014), Betts and Healy (2015), Knauer (2015) and others that typically drive interpersonal conflict between lawyers and managers.

Knowledge. The combined ratings from the panelists in Round 3 indicated high levels of agreement with the importance and confidence of managerial access to knowledgeable legal counsel. These findings support research by Haapio (2015), Mottershead and Magliozzi (2013), and Weise (2014) who noted that in-house counsel must possess both legal knowledge and business knowledge. Although several comments by the panel centered on the value stemming from managerial access to knowledgeable legal counsel, 1 panelist asserted that the process might involve an uphill battle with non

lawyers. This comment may serve as an indication that even though access to knowledgeable legal counsel may benefit managers, it may take time for certain managers to become comfortable interacting with in-house counsel necessary. Similar to other theme statements addressed in Round 3, the mistrust of the legal profession (Travis & Tranter, 2014), weariness of the authority of corporate counsel (Lovett, 2015), and interpersonal conflicts stemming from differences in training and education (Lewis, Walls, & Dowell, 2014), may hinder or slow the development of interactions and collaboration between managers and in-house counsel.

Limitations of the Study

This study had several potential limitations. Attrition is a possibility in every Delphi study due to the iterative nature of the Delphi design (Annear et al., 2015; Brody et al., 2014). As noted by Sinha, Smyth, and Williamson (2011), participants may drop out between rounds in a Delphi study if they do not share the majority opinions of other panel members. Sinha et al. further noted that such attrition might lead to an artificial consensus that affects the reliability of the study's final results. Although no indications existed to suggest that panelists dropped out of the study due to concerns that other panelists did not share their viewpoints, existing evidence did illustrate that panelists dropped out due to other time commitments. I received out-of-office notifications in response to certain emails from several panelists throughout the 3 rounds of the study. The timelines connected to these out-of-office notifications ranged from a few days to multiple weeks. In the few instances where panelists submitted their questionnaires 1 or 2

days after the relevant round closing date(s), they expressed their apologies and noted that the delays were based on priority deadlines at their respective organizations.

Social desirability constituted a second potential limitation. As noted by Heitner et al. (2013) and Von der Gracht (2012), social desirability bias is a possibility in a Delphi study. To reduce the likelihood of social desirability bias, none of the questions asked panelists to recount their behaviors and actions in the context of a prior personal workplace event or experience. None of the questions solicited data on a shocking or outrageous topic. I reinforced the emphasis on participant anonymity and confidentiality throughout the duration of the study.

The third potential limitation is that I incorporated the justifications and optional comments provided by the panelists in Round 2 and Round 3 into my overall interpretation of the study's findings and into my recommendations for future research. As comments were not mandatory, the comments provided by the panel may not necessarily reflect the thoughts processes used by other participants in the study. While a few panelists commented on a substantial portion of the theme statements in Round 2 or Round 3 respectively, others commented on only a limited number of theme statements. Some panelists did not provide any optional comments. Basing my analysis and recommendations on the available comments provided by the panel, rather than purely on Likert data, reduced the possibility of researcher bias.

The third-round Cronbach's alpha values represent the fourth potential limitation in this study. Although the second-round Cronbach's alpha values exceeded a value of

.60 for each of questions from the first-round questionnaire, the third-round Cronbach's alpha values relative to Questions 2, 4, and 5 failed to exceed a value of .60. A few possible explanations may clarify the disparity between the Round 2 and Round 3 Cronbach's alpha values respectively. Tavakol and Dennick (2011) indicated that a low Cronbach's alpha value could stem from a low number of items in the questionnaire. Given that 10 statements failed to meet the 70% consensus threshold in Round 2, the third-round questionnaire contained fewer questions than the second-round questionnaire. Another potential explanation is that the disparity in viewpoints expressed by the panelists toward some of the items connected to Questions 2, 4, and 5 also affected the results of the Cronbach's alpha analysis.

The fifth potential limitation concerned the use of snowball sampling to draw potential study participants from personal and professional networks. Such a panel could fail to include the views of recognized experts in the field from diverse demographic groups. To avoid excluding such experts, my recruitment strategies included a review of professional networking sites, such as LinkedIn. As noted by Worrell, Wasko, and Johnston (2013), scanning social networks on professional network sites is a valuable method for identifying potential panelists. I also solicited assistance from the leaders of appropriate professional organizations, such as the Association of Corporate Counsel, the Academy of Legal Studies in Business, and the Academy of Management in distributing notices of the study to their respective membership networks. This limitation did not affect the research study as I did not need to use snowball sampling. I was able to find a

sufficient number of participants for my study panel by contacting directly individuals who satisfied the study eligibility criteria.

Recommendations

Modifications to Study Methodology and Design

Scholars may conduct additional studies to compare and contrast the results of the present research in several ways. As I did not confine participants in this study to a particular organization, industry, or geographic region within the United States, scholars may wish to conduct further studies on the central topic addressed in this study using different delimitations along these 3 dimensions. In light of the legal challenges organizations will face over the next few years (Heinrich et al., 2014), researchers may wish to conduct similar Delphi studies related to a specific legal issue or industry. Due to potential differences in the severity or leniency of applicable state laws and regulations, Delphi studies on this topic localized to a specific geographic region also represent viable options for future research. Future scholars may also wish to conduct additional Delphi studies with varied panel eligibility requirements. As the eligibility criteria in this study confined potential participants to individuals who possessed an ABA-accredited law degree, researchers may wish to seek the views and opinions of attorneys who earned a law degree outside the United States. Further modifications to panel eligibility criteria may include requiring industry-specific experience, a minimum amount of experience in a specific position, or prior professional and academic publications. Scholars may also wish to conduct policy Delphi studies with panels comprised entirely of managers, or

combinations of managers and general counsel, to examine any opposing viewpoints between managers and in-house counsel on the study topic. The results of such studies would provide invaluable points of comparison with the results of the present study. With these diverse points of comparison, scholars may then stand in positions to develop larger studies based on the Delphi findings. I discuss a variety of potential avenues for such studies in the next section.

Studies Building on the Present Results

Cost savings. Despite applying low ratings along the dimensions of importance and confidence, the panelists in this study applied favorable ratings along the dimensions of desirability and feasibility to the statement that in-house counsel may demonstrate the strategic value of the legal department by finding cost-effective ways to address legal issues. Avenues for future research may include Delphi or other qualitative studies centered on identifying the factors or considerations that general counsel use to compare cost-effectiveness to quality in the context of responses to different legal issues or situations. Scholars may also wish to examine how such factors compare or contrast among particular industries, organizations, or areas of law. Another area of future research centers on the potential relationships between efforts by the legal department to achieve cost savings and the effect on managerial views of the legal department. Scholars may also conduct additional research to examine factors that may drive perceptions of legal department value creation processes beyond pure financial bottom line considerations.

Supporting the views, perspectives, and concerns of others. The panelists in this study expressed feasibility concerns toward the concept of in-house counsel displaying their value as participants on management level teams by supporting the views, perspectives, and concerns of others. Future scholars may wish to conduct qualitative studies to examine possible techniques for alleviating concerns by a general counsel that supporting the views, perspectives, or concerns of others may come at the cost of his or her individual responsibilities and obligations to the company. Possible techniques may encompass cognitive training to build knowledge of others' roles within the organization or on team development training to build trust and relationships among members of different departments. Researchers may then conduct quantitative studies to examine the effect of such techniques.

Information technology. As noted previously, the expressed reticence by general counsel in this study toward the joint use of information technology may represent a growing, or previously unexamined, topic of divergence between managers and in-house counsel alongside differences in education, training, and discipline-specific language. Potential areas of future scholarship may include qualitative studies focused on the identification of considerations that shape the views of general counsel on the collaborative use of information technology. Researchers may also conduct qualitative studies to develop an understanding of measures that may serve as suitable countermeasures in response to any concerns expressed by general counsel. Future areas of research may also include quantitative studies to examine the relationships between

considerations that affect general counsels' views on the collaborative use of information technology, as well as quantitative studies to assess the effectiveness of any countermeasures.

Communication. An obstacle to the circulation of legal department activity notices identified by multiple panelists centered on concerns that such communications could erode attorney-client privilege. Opportunities for future research may include an examination of how modifications to the type of information, content, or form/medium of dissemination may alleviate concerns regarding attorney-client privilege. A related question centers on whether the increased dissemination of information would have any effect on the integration of legal considerations with company business processes? Researchers could also conduct additional quantitative studies to assess whether any integration resulting from such increases in dissemination has an effect on such integration, if it took place, had an effect on altering unreceptive managerial viewpoints toward the strategic value of law within the corporate setting. Another area of related research would include future studies to address whether employees outside the legal department would interpret the disseminations as a form of boasting by the legal department staff.

Viewpoints that lawyers are deal killers. Notwithstanding the possibility that efforts to help managers view in-house lawyers as valued partners rather than deal killers will face skepticism from managers, the findings in Round 2 suggest that such efforts may also face skepticism from in-house lawyers themselves. The findings suggest

potential support for the assertion that in-house counsel cannot change the ‘deal killer’ characterization placed upon them by managers and begin supporting the decisions or activities of their non lawyer colleagues without sacrificing fiduciary obligations to the organization. Although behavioral changes by in-house counsel in response to the *deal killer* characterization may lead to potential negative consequences for the organization, efforts to reduce the scope and magnitude of the negative connotations attached to the *deal killer* characterization do not require similar sacrifices to fiduciary obligations.

Opportunities for future research on this issue may include studies to identify appropriate measures for better explaining the roles and responsibilities of in-house counsel to managers. Researchers may focus on identifying techniques for explaining why the challenges to managerial ideas and contrasting viewpoints provided by in-house counsel help facilitate the organization’s pursuit of desirable deals and the avoidance of undesirable deals.

Performance metrics. In recognition of the purported difficulties associated with developing legal department performance metrics and potential opposition by in-house counsel, opportunities exist for future research in this area. Researchers may wish to examine whether the legal department can look to any performance metrics of other professional departments within the organization, such as the accounting department, for guidance in establishing its own performance metrics. Other possible areas of future research may include studies on the desirability and feasibility of developing

performance metrics for the legal department that do not focus purely financial deliverables.

Implications

Positive Social Change

The results of this study have the potential to affect positive social change at multiple levels. Incorporating the techniques identified in this study into the development of coaching practices, team building sessions, or other collaborative exercises may lead to positive social change through: (a) reduced anxiety stemming from organizational conflict between managers and in-house counsel; (b) decreased managerial burnout, absenteeism, and turnover due to organizational conflict with in-house counsel; and, (c) decreased workplace resistance between managers and in-house counsel.

At the individual level, the results of this study may help to reduce a segment of on-the-job stress that negatively affects employee satisfaction. As noted by Saad (2012), 2 areas where employee satisfaction is especially low in corporate America include job security and on-the-job stress. The existing literature examined in the context of this study supports Saad's assertions. As noted by Lovett (2015), managerial perspectives of in-house counsel include perceptions that attorneys have excessive authority over decisions affecting the employer-employee relationship, including access to benefits, inter-departmental transfers, demotions, promotions, and terminations.

Of all the theme statements that represent a final consensus by the study panel with regard to techniques that will alter unreceptive managerial viewpoints toward the

strategic value of law within the corporate setting, 20% of those techniques relate specifically to improving workplace collaboration between in-house counsel and managers. The implementation of these techniques may help to reduce managerial stress and anxiety by clarifying the roles and responsibilities of in-house counsel with respect to authority over decisions affecting the employer-employee relationship. The mitigation of these managerial concerns may, in turn, lead to a reduction in organizational conflict between managers and in-house counsel. The improvements to employee satisfaction stemming from clarifications of the roles and responsibilities of in-house counsel may help to decrease managerial burnout, absenteeism, and turnover due to organizational conflict with in-house counsel.

At the organizational and societal levels, decreased workplace resistance between managers and in-house counsel may lead to numerous benefits. Positive social change may accrue from the increased discovery of hidden flaws or dangers in company products by product development teams in conjunction with increased collaboration with in-house counsel. Greater collaboration between managers and in-house counsel may also reduce the likelihood that managers will attempt to mislead or exclude legal counsel from taking part in decisions that may affect the safety, health, and well-being of the consumer public (Bagley & Roellig, 2013). The discovery of hidden flaws or dangers in the company's products may also reduce the prospect of injuries to the public and the resulting litigation against the company. A decrease in litigation may diminish the need for companies to downsize, increase product pricing schemes, discontinue product lines, or engage in other

questionable business practices to counteract heavy legal settlement costs (Hylton, 2013; Lindenfeld & Tran, 2016; Polinsky & Shavell, 2014).

Methodological and Theoretical Implications

Traditional scholarship in the respective fields of law and management occupied distinct, non intersecting segments of academic literature. Legal scholars historically placed a primary emphasis on risk management and litigation strategy, largely ignoring the relationship between business and law (Haapio, 2015; Siedel & Haapio, 2010). Management scholars rarely incorporated analyses of legal issues in their examinations of the critical success factors driving effective business strategies (Bird, 2010). This combined lack of consideration largely prevented traditional researchers from the management and legal spheres alike from recognizing the methods through which in-house legal departments afforded competitive advantage (Bird & Orozco, 2014; Orozco, 2010).

The results of this study assist in bridging this gap by building new theory within the combined fields of law and management. According to Brady (2015), the consensus-oriented nature of the Delphi design supports the building of practice theory. By highlighting the positions of concurrence between experts through successive waves of data collection, the Delphi study design facilitates the formulation of testable theoretical tenets, supports the identification of gaps in the literature requiring further research in follow-up studies, and avoids disagreements among experts that may impede theory building research (Brady, 2015).

Recommendations for Practice

My research fills a gap in understanding by focusing specifically on the development of a consensus by in-house general counsel working across business industries in the United States with regard to techniques that will alter unreceptive managerial viewpoints toward the strategic value of law within the corporate setting. Managers routinely view the law and the legal department as constraints on organizational growth (Evans & Gabel, 2014; Gruner, 2014; Lees et al., 2013). Mistrust of the legal profession (Travis & Tranter, 2014), weariness of the authority of corporate counsel (Lovett, 2015), and interpersonal conflicts stemming from differences in training and education (Lewis, Walls, & Dowell, 2014) have hindered managers' abilities to view the law as a strategic business resource (Evans & Gabel, 2014). According to Van Dongen et al. (2016), professional-related factors and interpersonal factors such as domain thinking and the use of discipline-specific language often hinder collaboration. Key decision-makers often exclude lawyers from conversations that have significant, long-term ramifications for the success or survival of the company (Bagley & Roellig, 2013).

The results of this study provide general counsel with techniques for devising new approaches to increase interprofessional collaboration (IPC) and interdisciplinary collaboration (IDC) among diverse individuals, workgroups, and departments across the organization (Cosley, McCoy, & Gardner, 2014; Goring et al., 2014; Huq, Reay, & Chreim, 2016). As the head of the corporate legal department, the general counsel will

stand in a unique position to work across organizational boundaries and bridge the gap between the legal and non legal spheres of the company (Bird & Orozco, 2014; Cochran, 2014; Dinovitzer et al., 2014; Inside Counsel, 2015). The general counsel will assist in building a culture of partnership between these spheres by helping to change managerial views of the aptitude, usefulness, and roles of the company's legal department (Lees et al., 2013; Lovett, 2015). As noted by Gucciardi, Espin, Morganti, and Dorado (2016), a common understanding of group members' respective roles and responsibilities will enhance collaboration. Understanding the interactions between lawyers and non lawyers within the organization will constitute a critical component to bridging the gap between attorneys' and managers' mental models, as well as to the development of collaborative relationships (Fisher & Oberholzer-Gee, 2013). Company attorneys and managers will work better together as strategic partners and drive sustainable value if corporate managers recognize the importance of law and legal strategy to economic success (Bagley et al., 2016).

The findings in this study add to the growing body of knowledge gathered by professional and academic organizations about the role of law in the business environment. One of the strategic initiatives of the Academy of Legal Studies in Business (2017) is to advance the discipline through the collection and analysis of data concerning emerging trends in the legal environment. Researchers from the Association of Corporate Counsel (2013, 2014, 2015, 2016b) have collected data on diverse topics related to the present study, including in-house legal department employment trends, the growth of non

legal skills required of general counsel, and the increasing role of chief legal officers in corporate strategy development. Members of the Academy of Legal Studies in Business and members of the Association of Corporate Counsel represent 2 constituencies that will benefit specifically from the results of this study.

Conclusion

Companies will encounter an array of legal challenges in the next few years, including growing lawsuits related to data theft (DLA Piper, 2016), consumer protection (Coffee, 2016), and unlawful retaliation against employees (Foosse, 2016). As noted by Heinrich et al. (2014), organizations in the health care, insurance, and financial services industries will face particularly substantial increases in the frequency and costs of litigation. The growth of the virtual economy, robotics, artificial intelligence, and other technological advancements will further obscure the boundaries between the biological, physical, and digital spheres (Schwab, 2016). Legal protections, particularly in the area of intellectual property, will become increasingly important to the promotion of global trade and the generation of organizational value (Holodny, 2016). Despite the threat of such challenges, managers routinely hold viewpoints that marginalize contributions of the legal profession in the corporate setting (Bird & Orozco, 2014; Lovett, 2015). Some organizations even view legal protections as unimportant (Jankowski, 2012). This disregard of the link between corporate legal strategy and organizational success will magnify the complex challenges already posed by the increasingly harsh legal environment (Bagley et al., 2016). Organizations will need to develop new techniques for

fostering collaboration between managers and lawyers in the organization to address these mounting trends and developments.

I conducted a 3-round qualitative Delphi study to build consensus among in-house general counsel working across business industries in the United States with regard to techniques that will alter unreceptive managerial viewpoints toward the strategic value of law within the corporate setting. The final results of this study include a consensus by the study panel on 25 techniques that will alter unreceptive managerial viewpoints toward the law within the corporate setting. Although no simple solution exists for addressing unreceptive managerial viewpoints toward the strategic value of law within the corporate setting, my research provides scholar-practitioners, legal professionals, and business professionals with a foundation upon which to build future studies and workplace programs. The results of this study help to build new theory within the combined fields of law and management related to: (a) integrating legal considerations with business processes; (b) improving workplace collaboration between in-house counsel and managers; (c) leadership qualities and expectations of counsel; (d) understanding legal implications of business decisions, and (e) demonstration of strategic value. These findings, in addition to illustrating that the successful implementation of these techniques will depend on a variety of factors, bring to light a central challenge that will perpetually hinder efforts to bring managers and in-house counsel together: the dual, often conflicting, obligations owed by in-house counsel to the organization and to the legal profession. Even in situations where both managers and in-house counsel may support

the substance of a technique in principle, the proper exercise of these dual obligations will require in-house to question or resist certain courses of action that may benefit the organization and society as a whole. As academic scholarship and professional practice on this study topic continue to evolve, scholar-practitioners, legal professionals, and business professionals who understand this critical factor will stand in a stronger position to address unreceptive managerial viewpoints toward the strategic value of law within the corporate setting.

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Re: Copyright permission request

p pennjbel@gmail.com on behalf of Journal of Business Law <jbel@law.upenn.ed



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Today 1:40 AM

Evan Peterson ▼

Inbox

You replied on 7/18/2016 7:58 AM.

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Sincerely,
Christina Gunzenhauser

On Wed, Jul 13, 2016 at 5:30 AM, Evan Peterson <[REDACTED]> wrote:

Journal of Business Law
University of Pennsylvania Law School
3501 Sansom Street
Philadelphia, PA 19104-6204

Re: University of Pennsylvania Journal of Business Law Permission

Good morning,

My name is Evan Peterson. I am a PhD student currently working on my doctoral dissertation. I am writing to request permission to reprint two figures from a University of Pennsylvania Journal of

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Bagley, C. E., Roellig, M., & Massameno, G. (2016). Who let the lawyers out? Reconstructing the role of the chief legal officer and the corporate client in a globalizing world. *University of Pennsylvania Journal of Business Law*, 18, 420-507.

Permission to reprint figure 1 and figure 2 on page 460.

Proper citation to the original source will be provided. Please let me know if you require any further information.

Regards,

Evan Peterson

Evan A. Peterson, J.D., M.B.A.

[Redacted signature block]

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Today 9:40 AM

Evan Peterson ✉️

Inbox

You replied on 7/13/2016 10:07 AM.

Hello Evan,

Thank you for reaching out to us! It's fine to use the image in your dissertation and provide citation. If you eventually end up publishing your dissertation in a book or online somewhere, please reach back out to us regarding the image. Otherwise, you should be fine with just the citation. If you have any other questions or concerns please let me know.

Best wishes,

Mackenzie Wise
Marketing Assistant
Customer care, MIT SMR

On Wed Jul 13 08:27:08 2016, [REDACTED] wrote:

> MIT Sloan Management Review

> One Charles Park

> EE20-600 6th Floor

> Cambridge, MA 02142

>

>

> Re: MIT Sloan Management Review permission

>

>

> Good morning,

>

> My name is Evan Peterson. I am a PhD student currently working on my

> doctoral dissertation. I am writing to request permission to

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EP Evan Peterson
Today 8:26 AM
smr-help@mit.edu, help@mitsmr.info ✕

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MIT Sloan Management Review
One Charles Park
EE20-600 6th Floor
Cambridge, MA 02142

Re: MIT Sloan Management Review permission

Good morning,

My name is Evan Peterson. I am a PhD student currently working on my doctoral dissertation. I am writing to request permission to reprint a table from an MIT Sloan Management Review article in my dissertation. The specific article and tables are as follows:

Bird, R. C., & Orozco, D. (2014). Finding the right corporate legal strategy. *MIT Sloan Management Review*, 56(1), 81-89.

Permission to reprint the table outlining the Five Different Legal Strategies.

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Regards,

Evan Peterson

Evan A. Peterson, J.D., M.B.A.



RE: AOM Copyright Permission Request

IB Irina Burns <iburns@aom.org>
Today 10:23 AM
Evan Peterson

📧 Reply all | v

Inbox

Dear Evan,

We are happy to grant you non-exclusive rights, free of charge, to use the below-mentioned table in your dissertation.

Best wishes,

Irina Burns

Managing Editor and Publishing Services Specialist

Academy of Management

PO Box 3020

Briarcliff Manor NY 10510-8020

USA

Email: iburns@aom.org

Phone: +1 (914) 326-1832

Fax: +1 (914) 326-1900



From: Evan Peterson [mailto:evan.peterson@omg.org]
Sent: Wednesday, July 13, 2016 8:22 AM
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Subject: AOM Copyright Permission Request

Susan Zaid
Assistant Director of Publishing
Academy of Management Review

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Good Morning,

My name is Evan Peterson. I am a PhD student currently working on my doctoral dissertation. I am requesting permission to reprint a table from an Academy of Management Review article in my dissertation. The specific article and table are as follows:

Bagley, C. E. (2008). Winning legally: The value of legal astuteness. *Academy of Management Review*, 33(2), 378-390.

Table 1 on page 384.

Proper citation to the original source will be provided. Please let me know if you require any further information.

Regards,

Evan Peterson

Evan A. Peterson, J.D., M.B.A.

[REDACTED]

Appendix B: Correspondence With Panel and Field Test Participants

Invitation Email to Non-University of [redacted to preserve privacy] Alumni

Hello [Name],

My name is Evan Peterson. I am a doctoral student pursuing a PhD in management with a specialization in leadership and organizational change. I am working on a dissertation study geared toward identifying techniques that will alter unreceptive managerial viewpoints toward the strategic value of law within the corporate setting.

I have identified you as a potential participant for my study based on your legal education, business experience, and position as general counsel. If you participate in this 3-round Delphi study, you and other members of the study panel will be asked to complete 3 separate electronic questionnaires (one questionnaire per round) over a four month period. You will have 3 weeks to complete each questionnaire, with an expectation that each questionnaire will take no more than 30 to 45 minutes to complete.

Your participation will help pave new ground in research that may increase interdisciplinary collaboration between lawyers and managers within organizations. I hope that you will be willing to provide your insight and expertise to my study. Given the importance of the connection between law and business, I believe that learning from the shared wisdom of general counsel will continue to expand knowledge and scholarship in this important field.

The first round of the study is expected to begin on or about **March 13, 2017**. I am attaching a copy of an informed consent form to this email which provides additional information.

If you are willing to participate in this study, please reply to this email with the words “I Consent” by 6:00 p.m. EST on **March 3, 2017**. If you know someone who may also meet the study eligibility criteria, please feel free to forward this message to him or her.

If you have any questions, please feel free to contact me at evan.peterson@waldenu.edu. Thank you kindly for your time and consideration.

Sincerely,

Evan Peterson

Evan A. Peterson, JD, MBA
Doctoral Student, Walden University

*Lecturer in Business Law – Management
Director of Undergraduate Business Programs
College of [redacted to preserve privacy]
University of [redacted to preserve privacy]*

Invitation Email to University of [redacted to preserve privacy] Alumni

Hello [Name],

My name is Evan Peterson. I am a lecturer in business law and the director of undergraduate business programs at the University of [redacted to preserve privacy]. I am also a doctoral student at Walden University pursuing a PhD in management with a specialization in leadership and organizational change. I am working on a dissertation study at Walden geared toward identifying techniques that will alter unreceptive managerial viewpoints toward the strategic value of law within the corporate setting. This study is being conducted separate from my roles at [redacted to preserve privacy].

I have identified you as a potential participant for my study based on your legal education, business experience, and position as general counsel. If you participate in this 3-round Delphi study, you and other members of the study panel will be asked to complete 3 separate electronic questionnaires (one questionnaire per round) over a four month period. You will have 3 weeks to complete each questionnaire, with an expectation that each questionnaire will take no more than 30 to 45 minutes to complete.

Your participation will help pave new ground in research that may increase interdisciplinary collaboration between lawyers and managers within organizations. I hope that you will be willing to provide your insight and expertise to my study. Given the importance of the connection between law and business, I believe that learning from the shared wisdom of general counsel will continue to expand knowledge and scholarship in this important field.

The first round of the study is expected to begin on or about **March 13, 2017**. I am attaching a copy of an informed consent form to this email which provides additional information.

If you are willing to participate in this study, please reply to this email with the words “I Consent” by 6:00 p.m. EST on **March 3, 2017**. If you know someone who may also meet the study eligibility criteria, please feel free to forward this message to him or her.

If you have any questions, please feel free to contact me at evan.peterson@waldenu.edu. Thank you kindly for your time and consideration.

Sincerely,

Evan Peterson

Evan A. Peterson, JD, MBA
Doctoral Student, Walden University
Lecturer in Business Law – Management
Director of Undergraduate Business Programs
College of [redacted to preserve privacy]
University of [redacted to preserve privacy]

Invitation Email to Professional Association/Academy Administrator

Hello [Name],

My name is Evan Peterson. I am a doctoral student pursuing a PhD in management with a specialization in leadership and organizational change. I am working on a dissertation study geared toward identifying techniques that will alter unreceptive managerial viewpoints toward the strategic value of law within the corporate setting.

I am reaching out to ask for your assistance in forwarding the attached study invitation email to members of the [Association/Academy Name]. As the focus of the study centers on the connection between law and business, I believe that my study topic may be of great interest to your members.

The first round of the study is expected to begin on or about **March 13, 2017**. Anyone interested in participating in the study may contact me for a copy of the informed consent form at evan.peterson@waldenu.edu.

If you have any questions, please don't hesitate to contact me. Thank you kindly for your time and consideration.

Sincerely,

Evan Peterson

Evan A. Peterson, JD, MBA
Doctoral Student, Walden University
Lecturer in Business Law – Management
Director of Undergraduate Business Programs

*College of [redacted to preserve privacy]
University of [redacted to preserve privacy]*

Invitation Email to Association/Academy Members

Dear Members of the [Association/Academy name],

My name is Evan Peterson. I am a doctoral student pursuing a PhD in management with a specialization in leadership and organizational change. I am working on a dissertation study geared toward identifying techniques that will alter unreceptive managerial viewpoints toward the strategic value of law within the corporate setting.

I am reaching out to members of the [Association/Academy name] to find participants for my study. Participants will need to satisfy the following eligibility criteria:

- (a) juris doctor degree from an ABA-accredited law school located in the United States;
- (b) license to practice law in at least 1 state;
- (c) at least 5 years of business industry experience; and
- (d) serve currently in the role of general counsel for an organization headquartered in the United States.

If you participate in this 3-round Delphi study, you and other members of the study panel will be asked to complete 3 separate electronic questionnaires (one questionnaire per round) over a four month period. You will have 3 weeks to complete each questionnaire, with an expectation that each questionnaire will take no more than 30 to 45 minutes to complete.

Your participation will help pave new ground in research that may increase interdisciplinary collaboration between lawyers and managers within organizations. Given the importance of the connection between law and business, I believe that learning from the shared wisdom of general counsel will continue to expand knowledge and scholarship in this important field.

The first round of the study is expected to begin on or about **March 13, 2017**. If you are willing to participate in this study, or have any questions, please email me at evan.peterson@waldenu.edu for a copy of the informed consent form.

Thank you kindly for your time and consideration.

Sincerely,

Evan Peterson

Evan A. Peterson, JD, MBA
Doctoral Student, Walden University
Lecturer in Business Law – Management
Director of Undergraduate Business Programs
College of [redacted to preserve privacy]
University of [redacted to preserve privacy]

Invitation Email in Response to Snowball Sampling Inquiry

Dear [Name],

Thank you for expressing an interest in my doctoral study. The focus of the study centers on identifying techniques that will alter unreceptive managerial viewpoints toward the strategic value of law within the corporate setting. Participants in this study will need to satisfy the following eligibility criteria:

- (a) juris doctor degree from an ABA-accredited law school located in the United States;
- (b) license to practice law in at least 1 state;
- (c) at least 5 years of business industry experience; and
- (d) serve currently in the role of general counsel for an organization headquartered in the United States.

If you participate in this 3-round Delphi study, you and other members of the study panel will be asked to complete 3 separate electronic questionnaires (one questionnaire per round) over a four month period. You will have 3 weeks to complete each questionnaire, with an expectation that each questionnaire will take no more than 30 to 45 minutes to complete.

Your participation will help pave new ground in research that may increase interdisciplinary collaboration between lawyers and managers within organizations. Given the importance of the connection between law and business, I believe that learning from the shared wisdom of general counsel will continue to expand knowledge and scholarship in this important field.

The first round of the study is expected to begin on or about **March 13, 2017**. I am attaching a copy of an informed consent form to this email which provides additional information.

If you are willing to participate in this study, please reply to this email with the words “I Consent” by 6:00 p.m. EST on **March 3, 2017**. If you know someone who may also meet the study eligibility criteria, please feel free to forward this message to him or her.

If you have any questions, please feel free to contact me at evan.peterson@waldenu.edu. Thank you kindly for your time and consideration.

Sincerely,

Evan Peterson

Evan A. Peterson, JD, MBA
Doctoral Student, Walden University
Lecturer in Business Law – Management
Director of Undergraduate Business Programs
College of [redacted to preserve privacy]
University of [redacted to preserve privacy]

Follow-Up Email to Professional Association Administrator

Dear [Name],

My name is Evan Peterson. I am a doctoral student working on a dissertation study geared toward identifying techniques that will alter unreceptive managerial viewpoints toward the strategic value of law within the corporate setting.

I am following up on my prior [Insert Date] email to you regarding my request for your assistance in forwarding the attached study invitation email to members of the [Association Name] who may be willing to participate in my doctoral study. As I believe my study topic may be of great interest to your members, your kind assistance is instrumental and greatly appreciated.

If you have any questions, please don't hesitate to contact me. Thank you kindly for your time and consideration.

Sincerely,

Evan Peterson

Evan A. Peterson, JD, MBA
Doctoral Student, Walden University
Lecturer in Business Law – Management

*Director of Undergraduate Business Programs
College of [redacted to preserve privacy]
University of [redacted to preserve privacy]*

Follow-Up Email to Potential Participants

Dear [Name],

I am following up on my prior [Insert Date] message inquiring whether you would be willing to participate in a 3-round Delphi study geared toward identifying techniques that will alter unreceptive managerial viewpoints toward the strategic value of law within the corporate setting.

Based on your legal education, business experience, and position as general counsel, I believe that your insight and expertise will be an asset to this doctoral study. Your participation will help pave new ground in research that may increase interdisciplinary collaboration between lawyers and managers within organizations.

The first round of the study is expected to begin on or about **March 13, 2017**. I am attaching a copy of the invitation letter and informed consent form again to this email for your convenience.

If you are willing to participate in this study, please reply to this message with the words "I Consent" by 6:00 p.m. EST on **March 3, 2017**.

If you have any questions, please feel free to contact me at evan.peterson@waldenu.edu. Thank you kindly for your time and consideration.

Sincerely,

Evan Peterson

Evan A. Peterson, JD, MBA
Doctoral Student, Walden University
Lecturer in Business Law – Management
Director of Undergraduate Business Programs
College of [redacted to preserve privacy]
University of [redacted to preserve privacy]

First Round Start Date Confirmation Email

Dear [Name],

Thank you for agreeing to participate in my doctoral study. The first round will begin on **March 13, 2017**, one week from today. On the 13th, I will email you a copy of the first round questionnaire in Microsoft Word format.

Your participation in this doctoral study is greatly appreciated.

Kind Regards,

Evan Peterson

Evan A. Peterson, JD, MBA
Doctoral Student, Walden University
Lecturer in Business Law – Management
Director of Undergraduate Business Programs
College of [redacted to preserve privacy]
University of [redacted to preserve privacy]

First Round Email

Dear [Name],

Thank you again for agreeing to participate in my doctoral study. Attached you will find the first round questionnaire in Microsoft Word format. Please include your typed responses to each question directly in the questionnaire document.

Please return your completed questionnaire to me as an attachment by email at evan.peterson@waldenu.edu. I would greatly appreciate the submission of your questionnaire by 6:00 p.m. EST on [First Round Closing Date], which is 3 weeks from today.

As many organizations retain the right/ability to review any email correspondence sent using their system, I ask that you please return your completed questionnaire to me using a non-work email account. I will not share your non-work email address with anyone.

I will not share your identity with other study participants or include it in the published dissertation. I will redact any references to specific individuals, companies, or other personal identifying information from your responses.

Your responses to the first round questionnaire will help to build the second round questionnaire. You will receive a separate email from me with instructions for

participating in the second round of this study, which should commence approximately 3 weeks after the conclusion of the first round on or about [Second Round Starting Date].

Your participation in this doctoral study is greatly appreciated.

Kind Regards,

Evan Peterson

Evan A. Peterson, JD, MBA
Doctoral Student, Walden University
Lecturer in Business Law – Management
Director of Undergraduate Business Programs
College of [redacted to preserve privacy]
University of [redacted to preserve privacy]
Second Round Email

Dear

Thank you again very much for completing Round 1 of this study. The recommendations submitted by study participants in the first round led to the generation of 46 theme statements. In this round of this study, you will rate each of the 46 theme statements for *both* desirability and feasibility.

I have attached the second round questionnaire in Microsoft Word format. The responses that you submitted personally in Round 1 helped to generate the following theme statements in the second round questionnaire: [insert statement #'s here].

Please type your ratings and other comments (if applicable) directly into the attached second round questionnaire document. Please return your completed questionnaire to me as an attachment by email at evan.peterson@waldenu.edu. I would greatly appreciate the return of your completed questionnaire by **6:00 p.m. EST on May 1st**, which is 3 weeks from today.

As many organizations retain the right/ability to review any email correspondence sent using their system, I ask that you please return your completed questionnaire to me using a non-work email account. I will not share your non-work email address with anyone.

Your responses to the second round questionnaire will help to build the third round questionnaire. You will receive a separate email from me with instructions for participating in the third round of this study, which should commence approximately 3 weeks after the conclusion of the second round on or about **May 22nd**.

Thank you again for your participation in this study, I sincerely appreciate it.

Kind Regards,

Evan Peterson

Evan A. Peterson, JD, MBA
Doctoral Student, Walden University
Lecturer in Business Law – Management
Director of Undergraduate Business Programs
College of [redacted to preserve privacy]
University of [redacted to preserve privacy]

Third Round Email

Dear

Thank you again for your continued participation in this study. I sincerely appreciate your time, effort, and contributions. In this third and final round of the study, you will rate theme statements for *both* importance and confidence.

I have attached the third round questionnaire in Microsoft Word format. Please *type* your ratings and other comments (if applicable) directly into the attached third round questionnaire document. Please return your completed questionnaire to me as an attachment by email at evan.peterson@waldenu.edu. I would greatly appreciate the return of your completed questionnaire by **6:00 p.m. EST on June 5th**, which is 3 weeks from today.

As many organizations retain the right/ability to review any email correspondence sent using their system, I ask that you please return your completed questionnaire to me using a non-work email account. I will not share your non-work email address with anyone.

Thank you again for your participation in this study, I sincerely appreciate it.

Kind Regards,

Evan Peterson

Evan A. Peterson, JD, MBA
Doctoral Student, Walden University
Lecturer in Business Law – Management

*Director of Undergraduate Business Programs
College of [redacted to preserve privacy]
University of [redacted to preserve privacy]*

Reminder Email

Dear [Name],

Thank you again for agreeing to participate in my doctoral study. As a friendly reminder, the [Round #] of the study will conclude [insert number] days from today on [Round Closing Date]. I would greatly appreciate the submission of your questionnaire to me as an attachment by email to evan.peterson@waldenu.edu by 6:00 p.m. EST on that day.

Your participation in this doctoral study is greatly appreciated.

Kind Regards,

Evan Peterson

Evan A. Peterson, JD, MBA
Doctoral Student, Walden University
Lecturer in Business Law – Management
Director of Undergraduate Business Programs
College of [redacted to preserve privacy]
University of [redacted to preserve privacy]

Field Test Invitation Email

Hello Mr./Mrs. XXX,

As you may know, I'm a doctoral student working toward a PhD in management with a specialization in leadership and organizational change. I'm working on a dissertation study geared toward identifying techniques that will alter unreceptive managerial viewpoints toward the strategic value of law within the corporate setting. My intended study will use the Delphi design, wherein I will ask individuals employed as general counsel to respond to 3 iterative questionnaires on the study topic.

Based on your legal education and business experience, I'm reaching out to you today to ask for your assistance in field testing the first questionnaire. Specifically, I'm asking for your assistance in: (a) identifying potential clarity problems or ambiguities in the instructions accompanying the first questionnaire; and (b) identifying potential clarity problems or ambiguities in the questions contained in the first questionnaire. I hope that

you'll be willing to provide your knowledge and expertise to help field test my questionnaire.

I am attaching a copy of the relevant documents to this email. Please include any comments and/or suggested changes directly in the documents using track changes. If you are willing to participate in the field test, please return the documents to me at evan.peterson@waldenu.edu.

I will include your comments and/or suggested changes, but not your identity, in the published dissertation.

If you have any questions, please feel free to contact me at evan.peterson@waldenu.edu or at [personal phone number redacted for researcher privacy]. Thank you kindly for your time and consideration.

Sincerely,

Evan Peterson

Evan A. Peterson, JD, MBA
Doctoral Student, Walden University
Lecturer in Business Law – Management
Director of Undergraduate Business Programs
College of [redacted to preserve privacy]
University of [redacted to preserve privacy]

Field Test Instructions Email

Dear [First Name],

Thank you again for agreeing to participate in my doctoral study. Attached you will find the first round questionnaire in Microsoft Word format. You may include your responses directly in the document.

Please return your completed questionnaire by email to evan.peterson@waldenu.edu. I would greatly appreciate submission of your questionnaire by 6:00 p.m. EST on [First Round Closing Date] 3 weeks from today.

Your identity will not be shared with other study participants or included in the published dissertation. I will redact any references to specific individuals, companies, or other personal identifying information from your responses. Your responses to the first round questionnaire will help to build the second round questionnaire.

You will receive a separate email from me with instructions for participating in the second round, which should commence approximately 3 weeks after the conclusion of the first round on or about [Second Round Starting Date].

Your participation in this doctoral study is greatly appreciated.

Kind Regards,

Evan Peterson

Evan A. Peterson, JD, MBA
Doctoral Student, Walden University
Lecturer in Business Law – Management
Director of Undergraduate Business Programs
College of [redacted to preserve privacy]
University of [redacted to preserve privacy]

Final End-of-Study Notification Email

Hello,

The third and final round of the study is now complete. I would like to once again offer my sincere thanks for your participation in this study. Your identity and responses to the questionnaires will continue to remain confidential. Please let me know if you would like an electronic copy of the published dissertation and I will be happy to provide it when it becomes available.

I have tabulated the results. As you know, the purpose of this study was to build consensus among in-house general counsel working across business industries in the United States with regard to techniques that will alter unreceptive managerial viewpoints toward the strategic value of law within the corporate setting. Of the 36 statements contained in the third round questionnaire, the study panel came to a consensus on 25 statements. These statements represent a consensus by the panel with regard to techniques that will address the problem examined in this study. The final list of 25 statements (see below) incorporates items from each of the 5 major categories corresponding to the open-ended questions from the first round questionnaire. The percentage breakdown consisted of the following: integrating legal considerations w/business processes (28%), improving workplace collaboration between in-house counsel and managers (20%), leadership qualities/expectations of counsel (20%), understanding legal implications of business decisions (16%), and demonstration of strategic value (16%). These findings highlight areas where organizations should direct

limited time and resources in conjunction with efforts aimed at addressing the central problem explored in this study.

1. Integrating legal considerations w/company business processes by delivering timely and effective legal advice.
2. In-house counsel displaying their value as participants on management level teams by exhibiting accountability and integrity.
3. Integrating legal considerations w/company business processes by stimulating a work environment where managers and lawyers recognize and rely on each other's contributions to the company.
4. Improving workplace collaboration between in-house counsel and managers by involving in-house counsel in company business processes.
5. In-house counsel demonstrating how the legal department adds strategic value by understanding the business and proactively addressing legal issues, trends and risks that impact the company.
6. Increasing managers' understanding of the legal implications of their business decisions by involving in-house counsel in company business processes.
7. Integrating legal considerations w/company business processes through the dissemination of clear, up-to-date company policies and procedures by in-house counsel.
8. Integrating legal considerations w/company business processes through corporate compliance programs.
9. In-house counsel undertaking to improve workplace collaboration between in-house counsel and managers through building rapport w/managers.
10. Increasing managers' understanding of the legal implications of their business decisions by promoting regular/open dialogue between managers and in-house counsel.
11. Integrating legal considerations w/company business processes by providing training on identifying legal risks and legal developments affecting the company.
12. In-house counsel demonstrating how the legal department adds strategic value by participating in business processes.
13. Integrating legal considerations w/company business processes by involving in-house counsel in company business processes.
14. Improving workplace collaboration between in-house counsel and managers by fostering easy-access, open communication between managers and in-house counsel.
15. In-house counsel displaying their value as participants on management level teams by possessing extensive knowledge of the legal and business issues affecting the company.
16. Improving workplace collaboration between in-house counsel and managers by helping lawyers and managers to understand each other's concerns and perspectives.

17. Integrating legal considerations w/company business processes by creating business policies that directly include legal considerations.
18. Increasing managers' understanding of the legal implications of their business decisions by fostering a work environment where managers are comfortable seeking the advice of in-house counsel.
19. Improving workplace collaboration between in-house counsel and managers by ensuring managers have access to knowledgeable legal counsel.
20. In-house counsel demonstrating how the legal department adds strategic value by providing training on the legal consequences of management decisions using real world examples, cases, or demonstrations.
21. In-house counsel displaying their value as participants on management level teams by actively engaging in business processes.
22. In-house counsel demonstrating how the legal department adds strategic value by providing timely, effective legal advice and updates on legal matters affecting the organization.
23. Increasing managers' understanding of the legal implications of their business decisions through training on the legal consequences of management decisions using real world examples, cases, or demonstrations.
24. In-house counsel displaying their value as participants on management level teams by exercising calm judgment under pressure.
25. In-house counsel displaying their value as participants on management level teams by exhibiting strong communication skills.

Thank you again.

Kind Regards,

Evan A. Peterson, JD, MBA
Doctoral Student, Walden University
Lecturer in Business Law – Management
Director of Undergraduate Business Programs
College of Business Administration
University of Detroit Mercy

Appendix C: First Round Questionnaire

Open-ended Questions

For questions 1 – 5, please provide a minimum of 3 – 5 recommendations in response to each question. Please list your recommendations in bullet point format and provide a short description for each recommendation.

1. What will increase managers' understanding of the legal implications of their business decisions?

2. What will improve workplace collaboration between in-house counsel and managers?

3. What leadership qualities will in-house counsel need to display to be viewed as valued participants on management-level teams?

4. How can in-house counsel demonstrate to managers that the legal department adds strategic value to the company?

5. What initiatives will integrate legal considerations with company business processes?

6. Is there anything else that you believe will help change any unreceptive viewpoints that managers may hold toward the strategic value of law within the corporate setting that you have not yet included in your answers to questions 1 through 5 above?

Appendix D: Second Round Questionnaire

The second round questionnaire contains theme statements derived from the recommendations submitted by study participants in the first round. In this round, you will *evaluate whether each statement represents a desirable and feasible technique that will alter unreceptive managerial viewpoints toward the strategic value of law within the corporate setting.*

Please rate each statement as to both desirability and feasibility by entering a number in the colored box below each scale. If you apply a rating of 1 or 2 to a statement on *either* scale, please provide a brief explanation of your reasoning. A comments box also accompanies each statement should you wish to provide comments (optional).

The following example demonstrates how to fill out the second round questionnaire:

Statement	Desirability Scale	Feasibility Scale
Example theme statement (derived from participants' responses to the first round questionnaire).	1 Highly Undesirable	1 Definitely Infeasible
	2 Undesirable	2 Probably Infeasible
	3 Neither Desirable nor Undesirable	3 May or May Not be Feasible
	4 Desirable	4 Probably Feasible
	5 Highly Desirable	5 Definitely Feasible
	Your rating 4	Your rating 5
Explain your Reasoning (ratings of 1 or 2 only):		
Comments? (optional)		

Use only for ratings of 1 or 2

Use this box if you wish to comment on an item (optional)

Rate each statement on both scales by typing in a number here. Please enter whole numbers only (i.e. no ratings of 3.5, 4.2, 4.7, etc.)

Please see the definitions below for clarity as to the meaning of each item on the respective scales.

Desirability Scale:

- (1) – Highly Undesirable: Will have major negative effect
- (2) – Undesirable: Will have a negative effect with little or no positive effect
- (3) – Neither Desirable nor Undesirable: Will have equal positive and negative effects
- (4) – Desirable: Will have a positive effect with minimum negative effects
- (5) – Highly Desirable: Will have a positive effect and little or no negative effect

Feasibility Scale:

- (1) – Definitely Infeasible: Cannot be implemented (unworkable)
- (2) – Probably Infeasible: Some indication this cannot be implemented
- (3) – May or May Not be Feasible: Contradictory evidence this can be implemented
- (4) – Probably Feasible: Some indication this can be implemented
- (5) – Definitely Feasible: Can be implemented

Please proceed to the next page to begin the second round questionnaire.

Statement	Desirability Scale	Feasibility Scale
1. Increasing managers' understanding of the legal implications of their business decisions by using the negative legal outcomes/avoidable losses undergone by those managers as learning experiences.	1 Highly Undesirable	1 Definitely Infeasible
	2 Undesirable	2 Probably Infeasible
	3 Neither Desirable nor Undesirable	3 May or May Not be Feasible
	4 Desirable	4 Probably Feasible
	5 Highly Desirable	5 Definitely Feasible
	Your rating:	Your rating:
Explain your Reasoning (ratings of 1 or 2 only):		
Comments? (optional)		
2. Improving workplace collaboration between in-house counsel and managers through training on legal risk management techniques.	1 Highly Undesirable	1 Definitely Infeasible
	2 Undesirable	2 Probably Infeasible
	3 Neither Desirable nor Undesirable	3 May or May Not be Feasible
	4 Desirable	4 Probably Feasible
	5 Highly Desirable	5 Definitely Feasible
	Your rating:	Your rating:
Explain your Reasoning (ratings of 1 or 2 only):		
Comments? (optional)		
3. In-house counsel displaying their value as participants on management level teams by actively engaging in business processes.	1 Highly Undesirable	1 Definitely Infeasible
	2 Undesirable	2 Probably Infeasible
	3 Neither Desirable nor Undesirable	3 May or May Not be Feasible
	4 Desirable	4 Probably Feasible
	5 Highly Desirable	5 Definitely Feasible
	Your rating:	Your rating:
Explain your Reasoning (ratings of 1 or 2 only):		
Comments? (optional)		
4. Integrating legal considerations w/company business processes by creating business policies that directly include legal considerations.	1 Highly Undesirable	1 Definitely Infeasible
	2 Undesirable	2 Probably Infeasible
	3 Neither Desirable nor Undesirable	3 May or May Not be Feasible
	4 Desirable	4 Probably Feasible
	5 Highly Desirable	5 Definitely Feasible
	Your rating:	Your rating:
Explain your Reasoning (ratings of 1 or 2 only):		
Comments? (optional)		

Please proceed to the next page.

Statement	Desirability Scale	Feasibility Scale
5. In-house counsel demonstrating how the legal department adds strategic value by finding innovative ways for the legal department to generate revenue.	1 Highly Undesirable	1 Definitely Infeasible
	2 Undesirable	2 Probably Infeasible
	3 Neither Desirable nor Undesirable	3 May or May Not be Feasible
	4 Desirable	4 Probably Feasible
	5 Highly Desirable	5 Definitely Feasible
	Your rating:	Your rating:
Explain your Reasoning (ratings of 1 or 2 only):		
Comments? (optional)		
6. Increasing managers' understanding of the legal implications of their business decisions by promoting regular/open dialogue between managers and in-house counsel.	1 Highly Undesirable	1 Definitely Infeasible
	2 Undesirable	2 Probably Infeasible
	3 Neither Desirable nor Undesirable	3 May or May Not be Feasible
	4 Desirable	4 Probably Feasible
	5 Highly Desirable	5 Definitely Feasible
	Your rating:	Your rating:
Explain your Reasoning (ratings of 1 or 2 only):		
Comments? (optional)		
7. In-house counsel undertaking to improve workplace collaboration between in-house counsel and managers through building rapport w/managers.	1 Highly Undesirable	1 Definitely Infeasible
	2 Undesirable	2 Probably Infeasible
	3 Neither Desirable nor Undesirable	3 May or May Not be Feasible
	4 Desirable	4 Probably Feasible
	5 Highly Desirable	5 Definitely Feasible
	Your rating:	Your rating:
Explain your Reasoning (ratings of 1 or 2 only):		
Comments? (optional)		
8. In-house counsel displaying their value as participants on management level teams by exhibiting adaptability in the face of change.	1 Highly Undesirable	1 Definitely Infeasible
	2 Undesirable	2 Probably Infeasible
	3 Neither Desirable nor Undesirable	3 May or May Not be Feasible
	4 Desirable	4 Probably Feasible
	5 Highly Desirable	5 Definitely Feasible
	Your rating:	Your rating:
Explain your Reasoning (ratings of 1 or 2 only):		
Comments? (optional)		

Please proceed to the next page.

Statement	Desirability Scale	Feasibility Scale
9. In-house counsel demonstrating how the legal department adds strategic value by participating in business processes.	1 Highly Undesirable	1 Definitely Infeasible
	2 Undesirable	2 Probably Infeasible
	3 Neither Desirable nor Undesirable	3 May or May Not be Feasible
	4 Desirable	4 Probably Feasible
	5 Highly Desirable	5 Definitely Feasible
	Your rating:	Your rating:
Explain your Reasoning (ratings of 1 or 2 only):		
Comments? (optional)		
10. Integrating legal considerations w/company business processes by delivering timely and effective legal advice.	1 Highly Undesirable	1 Definitely Infeasible
	2 Undesirable	2 Probably Infeasible
	3 Neither Desirable nor Undesirable	3 May or May Not be Feasible
	4 Desirable	4 Probably Feasible
	5 Highly Desirable	5 Definitely Feasible
	Your rating:	Your rating:
Explain your Reasoning (ratings of 1 or 2 only):		
Comments? (optional)		
11. Increasing managers' understanding of the legal implications of their business decisions through training on the legal consequences of management decisions using real world examples, cases, or demonstrations.	1 Highly Undesirable	1 Definitely Infeasible
	2 Undesirable	2 Probably Infeasible
	3 Neither Desirable nor Undesirable	3 May or May Not be Feasible
	4 Desirable	4 Probably Feasible
	5 Highly Desirable	5 Definitely Feasible
	Your rating:	Your rating:
Explain your Reasoning (ratings of 1 or 2 only):		
Comments? (optional)		
12. Improving workplace collaboration between in-house counsel and managers by fostering their joint use of information technology and other support tools.	1 Highly Undesirable	1 Definitely Infeasible
	2 Undesirable	2 Probably Infeasible
	3 Neither Desirable nor Undesirable	3 May or May Not be Feasible
	4 Desirable	4 Probably Feasible
	5 Highly Desirable	5 Definitely Feasible
	Your rating:	Your rating:
Explain your Reasoning (ratings of 1 or 2 only):		
Comments? (optional)		

Please proceed to the next page.

Statement	Desirability Scale	Feasibility Scale
13. In-house counsel displaying their value as participants on management level teams by exhibiting accountability and integrity.	1 Highly Undesirable	1 Definitely Infeasible
	2 Undesirable	2 Probably Infeasible
	3 Neither Desirable nor Undesirable	3 May or May Not be Feasible
	4 Desirable	4 Probably Feasible
	5 Highly Desirable	5 Definitely Feasible
	Your rating:	Your rating:
Explain your Reasoning (ratings of 1 or 2 only):		
Comments? (optional)		
14. In-house counsel demonstrating how the legal department adds strategic value by adopting and meeting appropriate performance metrics.	1 Highly Undesirable	1 Definitely Infeasible
	2 Undesirable	2 Probably Infeasible
	3 Neither Desirable nor Undesirable	3 May or May Not be Feasible
	4 Desirable	4 Probably Feasible
	5 Highly Desirable	5 Definitely Feasible
	Your rating:	Your rating:
Explain your Reasoning (ratings of 1 or 2 only):		
Comments? (optional)		
15. Integrating legal considerations w/company business processes by stimulating a work environment where managers and lawyers recognize and rely on each other's contributions to the company.	1 Highly Undesirable	1 Definitely Infeasible
	2 Undesirable	2 Probably Infeasible
	3 Neither Desirable nor Undesirable	3 May or May Not be Feasible
	4 Desirable	4 Probably Feasible
	5 Highly Desirable	5 Definitely Feasible
	Your rating:	Your rating:
Explain your Reasoning (ratings of 1 or 2 only):		
Comments? (optional)		
16. Increasing managers' understanding of the legal implications of their business decisions by providing access to knowledgeable legal counsel.	1 Highly Undesirable	1 Definitely Infeasible
	2 Undesirable	2 Probably Infeasible
	3 Neither Desirable nor Undesirable	3 May or May Not be Feasible
	4 Desirable	4 Probably Feasible
	5 Highly Desirable	5 Definitely Feasible
	Your rating:	Your rating:
Explain your Reasoning (ratings of 1 or 2 only):		
Comments? (optional)		

Please proceed to the next page.

Statement	Desirability Scale	Feasibility Scale
17. Improving workplace collaboration between in-house counsel and managers by ensuring managers have access to knowledgeable legal counsel.	1 Highly Undesirable	1 Definitely Infeasible
	2 Undesirable	2 Probably Infeasible
	3 Neither Desirable nor Undesirable	3 May or May Not be Feasible
	4 Desirable	4 Probably Feasible
	5 Highly Desirable	5 Definitely Feasible
	Your rating:	Your rating:
Explain your Reasoning (ratings of 1 or 2 only):		
Comments? (optional)		
18. In-house counsel displaying their value as participants on management level teams by exercising calm judgment under pressure.	1 Highly Undesirable	1 Definitely Infeasible
	2 Undesirable	2 Probably Infeasible
	3 Neither Desirable nor Undesirable	3 May or May Not be Feasible
	4 Desirable	4 Probably Feasible
	5 Highly Desirable	5 Definitely Feasible
	Your rating:	Your rating:
Explain your Reasoning (ratings of 1 or 2 only):		
Comments? (optional)		
19. In-house counsel demonstrating how the legal department adds strategic value by providing training on the legal consequences of management decisions using real world examples, cases, or demonstrations.	1 Highly Undesirable	1 Definitely Infeasible
	2 Undesirable	2 Probably Infeasible
	3 Neither Desirable nor Undesirable	3 May or May Not be Feasible
	4 Desirable	4 Probably Feasible
	5 Highly Desirable	5 Definitely Feasible
	Your rating:	Your rating:
Explain your Reasoning (ratings of 1 or 2 only):		
Comments? (optional)		
20. Integrating legal considerations w/company business processes by employing in-house counsel who possess business skills and business knowledge.	1 Highly Undesirable	1 Definitely Infeasible
	2 Undesirable	2 Probably Infeasible
	3 Neither Desirable nor Undesirable	3 May or May Not be Feasible
	4 Desirable	4 Probably Feasible
	5 Highly Desirable	5 Definitely Feasible
	Your rating:	Your rating:
Explain your Reasoning (ratings of 1 or 2 only):		

Comments? (optional)

Please proceed to the next page.

Statement	Desirability Scale	Feasibility Scale
21. Increasing managers' understanding of the legal implications of their business decisions by involving in-house counsel in company business processes.	1 Highly Undesirable	1 Definitely Infeasible
	2 Undesirable	2 Probably Infeasible
	3 Neither Desirable nor Undesirable	3 May or May Not be Feasible
	4 Desirable	4 Probably Feasible
	5 Highly Desirable	5 Definitely Feasible
	Your rating:	Your rating:
Explain your Reasoning (ratings of 1 or 2 only):		
Comments? (optional)		
22. Improving workplace collaboration between in-house counsel and managers by involving in-house counsel in company business processes.	1 Highly Undesirable	1 Definitely Infeasible
	2 Undesirable	2 Probably Infeasible
	3 Neither Desirable nor Undesirable	3 May or May Not be Feasible
	4 Desirable	4 Probably Feasible
	5 Highly Desirable	5 Definitely Feasible
	Your rating:	Your rating:
Explain your Reasoning (ratings of 1 or 2 only):		
Comments? (optional)		
23. In-house counsel displaying their value as participants on management level teams by exhibiting strong communication skills.	1 Highly Undesirable	1 Definitely Infeasible
	2 Undesirable	2 Probably Infeasible
	3 Neither Desirable nor Undesirable	3 May or May Not be Feasible
	4 Desirable	4 Probably Feasible
	5 Highly Desirable	5 Definitely Feasible
	Your rating:	Your rating:
Explain your Reasoning (ratings of 1 or 2 only):		
Comments? (optional)		
24. In-house counsel demonstrating how the legal department adds strategic value by finding cost effective ways to address legal issues.	1 Highly Undesirable	1 Definitely Infeasible
	2 Undesirable	2 Probably Infeasible
	3 Neither Desirable nor Undesirable	3 May or May Not be Feasible
	4 Desirable	4 Probably Feasible
	5 Highly Desirable	5 Definitely Feasible
	Your rating:	Your rating:

Explain your Reasoning (ratings of 1 or 2 only):
Comments? (optional)

Please proceed to the next page.

Statement	Desirability Scale	Feasibility Scale
25. Integrating legal considerations w/company business processes by providing training on identifying legal risks and legal developments affecting the company.	1 Highly Undesirable	1 Definitely Infeasible
	2 Undesirable	2 Probably Infeasible
	3 Neither Desirable nor Undesirable	3 May or May Not be Feasible
	4 Desirable	4 Probably Feasible
	5 Highly Desirable	5 Definitely Feasible
	Your rating:	Your rating:

Explain your Reasoning (ratings of 1 or 2 only):
Comments? (optional)

26. Increasing managers' understanding of the legal implications of their business decisions by fostering a work environment where managers are comfortable seeking the advice of in-house counsel.	1 Highly Undesirable	1 Definitely Infeasible
	2 Undesirable	2 Probably Infeasible
	3 Neither Desirable nor Undesirable	3 May or May Not be Feasible
	4 Desirable	4 Probably Feasible
	5 Highly Desirable	5 Definitely Feasible
	Your rating:	Your rating:

Explain your Reasoning (ratings of 1 or 2 only):
Comments? (optional)

27. Improving workplace collaboration between in-house counsel and managers by helping lawyers and managers to understand each other's concerns and perspectives.	1 Highly Undesirable	1 Definitely Infeasible
	2 Undesirable	2 Probably Infeasible
	3 Neither Desirable nor Undesirable	3 May or May Not be Feasible
	4 Desirable	4 Probably Feasible
	5 Highly Desirable	5 Definitely Feasible
	Your rating:	Your rating:

Explain your Reasoning (ratings of 1 or 2 only):
Comments? (optional)

28. In-house counsel displaying their value as participants on management level teams by possessing extensive knowledge of the legal and business issues affecting the company.	1 Highly Undesirable	1 Definitely Infeasible
	2 Undesirable	2 Probably Infeasible
	3 Neither Desirable nor Undesirable	3 May or May Not be Feasible
	4 Desirable	4 Probably Feasible
	5 Highly Desirable	5 Definitely Feasible

	Your rating:	Your rating:
Explain your Reasoning (ratings of 1 or 2 only):		
Comments? (optional)		

Please proceed to the next page.

Statement	Desirability Scale	Feasibility Scale
29. In-house counsel demonstrating how the legal department adds strategic value by collaborating w/managers to balance the risks/rewards associated w/business decisions.	1 Highly Undesirable	1 Definitely Infeasible
	2 Undesirable	2 Probably Infeasible
	3 Neither Desirable nor Undesirable	3 May or May Not be Feasible
	4 Desirable	4 Probably Feasible
	5 Highly Desirable	5 Definitely Feasible
	Your rating:	Your rating:

Explain your Reasoning (ratings of 1 or 2 only):		
Comments? (optional)		

30. Integrating legal considerations w/company business processes through the dissemination of clear, up-to-date company policies and procedures by in-house counsel.	1 Highly Undesirable	1 Definitely Infeasible
	2 Undesirable	2 Probably Infeasible
	3 Neither Desirable nor Undesirable	3 May or May Not be Feasible
	4 Desirable	4 Probably Feasible
	5 Highly Desirable	5 Definitely Feasible
	Your rating:	Your rating:

Explain your Reasoning (ratings of 1 or 2 only):		
Comments? (optional)		

31. Increasing managers' understanding of the legal implications of their business decisions through membership in trade/professional organizations.	1 Highly Undesirable	1 Definitely Infeasible
	2 Undesirable	2 Probably Infeasible
	3 Neither Desirable nor Undesirable	3 May or May Not be Feasible
	4 Desirable	4 Probably Feasible
	5 Highly Desirable	5 Definitely Feasible
	Your rating:	Your rating:

Explain your Reasoning (ratings of 1 or 2 only):		
Comments? (optional)		

32. Improving workplace collaboration between in-house counsel and managers by fostering easy-access, open communication between managers and in-house counsel.	1 Highly Undesirable	1 Definitely Infeasible
	2 Undesirable	2 Probably Infeasible
	3 Neither Desirable nor Undesirable	3 May or May Not be Feasible
	4 Desirable	4 Probably Feasible
	5 Highly Desirable	5 Definitely Feasible

	5 Highly Desirable	5 Definitely Feasible
	Your rating:	Your rating:
Explain your Reasoning (ratings of 1 or 2 only):		
Comments? (optional)		

Please proceed to the next page.

Statement	Desirability Scale	Feasibility Scale
33. In-house counsel displaying their value as participants on management level teams by maintaining a friendly and approachable demeanor.	1 Highly Undesirable	1 Definitely Infeasible
	2 Undesirable	2 Probably Infeasible
	3 Neither Desirable nor Undesirable	3 May or May Not be Feasible
	4 Desirable	4 Probably Feasible
	5 Highly Desirable	5 Definitely Feasible
	Your rating:	Your rating:

Explain your Reasoning (ratings of 1 or 2 only):		
Comments? (optional)		

34. In-house counsel demonstrating how the legal department adds strategic value by successfully managing litigation and other legal matters.	1 Highly Undesirable	1 Definitely Infeasible
	2 Undesirable	2 Probably Infeasible
	3 Neither Desirable nor Undesirable	3 May or May Not be Feasible
	4 Desirable	4 Probably Feasible
	5 Highly Desirable	5 Definitely Feasible
	Your rating:	Your rating:

Explain your Reasoning (ratings of 1 or 2 only):		
Comments? (optional)		

35. Integrating legal considerations w/company business processes by proactively circulating notices of legal department activities.	1 Highly Undesirable	1 Definitely Infeasible
	2 Undesirable	2 Probably Infeasible
	3 Neither Desirable nor Undesirable	3 May or May Not be Feasible
	4 Desirable	4 Probably Feasible
	5 Highly Desirable	5 Definitely Feasible
	Your rating:	Your rating:

Explain your Reasoning (ratings of 1 or 2 only):		
Comments? (optional)		

36. Improving workplace collaboration between in-house counsel and managers by helping managers to view lawyers as valued partners rather than deal killers.	1 Highly Undesirable	1 Definitely Infeasible
	2 Undesirable	2 Probably Infeasible
	3 Neither Desirable nor Undesirable	3 May or May Not be Feasible

	4 Desirable	4 Probably Feasible
	5 Highly Desirable	5 Definitely Feasible
	Your rating:	Your rating:
Explain your Reasoning (ratings of 1 or 2 only):		
Comments? (optional)		

Please proceed to the next page.

Statement	Desirability Scale	Feasibility Scale
37. In-house counsel displaying their value as participants on management level teams by supporting the views, perspectives, and concerns of others.	1 Highly Undesirable	1 Definitely Infeasible
	2 Undesirable	2 Probably Infeasible
	3 Neither Desirable nor Undesirable	3 May or May Not be Feasible
	4 Desirable	4 Probably Feasible
	5 Highly Desirable	5 Definitely Feasible
	Your rating:	Your rating:
Explain your Reasoning (ratings of 1 or 2 only):		
Comments? (optional)		
38. In-house counsel demonstrating how the legal department adds strategic value by accepting responsibility for the department's decisions.	1 Highly Undesirable	1 Definitely Infeasible
	2 Undesirable	2 Probably Infeasible
	3 Neither Desirable nor Undesirable	3 May or May Not be Feasible
	4 Desirable	4 Probably Feasible
	5 Highly Desirable	5 Definitely Feasible
	Your rating:	Your rating:
Explain your Reasoning (ratings of 1 or 2 only):		
Comments? (optional)		
39. Integrating legal considerations w/company business processes by involving in-house counsel in company business processes.	1 Highly Undesirable	1 Definitely Infeasible
	2 Undesirable	2 Probably Infeasible
	3 Neither Desirable nor Undesirable	3 May or May Not be Feasible
	4 Desirable	4 Probably Feasible
	5 Highly Desirable	5 Definitely Feasible
	Your rating:	Your rating:
Explain your Reasoning (ratings of 1 or 2 only):		
Comments? (optional)		
40. In-house counsel displaying their value as participants on management level teams by proactively finding solutions to	1 Highly Undesirable	1 Definitely Infeasible
	2 Undesirable	2 Probably Infeasible

company problems.	3 Neither Desirable nor Undesirable	3 May or May Not be Feasible
	4 Desirable	4 Probably Feasible
	5 Highly Desirable	5 Definitely Feasible
	Your rating:	Your rating:
	Explain your Reasoning (ratings of 1 or 2 only):	
Comments? (optional)		

Please proceed to the next page.

Statement	Desirability Scale	Feasibility Scale
41. In-house counsel demonstrating how the legal department adds strategic value by providing timely, effective legal advice and updates on legal matters affecting the organization.	1 Highly Undesirable	1 Definitely Infeasible
	2 Undesirable	2 Probably Infeasible
	3 Neither Desirable nor Undesirable	3 May or May Not be Feasible
	4 Desirable	4 Probably Feasible
	5 Highly Desirable	5 Definitely Feasible
	Your rating:	Your rating:
Explain your Reasoning (ratings of 1 or 2 only):		
Comments? (optional)		
42. Integrating legal considerations w/company business processes by fostering the joint use of information technology and other support tools by managers and in-house counsel.	1 Highly Undesirable	1 Definitely Infeasible
	2 Undesirable	2 Probably Infeasible
	3 Neither Desirable nor Undesirable	3 May or May Not be Feasible
	4 Desirable	4 Probably Feasible
	5 Highly Desirable	5 Definitely Feasible
	Your rating:	Your rating:
Explain your Reasoning (ratings of 1 or 2 only):		
Comments? (optional)		
43. In-house counsel displaying their value as participants on management level teams by bringing professionalism to their work and conduct w/others.	1 Highly Undesirable	1 Definitely Infeasible
	2 Undesirable	2 Probably Infeasible
	3 Neither Desirable nor Undesirable	3 May or May Not be Feasible
	4 Desirable	4 Probably Feasible
	5 Highly Desirable	5 Definitely Feasible
	Your rating:	Your rating:
Explain your Reasoning (ratings of 1 or 2 only):		
Comments? (optional)		
44. Integrating legal considerations w/company business	1 Highly Undesirable	1 Definitely Infeasible

processes by successfully managing litigation and other company legal matters.	2 Undesirable	2 Probably Infeasible
	3 Neither Desirable nor Undesirable	3 May or May Not be Feasible
	4 Desirable	4 Probably Feasible
	5 Highly Desirable	5 Definitely Feasible
	Your rating:	Your rating:
Explain your Reasoning (ratings of 1 or 2 only):		
Comments? (optional)		

Please proceed to the next page.

Statement	Desirability Scale	Feasibility Scale
45. In-house counsel demonstrating how the legal department adds strategic value by understanding the business and proactively addressing legal issues, trends and risks that impact the company.	1 Highly Undesirable	1 Definitely Infeasible
	2 Undesirable	2 Probably Infeasible
	3 Neither Desirable nor Undesirable	3 May or May Not be Feasible
	4 Desirable	4 Probably Feasible
	5 Highly Desirable	5 Definitely Feasible
Your rating:	Your rating:	
Explain your Reasoning (ratings of 1 or 2 only):		
Comments? (optional)		
46. Integrating legal considerations w/company business processes through corporate compliance programs.	1 Highly Undesirable	1 Definitely Infeasible
	2 Undesirable	2 Probably Infeasible
	3 Neither Desirable nor Undesirable	3 May or May Not be Feasible
	4 Desirable	4 Probably Feasible
	5 Highly Desirable	5 Definitely Feasible
Your rating:	Your rating:	
Explain your Reasoning (ratings of 1 or 2 only):		
Comments? (optional)		

Thank you very much for completing the second round questionnaire.

Appendix E: Third Round Questionnaire

The third round questionnaire contains theme statements from the second round. In this third and final round, you will *evaluate the importance and confidence of each statement as a technique that will alter unreceptive managerial viewpoints toward the strategic value of law within the corporate setting.*

Please rate each statement as to both importance and confidence by entering a number in the colored box below each scale. If you apply a rating of 1 or 2 to a statement on *either* scale, please provide a brief explanation of your reasoning. A comments box also accompanies each statement should you wish to provide comments (optional).

The following example demonstrates how to fill out the third round questionnaire:

Statement	Importance Scale	Confidence Scale
Example theme statement (carried over from second round questionnaire).	1 Most Unimportant	1 Unreliable
	2 Unimportant	2 Risky
	3 Moderately Important	3 Not Determinable
	4 Important	4 Reliable
	5 Very Important	5 Certain
	Your rating: 4	Your rating: 5
Explain your Reasoning (ratings of 1 or 2 only):		
Comments? (optional)		

Use only for ratings of 1 or 2

Use this box if you wish to comment on an item (optional)

Rate each statement on both scales by typing in a number here. Please enter whole numbers only (i.e. no ratings of 3.5, 4.2, 4.7, etc.)

Please see the definitions below for clarity as to the meaning of each item on the respective scales.

Importance Scale:

- (1) – Most Unimportant: No relevance to the issue
- (2) – Unimportant: Insignificantly relevant to the issue
- (3) – Moderately Important: May be relevant to the issue
- (4) – Important: Relevant to the issue
- (5) – Very Important: Most relevant to the issue

Confidence Scale:

- (1) – Unreliable: Great risk of being wrong
- (2) – Risky: Substantial risk of being wrong
- (3) – Not Determinable: Information needed to evaluate risk is unavailable
- (4) – Reliable: Some risk of being wrong
- (5) – Certain: Low risk of being wrong

Please proceed to the next page to begin the third round questionnaire.

Statement	Importance Scale	Confidence Scale
1. Integrating legal considerations w/company business processes by delivering timely and effective legal advice.	1 Most Unimportant	1 Unreliable
	2 Unimportant	2 Risky
	3 Moderately Important	3 Not Determinable
	4 Important	4 Reliable
	5 Very Important	5 Certain
	Your rating:	Your rating:
Explain your Reasoning (ratings of 1 or 2 only):		
Comments? (optional)		
2. In-house counsel displaying their value as participants on management level teams by exhibiting accountability and integrity.	1 Most Unimportant	1 Unreliable
	2 Unimportant	2 Risky
	3 Moderately Important	3 Not Determinable
	4 Important	4 Reliable
	5 Very Important	5 Certain
	Your rating:	Your rating:
Explain your Reasoning (ratings of 1 or 2 only):		
Comments? (optional)		
3. Integrating legal considerations w/company business processes by stimulating a work environment where managers and lawyers recognize and rely on each other's contributions to the company.	1 Most Unimportant	1 Unreliable
	2 Unimportant	2 Risky
	3 Moderately Important	3 Not Determinable
	4 Important	4 Reliable
	5 Very Important	5 Certain
	Your rating:	Your rating:
Explain your Reasoning (ratings of 1 or 2 only):		
Comments? (optional)		
4. Improving workplace collaboration between in-house counsel and managers by involving in-house counsel in company business processes.	1 Most Unimportant	1 Unreliable
	2 Unimportant	2 Risky
	3 Moderately Important	3 Not Determinable
	4 Important	4 Reliable
	5 Very Important	5 Certain
	Your rating:	Your rating:
Explain your Reasoning (ratings of 1 or 2 only):		
Comments? (optional)		

Please proceed to the next page.

Statement	Importance Scale	Confidence Scale
5. In-house counsel demonstrating how the legal department adds strategic value by understanding the business and proactively addressing legal issues, trends and risks that impact the company.	1 Most Unimportant	1 Unreliable
	2 Unimportant	2 Risky
	3 Moderately Important	3 Not Determinable
	4 Important	4 Reliable
	5 Very Important	5 Certain
	Your rating:	Your rating:
Explain your Reasoning (ratings of 1 or 2 only):		
Comments? (optional)		
6. Increasing managers' understanding of the legal implications of their business decisions by involving in-house counsel in company business processes.	1 Most Unimportant	1 Unreliable
	2 Unimportant	2 Risky
	3 Moderately Important	3 Not Determinable
	4 Important	4 Reliable
	5 Very Important	5 Certain
	Your rating:	Your rating:
Explain your Reasoning (ratings of 1 or 2 only):		
Comments? (optional)		
7. Integrating legal considerations w/company business processes through the dissemination of clear, up-to-date company policies and procedures by in-house counsel.	1 Most Unimportant	1 Unreliable
	2 Unimportant	2 Risky
	3 Moderately Important	3 Not Determinable
	4 Important	4 Reliable
	5 Very Important	5 Certain
	Your rating:	Your rating:
Explain your Reasoning (ratings of 1 or 2 only):		
Comments? (optional)		
8. Integrating legal considerations w/company business processes through corporate compliance programs.	1 Most Unimportant	1 Unreliable
	2 Unimportant	2 Risky
	3 Moderately Important	3 Not Determinable
	4 Important	4 Reliable

	5 Very Important	5 Certain
	Your rating:	Your rating:
Explain your Reasoning (ratings of 1 or 2 only):		
Comments? (optional)		

Please proceed to the next page.

Statement	Importance Scale	Confidence Scale
9. In-house counsel undertaking to improve workplace collaboration between in-house counsel and managers through building rapport w/managers.	1 Most Unimportant	1 Unreliable
	2 Unimportant	2 Risky
	3 Moderately Important	3 Not Determinable
	4 Important	4 Reliable
	5 Very Important	5 Certain
	Your rating:	Your rating:
Explain your Reasoning (ratings of 1 or 2 only):		
Comments? (optional)		
10. Improving workplace collaboration between in-house counsel and managers through training on legal risk management techniques.	1 Most Unimportant	1 Unreliable
	2 Unimportant	2 Risky
	3 Moderately Important	3 Not Determinable
	4 Important	4 Reliable
	5 Very Important	5 Certain
	Your rating:	Your rating:
Explain your Reasoning (ratings of 1 or 2 only):		
Comments? (optional)		
11. In-house counsel demonstrating how the legal department adds strategic value by collaborating w/managers to balance the risks/rewards associated w/business decisions.	1 Most Unimportant	1 Unreliable
	2 Unimportant	2 Risky
	3 Moderately Important	3 Not Determinable
	4 Important	4 Reliable
	5 Very Important	5 Certain
	Your rating:	Your rating:

Explain your Reasoning (ratings of 1 or 2 only):		
Comments? (optional)		
12. Integrating legal considerations w/company business processes by successfully managing litigation and other company legal matters.	1 Most Unimportant	1 Unreliable
	2 Unimportant	2 Risky
	3 Moderately Important	3 Not Determinable
	4 Important	4 Reliable
	5 Very Important	5 Certain
	Your rating:	Your rating:
Explain your Reasoning (ratings of 1 or 2 only):		
Comments? (optional)		

Please proceed to the next page.

Statement	Importance Scale	Confidence Scale
13. Increasing managers' understanding of the legal implications of their business decisions by promoting regular/open dialogue between managers and in-house counsel.	1 Most Unimportant	1 Unreliable
	2 Unimportant	2 Risky
	3 Moderately Important	3 Not Determinable
	4 Important	4 Reliable
	5 Very Important	5 Certain
	Your rating:	Your rating:
Explain your Reasoning (ratings of 1 or 2 only):		
Comments? (optional)		
14. Integrating legal considerations w/company business processes by providing training on identifying legal risks and legal developments affecting the company.	1 Most Unimportant	1 Unreliable
	2 Unimportant	2 Risky
	3 Moderately Important	3 Not Determinable
	4 Important	4 Reliable
	5 Very Important	5 Certain
	Your rating:	Your rating:
Explain your Reasoning (ratings of 1 or 2 only):		
Comments? (optional)		

15. In-house counsel demonstrating how the legal department adds strategic value by participating in business processes.	1 Most Unimportant	1 Unreliable
	2 Unimportant	2 Risky
	3 Moderately Important	3 Not Determinable
	4 Important	4 Reliable
	5 Very Important	5 Certain
	Your rating:	Your rating:
Explain your Reasoning (ratings of 1 or 2 only):		
Comments? (optional)		
16. Integrating legal considerations w/company business processes by involving in-house counsel in company business processes.	1 Most Unimportant	1 Unreliable
	2 Unimportant	2 Risky
	3 Moderately Important	3 Not Determinable
	4 Important	4 Reliable
	5 Very Important	5 Certain
	Your rating:	Your rating:
Explain your Reasoning (ratings of 1 or 2 only):		
Comments? (optional)		

Please proceed to the next page.

Statement	Importance Scale	Confidence Scale
17. Improving workplace collaboration between in-house counsel and managers by fostering easy-access, open communication between managers and in-house counsel.	1 Most Unimportant	1 Unreliable
	2 Unimportant	2 Risky
	3 Moderately Important	3 Not Determinable
	4 Important	4 Reliable
	5 Very Important	5 Certain
	Your rating:	Your rating:
Explain your Reasoning (ratings of 1 or 2 only):		
Comments? (optional)		
18. In-house counsel demonstrating how the legal department adds strategic value by accepting responsibility for the department's	1 Most Unimportant	1 Unreliable
	2 Unimportant	2 Risky

decisions.	3 Moderately Important	3 Not Determinable
	4 Important	4 Reliable
	5 Very Important	5 Certain
	Your rating:	Your rating:
	Explain your Reasoning (ratings of 1 or 2 only): Comments? (optional)	
19. Increasing managers' understanding of the legal implications of their business decisions by using the negative legal outcomes/avoidable losses undergone by those managers as learning experiences.	1 Most Unimportant	1 Unreliable
	2 Unimportant	2 Risky
	3 Moderately Important	3 Not Determinable
	4 Important	4 Reliable
	5 Very Important	5 Certain
	Your rating:	Your rating:
Explain your Reasoning (ratings of 1 or 2 only): Comments? (optional)		
20. In-house counsel displaying their value as participants on management level teams by possessing extensive knowledge of the legal and business issues affecting the company.	1 Most Unimportant	1 Unreliable
	2 Unimportant	2 Risky
	3 Moderately Important	3 Not Determinable
	4 Important	4 Reliable
	5 Very Important	5 Certain
	Your rating:	Your rating:
Explain your Reasoning (ratings of 1 or 2 only): Comments? (optional)		

Please proceed to the next page.

Statement	Importance Scale	Confidence Scale
21. Improving workplace collaboration between in-house counsel and managers by helping lawyers and managers to understand each other's concerns and perspectives.	1 Most Unimportant	1 Unreliable
	2 Unimportant	2 Risky
	3 Moderately Important	3 Not Determinable
	4 Important	4 Reliable

	5 Very Important	5 Certain
	Your rating:	Your rating:
Explain your Reasoning (ratings of 1 or 2 only):		
Comments? (optional)		
22. In-house counsel displaying their value as participants on management level teams by bringing professionalism to their work and conduct w/others.	1 Most Unimportant	1 Unreliable
	2 Unimportant	2 Risky
	3 Moderately Important	3 Not Determinable
	4 Important	4 Reliable
	5 Very Important	5 Certain
	Your rating:	Your rating:
Explain your Reasoning (ratings of 1 or 2 only):		
Comments? (optional)		
23. Integrating legal considerations w/company business processes by creating business policies that directly include legal considerations.	1 Most Unimportant	1 Unreliable
	2 Unimportant	2 Risky
	3 Moderately Important	3 Not Determinable
	4 Important	4 Reliable
	5 Very Important	5 Certain
	Your rating:	Your rating:
Explain your Reasoning (ratings of 1 or 2 only):		
Comments? (optional)		
24. Increasing managers' understanding of the legal implications of their business decisions by fostering a work environment where managers are comfortable seeking the advice of in-house counsel.	1 Most Unimportant	1 Unreliable
	2 Unimportant	2 Risky
	3 Moderately Important	3 Not Determinable
	4 Important	4 Reliable
	5 Very Important	5 Certain
	Your rating:	Your rating:
Explain your Reasoning (ratings of 1 or 2 only):		
Comments? (optional)		

Please proceed to the next page.

Statement	Importance Scale	Confidence Scale
25. In-house counsel displaying their value as participants on management level teams by exhibiting adaptability in the face of change.	1 Most Unimportant	1 Unreliable
	2 Unimportant	2 Risky
	3 Moderately Important	3 Not Determinable
	4 Important	4 Reliable
	5 Very Important	5 Certain
	Your rating:	Your rating:
Explain your Reasoning (ratings of 1 or 2 only):		
Comments? (optional)		
26. Improving workplace collaboration between in-house counsel and managers by ensuring managers have access to knowledgeable legal counsel.	1 Most Unimportant	1 Unreliable
	2 Unimportant	2 Risky
	3 Moderately Important	3 Not Determinable
	4 Important	4 Reliable
	5 Very Important	5 Certain
	Your rating:	Your rating:
Explain your Reasoning (ratings of 1 or 2 only):		
Comments? (optional)		
27. In-house counsel demonstrating how the legal department adds strategic value by providing training on the legal consequences of management decisions using real world examples, cases, or demonstrations.	1 Most Unimportant	1 Unreliable
	2 Unimportant	2 Risky
	3 Moderately Important	3 Not Determinable
	4 Important	4 Reliable
	5 Very Important	5 Certain
	Your rating:	Your rating:
Explain your Reasoning (ratings of 1 or 2 only):		
Comments? (optional)		
28. In-house counsel displaying their value as participants on management level teams by actively engaging in business processes.	1 Most Unimportant	1 Unreliable
	2 Unimportant	2 Risky
	3 Moderately Important	3 Not Determinable
	4 Important	4 Reliable

	5 Very Important	5 Certain
	Your rating:	Your rating:
Explain your Reasoning (ratings of 1 or 2 only):		
Comments? (optional)		

Please proceed to the next page.

Statement	Importance Scale	Confidence Scale
29. Increasing managers' understanding of the legal implications of their business decisions by providing access to knowledgeable legal counsel.	1 Most Unimportant	1 Unreliable
	2 Unimportant	2 Risky
	3 Moderately Important	3 Not Determinable
	4 Important	4 Reliable
	5 Very Important	5 Certain
	Your rating:	Your rating:
Explain your Reasoning (ratings of 1 or 2 only):		
Comments? (optional)		
30. In-house counsel demonstrating how the legal department adds strategic value by providing timely, effective legal advice and updates on legal matters affecting the organization.	1 Most Unimportant	1 Unreliable
	2 Unimportant	2 Risky
	3 Moderately Important	3 Not Determinable
	4 Important	4 Reliable
	5 Very Important	5 Certain
	Your rating:	Your rating:
Explain your Reasoning (ratings of 1 or 2 only):		
Comments? (optional)		
31. Increasing managers' understanding of the legal implications of their business decisions through training on the legal consequences of management decisions using real world examples, cases, or demonstrations.	1 Most Unimportant	1 Unreliable
	2 Unimportant	2 Risky
	3 Moderately Important	3 Not Determinable
	4 Important	4 Reliable
	5 Very Important	5 Certain
	Your rating:	Your rating:

Explain your Reasoning (ratings of 1 or 2 only):		
Comments? (optional)		
32. In-house counsel demonstrating how the legal department adds strategic value by successfully managing litigation and other legal matters.	1 Most Unimportant	1 Unreliable
	2 Unimportant	2 Risky
	3 Moderately Important	3 Not Determinable
	4 Important	4 Reliable
	5 Very Important	5 Certain
	Your rating:	Your rating:
Explain your Reasoning (ratings of 1 or 2 only):		
Comments? (optional)		

Please proceed to the next page.

Statement	Importance Scale	Confidence Scale
33. In-house counsel displaying their value as participants on management level teams by maintaining a friendly and approachable demeanor.	1 Most Unimportant	1 Unreliable
	2 Unimportant	2 Risky
	3 Moderately Important	3 Not Determinable
	4 Important	4 Reliable
	5 Very Important	5 Certain
	Your rating:	Your rating:
Explain your Reasoning (ratings of 1 or 2 only):		
Comments? (optional)		
34. In-house counsel demonstrating how the legal department adds strategic value by finding cost effective ways to address legal issues.	1 Most Unimportant	1 Unreliable
	2 Unimportant	2 Risky
	3 Moderately Important	3 Not Determinable
	4 Important	4 Reliable
	5 Very Important	5 Certain
	Your rating:	Your rating:
Explain your Reasoning (ratings of 1 or 2 only):		
Comments? (optional)		

35. In-house counsel displaying their value as participants on management level teams by exercising calm judgment under pressure.	1 Most Unimportant	1 Unreliable
	2 Unimportant	2 Risky
	3 Moderately Important	3 Not Determinable
	4 Important	4 Reliable
	5 Very Important	5 Certain
	Your rating:	Your rating:
Explain your Reasoning (ratings of 1 or 2 only):		
Comments? (optional)		
36. In-house counsel displaying their value as participants on management level teams by exhibiting strong communication skills.	1 Most Unimportant	1 Unreliable
	2 Unimportant	2 Risky
	3 Moderately Important	3 Not Determinable
	4 Important	4 Reliable
	5 Very Important	5 Certain
	Your rating:	Your rating:
Explain your Reasoning (ratings of 1 or 2 only):		
Comments? (optional)		

Please proceed to the next page.

Thank you very much for completing the third round questionnaire. This is the final questionnaire in this study. My sincere thanks for your participation.

Appendix F: First Round Data

Participant ID	Data Generated by Panelist	Code Applied by Researcher
P1	Having in-house counsel present at strategy planning sessions to introduce legal implications early in the strategy process	1011
P1	Having in-house counsel present at operations and executive meetings so they are a part of day-to-day decision making routines	1011
P14	Early Involvement – Bringing in legal counsel early on projects and initiatives can identify important legal implications for a project/initiative before too much work has been done. The Business should always start with their desire state free of anticipating legal hurdles, but bringing legal counsel after that desired state is framed-up can help avoid wasted work or rework to solve a legal barrier	1011
P15	Involving in-house lawyers in the business process – as early as possible. In-house counsel is far more effective handling legal aspects of business transactions (such as preparing transaction documents) when they are involved from the outset of the business generation process and fully understand the needs and priorities of all parties and the relative leverage each has in the business transaction	1011
P34	Allowing legal counsel to opine on larger decisions	1011
P39	Early Involvement of Counsel in matters to talk through real time issues and alternatives	1011
P4	Making yourself available for strategic planning sessions.	1011
P1	Increased training of managers regarding legal risks prevalent in the industry	1021
P2	For more general legal doctrines (Title VII, Harassment, etc.) in person classroom training is helpful	1021
P2	For more specific factual issues, I usually use face-to-face meetings with the manager or in a small group setting. This allows me to get the pertinent facts and ensure a basic understanding of the impact and what is needed from the manager	1021
P2	For complex instruction, usually an email or memo is used to give the manager a checklist. This is followed up with a conversation or meeting explaining why each step is needed	1021
P15	Educating managers in a non-threatening way. Providing industry-specific, relevant case studies and discussing the potential impact of decisions in a casual, collegial environment	1021

P28	Exposure to litigation involving others	1021
P31	Managers should know of the actual potential consequences of their business decision	1021
P31	Managers should also be given the likelihood a business decision could have a potential consequence	1021
P31	Also managers should be provided with analogous (actual) examples of similar business decisions in the industry	1021
P35	Presenting examples from other similarly situated businesses of adverse outcomes (product liability, revenue recognition issues etc.) has at least a temporary impact for negative situations	1021
P35	Demonstrating that certain legal language can drive early revenue recognition or capitalization of expense can positively influence early and favor involvement of the legal team	1021
P21	While you requested 3-5 recommendations, my experience is that every other answer would be an outgrowth of the following: Impact awareness: generally, managers are only interested in the bottom line. Quantifying the impact on the bottom line or as a long-term risk potential increases managers' willingness to conform with counsel's recommendations	1021
P13	Discussion. For specific issues and transactions, discuss the possible outcomes or implications using real examples. If the legal standards are presented as a policy or barrier, then the best way to remove the barrier is to remove the lawyer	1021
P13	Training. Lawyers then need to do training for the business people on legal concepts separate from the context of a deal. Put in the specific context of the company's transactions and risks. Then both parties can speak knowledgeably about legal aspects of a specific deal.	1021
P33	Some basic instruction in contract terminology, specifically, non-compete/non-solicit, jurisdictions and venue, and limitation of liability provisions	1021
P33	Enforcement actions against individuals within organizations for administrative, civil or criminal violations, and the basis for such actions	1021
P5	Education/Training with regard to contracts/agreements/purchase orders: Managers understand the business aspects of a contract – scope of work; payment terms; delivery schedule. They may less so understand representations and warranties; indemnification; insurance. Needs to be explained	1021

P5	Education/Training with regard to laws and compliance: Foreign Corrupt Practices Act; Americans with Disabilities Act; Civil Rights Act; etc. Managers manage to accomplish a goal – they do not always know the soft side of their business	1021
P5	Education/Training with regard to negotiation: In light of the two points above, managers need to know how to explain/present/negotiate these issues with their counterparts	1021
P34	Reviewing of simplified and concise legal decisions in their particular area within the company via an e-mail newsletter or company blog	1021
P34	Updates or notifications of legal issues that have arose due to decisions they have made in the past	1021
P20	Offering real world reasons to seek counsel- Even today, too often the legal department is seen as the place where you either get stopped from doing something or your get scolded for doing something. Frankly in almost all situations there is a way to both comply with legal requirements and minimize risk and achieve a business goal. The lawyer has a responsibility to build guide the business person through the legal cost/benefit matrix to arrive at a solution that is then filtered through the other risk paradigms	1021
P27	related cases w/similar situations	1021
P27	memo's	1021
P27	what effect their decision has on company & other departments.	1021
P32	Transparency/clarity of costs of adverse outcomes.	1021
P32	Transparency/clarity of costs to business enterprises of integrity lapses beyond fines/judgments (e.g., damage to reputation, lost business opportunities with government customers)	1021
P32	More effective communication of pros/cons by in-house counsel	1021
P10	Taking time to consider the potential risks	1021
P10	Attending seminars put on by counsel	1021
P26	Careful and practical explanations by counsel without going too deep into the law, but explaining things clearly and without legal jargon	1021
P3	I often like to give a quick review of the law in plain English. I try to use sort of a “thinking out loud” approach. “Okay, well if the contract requires us to _____ and we _____, would they say we breached the contract?”	1021
P3	Use of a short story/parable that illustrates the point.	1021

P3	Give a brief courtroom type argument as to what is being proposed. Helps them see how the conduct will play to others.	1021
P3	I often tell executives, on a questionable issue, to consider they were telling the story aloud to guests at their Thanksgiving Day dinner. In their imagination, what faces do they see their friends and relatives making as they hear their story? Are they laughing, frowning or aghast with horror	1021
P3	Tell them of the potential verdict or sentencing the violation of such law will cost the company/them.	1021
P30	Basic Understanding of Legal Rules and Regulations—many managers do not have much knowledge, or an incorrect knowledge, of applicable legal rules. This causes managers to make decisions that can have serious legal ramifications that they are not aware of.	1021
P39	Training – education on issues with hypotheticals and real life examples	1021
P19	Education and training to promote: Better understanding of laws and regulations applicable to the business	1021
P19	Education and training to promote: Better understanding of legal risks; litigation risks; regulatory fines and penalties; financial risk; and reputational risks	1021
P19	Education and training should include specific examples of legal exposure resulting from business decisions	1021
P18	Learning to understand and read the basic terms of a contract.	1021
P18	Understanding that anything put in writing should be carefully reviewed before saving (e.g., email, notes, draft documents, etc.).	1021
P18	Thinking through the worst-case scenario or outcome before documenting the terms of a contract	1021
P22	Greater training in the legal subject matter	1021
P37	Good risk analysis. Thoughtful and thorough risk analysis that takes into account hard and soft costs as well as intended consequences and unintended externalities will increase a manager's understanding of the legal implications of their business decisions. Most of the time manager's focus on the financial implications of a decision and in doing so likely assesses legal risks in monetary terms. There need to be a broader approach—what will the public's perception be towards this business decision that although technically legal, is at the limit of the gray area of the law and looks questionable to the public	1021
P4	Providing specific examples to manager's explaining why provisions in agreements need to be altered	1021

P4	Providing a risk assessment at early stages of projects	1021
P9	Provide managers real life examples of the implications of those decisions such as brief summaries of court decisions, arbitration decisions, NLRB decisions, news reports, etc. The examples should bear resemblance to situations your managers encounter. Summarize the examples to keep it simple. Strive for awareness, not expertise	1021
P23	Monthly presentations with Q and A sessions. Managers and Legal Professionals collaborate on presentations for Board or employees	1021
P14	Trade Associations – Membership and active participation in trade associations for the business’ industry segment(s) can be very valuable in understanding legal issues affecting the business. Not only do trade associations provide updates and serve as a source of legal information, they also provide lobbying and advocacy support to businesses	1023
P15	Incurring an avoidable loss. Unfortunately, a bad experience that would have been avoided had the legal implications been sought out and considered in advance is a sure way to grab managers’ attention. Telling the child not to touch the hot stove has far less impact than when the child touches the hot stove....	1025
P28	Personal experience with litigation	1025
P35	Unfortunately it is often that managers only really become sensitive to the impact of what they agree to after they have a bad outcome. This is the real driver of understanding	1025
P13	Involvement. If an employee’s actions led to a legal consequence, they need to be involved in solving the problem. It can’t just become “Legal’s” problem to solve.	1025
P24	Litigation – Lessons learned from litigation related to prior failed transactions involving a manager will increase that manager’s understanding of the legal implications of their business decisions	1025
P17	Unexpected costs/adverse results	1025
P30	Adverse Legal Consequences—sometimes the only way a manager obtains a proper understanding of legal implications is due to the result of a lawsuit or other adverse legal situations.	1025
P39	Lawsuits – getting burned and learning the hard way	1025
P22	Practical experience with the consequences of their actions or inactions	1025

P37	Feeling the pain from the legal consequences of a business decision gone wrong. Experience is a great teacher. And sometimes we learn from the bad experiences of others. For example, fines for HIPAA violations will bring front and center bad business processes founded on bad business decisions. Moreover, seeing a colleague get burned will also increase a manager's understanding of the legal implications of their business decisions—for instance, cyber security is a C-level issue nowadays because most COOs or CEO's know a colleague at a company that was hacked and the ensuing financial losses and public relations fallout	1025
P37	Tie overall compensation or bonus-incentives to good decision-making. In other words, bad business decisions with severe negative impacts on company performance or reputation should result in lower compensation. Essentially financially penalize bad decisions and reward good decisions	1025
P14	Knowledgeable Legal Counsel – Having access to legal counsel that has a depth of knowledge of the legal principles affecting or otherwise applicable to the business is very important. Equally important is having a deep knowledge of the business' operations, systems, policies and procedures is on par equally important.	1031
P14	Knowledgeable Legal Counsel – Having access to legal counsel that has a depth of knowledge of the legal principles affecting or otherwise applicable to the business is very important. Equally important is having a deep knowledge of the business' operations, systems, policies and procedures is on par equally important.	1031
P28	Good counsel from attorney	1031
P33	A clear understanding of the regulatory environment in which their business operates	1031
P34	Allowing them easier access and direct dialog with corporate legal counsel	1031
P24	Industry Awareness – Staying up to date on current events and issues in their particular industry will serve to increase a managers' understanding of the legal implications of their business decisions	1031
P17	Education and expertise in area of law	1031
P15	Promote the relationship between the business team and the lawyers. Stress that each group has its particular strengths and role in the overall objective of getting the business done, and note that the lawyers often see things from a different perspective that can help the overall cause. "Humanize" the attorneys in the eyes of the managers. Dispel notion that lawyers are deal killers	1042

P20	Involvement and visibility to the manager- No one connects with a “legal department”. Managers connect with people and the more you can get a manager to seek out your advice and involvement the more the manager can be made to organically to see the impact (value) of law on their business calculus	1042
P20	Train in both large and small settings- Large glossy training is a limited opportunity to connect to managers on a personal level. Think of group training as a survey or introduction to a topic and not the “answer”. Every time you are asked to opine or advise you have a “training moment”. When a business manager asks you to review a contract you have an opportunity to reach that person directly and a context to provide a nexus between their goals and your value add. Use that opportunity to learn about your managers and adjust how to respond to create a bond on a personal level	1042
P26	Trust in their advisors through time in the field together	1042
P3	I one time looked at a group of executives quizzically. They asked me why I was looking at them so strange. I said: “I was just trying to picture you all in orange. I don’t think it is your color. Let’s stop even discussing that and change the subject.” They mentioned that to me several times thereafter and one even wore an orange tee shirt under his dress shirt, later, as a joke / mea culpa	1042
P30	Reliance on counsel—Many times when managers are making decisions they do not consider if it has any legal consequences. Managers should feel comfortable consulting with in-house or outside counsel prior to making decisions to discuss any legal concerns.	1042
P9	Host one hour seminars for your managers and invite guest speakers such as lawyers, union officials, OSHA inspectors, DEQ officials, senior HR officials, etc	1042
P10	Better communications with their counsel	1051
P26	True dialogue with in house counsel who understands their business and objectives. Counsel that listens to learn first, then applies legal analysis.	1051
P24	Counseling – Regular contact with in-house counsel who are able to provide relevant and effective counseling will increase managers’ understanding of the legal implications of their business decisions	1051
P17	Collaboration among departments	1051
P22	Better collaboration between legal and operations	1051
P4	If a real time situation arises in which a business decision does have legal implications (i.e. changes in legislation, court decisions), take the time to explain the situation in detail to	1051

	managers as soon as an opportunity arises	
P9	Keep managers abreast of changes to the law that directly affect what they do. Keep the information (memos) simple and brief, Again, strive for awareness, not expertise	1051
P23	Timely bulletins on relevant topics. Email bulletins on latest developments in the industry with Case law or rulings	1051
P23	Conferences where managers and legal professionals present timely topics or issues Remote conferences where several topics are discussed and time is set aside for developing ongoing corporate strategy	1051
P14	Identify “Legal” Opportunities – Identifying opportunities in the law for business managers is equally important. Having an active legislative/regulatory monitoring program is crucial to collaboration. Too often law departments just raise awareness of new compliance burdens. In-house lawyers must also identify new opportunities for the business as well. Such a program component can give a “jump” on the competition	2013
P15	Getting lawyers involved earlier in the process as noted above	2013
P35	The in-house counsel needs to understand and be excited about the business. Absent this passion, in-house counsel is viewed as an uninformed team to only be involved at the last minute	2013
P35	In-house counsel must: i) go to plants; ii) meet with customers in a positive way; iii) find creative solutions; and iv) resort to rigid rules only when the issue comes close to illegality or violation of law	2013
P33	The in-house counsel should be part of management meetings, and must make time to attend them	2013
P5	Meetings with client account representatives and their in-house counsel	2013
P34	Monthly meetings between managers and the legal department to discuss current issues and the implications of recent decisions	2013
P34	Allowing the legal team to opine prior to decisions being made. To often the legal department only hears about an issue when there is a problem and the legal department turn into a fire department, constantly putting out fires that could have been avoided if they were involved prior to the decision or action was taken	2013
P34	Management’s willingness to engage legal earlier on in the process	2013

P20	Frequent and active involvement in the business managers environment- The less the lawyer appears to be the “book on the shelf” and the more you are seen as an integral part of the business team, the more the business will come to trust and rely on your advice and retain the concepts. Participate in meetings and team communications even if you do not have a topic to discuss. Humanize yourself and make yourself available and you will find that managers will seek your counsel more than as a name on a org chart	2013
P10	Including attorneys in business planning meetings so that the big picture is communicated.	2013
P10	Including attorneys on calls with business counterparts so that they hear the context of negotiations	2013
P26	Counsel who understands the business, attends business meetings, applies economic thinking	2013
P3	The lawyers finding ways to attend meetings and interact with the team on a regular basis. Offering assistance on things such as routine correspondence, creative ideas of how to solve problems. Learning about the company and its products or services. Showing enthusiasm for the team winning. Try to find creative, legal ways to allow the managers to do what they want to do, bit maybe impose a few legal steps that are fairly painless.	2013
P39	Training in non-crisis/non-litigation setting to talk about ways to work together early in planning a project or contract – i.e. offering suggestions before a problem arises	2013
P39	Visiting departments to see the nature of the business/tasks and give recommendations on how to be wise/efficient/economical in carrying out tasks/responsibilities	2013
P19	Collaboration from the onset of new initiative, strategy or product as opposed to only after a legal issue arises	2013
P18	Discussing the deal or issue at the very beginning and not waiting until a huge issue evolves	2013
P22	Tone from the Top – including legal in all major strategic and operational initiatives	2013
P37	Managers’ involving in-house counsel earlier on in the decision making process. Often, managers seek out in-house counsel as the final check or to give the green light. Yet involving in-house counsel earlier in the process will ferret out potential problems that may require a revamping the business proposal	2013
P4	Establishing an agreed upon priority list of internal projects	2013
P1	Legal understanding the business needs of managers	2021
P31	It is important for in-house counsel to understand the	2021

	operational and business challenges managers face	
P31	In-house counsel must understand how to help business units meet their business goals in a legally compliant fashion	2021
P13	Solution-oriented approach. Lawyers need to continually demonstrate a solution-oriented approach and show that they have profitable business interests in mind. Lawyers need to first understand the business and the practical implications of managing legal risk. Otherwise, the advice won't be respected or lawyers won't be consulted	2021
P33	The in-house counsel must have a deep and fundamental understanding of the business	2021
P20	Knowledge and understanding of the business and business challenges- Law is not applicable in a vacuum. We do not advise on risk and the impact of risk out of the context of the business goal. This when training or advising it is the lawyer's requirement to make the advice relevant to the business person and their	2021
P26	Counsel who understands the business, attends business meetings, applies economic thinking	2021
P30	In-House Counsel Involvement in Operations—the more in-house counsel understands the intricacies of an operation, they are better equipped to advise on more aspects of the business.	2021
P22	Greater understanding by Legal of the challenges facing managers	2021
P22	Demonstrating that in-house counsel is not just “legal” but someone who understands the business and is truly invested in helping improve operations and achieve operational goals	2021
P9	In-house counsel should mingle with the managers and workforce as often as possible. Counsel will be most valuable when they know and understand the operations	2021
P14	Mutual Respect for Expertise – Lawyers are not managers of the “business” and business managers are not lawyers. These two constituencies have to develop a meaningful respect for the expertise and acumen they have in their areas of expertise	2031
P14	A “Can-Do” Attitude (but legal risks vary) – In-house as well as external counsel need to approach business projects and initiatives with a “can-do” attitude, but temper such an attitude with solid legal advice that is tailored to the relevant risks. Legal advice always needs to consider “what may go wrong”, but recognize that the no business system, product, or service is perfect. Some risks must be taken into account, recognized, and assumed in any project	2031

P15	Educating the lawyers as to the various steps in the business cycle. Typically, managers are “schooled” in risk avoidance by the lawyers in a manner that can breed resentment. Lawyers questioning the managers about the various aspects of business generation and execution can demonstrate a level of interest and make it clear that the managers know more about the business than the lawyers. The more each group understands the concerns and focus of the other, the better they can collaborate	2031
P35	In-house counsel must: i) go to plants; ii) meet with customers in a positive way; iii) find creative solutions; and iv) resort to rigid rules only when the issue comes close to illegality or violation of law	2031
P33	The in-house counsel must have a general understanding of each manager’s area of responsibility	2031
P27	understanding that work for same company & have same common goals	2031
P27	we all play a part in keeping company successful & protecting company	2031
P10	Providing attorneys with adequate time to complete tasks	2031
P26	Counsel who provides advice on a risk-adjusted basis applying the risk profile of the company, not the risk profile of the counsel	2031
P24	Flexibility – In-house counsel’s ability to remain flexible and attentive to legitimate business needs when providing advice will improve workplace collaboration	2031
P24	Visibility – Workplace collaboration also improves when the environment allows in-house counsel to be aware of what managers are working on and proactively provide advice as and when needed	2031
P30	Mutual Respect—Many times managers do not fully respect legal counsel as they do not think they understand business. The more respect they have for each other, they better they can collaborate together	2031
P37	Managers’ being informed of the legal department’s role in the company. Simply educating managers about the function of the legal department and what it does and does not do will improve workplace collaboration between in-house counsel and managers	2031
P23	Definitive Workflow process. Defined Processes insure that both know of each other’s place within the process	2031

P2	I haven't had much of an issue getting my managers to collaborate. My industry (railroad/transportation) is fairly informal. I have worked to craft a professional though less formal demeanor with the company's employees. This has made me more approachable. When I first started, I took the opposite approach and found that the employees are generally afraid to talk to lawyers. Beyond this, it is important to keep a friendly relationship with the people I will be working with	2032
P31	In-house counsel and managers should engage in opportunities to socialize in non-work settings	2032
P21	Create opportunities for counsel and managers to engage and establish a rapport and level of trust	2032
P9	In-house counsel should avoid arcane legal theories to demonstrate how brilliant they are	2032
P1	Buy-in from the top level (CEO and Executive Team) that legal is a valued partner	2034
P1	Legal being seen as a problem solver and not a road block	2034
P15	Also as noted above, educating managers that the in-house lawyers are an important part of the team/process and are here to help make, not kill, business deals	2034
P28	Shared goals	2034
P28	Value provided by in-house counsel	2034
P28	Personal relationship of trust between managers and in-house counsel	2034
P35	Acknowledge that sometimes the best outcome is to breach a contract and work with the business team to balance the risk/reward.	2034
P13	Process. Process needs to require legal consultation or approval. Otherwise the risky sales people and the risky projects won't go to legal	2034
P13	Trust. Upper management needs to trust in the value of legal involvement in order to ensure that all the above happens	2034
P20	Keeping perspective on the role of law in business decisions- In very few circumstances is the impact of a legal risk, in and of itself, sufficient to drive action. Organizations take risk just as individuals do. A person who speeds on the highway is "breaking the law"; but chooses to do so because of a personal cost/benefit analysis. So to with corporate law. The decision to breach a contract or assume a large liability is a cost/benefit analysis for the manager. The more you can couch advice and guide direction with reference to the appeal to properly tipping the cost/benefit scales the more the prudent manager will seek out and follow that advice	2034

P32	Support from CEO and other senior managers about the importance of quality lawyering (i.e., better “tone at the top”).	2034
P26	Counsel who does not give CYA answers, but provides real advice/solutions – a problem solver, not problem pointer	2034
P17	Co work on tasks with continued investment in outcome	2034
P17	Share cost and risk of output – promote acceptance of responsibility	2034
P3	While at [redacted to preserve privacy], the team once told me that they wanted to have a fire breathing [redacted to preserve privacy] that was going to be made at Hollywood production studio. When they would start it, fire would shoot from the hood and exhaust pipes and the engine would give a loud roar. Without missing a beat, I said: “Okay, we will need to have a kit to block off a safe area around the vehicle, we will probably need fire extinguishers outside the perimeter, Only specially trained personnel can run this stunt. Do we have insurance to cover this?” They stopped me and said “it was only just a joke, we thought this would send you off on a tirade. Once they saw how creative I could and would be with “yes,” they were less likely to resist when I said “No!.” That came in useful. Sometimes I needed to be able to say: “I am out of town, about to get on a plane, I cannot explain right now, but stop everything in that regard.” And they would.	2034
P3	I count it good when they postpone the meeting if I cannot be there, even if I tell them to go on without me,	2034
P30	Manager Willingness and Openness—Managers need to be willing to share the details of their responsibilities and critical decisions. Many times, since they are ultimately responsible for their team, they keep their decisions close to the vest. The more willing they are to open up and ask for advice, the better the collaboration can be	2034
P19	Do not handle legal issues in a vacuum: Identify root causes of litigation or regulatory concerns, and follow up with business to educate on risk and identify methods to limit risk	2034
P18	Making sure their supervisors/managers are aware of the issue	2034
P22	Establishing a level of trust so that managers do not see legal as the “police officer”	2034
P37	Holding lessons learned meetings. After each deal, there should be a lessons learned meeting where each side reviews its actions and assesses what was learned (good and bad) and from there determine best processes	2034
P4	Quick turnaround – it is important for in-house counsel to be perceive as resource not an obstacle	2034

P4	Providing alternatives solutions instead of just “NO” you can’t do this	2034
P9	In-house counsel should be thought of as an asset to the management team, not as obstructionists	2034
P9	Do not allow punishment for mistakes made in good faith. Never scapegoat anyone. Managers will be more likely to correct a mistake than bury it where the outcome could be much worse	2034
P24	Trust – Workplace collaboration between in-house counsel and managers will improve when in-house counsel earns the managers’ trust and confidence	2034
P3	You earn the trust of the team	2034
P33	The in-house counsel should provide, in advance, some training in risk area that typically impact the company’s business, and the managers must be willing to accept and apply that training	2051
P5	Mandate from Executive Management that managers learn legal issues – perhaps a performance metric	2051
P21	Develop processes with checks and balances that help counsel to respond quickly to managers’ demanding time tables	2041
P21	Set proper expectations for managers as to when responses can be received	2041
P5	Proactive communication from in-house counsel	2041
P34	Open dialog and easier access to the legal department for managers	2041
P34	Constant review of contracts and other legal documents by the legal department, based on managerial feedback	2041
P27	listening to each other	2041
P17	Frequent meetings and discussion about issues	2041
P19	Face to face interaction with business managers/leadership	2041
P18	Communicating frequently about issues	2041
P9	In-house counsel must understand that when a manager asks for advice, they want it immediately. In-house counsel must strive to listen, promptly investigate and promptly give a brief, cogent opinion and recommendation. Keep the manager posted and do not miss your targets. (See the first bullet for optimizing the ability to make a prompt decision.)	2041
P23	Physical proximity. Managers and Attorneys must be within proximity to discuss things in real time	2041
P23	Constant Communication. The group must be aware of the process at all junctures. Communication is key. Seek input on corporate filings and compliance	2041

P32	On-line platforms for contracts/negotiations with customers	2042
P32	Improved communications tools (e.g., Telepresence facilities) that facilitate better interactions from remote sites	2042
P39	Providing Templates for contracts, policies and procedures to alleviate long legal review times	2042
P1	Ability to solve problems	302
P2	General decisiveness in decision making	302
P15	Positive attitude / team player. The lawyer is a key part of the group to help get the business done as efficiently as possible while also looking out for the downside stuff that most managers often do not consider. One more set of eyes and ears and one more perspective certainly can't hurt. Lawyer is looking for ways to get the deal done, not kill it.	302
P31	In-house counsel must strive to determine HOW something can be done, rather than why something can't be done	302
P35	Problem solving. If the answer is always "no" the business team will not respect that the legal team	302
P13	Solution-oriented approach. For every risk or "problem" identified, also provide the solution to the problem. It is not someone else's problem to solve	302
P5	Supportive: in-house counsel's role is not to say "no," but to help managers figure out how to compliantly and smartly say "yes."	302
P27	take control/lead of situation	302
P10	Willingness to think outside of the legal box	302
P26	Economic thinker, value creation focused	302
P24	Timely – Being prompt and timely in analyzing problems and providing potential solutions	302
P17	Timely reaction to situations with proactive response "Develop sixth sense"	302
P18	Being pro-active on issues	302
P18	Trying to find a way to say yes to the team's idea from a legal perspective instead of no	302
P15	Open-mindedness / adaptability. Counsel needs to understand that the managers may have a completely different perspective and be willing and able to learn and adapt the way they approach a situation	303
P21	Flexibility: again, while everything needs to have a process, in-house counsel cannot be seen as an obstacle – changing this perception to that of counsel as a weapon is important. This means knowing when to suggest concession and when to push back on a point in negotiations	303

P26	Able to accept and adapt to change	303
P22	Focusing on a few key critical matters as the attention span of management is limited	303
P4	Flexibility	303
P1	Ability to think strategically	304
P1	Ability to understand business (and not just legal) issues	304
P14	Mentoring Legal Staff – To be successful, in-house legal departments must mentor and educate their legal staff not only on legal matters but also on business needs and policies. Legal Department management must ensure that legal staff is well versed on the law AND the business	304
P31	In-house counsel must understand how the business fundamentally operates and how the business generates revenue	304
P35	A basic understanding of accounting and finance	304
P13	Understand the business. You have to understand the entire business and what it takes to be profitable and grow. Until then, you'll be viewed as an outsider	304
P20	Knowledge of subject matter – Cliché or not but if you are not the expert in your field then you won't be respected. You can't fake competence or confidence and it will show. At the same time do not pretend to be an expert in subject matters where you are not, in those cases you also need to be an expert in seamlessly and timely getting the expertise. This does not mean you "punt" to outside counsel but it does mean you need to be ready to figure out how to provide the needed advice	304
P10	Pragmatic balancing of legal vs business risks	304
P10	Understanding of primary business drivers to be sensitive to key business concerns	304
P26	Cares about attracting and retaining talent in the organization, not just focused on legal risks only	304
P30	Understanding all levels of the organization—to be respected amongst managers, in-house counsel needs to have a good understanding of all aspects of the organization	304
P30	Sound business decision making—In house counsel, unlike counsel strictly working at a law firm, needs to have a sound business mind along with the analytical thinking of an attorney. The more understanding of business concepts, the better equipped they are to lead	304
P39	*strategic	304
P39	*knowledgeable about the business and how law affects the same	304

P19	Keen understanding of the business, business acumen and financials	304
P23	<u>Subject Matter Expertise.</u> Attorneys need to display expertise to be trusted and integrated within all major corporate decisions	304
P15	Coolness under pressure. The ability to think soundly and communicate effectively in pressure situations is key. In a high-pressure or rapidly changing environment, the attorney can often act as a calming influence to help everyone think more clearly	306
P33	The in-house counsel must be willing to make “the tough call” in areas which are quasi-business issues	306
P34	Be short and concise in your suggestions	306
P20	Patience and Control of emotion- For management the project, deal, contract, dispute is often an emotional event their career or bonus or reputation is connected with the outcome. The lawyer needs to be the voice of logic and not another source for emotion, thus your ego is to be sublimated and expressed in your ability to guide the organization to a rationale decision	306
P32	Be decisive – convey more than pluses and minuses	306
P26	Capable of making a decision on a risk adjusted basis without a “sure thing” outcome	306
P17	Calm and reserved responsiveness to crisis	306
P3	Judgment. Knowing when to fight, fold or a little of both	306
P39	*decisive	306
P22	Calm and steady voice – never alarmist	306
P37	Decisiveness. Do not be the bottleneck. Make decisions quickly with the imperfect information at hand	306
P4	Patience	306
P9	Have the self-confidence to make prompt and correct decisions. Your confidence gives your managers confidence	306
P1	Ability to be flexible	307
P1	Ability to collaborate	307
P2	Willingness to consider different perspectives and weigh the options presented	307
P2	Willingness to accept questioning of your decisions and to take the time to explain “why.”	307
P14	Confident But Approachable – Being approachable, yet confident in dispensing legal advice is crucial to being a valued-participant	307

P15	Humility. The business people know more about the business processes than the lawyers. The attorney can't act as though legal training makes him or her an expert in the business	307
P28	Open-mindedness	307
P28	Empowerment	307
P21	Rationality: good attorneys can think from the gut and give a strong answer, but strong in-house counsel needs to understand that their clients don't understand the legal ramifications of certain actions and to couch such impacts succinctly and directly with clear examples	307
P13	Respect. Respect the difficulty of other people's jobs and the pressure they are under. It is really easy to sit on the outside and find fault in other people's actions and decisions. It is harder, and infinitely more valuable, to be on their team and help solve the problem. That's the difference between a management team member who is a lawyer, and a lawyer who will never be in management	307
P5	Non-judgmental: do not question what manager knows or does not know – just get them over the goal line	307
P34	Give credit where credit is due. If a manager makes a suggestion that you implement, give them the kudos for doing so. Make others know that suggestions on how to improve legal processes, contracts and documents do not always have to come from the legal department	307
P20	Respect the managers interests- Often lawyers see their value add as how much they can move a business project towards the theoretical "best" term or deal point. That approach loses the focus that the real goal is to mutually assist the manger and thereby the organization to achieve its goal (usually new business, more ROI, reduction in cost etc.) Flexibility and humility are both key components to connect to and thus impact your organization	307
P32	Impart judgment without being judgmental	307
P26	Able to accept challenge to his/her point of view by non-legal leaders	307
P26	Able to challenge other's point of view in a respectful non-condescending manner.	307
P24	Flexibility – Being willing to work cooperatively to agree on acceptable solutions to problems, as opposed to requiring perfection or full adoption of in-house counsel's preferred approach	307

P30	Teambuilding—within any organization, there can be many different types of personalities and egos and not everyone will get along. In-house counsel needs to be able to show that they can develop a camaraderie amongst senior managers so they all work together to achieve one common goal versus working independently and criticizing other departments	307
P39	*collaborative style	307
P22	A sense of humility and appreciation of the incredible pressures facing management	307
P9	Do not allow punishment for mistakes made in good faith. Never scapegoat anyone	307
P23	<u>Empathy</u> . Counsel must empathize with what Management Teams go through to make competent decisions	307
P14	Be “Connected” – In-house legal counsel must be connected to their business managers but not lose sight of the ethical fact that at the end of the day, their client is the company (not an individual manager). This is a very difficult balance indeed, but maintaining that balance is one of the milestones of an effective legal counsel	309
P15	Curiosity. Counsel needs to ask a lot of questions to fully understand the aspects that (s)he believes will have an impact, many of which may not be the same concerns as those expressed or considered by management	309
P31	In-house counsel must have an ownership mentality in the business	309
P35	Willingness to question everything	309
P33	A willingness to understand not only the business and operational basics of the company they work for, but a “get in the trenches” attitude to seek ways that the business can improve and grow	309
P34	Add to the business by making suggestions for improvement without simply pointing out the problems	309
P34	Think of how changing a contract or legal document can help the company in getting new business and retaining the business it has, again don’t just point out problems	309
P27	extrovert	309
P4	Willingness to educate management about perceived risks	309
P9	Recognizing that counsel is overhead. Stay humble and be relevant	309
P15	Ability to communicate. Interpersonal skills are critical to working in a group environment, particularly when trying to communicate concepts with which the managers may not be as familiar as the lawyer	310

P27	not afraid to speak the truth/opinion even if it's not what they want to hear	310
P32	Excellent listening.	310
P3	Good communicator. Plain English. Don't condescend. You bad question, sort of approach	310
P39	*good listener	310
P19	Strong communication skills and ability to explain legal implications in understandable terms.	310
P19	Strong listening skills: Listen to understand the business' perspective; not just to formulate your next argument.	310
P18	Communicating frequently as needed on on-going issues	310
P22	Knowing when to listen and when to make recommendations	310
P4	Understanding his/her audience and the most effective way to communicate with said audience (managers aren't necessarily going to understand legal jargon; need to be able to synthesize information and convey in a way that makes sense to the audience)	310
P9	Keep professional but be friendly, approachable, be a good listener and be a great, clear communicator	310
P23	<u>Ability to listen.</u> In-house Counsel must listen to provide analysis when called upon	310
P28	Integrity	312
P21	Accountability: attorneys understand that nothing is black and white, but managers need to understand situations in more of a binary "do this, don't do that" sense. Make responsible recommendations and be prepared to own the good and the bad outcomes	312
P21	Endurance: in-house counsel is entrusted to farm out whatever work their office is not capable of handling – to be valued as a participant on a management-level team, in-house counsel needs to put as much on his/her own plate as possible to minimize costs. This often requires a certain level of endurance as late hours and weekend work are both often required	312
P33	Being accessible to company employees, with a reputation of being approachable and as a person that can keep things told to them in confidence	312
P33	Being viewed as highly ethical, a person who will err of the side of "doing the right thing."	312
P20	Integrity and transparency in dealing with clients- In-house lawyers are a service provider you need to act like one. Be honest about timing of projects and recognize that in most circumstances you are working for the manager and not the	312

	other way around	
P26	Humble and respectful	312
P3	Honesty. To the team and toward others. If team sees you lie to others, they will not trust you	312
P3	Loyalty to the team, but only to the point of not breaking the law.	312
P37	Integrity. In-house counsel need to stand up to management when the law is not on the manager's side	312
P37	Accountability. In-house counsel must own the mistakes they make and seek to improve	312
P9	Take responsibility for your decisions regardless of the outcome. If someone failed to give you all the relevant facts and you made a recommendation based on that understanding, too bad. You should have dug deeper and found collaborating facts	312
P9	Be honest and forthright with customers and suppliers	312
P5	Approachable: so that managers are comfortable asking for advice	313
P9	Keep professional but be friendly, approachable, be a good listener and be a great, clear communicator	313
P24	Preparation – Being prepared in advance (to the extent possible) for management-level meetings and consultations is important in establishing credibility as in-house counsel	315
P17	Professional appearance	315
P9	Keep professional but be friendly, approachable, be a good listener and be a great, clear communicator	315
P9	Be uncontroversial in your personal and professional life	315
P9	Golden Rule 101 – Treat others the way you want to be treated	315
P35	Find situations to demonstrate cost savings, litigation success and be willing to make tough calls within the internal team rather than always getting cover from external counsel	406
P17	Acceptance of responsibility to gain trust	406
P14	Communication, Communication, and more Communication – One of the most important parts of any legal practices, in-house or otherwise, is client communication. In order to demonstrate strategic value, in-house counsel must make sure the communicate on matters and issues effectively	407
P32	Improved (but still modest) communications from in-house team of accomplishments	407

P24	Counseling – Timely and useful counseling	407
P22	Focusing on identifying all key areas of interaction between legal and operations and determining how to streamline the process	407
P1	Being part of the strategic planning process and presenting strong ideas relating to goal setting	4011
P2	Most mid-level managers I have met already assume that value is added. It is the upper-level managers that may question the departmental value since they are more focused on cost and revenue returns for each department. For me, to add a revenue stream to my department, I took over managing the real property assets for the company. Beyond that, I demonstrate my value by being involved in every business decision made, even if from the background	4011
P15	Must be supported by management, but gradually easing the attorneys into the business process is critical in my opinion. Attend the meetings. Participate on the calls. The lawyer learns more about – and can thus be a more effective contributor towards – the business process while at the same time becoming more familiar to the managers from an operating, rather than lecturing, perspective. In my experience, I have usually been more effective in a transaction when introduced as a business guy that also handles the legal stuff rather than as just the attorney in the room	4011
P28	Understand the strategic plan and try to keep yourself in alignment with it	4011
P31	In-house counsel should bring non-legal ideas and solutions to the company	4011
P31	In-house counsel should act as business managers within the organization	4011
P34	By making suggestions not just on the legalities or liability a situation calls for, but make suggestions that may help sell the company, its image, products and services	4011
P17	Presence in office and in meetings	4011
P17	Become active participant in business not just legal issues - become trusted business partner	4011
P19	Engage early on in projects/initiatives	4011
P37	Retaining in house certain strategic business matters and legal issues. For example, work closely with IT Department on creating business processes for certain recurring tasks such as litigation holds, discovery requests that require mining electronic data, etc. Doing so reduces costs (especially outside counsel fees) and increase institutional knowledge.	4011

P9	Learn the operations from bottom to top. That means have a good awareness of everything from housekeeping to the plant floor to the clerical staff, etc	4011
P23	In house Counsel must establish they are business people first. Completely embed themselves in process and success	4011
P28	Don't over-reach. Stay in your lane.	4012
P31	In-house counsel should help the company avoid unnecessary legal risk	4012
P21	Simply, strategic value comes down to the ability of in-house counsel to quantify various outcomes for managers. This is essential in negotiations, where counsel might be able to identify hidden costs or cheap concessions; this is also essential in litigation, where counsel can gauge exposure and make recommendations on settlements and case strategy	4012
P34	Listen to the managers, they have good ideas, your job is to figure out how to help them implement the ideas in legal and a liability-free way	4012
P3	By being involved and loyal, as mentioned above. By helping them avoid problems and looking ahead to prevent problems. Not always saying "no." I used to say that they could perform their business and now and then I would brush it with the appropriate amount of law.	4012
P30	Risk Reduction—In-house counsel can have a large impact of reducing risk by being involved in key decisions to help managers navigate the tricky legal landscapes that they are not aware of	4012
P15	I can't think of any other ways to demonstrate this to managers other than by doing – except telling war stories about what happens when the legal group is not involved early enough in the process and some loss was incurred as a result	4031
P33	By demonstrating that they are actively helping the company avoid legal and regulatory landmines that are ever-present in the business environment, particularly in highly-regulated industries like energy, telecommunications and healthcare	4031
P33	By demonstrating that the legal department can offer solutions to problems that appear, on the surface, as business issues but in reality are legal in nature	4031
P39	Offer projections of how business impacted if laws/legal advice not followed or sought	4031
P4	Provide "best practices" from other industry leaders and innovators	4031
P9	Provide stability, consistency and provide managers the necessary information so that they have comfort that the decisions they make are on proper legal and moral grounds	4031

P9	Keep managers abreast of changes to the law that directly affect what they do. Keep the information (memos) simple and brief. Strive for awareness, not expertise	4031
P35	Find situations to demonstrate cost savings, litigation success and be willing to make tough calls within the internal team rather than always getting cover from external counsel	4041
P14	Don't be Just a Cost Center – In many organizations the legal department is viewed as a cost center. Legal departments can generate revenue. For instance, escheat recovers (collecting on the business' unclaimed property) is a fruitful way for in-house legal teams to add value to the bottom line. Also actively managing vendor and billing disputes (recovery from vendors of overpayments and service level credit). Reallocating legal work from higher cost providers to lower cost providers (you don't have to always use a law firm).	4041
P35	Focusing on budgets, EBITA, Revenue and helping to tighten belts, cut costs and reduce external counsel spend when needed.	4041
P35	Find situations to demonstrate cost savings, litigation success and be willing to make tough calls within the internal team rather than always getting cover from external counsel	4041
P33	Offering dispute resolution alternatives to matters that traditionally result in expensive, drawn-out litigation	4041
P33	Management of legal costs, and selective use of outside counsel	4041
P5	Contract improvements: elimination of irrational damages clauses	4041
P5	Contract improvements: elimination of uninsurable indemnification clauses	4041
P5	Contract improvements: addition of favorable damages language	4041
P27	cost/benefit analysis (ie. Hourly rate of outside counsel)	4041
P10	Provide examples of where contract or recommendations saved the company money	4041
P22	Identifying specific ways in which legal was able to add concrete value – either by saving SG&A costs; negotiating a better deal; avoiding liabilities	4041
P14	Don't be Just a Cost Center – In many organizations the legal department is viewed as a cost center. Legal departments can generate revenue. For instance, escheat recovers (collecting on the business' unclaimed property) is a fruitful way for in-house legal teams to add value to the bottom line. Also actively managing vendor and billing disputes (recovery from vendors of overpayments and service level credit).	4042

	Reallocating legal work from higher cost providers to lower cost providers (you don't have to always use a law firm).	
P23	Protection of Intellectual Assets. Shows management that these issues and assets are what drive revenue and allow companies to operate in a manner that is consistent with success	4042
P35	Find situations to demonstrate cost savings, litigation success and be willing to make tough calls within the internal team rather than always getting cover from external counsel	4051
P35	Find situations to demonstrate cost savings, litigation success and be willing to make tough calls within the internal team rather than always getting cover from external counsel	4051
P26	Win: whether it's a good contract, litigation decision, merger – achieve the goal and cross the finish line timely with proven economic value	4051
P24	Litigation – Avoidance of litigation and effective mitigation and resolution of business disputes	4051
P17	Publish and track results – positive and negative	4051
P37	Repeatable, measurable and defensible processes. In-house counsel must have a consistent project management methodology in place for managing legal projects across the entire company	4051
P20	Don't chase meaningless KPI's- It is easy to say that you can show value the same way your business partners do with numbers and statistics. However in my experience that is often a zero sum. Making management aware of what you do to help their goals is relevant; but resorting to what are often contrived "measurable" is seen for what it is and might even reduce value perception	4052
P32	Develop objective metrics on performance that manager agrees will reflect whether legal department is adding value to company (e.g., patents filed, Ombuds trends).	4052
P19	Use metrics to show value	4052
P37	Implement a contract management system. Management of contract is so important but is largely overlooked and mostly handled on an ad hoc basis. Reports, tools, and metrics could be used to measure value	4052
P1	Understanding executives' goals and demonstrating ability to accomplish those goals	4081

P1	Solving executives' problems for them	4081
P14	Be Proactive on Advising on Legal/Risk Trends – In-house legal staff should monitor for trends in customer complaints and litigation, and develop program or product changes to avoid the costs of litigation. For instance, let's say a company has been sued and received numerous complains on the charging of a certain fee. The legal department should be proactive in redesigning the disclosure or guidelines on assessing the fee so that it is clear and understood by the customer before it is assessed	4081
P28	Find solutions, not problems	4081
P13	Understand the business	4081
P13	Opportunity. Find and offer legal solutions which make the business more effective, efficient, or profitable. Make old processes more streamlined and customer-friendly. Find tax advantages	4081
P34	Don't just point out the issues or problems. To many in-house attorneys seem to always state what is wrong with a contract, project or other matter without expressing how it is a good idea or great opportunity that needs to be modified so as to be the most advantageous to the company as a whole	4081
P20	Patience and Control of emotion- For management the project, deal, contract, dispute is often an emotional event their career or bonus or reputation is connected with the outcome. The lawyer needs to be the voice of logic and not another source for emotion, thus your ego is to be sublimated and expressed in your ability to guide the organization to a rationale decision	4081
P20	Stay Connected- Not all training comes in large flashy programs, keep connected to what your clients are doing and what interests them and provide reminders of your expertise in offering solution. -	4081
P32	Post-transaction surveys from customers (external and internal)	4081
P24	Flexibility – Flexibility and creativity in solving problems	4081
P30	Analytical Thinking—In my experience, many managers make quick and rash decisions looking at the short term versus the cumulative effects. In-house counsel can help demonstrate the bigger picture, analytical thinking that is necessary when moving an organization forward	4081
P30	Contractual Support—many business transaction involve contracts, from small one page Agreements to big complex contracts, in-house counsel can make sure that whatever is needed contractually is properly analyzed and the organization is properly protected in all aspects	4081

P39	Understanding how business works/pitfalls	4081
P39	Pointing out laws/regulations/practices that could impede progress or that management needs to get ahead of	4081
P19	Be proactive and not just reactive when providing legal advice and counsel	4081
P19	Always offer solutions when legal obstacles are encountered	4081
P18	Keeping up on industry changes	4081
P18	Keeping up on regulatory and statutory changes affecting the company	4081
P18	Being pro-active on issues and suggesting business solutions including changes listed in 4.a and 4.b above	4081
P22	Developing a very deep understanding of the business – operations, competition, industry environment, etc	4081
P4	Provide knowledge of risks specific to the business	4081
P4	Provide advanced insight into future policy and regulatory issues that may impact strategic direct of the company	4081
P9	Be proactive when you see a problem developing. Discreetly educate the offenders in a positive manner	4081
P23	Risk analysis / Mitigation. Must establish and demonstrate expertise in mitigating risk of doing business	4081
P13	Turn legal skills into business skills. Legal experience leads to skills which can be useful in other business contexts. Use them and teach others. Use litigation and dispute resolution skills to anticipate a customer's position or strategy. Use mediation skills to resolve inter-personal and inter-department conflicts. Use fact-based investigation and evaluation to help drive quality business decisions	4081
P26	Be a proven problem solver, using creative analytical skills to offer solutions not thought of by others	4081
P26	Pitch-in: help in areas that may not be strictly legal. Example: if nobody on the team is specialized in government affairs, volunteer if an issue comes up where that capability is needed	4081
P27	no additional response	no code applied
P27	no additional response	no code applied
P1	I do not think that typically new initiatives are needed, rather legal needs to be incorporated into existing initiatives	no codes applied - didn't answer the question

P28	Delivery of competent legal services	5011
P21	I work in real estate, so legal considerations are omnipresent. Again, company business processes are oftentimes fluid and it is necessary to adapt to rapidly changing circumstances and developments – from this perspective, the legal department needs to be willing to relentlessly to accommodate sudden shifts in a deal and give competent advice quickly so as to avoid being a bottleneck	5011
P21	I have also had success in integrating legal considerations into, for example, the condominium sales process, but making myself available as an “explainer.” When questions are complicated from a legal vantage point, I ask that the sales team refer those inquiries to me directly in order to guarantee a thorough response that remains within the confines of the law – and I explain to persistent purchasers the reason that some questions cannot be more fully answered, which assuages their concerns somewhat. Throughout, it is important that I never let prospective purchasers (or any third-parties with whom I deal) think that I am in any way working for them – offering some perspective or clarification is fine, but I also remind folks frequently that I work for my own principal and that they should consult their own attorneys for advice with less potential to be tainted by my personal or professional biases	5011
P13	Contracting. Ensure there’s a step in the transaction process for legal review and approval.	5011
P20	Speak Plain English- Again this seems obvious but too often lawyers mask their own insecurity and limitations behind a resort to jargon and complexity. Your task is to communicate and thereby influence, not to establish dominance and importance. One way to do this is to make sure that your business people feel you are the one to demystify law	5011
P20	Offer but don’t demand solutions- Another seemingly obvious if even rite statement that is too often not followed. Rarely is it the lawyer’s job to “require” a course of action. Where a risk a manager wants to take is ill-advised then offer solutions to achieve as much of the business goal as possible as an alternative. Be accountable to driving to a solution not just lecturing from the sidelines	5011
P30	Corporate Policies—Streamlining of corporate policies is necessary to a smooth-running operation and in-house counsel has a large impact in this area	5012
P39	Review of policies and procedures, and instituting formal process for review and amendment as dictated by business and cultural factors	5012

P39	Procedures for legal review of contracts, policies and employment decisions with clear parameters around when such review is required	5012
P32	Open reporting / Ombuds networks	5014
P32	On-line contracting / negotiation tools	5014
P32	Customer/supplier due diligence tools	5014
P26	Records management. Record retention	5014
P26	Contract form creation: providing easy to use, and readily available tools for the business to use to protect company assets	5014
P22	Purchasing initiative – creating global master terms and conditions (with local supplements) and master template documents	5014
P23	In-house Counsel leverages technology to drive down outside legal expenses and gain access to real-time analytics to more effectively evaluate and track outside counsel’s performance. As a result, the GC can more proactively manage outside counsel to identify any issues in real time (as opposed to receiving a large bill a month later) and ensures the engagement is narrowly focused to keep the project below budget	5014
P31	Proactive outreach regarding important initiatives the legal department is focused on	5015
P5	General Counsel communication	5015
P2	I don’t have an answer for this. My company is fairly small (about 50 employees). I integrate legal considerations by directly approaching the managers involved. In a larger company, I would try to do the same, but would generally focus on higher level managers to facilitate the changes needed	5022
P15	Figuring out a way to get the attorneys more educated about all aspects of the business cycle. The managers can feel empowered by essentially training the lawyers, which leads the attorneys to ask questions that managers probably never considered	5022
P15	Don’t portray the lawyers as a mysterious group whose permission is needed to get anything done. To the contrary, the lawyers should be viewed as a contributing part of the team (even performing functions others do not want to perform like reading all of the documents), viewing things from a slightly different perspective and thus possibly picking up things others may miss for everyone’s benefit. Integrating the groups as people will go a long way toward integrating the functions	5022

P28	Input from frontline employees on operations	5022
P13	Trust of management. Need to have the trust of management in order for any initiatives to get off the ground	5022
P5	Management commitment	5022
P20	Don't be the book on the shelf- Too often lawyers isolate themselves from the business activity and retreat to the limitations of the legal "lane". We will likely not be the leader or last decision maker but the more a business sees its lawyers as true business partners and less a "black box" the lawyer will become more organic to the business process	5022
P17	Cross learning of essential business goals and objectives	5022
P17	Focus first on delivery of business services not legal services – perspective is key	5022
P35	Present internal training to Purchasing and sales team	5031
P13	Training. Provide training to the people who are taking actions or making decisions which have legal risks	5031
P33	Ongoing management instruction (by legal department) of legal developments that directly impact the company's business	5031
P27	training on what legal department does & how they can help you.	5031
P27	show employees how legal can make their job easier	5031
P26	Compliance training: preparing sales people with relevant FCPA and Antitrust knowledge they need in the field	5031
P33	There must be an active corporate compliance program that encompasses simple, concise training on laws and regulations that impact the business	5071
P33	The company should have a legal compliance committee that includes management representation from each facet of the company's business	5071
P39	Compliance committees or teams to ensure that laws/rules/regulations followed and risks properly assessed/preventative measures taken	5071
P9	In-house counsel must stay abreast of all the laws that affect the business and ensure compliance or take action to incorporate the steps to ensure compliance	5071
P35	Speak the language of business: revenue, EBITDA, Net Income etc. and recognize every legal decision and recommendation has an impact (positive or negative) on the company's financials	5051

P35	Ask to tour plans, spend time understanding legislative trends, technology, etc. Many hours will be spent a long way from legal issues but the business team will start to involve legal earlier	5051
P23	In-house Counsel takes on numerous legal and quasi-legal tasks such as contract negotiation, insurance, employment/benefits, board preparation and outside counsel management that otherwise would have fallen to the CFO that frees him/her to focus on his/her main responsibilities. The CEO also receives legal advice from an attorney rather than going through a finance filter and the In-house Counsel can ask questions and address issues with outside counsel questions that the CFO may not have contemplated	5051
P5	Performance metrics	5062
P22	Best Business Practice Initiatives – identifying ways in which the best legal departments provide efficient legal services – doing more with less	5062
P24	Value – Providing consistent value will encourage managers to continue to seek legal input	5062
P28	Thoughtful policy development	5081
P3	Do you mean “will” or “should?” Likely targets are HR issues, document retention, purchasing, American with Disabilities issues, HIPPA, those with an obvious regulatory component to them, such as OSHA, EPA, etc.	5081
P30	HR functions—employee evaluations, hiring, termination, promotion, etc., all involve legal integration	5081
P18	I’m not sure what you’re asking in this question. It depends on the type of business. For example I work for a VEBA Trust. The type of initiatives the Trust would take that would integrate legal considerations with company business processes are: Changing a benefit design or plan for the member retirees (e.g., decision to no longer provider emergency room care).	5081
P18	I’m not sure what you’re asking in this question. It depends on the type of business. For example I work for a VEBA Trust. The type of initiatives the Trust would take that would integrate legal considerations with company business processes are: Revising the member appeal process in place as there are regulatory and statutory requirements to consider.	5081
P18	I’m not sure what you’re asking in this question. It depends on the type of business. For example I work for a VEBA Trust. The type of initiatives the Trust would take that would integrate legal considerations with company business processes are: Deviating from the governance rules for the	5081

	Board of Directors.	
P37	Regulatory compliance initiatives. Anything from marketing/advertising to website disclaimers can get legal considerations in from of managers	5081
P37	Growth initiatives. As a company grows, so do the legal risks and complexity of business problems. Therefore, involving in-house counsel in growth initiatives will integrate legal considerations with company business processes	5081
P37	Customer loyalty initiatives. These involve review of various state and federal laws and will integrate legal considerations related to non-deceptive advertising and marketing practices with company business processes	5081
P4	Launch and complete an initiative to develop easy to follow and transparent policies and processes so that legal considerations may seamlessly integrate into all non-legal business processes	5081
P31	Routine legal team meetings with supported departments within the company	5092
P34	Again, show how it is beneficial to have legal involved before a problem arises. Ask to be in sales meetings or business development meetings, not to nit-pick and point out the problems, but to listen and make suggestions later, not necessarily at the meeting, but afterwards in a more private forum	5092
P34	People get nervous when someone from the legal department is in meetings. Attorneys have the unfair reputation to only be there when there is a problem. So be there when there isn't a problem and let management get used to that. This will alleviate the nervousness and trepidation that usually accompanies the presence of legal counsel	5092
P34	Let management know that it is easier to fix a problem before it occurs and legal can usually make suggestions on how to avoid a problem before it arises, if they are brought in during the earlier stages of contract negotiations and business dealings. This will also give legal a better understanding if an issue arises	5092
P20	Including legal members in business projects- By making connections and demonstrating attention to your client's goals you can then advocate integration at the project level. Directing risk mitigation solutions is easier from the organic and granular level then after a project is ready for release	5092

P20	Connect at all levels of your organization- GC's or staff attorneys are not only strategic partners to a CEO or VP but are also tactical and mission critical team members for all of an organizations employees. Recognize that each involvement is a chance to impact the business today but also influence the employee for business decisions tomorrow	5092
P20	Be out there- No one is going to want to increase the visibility of the legal department until there is a problem. We have to take the lead to offer creative and varied connections to our businesses. Training and white papers are a start; but one-on-one connection when topics arise is also needed	5092
P10	Including attorneys in business negotiations from the beginning	5092
P26	Permit review (environmental) process. Getting legal involved early in the process of applying, negotiating, and finalizing key permits for the company to operate. Without good permits, the company risks fines or worse, shutdowns	5092
P24	Visibility – Being available and approachable and aware of what projects managers are working on	5092
P24	Lead Time – Encouraging an environment where in-house counsel is engaged in company business early and often to allow enough lead time for thoughtful analysis and strategic risk mitigation as necessary	5092
P17	Teamwork is essential to success	5092
P19	General Counsel should participate in executive meetings and strategic committees	5092
P19	General Counsel and Compliance Officer should be closely aligned	5092
P19	General Counsel and Chief Information Officer should be closely aligned	5092
P22	Having legal involved in all operational committees – such as Product Safety Council	5092
P22	Having legal involved in all operational committees – such as Global Commercial Council	5092
P22	Having legal involved in all operational committees – such as Any pricing initiatives	5092
P23	In-house Counsel is involved early in a new strategic initiative to drive revenue. He/she recognizes an issue in the development phase, that if slightly tweaked, saves weeks or months of time and expense, allows the project to be completed on time and on budget and helps the company immediately start driving revenue	5092
P14	I'm not sure how to answer this question. Please clarify for me what responses you're looking for	no codes applied -

		didn't answer the question
P1	Not that I can think of	no codes applied - didn't answer the question
P34	One of the biggest issues I believe is attorneys have a reputation to point out problems or to blame someone when a problem arises. Don't play the blame game. Focus on how to fix the problem not the cause of it	3026
P3	In general, corporate lawyers can be seen as always slowing things down or saying "no." A good lawyer needs to address that concern. When and if counsel can help avoid obstacles or prevent a delay or save a deal, a polite reminder or making sure the leadership realizes that fact, can help. You can do this by providing a legal update email or mentioning it in passing at next meeting. Help them see that you are value added.	3026
P5	Obviously varies company to company. Have seen instances where pressure to "sell" may outweigh commitment to "comply." It is education. It is public vs. private company pressures and processes. Open communication has been most helpful in my experience	3046
P26	Understand the business well, including the operations, know the lingo, acronyms, and most important understand the business objectives and changing needs.	3046
P5	Obviously varies company to company. Have seen instances where pressure to "sell" may outweigh commitment to "comply." It is education. It is public vs. private company pressures and processes. Open communication has been most helpful in my experience	3066
P34	Don't belittle ideas from management. Be open to a non-legal minds opinion on matters and see if they can be implemented	3076
P33	My experience has been that in-house counsel frequently fail to be accessible, approachable or relatable. They need to be involved in the business, and demonstrate a visible interest in the business's growth. When providing advice or training, they need to be concise and speak in easy-to-understand (i.e., not "legalistic") terms. If they can't adequately provide guidance so that the management can understand it and deploy it, they won't be successful in an in-house role	3096
P34	Ask to be at meetings, before there are problems, not to necessarily contribute to the meeting, but just to listen so if issues come up later you have a better understanding of the	3096

	situation	
P20	Ultimately in order to a trusted team member you have to be both trustworthy and be part of the team. If you are not invited to department meetings, invite yourself. Be helpful and managers will seek your help	3096
P26	Team player, operating outside the legal capability when needed (provided you feel confident to do the job) shows you are not a “it’s not my job” member of the team	3096
P26	If possible be a part of the long term strategic planning team for the company and don’t be afraid to weigh in where you think you have a good idea, even if it has nothing to do with legal advice	3096
P33	My experience has been that in-house counsel frequently fail to be accessible, approachable or relatable. They need to be involved in the business, and demonstrate a visible interest in the business’s growth. When providing advice or training, they need to be concise and speak in easy-to-understand (i.e., not “legalistic”) terms. If they can’t adequately provide guidance so that the management can understand it and deploy it, they won’t be successful in an in-house role	3106
P5	Obviously varies company to company. Have seen instances where pressure to “sell” may outweigh commitment to “comply.” It is education. It is public vs. private company pressures and processes. Open communication has been most helpful in my experience	3106
P20	Ultimately in order to a trusted team member you have to be both trustworthy and be part of the team. If you are not invited to department meetings, invite yourself. Be helpful and managers will seek your help	3126
P33	My experience has been that in-house counsel frequently fail to be accessible, approachable or relatable. They need to be involved in the business, and demonstrate a visible interest in the business’s growth. When providing advice or training, they need to be concise and speak in easy-to-understand (i.e., not “legalistic”) terms. If they can’t adequately provide guidance so that the management can understand it and deploy it, they won’t be successful in an in-house role	3136
P4	Be accessible; have an “open door policy”, participate in company activities, be social, etc	3136

P13	Persistence. Consistently deliver timely, quality, solution-oriented advice. It will take time for prejudices and misconceptions to dissipate. There are many negative legal stereotypes in the media. There are many in-house counsel who take weeks to respond, delay the business, then insert obstacle and problems for others to solve. Keep your chin up and take pride in doing a good job	3156
P26	Humility, respect and customer focus (treat the business members as your customer not as someone who is required to get your advice)	3156
P26	Efficient use of outside counsel: manage your legal budget effectively	40516
P14	I don't have any additional thoughts. Good, consistent legal advice and taking the initiative to present legal trends and risks proactively, along with good communication are some of the key elements in showing strategic value	4076
P39	Business leaders and managers are always moved by metrics and statistics. I would make available examples of lawsuits or company losses when starting with simple legal advice could have avoided such adverse situations. The examples would include legal costs, judgments, settlements or regulatory fines and penalties, etc. Emphasize how legal can be a partner in advancing the mission or business as opposed to an impediment in process/progress	10216
P18	Advising managers of real case outcomes from actual lawsuits or regulatory decisions that could happen at the company as well.	10216
P35	As you may have gathered from my comments above, the legal team needs to be viewed as a business partner the same way as HR, Engineering etc. Spend time with the sales team, the purchasing team, the engineers, etc. Don't stay in your office but get into the trenches. Understand and respect the pressure the business teams are operating in	20136
P4	Help managers perform, not prevent them from moving forward	20136
P13	Trust of employees. Many sales and operations employees have negative impressions of lawyers due to TV and prior experiences. Take the time to understand their problems and do some work to help solve them. Be nice to people. Maintain or improve customer relations. When the employees trust you and want to be involved, then their managers will trust you and want you involved	20316

P26	Good in-house counsel who understands economic thinking, risk based adjusted decision making, and knows a little about finance (know your way around a P&L) goes a long way with senior leadership	20316
P4	Develop a working relationship with managers to understand their goals and initiatives	20316
P31	Legal departments are asked to do more and more each day as numerous industries become increasing more regulated. Simply being a good attorney is not enough for in-house counsel. You need to add strategic value beyond just legal advice. It is important for the legal department to be able to persuade the company why following their advice is good for business in the long term.	40316
P23	Cost saving functions. Often, the notion of in-house counsel has come from a company that has overgrown legal expenses. In-house counsel usually helps to harness those costs. The in-house counsel can recognize legal issues at their outset, if not even before they occur. Such a function can prove invaluable to an organization	40416
P14	I don't have any additional thoughts. Good, consistent legal advice and taking the initiative to present legal trends and risks proactively, along with good communication are some of the key elements in showing strategic value	40816
P22	There is a lot to be said in this areas – I am attaching a PPT that I presented to our Global Leadership Team recently on some of our Legal initiatives.	40816
P2	As a general point, the idea of potential liability is so ingrained in modern business that most people will inherently see the strategic value of law	no codes applied - didn't answer the question
P15	I think the Q&A above are pretty comprehensive on the issue	no codes applied - didn't answer the question
P27	na	no codes applied - didn't answer the question
P10	No	no codes applied - didn't answer the question
P24	No	no codes applied - didn't answer

		the question
P19	I do not have anything further to add to my answers above, other than to note that managers in my company do not have “unreceptive viewpoints” towards the legal department. They engage legal on a daily basis and routinely express appreciation for our involvement.	no codes applied - didn't answer the question
P37	No	no codes applied - didn't answer the question

Feasibility	5	5	5	4	4	5	5	4
Statement 12								
Desirability	3	5	5	4	4	5	4	3
Feasibility	3	5	4	3	4	4	3	3
Statement 13								
Desirability	4	5	5	5	5	5	5	5
Feasibility	4	5	5	5	5	5	5	4
Statement 14								
Desirability	3	5	5	5	4	4	4	2
Feasibility	3	5	5	4	3	3	3	2
Statement 15								
Desirability	4	5	4	5	5	5	4	5
Feasibility	3	5	4	4	3	5	4	4
Statement 16								
Desirability	4	5	4	4	4	5	5	5
Feasibility	4	5	5	4	3	5	5	3
Statement 17								
Desirability	4	5	No rating	5	4	5	5	5
Feasibility	4	5	No rating	4	3	5	5	4
Statement 18								
Desirability	5	5	5	5	4	5	5	5
Feasibility	5	5	5	4	5	3	5	4
Statement 19								
Desirability	5	5	5	5	5	4	5	5
Feasibility	3	5	5	4	4	5	4	4
Statement 20								
Desirability	5	5	5	5	4	5	5	5
Feasibility	4	5	4	3	3	3	5	3
Statement 21								
Desirability	5	5	5	5	5	4	4	5
Feasibility	4	5	3	3	3	3	4	3
Statement 22								
Desirability	4	5	5	4	4	4	4	5
Feasibility	4	5	3	4	3	4	4	4
Statement 23								
Desirability	5	5	4	5	5	5	5	5

Feasibility	5	5	5	4	5	4	5	3
Statement 24								
Desirability	5	5	5	5	4	3	4	5
Feasibility	3	5	5	4	3	4	4	5
Statement 25								
Desirability	5	4	5	4	5	5	4	5
Feasibility	3	4	4	3	4	5	3	4
Statement 26								
Desirability	5	5	5	5	5	5	5	5
Feasibility	5	5	5	3	4	4	5	3
Statement 27								
Desirability	5	4	5	5	4	5	4	5
Feasibility	5	5	4	3	4	3	5	4
Statement 28								
Desirability	5	4	5	5	5	5	4	5
Feasibility	4	4	5	4	4	3	4	5
Statement 29								
Desirability	5	5	5	5	4	5	4	5
Feasibility	5	5	4	4	4	4	4	3
Statement 30								
Desirability	4	4	5	4	5	5	4	2
Feasibility	4	5	4	4	5	5	5	3
Statement 31								
Desirability	3	3	4	3	4	3	4	3
Feasibility	3	5	3	3	4	5	3	3
Statement 32								
Desirability	5	5	5	5	4	5	5	5
Feasibility	4	5	5	3	4	5	5	5
Statement 33								
Desirability	5	5	5	5	4	5	5	5
Feasibility	5	5	5	3	4	4	5	4
Statement 34								
Desirability	5	5	5	5	5	5	5	5
Feasibility	4	5	5	4	3	4	3	5
Statement 35								
Desirability	3	4	3	4	4	1	4	3
Feasibility	3	5	4	4	3	5	4	5

Statement 36								
Desirability	5	5	5	5	4	5	4	5
Feasibility	3	4	5	3	3	3	4	4
Statement 37								
Desirability	2	4	4	4	3	4	4	5
Feasibility	2	5	4	3	3	3	5	5
Statement 38								
Desirability	5	5	3	5	5	No rating	5	5
Feasibility	5	5	4	4	5	No rating	5	5
Statement 39								
Desirability	5	5	5	4	4	4	4	4
Feasibility	4	5	3	3	3	4	5	4
Statement 40								
Desirability	5	4	5	5	4	5	5	5
Feasibility	3	5	3	4	3	5	4	5
Statement 41								
Desirability	5	5	4	5	5	5	5	5
Feasibility	4	5	5	4	4	5	5	4
Statement 42								
Desirability	5	5	5	3	4	5	4	3
Feasibility	3	5	5	3	3	3	3	3
Statement 43								
Desirability	5	5	5	5	5	5	5	5
Feasibility	5	5	5	5	5	5	5	5
Statement 44								
Desirability	5	5	No rating	4	4	5	4	5
Feasibility	3	5	No rating	4	3	3	4	5
Statement 45								
Desirability	5	5	5	4	5	5	4	5
Feasibility	5	5	4	4	3	4	5	5
Statement 46								
Desirability	4	3	4	4	5	3	5	1
Feasibility	4	4	3	3	4	3	5	3
Statement	P9	P15	P27	P30	P13	P31	P5	P20

Statement 1								
Desirability	5	5	4	5	3	3	4	2
Feasibility	5	2	4	4	5	4	4	5
Statement 2								
Desirability	5	4	4	5	4	5	4	5
Feasibility	4	4	4	5	4	4	4	5
Statement 3								
Desirability	5	5	4	5	4	5	4	5
Feasibility	3	3	4	4	4	4	4	4
Statement 4								
Desirability	5	4	4	4	4	5	4	5
Feasibility	4	5	3	4	4	5	4	4
Statement 5								
Desirability	2	1	3	5	5	4	4	1
Feasibility	2	2	3	5	3	3	3	1
Statement 6								
Desirability	5	5	4	5	5	5	4	5
Feasibility	5	5	4	5	4	5	4	5
Statement 7								
Desirability	5	5	4	5	4	5	4	5
Feasibility	5	3	4	4	4	5	4	5
Statement 8								
Desirability	4	4	4	5	5	5	4	4
Feasibility	4	3	4	5	4	5	4	4
Statement 9								
Desirability	5	4	4	No rating	4	5	4	5
Feasibility	5	3	4	No rating	4	4	4	4
Statement 10								
Desirability	5	3	3	5	5	5	5	5
Feasibility	5	2	3	5	4	4	4	5
Statement 11								
Desirability	5	5	4	5	5	5	4	5
Feasibility	5	5	3	4	5	4	4	5
Statement 12								
Desirability	4	3	3	4	4	4	4	5

Feasibility	3	3	3	4	3	3	3	4
Statement 13								
Desirability	5	4	3	5	5	5	5	5
Feasibility	5	3	3	5	5	5	4	5
Statement 14								
Desirability	3	2	3	5	3	4	4	4
Feasibility	2	3	3	3	3	3	4	3
Statement 15								
Desirability	5	5	4	5	4	5	4	5
Feasibility	3	4	4	5	4	4	4	4
Statement 16								
Desirability	5	3	4	5	4	4	4	5
Feasibility	4	5	4	4	4	3	4	5
Statement 17								
Desirability	5	4	4	5	4	5	4	5
Feasibility	4	4	4	4	4	5	4	3
Statement 18								
Desirability	5	4	4	5	4	5	4	5
Feasibility	5	2	4	4	4	4	4	3
Statement 19								
Desirability	5	5	4	5	5	4	4	5
Feasibility	4	5	4	5	5	4	4	4
Statement 20								
Desirability	5	5	4	5	5	5	5	4
Feasibility	3	5	4	5	4	3	4	2
Statement 21								
Desirability	5	4	4	5	3	5	4	5
Feasibility	3	4	4	4	4	5	4	4
Statement 22								
Desirability	5	4	4	5	4	5	4	5
Feasibility	3	4	4	4	4	5	4	4
Statement 23								
Desirability	5	4	4	5	5	5	4	5
Feasibility	4	3	4	5	5	4	4	4
Statement 24								
Desirability	5	3	4	5	4	4	4	5
Feasibility	3	3	4	5	4	4	4	3

Desirability	4	3	4	4	3	4	4	5
Feasibility	3	3	4	4	3	3	4	4
Statement 38								
Desirability	5	3	4	5	5	5	4	5
Feasibility	5	4	4	5	5	5	4	4
Statement 39								
Desirability	5	5	4	5	4	5	4	5
Feasibility	5	4	4	5	4	4	4	4
Statement 40								
Desirability	5	2	3	5	5	4	4	5
Feasibility	5	2	3	3	4	3	4	3
Statement 41								
Desirability	5	4	4	4	5	4	4	4
Feasibility	5	4	4	4	4	5	4	4
Statement 42								
Desirability	4	3	3	4	4	3	4	4
Feasibility	3	3	3	4	3	3	4	4
Statement 43								
Desirability	5	4	4	4	3	5	4	5
Feasibility	5	4	4	5	3	5	4	5
Statement 44								
Desirability	5	4	4	4	4	5	4	5
Feasibility	5	4	4	4	4	3	4	5
Statement 45								
Desirability	5	5	4	5	5	5	4	5
Feasibility	5	4	4	4	4	5	4	5
Statement 46								
Desirability	5	4	4	3	4	4	4	3
Feasibility	4	4	4	4	4	3	4	3
Statement	P24	P17	P2	P33	P19	P37	P23	
Statement 1								
Desirability	5	4	5	4	5	2	4	
Feasibility	4	4	3	5	4	2	2	
Statement 2								
Desirability	5	5	3	5	4	5	5	
Feasibility	5	5	3	5	4	4	4	

Statement 3							
Desirability	5	5	5	5	5	5	4
Feasibility	5	5	5	5	5	4	4
Statement 4							
Desirability	5	5	5	5	5	5	5
Feasibility	5	5	5	4	4	5	4
Statement 5							
Desirability	3	5	5	4	3	4	4
Feasibility	3	4	3	3	3	3	4
Statement 6							
Desirability	5	5	5	5	5	5	5
Feasibility	5	5	5	5	5	5	4
Statement 7							
Desirability	5	5	5	5	5	5	5
Feasibility	5	4	5	5	5	5	5
Statement 8							
Desirability	5	4	5	5	5	4	5
Feasibility	4	3	5	3	5	4	4
Statement 9							
Desirability	5	4	5	5	5	4	5
Feasibility	5	4	5	5	5	4	4
Statement 10							
Desirability	5	5	5	5	5	4	5
Feasibility	5	5	3	4	5	4	5
Statement 11							
Desirability	5	5	5	5	5	5	4
Feasibility	4	5	5	5	4	5	4
Statement 12							
Desirability	3	4	3	5	3	4	5
Feasibility	3	4	3	4	3	4	4
Statement 13							
Desirability	5	5	5	5	5	5	5
Feasibility	5	4	5	4	5	4	5
Statement 14							
Desirability	4	5	5	4	3	5	4
Feasibility	3	4	5	3	3	4	3
Statement 15							

Desirability	5	5	5	5	5	5	4
Feasibility	5	3	5	3	4	4	3
Statement 16							
Desirability	5	5	5	5	5	5	5
Feasibility	5	4	5	5	4	5	5
Statement 17							
Desirability	5	5	5	5	5	5	5
Feasibility	5	5	5	5	5	5	5
Statement 18							
Desirability	5	5	5	5	3	5	5
Feasibility	5	5	5	5	5	4	4
Statement 19							
Desirability	5	5	5	5	5	5	5
Feasibility	4	5	3	5	4	5	4
Statement 20							
Desirability	4	5	5	5	3	5	5
Feasibility	3	3	5	3	3	4	5
Statement 21							
Desirability	5	4	5	5	5	4	5
Feasibility	5	4	5	5	5	3	4
Statement 22							
Desirability	5	5	5	5	5	4	5
Feasibility	5	4	5	5	5	3	4
Statement 23							
Desirability	4	No rating	5	5	4	5	5
Feasibility	5	No rating	5	5	5	5	4
Statement 24							
Desirability	5	5	5	5	4	5	5
Feasibility	4	3	5	5	3	4	4
Statement 25							
Desirability	5	5	5	5	5	5	5
Feasibility	5	4	3	5	4	5	4
Statement 26							
Desirability	5	5	No rating	5	5	5	5
Feasibility	5	3	No	5	5	5	5

			rating				
Statement 27							
Desirability	5	5	5	5	5	5	5
Feasibility	5	3	5	4	5	5	3
Statement 28							
Desirability	5	5	5	5	4	5	5
Feasibility	4	4	5	4	5	5	4
Statement 29							
Desirability	5	5	5	5	5	4	4
Feasibility	5	3	5	4	5	3	4
Statement 30							
Desirability	5	5	5	5	3	5	4
Feasibility	3	5	5	5	3	4	4
Statement 31							
Desirability	4	4	4	4	2	5	3
Feasibility	5	3	4	5	2	5	4
Statement 32							
Desirability	5	5	5	5	5	5	5
Feasibility	5	4	5	5	5	4	4
Statement 33							
Desirability	5	4	5	5	3	5	5
Feasibility	5	4	5	5	5	5	5
Statement 34							
Desirability	5	5	5	5	3	5	5
Feasibility	5	4	5	5	5	5	5
Statement 35							
Desirability	4	5	2	3	3	5	3
Feasibility	4	5	5	4	3	5	4
Statement 36							
Desirability	5	5	5	5	3	5	5
Feasibility	4	4	5	3	3	3	3
Statement 37							
Desirability	5	4	5	4	3	4	5
Feasibility	5	4	5	5	3	4	4
Statement 38							
Desirability	5	5	5	5	3	5	4
Feasibility	5	4	5	5	5	5	4

Statement 39							
Desirability	5	5	5	5	5	5	5
Feasibility	5	5	5	5	4	5	4
Statement 40							
Desirability	5	4	5	5	5	5	5
Feasibility	5	4	5	5	5	4	4
Statement 41							
Desirability	5	5	5	5	5	5	5
Feasibility	5	4	5	4	5	5	4
Statement 42							
Desirability	3	4	3	5	3	5	5
Feasibility	3	3	3	4	3	4	4
Statement 43							
Desirability	5	5	3	5	4	5	5
Feasibility	5	5	3	5	5	5	5
Statement 44							
Desirability	5	5	5	5	3	5	5
Feasibility	5	5	5	5	5	5	5
Statement 45							
Desirability	5	5	5	5	5	5	5
Feasibility	5	5	5	5	5	5	5
Statement 46							
Desirability	4	5	5	5	3	5	5
Feasibility	4	3	5	5	5	5	5

Explanations of Reasoning

Statement	Explanation of Reasoning Generated by Panelist	Panelist ID
Increasing managers' understanding of the legal implications of their business decisions by using the negative legal outcomes/avoidable losses undergone by those managers as learning experiences.	Not desirable because could lead to poor morale or finger-pointing/blaming others. Not feasible because the loss may be too great for the company to survive.	P37
Increasing managers' understanding of the legal	Managers may be hesitant because of negative implications.	P23

implications of their business decisions by using the negative legal outcomes/avoidable losses undergone by those managers as learning experiences.		
Increasing managers' understanding of the legal implications of their business decisions by using the negative legal outcomes/avoidable losses undergone by those managers as learning experiences.	Probably very difficult to find actual, past mistakes with direct consequences for all most managers	P15
Increasing managers' understanding of the legal implications of their business decisions by using the negative legal outcomes/avoidable losses undergone by those managers as learning experiences.	my problem with the item is the use of THEIR outcomes as the teaching moment. Using real world examples relevant to the managers is valuable. But, if you make the examples too personal or actual to the target audience they will react as if you are attacking them personally and be both antagonistic to the message and the messenger. Often lawyers are seen as the hindsight department telling people what they did wrong. In this context success stories of how legal helped these or other people avoid the loss before it happened.	P20
In-house counsel demonstrating how the legal department adds strategic value by finding innovative ways for the legal department to generate revenue.	Management wants legal focused on legal and not money making/saving	P10
In-house counsel demonstrating how the legal department adds strategic value by finding innovative ways for the legal department to generate revenue.	Unclear to me a scenario where a legal dept. could or would want to generate revenue	P9
In-house counsel demonstrating how the legal department adds strategic value by finding	Counsel should be advising management and mitigating risk. Adding responsibility for revenue generation can very easily lead to conflicts and cloud professional judgment	P15

innovative ways for the legal department to generate revenue.		
In-house counsel demonstrating how the legal department adds strategic value by finding innovative ways for the legal department to generate revenue.	To me this is a myth. Law, HR, Finance IT don't generate revenue unless that is the service of the enterprise. We are a cost center. If the company has IP that can be licensed or assets that can be monetized we are a facilitator not the generator. Recovery of IP infringement or aggressive recovery in class action or breach cases is not revenue but return of losses and expenses already incurred. These can be important examples of reducing net costs but should not be mistaken for revenue. Moreover, buying into the myth marginalizes the risk control and cost avoidance prophylaxis of a strong legal department.	P20
Integrating legal considerations w/company business processes by delivering timely and effective legal advice.	Extremely difficult unless business people actively engage legal people early in process	P15
In-house counsel demonstrating how the legal department adds strategic value by adopting and meeting appropriate performance metrics.	I am skeptical about the ability to put performance metrics on the role of counsel. "Not everything that can be counted counts, and not everything that counts can be counted."	P1
In-house counsel demonstrating how the legal department adds strategic value by adopting and meeting appropriate performance metrics.	We struggle with identifying meaningful metrics for legal.	P9
In-house counsel demonstrating how the legal department adds strategic value by adopting and meeting appropriate performance metrics.	Seems counter-intuitive that legal department members hitting performance metrics would contribute to strategic value vis a vis the business enterprise. Seems to confuse the basic role(s) of the legal department	P15
In-house counsel displaying their value as participants on management level teams by exercising calm	Not something that can be routinely demonstrated in a consistent basis. To me, this seems like much more of an intangible attribute developed over time	P15

judgment under pressure.		
Integrating legal considerations w/company business processes by employing in-house counsel who possess business skills and business knowledge.	Skilled lawyers with advanced business skills don't grow on trees. It would be nice if lawyers were all accounting and operational experts but not everyone has that skill growth potential. At the same time, sometimes you do need to be a lawyer and not a hybrid to do what the job requires. The more a lawyer is a specialist and attuned to a volume of their specialty the less business acumen increases value. Everyone needs rudimentary business skills for their job but not everyone needs advanced skills.	P20
Integrating legal considerations w/company business processes through the dissemination of clear, up-to-date company policies and procedures by in-house counsel.	I am skeptical of having legal own all policies. While legal should weigh in on policies, many policies need to be owned and operationalized by other departments	P1
Integrating legal considerations w/company business processes by proactively circulating notices of legal department activities.	Why would I want one division to know what legal is working on for another division??	P21
Integrating legal considerations w/company business processes by proactively circulating notices of legal department activities.	I find that constant reminders of legal activities have an adverse impact on employees. They begin to worry about litigation, and whether they will be involved. Notices have the potential to create the impact. This aside, with upper management, this is a benefit. I find it preferable to take the role of a manager, over an attorney, as much as possible, in day-to-day dealings with mid-level employees.	P2
In-house counsel displaying their value as participants on management level teams by supporting the views, perspectives, and concerns of others.	Not our job to support views but provide legal guidance	P10
In-house counsel displaying their value as participants on management level teams	Seems to confuse the role of in-house counsel.	P15

by proactively finding solutions to company problems.		
Integrating legal considerations w/company business processes through corporate compliance programs.	Our company separates the compliance and legal functions	P1

Round 2 Optional Comments

Statement	Optional Comment Generated by Panelist	Panelist ID
n/a	I found this to be rather repetitive and most all would be good to implement. Issue would be getting both the in-house counsel / legal department and the business managers to agree to allow these to happen.	P34
n/a	My reply to questionnaire is attached. Numerous questions were repeated in almost the same language over and over. I think you could have cut this down to 10 or 15 questions. Ultimately whether much of this can be accomplished depends on workload, manpower availability and how busy and open management is to participating.	P10
Increasing managers' understanding of the legal implications of their business decisions by using the negative legal outcomes/avoidable losses undergone by those managers as learning experiences.	Many Managers do not respond well to negative comments and this could be seen as complaining of their work.	P34
Increasing managers' understanding of the legal implications of their business decisions by using the negative legal outcomes/avoidable losses undergone by those managers as learning experiences.	Feasibility of 3 as it may not be able to know negative outcome for each manager.	P35
Increasing managers' understanding of the legal implications of their business decisions by	In terms of desirability, I assumed that legal would not have had an opportunity to help managers avoid the losses.	P21

using the negative legal outcomes/avoidable losses undergone by those managers as learning experiences.		
Increasing managers' understanding of the legal implications of their business decisions by using the negative legal outcomes/avoidable losses undergone by those managers as learning experiences.	Would have to minimize "embarrassment" to those managers whose losses are used as examples – presume person will be known, even if example is anonymous.	P5
Increasing managers' understanding of the legal implications of their business decisions by using the negative legal outcomes/avoidable losses undergone by those managers as learning experiences.	Feasibility depends on the manager. Particularly in my field, which deals with a large amount of complex regulation, training can be very difficult. Most managers will grasp basic concepts, but the details are too complex and disinteresting for most to grasp.	P2
Improving workplace collaboration between in-house counsel and managers through training on legal risk management techniques.	May be too dry if presented just as training.	P15
In-house counsel displaying their value as participants on management level teams by actively engaging in business processes.	Feasibility based on how receptive the business team is to legal involvement in business issues.	P35
In-house counsel displaying their value as participants on management level teams by actively engaging in business processes.	Assuming, of course, that counsel has a place in the business processes and that participation isn't only for that sake.	P21
In-house counsel displaying their value as participants on management level teams by actively engaging in business processes.	Very dependent on type of services/products company provides and skills and experience of counsel.	P15

In-house counsel displaying their value as participants on management level teams by actively engaging in business processes.	This depends on the company/leaders; and whether they are open to input. There should be no impediments to finding a way to add value in operations or infrastructure outside of strictly law, but not all managers will accept a lawyers help.	P20
Integrating legal considerations w/company business processes by creating business policies that directly include legal considerations.	Clearly this is desired and will either happen with this lawyer/manager team or the next. Here are too many economic pitfalls for the company that does not integrate compliance issues into business operations to avoid the requirement of integration for long.	P20
In-house counsel demonstrating how the legal department adds strategic value by finding innovative ways for the legal department to generate revenue.	Generating revenue is great, but the true strategic value of a legal department is the strengthening of the other operating departments.	P21
In-house counsel demonstrating how the legal department adds strategic value by finding innovative ways for the legal department to generate revenue.	While I think this is desirable in certain spaces, in some industries or roles it is not necessarily possible. Additionally, I think focus on revenue generation should not undercut cost avoidance and good decision-making.	P1
In-house counsel undertaking to improve workplace collaboration between in-house counsel and managers through building rapport w/managers.	Depends completely on personalities and willingness of managers to want to build that rapport.	P15
In-house counsel displaying their value as participants on management level teams by exhibiting adaptability in the face of change.	Adaptability is good but not to the detriment of the company becoming legally vulnerable.	P9
In-house counsel displaying their value as participants on management level teams by exhibiting adaptability in the face of change.	Difficult to find opportunities to demonstrate adaptability, definitely can't plan for it.	P15
In-house counsel displaying their value as	Not a 5 because adaptability in approach should not be mistaken for variability in risk requirements.	P20

participants on management level teams by exhibiting adaptability in the face of change.		
In-house counsel demonstrating how the legal department adds strategic value by participating in business processes.	seems the same as #2	P20
Integrating legal considerations w/company business processes by delivering timely and effective legal advice.	don't really understand this question – legal considerations are integrated with company processes if legal is invited to participate in the development of the processes. – rendering of timely and effective legal advice is a separate issue although it may encourage management to include legal in the development process.	P22
Integrating legal considerations w/company business processes by delivering timely and effective legal advice.	Nonnegotiable value proposition for any legal department	P20
Increasing managers' understanding of the legal implications of their business decisions through training on the legal consequences of management decisions using real world examples, cases, or demonstrations.	Different than the first question, and more effective, to the point that on-point examples can be identified.	P21
Increasing managers' understanding of the legal implications of their business decisions through training on the legal consequences of management decisions using real world examples, cases, or demonstrations.	Corrects my concern with #1	P20
Improving workplace collaboration between in-house counsel and managers by fostering their joint use of information technology and other support tools.	Feasibility depends on the business, technology, and desired outcomes.	P21

Improving workplace collaboration between in-house counsel and managers by fostering their joint use of information technology and other support tools.	I might be a bit of a luddite, but I am generally skeptical of using IT in place of face to face connections	P1
Improving workplace collaboration between in-house counsel and managers by fostering their joint use of information technology and other support tools.	May run the risk of managers thinking that if they use the tech or tools then what they do will always pass legal muster.	P9
Improving workplace collaboration between in-house counsel and managers by fostering their joint use of information technology and other support tools.	Not a 5 because it is a horse to water issue you can't always compel people to use shared tools.	P20
In-house counsel displaying their value as participants on management level teams by exhibiting accountability and integrity.	Very difficult to develop on a consistent basis; more something developed naturally over time.	P15
In-house counsel displaying their value as participants on management level teams by exhibiting accountability and integrity.	Also nonnegotiable as a value proposition	P20
In-house counsel demonstrating how the legal department adds strategic value by adopting and meeting appropriate performance metrics.	it may not necessarily add strategic value but it will elevate the perception of managers of the legal department as being subject to the same KPI and continuous improvement requirements as the rest of the organization.	P22
In-house counsel demonstrating how the legal department adds strategic value by adopting and meeting appropriate performance metrics.	I think performance metrics can be tough to identify for a legal department.	P21

In-house counsel demonstrating how the legal department adds strategic value by adopting and meeting appropriate performance metrics.	Another of the modern legal department myths that you can create meaningful metrics in all situations. How long does it take to review/approve a contract? Does that presuppose the client has given you all the relevant information. How flexible is the other party. How do you measure quality and not create a rush to achieve a metric over competency? Metrics are nice when the work allows them to be objective and have a meaningful context. Not all legal situations or departments have that possibility.	P20
In-house counsel demonstrating how the legal department adds strategic value by adopting and meeting appropriate performance metrics.	Performance metrics are not always shared with anyone other than legal department leaders. Thus, in my organizations, in house counsel adopts and meets performance metrics, but it does not impact the perception of non-legal managers.	P19
Integrating legal considerations w/company business processes by stimulating a work environment where managers and lawyers recognize and rely on each other's contributions to the company.	A caveat I would add to a lot of these answers: my feasibility ratings come from the perspective of a small (<10 people) shop, which forces everyone to wear multiple hats and accommodate others' needs.	P21
Integrating legal considerations w/company business processes by stimulating a work environment where managers and lawyers recognize and rely on each other's contributions to the company.	Quality and timeliness of legal work is a pre-requisite.	P9
Integrating legal considerations w/company business processes by stimulating a work environment where managers and lawyers recognize and rely on each other's contributions to the company.	Not a 5 because it is a horse to water issue you can't always compel people to use shared tools.	P20
Increasing managers' understanding of the legal implications of their business decisions by	this is desirable but preference is always to use in house counsel and not any counsel.	P22

providing access to knowledgeable legal counsel.		
Increasing managers' understanding of the legal implications of their business decisions by providing access to knowledgeable legal counsel.	I think this is feasible on a certain scale – but depending on the number of managers and the number of counsel this might start to be a challenge.	P1
Increasing managers' understanding of the legal implications of their business decisions by providing access to knowledgeable legal counsel.	Does not seem like simply making access available will have any significant impact without more of a concerted effort to encourage the business people to use the legal resource.	P15
Increasing managers' understanding of the legal implications of their business decisions by providing access to knowledgeable legal counsel.	Managers need to be willing to use the access.	P30
Increasing managers' understanding of the legal implications of their business decisions by providing access to knowledgeable legal counsel.	Presume this is reference to in-house counsel . . . Do not want managers dealing with outside counsel without in-house counsel involvement.	P5
Increasing managers' understanding of the legal implications of their business decisions by providing access to knowledgeable legal counsel.	Core of the value proposition	P20
Improving workplace collaboration between in-house counsel and managers by ensuring managers have access to knowledgeable legal counsel.	May be tricky in very large companies.	P9
Improving workplace collaboration between in-	Similar to #16, just providing access without more affirmative effort to encourage the interaction is	P15

house counsel and managers by ensuring managers have access to knowledgeable legal counsel.	unlikely to improve the amount of collaboration. Managers may see that as simply an extra step in their process.	
Improving workplace collaboration between in-house counsel and managers by ensuring managers have access to knowledgeable legal counsel.	Presume this is reference to in-house counsel . . . Do not want managers dealing with outside counsel without in-house counsel involvement.	P5
Improving workplace collaboration between in-house counsel and managers by ensuring managers have access to knowledgeable legal counsel.	To differentiate between 17 and 18, I took 18 to mean the in-house counsel themselves. Not all departments have access to either the strength in numbers or skill level to be the knowledgeable legal base for all topics. However being able to secure that knowledge base in a way that provides total coverage at the agreed cost level is the value proposition	P20
In-house counsel displaying their value as participants on management level teams by exercising calm judgment under pressure.	Very subjective in terms of feasibility – entirely depends on the personality of the counsel.	P21
In-house counsel displaying their value as participants on management level teams by exercising calm judgment under pressure.	Clearly the goal but first off lawyers are human and will not meet all expectations every time; second the quality of the lawyer will vary.	P20
In-house counsel demonstrating how the legal department adds strategic value by providing training on the legal consequences of management decisions using real world examples, cases, or demonstrations.	On desirability, it is important that these demonstrations not be overbearing. They should be highly targeted for audience.	P21
In-house counsel demonstrating how the legal department adds strategic value by providing training on the legal consequences of management decisions	I differentiate this from #11 in that you can provide the training that should establish the strategic value but whether the lawyer can't compel management to recognize value	P20

using real world examples, cases, or demonstrations.		
Integrating legal considerations w/company business processes by employing in-house counsel who possess business skills and business knowledge.	Many lawyers lack business aptitude – there is a disconnect between the legal and business worlds, so tough to find.	P21
Integrating legal considerations w/company business processes by employing in-house counsel who possess business skills and business knowledge.	This is just an issue of the available talent pool.	P1
Integrating legal considerations w/company business processes by employing in-house counsel who possess business skills and business knowledge.	It is important to hire talented and competent staff, but often times, attorneys are not available with specific knowledge of highly specialized businesses. The attorneys need time in-house to learn the business. Even in the attorney hired is knowledgeable, that alone will not translate into receptive management opinions.	P19
Increasing managers' understanding of the legal implications of their business decisions by involving in-house counsel in company business processes.	Counsel often slows down business, so the decision as to how to involve counsel would need to be well-considered.	P21
Increasing managers' understanding of the legal implications of their business decisions by involving in-house counsel in company business processes.	See comments for #2 and #9	P20
Improving workplace collaboration between in-house counsel and managers by involving in-house counsel in company business processes.	See comments for #2 and #9	P20
In-house counsel displaying their value as participants on management level teams	Similar to the (21), this is a very individualized capability.	P21

by exhibiting strong communication skills.		
In-house counsel displaying their value as participants on management level teams by exhibiting strong communication skills.	Not all lawyers have strong communication skills or people skills.	P1
In-house counsel displaying their value as participants on management level teams by exhibiting strong communication skills.	Should be a part of the value proposition though there will always be some variability in skill level even with training of lawyers.	P20
In-house counsel demonstrating how the legal department adds strategic value by finding cost effective ways to address legal issues.	Legal issues can only be *so* cost effective without running the risk of cutting corners or acting borderline w/in law.	P21
In-house counsel demonstrating how the legal department adds strategic value by finding cost effective ways to address legal issues.	Counsel must be conscious of the bottom line.	P1
In-house counsel demonstrating how the legal department adds strategic value by finding cost effective ways to address legal issues.	May depend on how in depth counsel is permitted to become involved.	P9
In-house counsel demonstrating how the legal department adds strategic value by finding cost effective ways to address legal issues.	This is core to the value proposition but feasibility is only a 3 because cost effective has to be modified to include relative to situation. A lawsuit that could cost the company 50M but only costs 40M is a more cost effective solution but avoiding the lawsuit might have cost 20M in revenue and saved the entire cost.	P20
Integrating legal considerations w/company business processes by providing training on identifying legal risks and legal developments affecting the company.	Training is easy to implement; whether a trainee retains enough of the training to be worthwhile is unknown.	P21
Integrating legal considerations w/company	will company provide time for legal training?	P30

business processes by providing training on identifying legal risks and legal developments affecting the company.		
Integrating legal considerations w/company business processes by providing training on identifying legal risks and legal developments affecting the company.	Clearly valuable but feasibility depends on reception from management and whether the legal department has resources to develop and conduct training.	P20
Increasing managers' understanding of the legal implications of their business decisions by fostering a work environment where managers are comfortable seeking the advice of in-house counsel.	Depends on the size of the company and the relative size of the legal department; good if adequate ratio of the two.	P21
Increasing managers' understanding of the legal implications of their business decisions by fostering a work environment where managers are comfortable seeking the advice of in-house counsel.	This is a culture shift at certain companies	P1
Increasing managers' understanding of the legal implications of their business decisions by fostering a work environment where managers are comfortable seeking the advice of in-house counsel.	Core value	P20
Improving workplace collaboration between in-house counsel and managers by helping lawyers and managers to understand each other's concerns and perspectives.	Only feasible if the business folks heed to the advice of the legal team, and the lawyers understand business' needs.	P21
Improving workplace	Depends on both parties skill level and desirability to	P20

collaboration between in-house counsel and managers by helping lawyers and managers to understand each other's concerns and perspectives.	grow	
In-house counsel displaying their value as participants on management level teams by possessing extensive knowledge of the legal and business issues affecting the company.	Extensive knowledge results from extensive time spent working in/for the company; feasibility based on work ethic.	P21
In-house counsel displaying their value as participants on management level teams by possessing extensive knowledge of the legal and business issues affecting the company.	See response for #20	P20
In-house counsel demonstrating how the legal department adds strategic value by collaborating w/managers to balance the risks/rewards associated w/business decisions.	Counsel should have a seat at the table for any high-level strategy conversations.	P21
In-house counsel demonstrating how the legal department adds strategic value by collaborating w/managers to balance the risks/rewards associated w/business decisions.	I consider this a core value for the lawyer to see their job this way but this is clearly a horse/2 to tango issue	P20
Integrating legal considerations w/company business processes through the dissemination of clear, up-to-date company policies and procedures by in-house counsel.	in some companies HR controls certain policies and procedures and it may be difficult to get them to revise and update.	P22
Integrating legal considerations w/company	Policies and procedures protect the company in litigation, but whether they are accepted and	P21

business processes through the dissemination of clear, up-to-date company policies and procedures by in-house counsel.	followed is different.	
Integrating legal considerations w/company business processes through the dissemination of clear, up-to-date company policies and procedures by in-house counsel.	many of the relevant policies are not legal alone but involve HR, Finance, Environmental , etc. departments and thus the lawyers ability to mandate clear policies is not always optimal.	P20
Increasing managers' understanding of the legal implications of their business decisions through membership in trade/professional organizations.	I assume you are talking about the manager's membership in a trade/ professional organization.	P22
Increasing managers' understanding of the legal implications of their business decisions through membership in trade/professional organizations.	Easily feasible to become a member in a trade/professional organization, but not sure that it is necessary.	P21
Increasing managers' understanding of the legal implications of their business decisions through membership in trade/professional organizations.	budgets may impact this concept.	P14
Increasing managers' understanding of the legal implications of their business decisions through membership in trade/professional organizations.	Clearly access to resources is valuable but often these resources are more social than substantive	P20
Increasing managers' understanding of the legal implications of their business decisions through membership in trade/professional organizations.	As in-house counsel, we are accountable to ensure managers understand legal implications. We should not delegate that responsibility to trade or professional organizations. Management should be educated on legal risks first by the OGC or we lose credibility.	P19

Improving workplace collaboration between in-house counsel and managers by fostering easy-access, open communication between managers and in-house counsel.	Should be a part of the value proposition though there will always be some variability in skill level even with training of lawyers	P20
In-house counsel displaying their value as participants on management level teams by maintaining a friendly and approachable demeanor.	As in above, very individualist qualities of the counsel.	P21
In-house counsel displaying their value as participants on management level teams by maintaining a friendly and approachable demeanor.	I think this is important but sometimes legal does have to be the bad guy.	P1
In-house counsel displaying their value as participants on management level teams by maintaining a friendly and approachable demeanor.	Should be feasible but I can't speak for all lawyers	P20
In-house counsel displaying their value as participants on management level teams by maintaining a friendly and approachable demeanor.	Attorneys need to be approachable and friendly but his alone is not likely to sway opinions of managers on the value of the department. I once had a CEO tell me that I was too well liked in the organization. In her opinion, people needed to fear the General Counsel – and the fact that I was approachable and likeable made her think I wasn't doing my job.	P19
In-house counsel demonstrating how the legal department adds strategic value by successfully managing litigation and other legal matters.	“Success” is a subjective evaluation of expectations; as important as a good outcome is explaining litigation process.	P21
In-house counsel demonstrating how the legal department adds strategic value by	Core value	P20

successfully managing litigation and other legal matters.		
In-house counsel demonstrating how the legal department adds strategic value by successfully managing litigation and other legal matters.	This is expected as part of our job responsibilities. But this represents such a small portion of what is handled by in-house counsel. This alone will not sway opinions of those that do not believe the Office of the General Counsel adds value. In additional, it is difficult to know what is meant by “success”. We cannot “win” every case, and some cases will cost millions to defend – despite appropriate management by in-house counsel.	P19
Integrating legal considerations w/company business processes by proactively circulating notices of legal department activities.	A strong legal department is present inasmuch as necessary – seems childish to send in your face, “look at me” notes.	P21
Integrating legal considerations w/company business processes by proactively circulating notices of legal department activities.	The concept makes sense. Not sure how much information can or should be shared publicly.	P9
Integrating legal considerations w/company business processes by proactively circulating notices of legal department activities.	Not 5’s because in the end doing the action is the value not telling people about it	P20
Integrating legal considerations w/company business processes by proactively circulating notices of legal department activities.	maintaining privilege often makes this difficult	P19
Improving workplace collaboration between in-house counsel and managers by helping managers to view lawyers as valued partners rather than deal killers.	Clearly part of the value proposition that we find solutions rather than obstacles but sometimes the risk/reward criteria requires some deals to be killed and often organizations want the lawyer to be willing to do that	P20
Improving workplace collaboration between in-house counsel and managers by helping	this doesn’t offer any suggestion on how to change managers opinion and/or shift their view.	P19

managers to view lawyers as valued partners rather than deal killers.		
In-house counsel displaying their value as participants on management level teams by supporting the views, perspectives, and concerns of others.	Can be a positive, provided in-house counsel is not expected to suppress its own judgment and independent thoughts.	P15
In-house counsel displaying their value as participants on management level teams by supporting the views, perspectives, and concerns of others.	Clearly part of the values not a 5 because not all lawyers are capable of doing so	P20
In-house counsel demonstrating how the legal department adds strategic value by accepting responsibility for the department's decisions.	strategic value and being responsible for decisions doesn't seem to make sense – of course legal is responsible for the decisions legal makes – that has nothing to do with adding strategic value.	P22
In-house counsel demonstrating how the legal department adds strategic value by accepting responsibility for the department's decisions.	Clearly part of the values not a 5 because not all lawyers are capable of doing so	P20
In-house counsel demonstrating how the legal department adds strategic value by accepting responsibility for the department's decisions.	Accountability is highly desirable, but I am not sure it is highly desirable as a method to change managers' viewpoints towards the department.	P19
Integrating legal considerations w/company business processes by involving in-house counsel in company business processes.	See #21	P20
In-house counsel displaying their value as participants on management level teams by proactively finding solutions to company	Clearly core value except not all problems can be solved in the legal department nor should the value metrics be did you solve our problems when change in the culture or management themselves is needed.	P20

problems.		
In-house counsel demonstrating how the legal department adds strategic value by providing timely, effective legal advice and updates on legal matters affecting the organization.	Lawyers should not play “gotcha” or “hide the ball” but telling people about law changes is not as important as making sure you integrate the change into practice.	P20
Integrating legal considerations w/company business processes by fostering the joint use of information technology and other support tools by managers and in-house counsel.	See #12	P20
In-house counsel displaying their value as participants on management level teams by bringing professionalism to their work and conduct w/others.	Core value	P20
In-house counsel displaying their value as participants on management level teams by bringing professionalism to their work and conduct w/others.	“Professionalism” has a negative impact when dealing with low level employees. They have been trained to dislike lawyers. With these employees, a more “laid back” approach is better.	P2
Integrating legal considerations w/company business processes by successfully managing litigation and other company legal matters.	these two do not have anything in common unless the question is whether by successfully managing litigation in house legal can be invited to the table to integrate legal considerations into business processes in which case – 5 and 3.	P22
Integrating legal considerations w/company business processes by successfully managing litigation and other company legal matters.	No a 5 because definition of success is open for interpretation	P20
In-house counsel demonstrating how the	Core value	P20

<p>legal department adds strategic value by understanding the business and proactively addressing legal issues, trends and risks that impact the company.</p>		
<p>Integrating legal considerations w/company business processes through corporate compliance programs.</p>	<p>Calling something corp compliance does not make it desirable this is just the current buzzword. Doing the things that we use the buzzword for is the sum of the issues discussed here.</p>	<p>P20</p>
<p>Integrating legal considerations w/company business processes through corporate compliance programs.</p>	<p>Compliance programs are highly desirable, and it is important for in-house counsel to work with the compliance team. However, Compliance departments are often separate from the legal division. Thus, I don't believe compliance programs that incorporate legal considerations will improve the perception of in-house counsel; instead, they will improve perceptions of the compliance department.</p>	<p>P19</p>

Appendix H: Third Round Data

Statement	P4	P31	P33	P35	P27	P30	P15	P24
Statement 1								
Importance	5	5	4	4	4	5	4	5
Confidence	4	4	5	3	5	4	3	5
Statement 2								
Importance	5	4	5	5	4	5	4	5
Confidence	4	4	5	4	4	5	4	5
Statement 3								
Importance	4	4	4	3	4	5	5	4
Confidence	4	4	4	3	4	4	5	4
Statement 4								
Importance	4	4	3	4	5	5	4	5
Confidence	4	4	3	4	4	4	2	5
Statement 5								
Importance	5	5	4	5	4	5	4	5
Confidence	4	4	4	4	4	4	4	5
Statement 6								
Importance	4	4	5	4	5	4	4	5
Confidence	4	3	4	4	5	4	2	4
Statement 7								
Importance	5	3	4	3	4	3	4	4
Confidence	5	3	5	4	4	4	4	4
Statement 8								
Importance	5	3	4	3	3	3	4	4
Confidence	5	3	5	4	3	3	4	4
Statement 9								
Importance	4	5	4	3	5	4	5	4
Confidence	4	4	5	5	5	4	4	4
Statement 10								
Importance	4	3	5	3	4	3	4	4
Confidence	4	3	4	4	4	3	4	4
Statement 11								
Importance	4	3	4	4	4	3	3	5

Confidence	4	3	4	3	4	2	3	5
Statement 12								
Importance	5	4	5	4	4	3	3	5
Confidence	4	3	5	2	4	4	3	5
Statement 13								
Importance	5	5	5	4	3	4	4	5
Confidence	4	4	5	4	4	4	4	5
Statement 14								
Importance	4	5	4	4	4	3	3	4
Confidence	4	4	5	5	4	3	3	4
Statement 15								
Importance	3	4	3	4	4	4	4	5
Confidence	4	3	3	5	4	5	2	4
Statement 16								
Importance	4	4	3	4	4	4	4	5
Confidence	4	3	3	4	4	5	2	5
Statement 17								
Importance	4	4	5	4	4	4	5	5
Confidence	4	4	5	5	5	4	4	5
Statement 18								
Importance	5	5	4	4	3	5	3	4
Confidence	4	3	5	5	3	4	3	4
Statement 19								
Importance	5	3	4	4	3	4	4	5
Confidence	3	3	5	5	3	2	2	4
Statement 20								
Importance	4	5	5	4	4	5	5	5
Confidence	4	4	5	4	4	5	5	5
Statement 21								
Importance	4	5	4	4	4	4	4	5
Confidence	4	4	5	5	5	5	2	4
Statement 22								
Importance	4	5	4	4	3	4	3	5
Confidence	4	3	5	5	3	4	3	5
Statement 23								
Importance	5	4	4	4	3	3	3	5
Confidence	5	3	4	5	3	3	3	5

Statement 24								
Importance	4	5	5	4	4	5	5	5
Confidence	4	4	5	5	5	5	5	5
Statement 25								
Importance	4	5	4	4	3	4	3	5
Confidence	4	3	4	5	3	5	3	5
Statement 26								
Importance	3	4	5	4	4	3	3	5
Confidence	4	3	5	5	4	4	3	4
Statement 27								
Importance	3	3	5	4	5	4	4	4
Confidence	4	3	5	5	5	3	4	4
Statement 28								
Importance	3	4	3	4	4	5	4	5
Confidence	4	4	3	5	4	5	2	5
Statement 29								
Importance	3	4	5	4	5	3	4	5
Confidence	4	3	5	5	5	3	3	4
Statement 30								
Importance	5	4	5	4	4	4	2	5
Confidence	5	3	5	4	5	4	3	5
Statement 31								
Importance	3	3	5	4	5	4	4	5
Confidence	4	3	4	5	5	5	4	4
Statement 32								
Importance	5	4	5	5	3	3	2	5
Confidence	4	3	5	5	3	3	3	5
Statement 33								
Importance	no rating	4	4	4	5	3	3	5
Confidence	no rating	4	5	5	5	3	3	4
Statement 34								
Importance	3	4	3	5	4	4	3	4
Confidence	4	3	4	4	4	3	3	4
Statement 35								
Importance	4	4	4	5	4	5	3	5

Confidence	4	4	4	5	5	4	3	5
Statement 36								
Importance	4	4	4	5	4	5	3	5
Confidence	4	4	5	5	5	4	3	5

Statement	P5	P34	P2	P14	P9	P10	P20	P19
Statement 1								
Importance	5	5	5	4	5	5	5	5
Confidence	4	4	5	4	4	5	4	4
Statement 2								
Importance	4	5	5	5	5	5	3	4
Confidence	4	5	5	4	5	5	4	4
Statement 3								
Importance	4	5	4	4	5	4	3	5
Confidence	3	5	4	4	4	5	3	4
Statement 4								
Importance	4	5	5	4	5	5	4	4
Confidence	3	5	4	4	4	5	4	4
Statement 5								
Importance	4	5	3	4	5	4	5	5
Confidence	3	5	4	4	3	4	4	5
Statement 6								
Importance	4	5	5	4	5	5	5	4
Confidence	3	5	5	4	4	5	4	3
Statement 7								
Importance	4	5	3	3	5	4	4	4
Confidence	3	4	5	5	5	4	3	3
Statement 8								
Importance	5	4	2	5	5	4	4	5
Confidence	3	4	2	4	5	4	4	4
Statement 9								
Importance	4	4	5	4	4	3	3	4
Confidence	3	4	5	4	3	4	3	4
Statement 10								
Importance	4	4	3	3	5	4	4	4

Confidence	3	4	3	3	4	5	4	4
Statement 11								
Importance	4	5	4	4	4	5	5	5
Confidence	3	4	5	4	2	5	4	5
Statement 12								
Importance	4	5	5	5	4	3	5	5
Confidence	3	4	5	4	3	4	4	4
Statement 13								
Importance	4	5	5	4	5	4	5	5
Confidence	3	5	5	4	4	5	4	4
Statement 14								
Importance	4	5	2	3	5	4	4	5
Confidence	4	4	2	4	4	5	4	4
Statement 15								
Importance	4	5	5	4	5	4	4	4
Confidence	3	4	5	4	4	5	4	4
Statement 16								
Importance	4	5	5	4	5	5	4	5
Confidence	3	4	5	4	4	5	4	4
Statement 17								
Importance	4	5	5	4	5	4	5	5
Confidence	3	5	5	4	5	5	4	5
Statement 18								
Importance	4	5	5	5	5	3	5	5
Confidence	3	5	5	5	5	3	2	3
Statement 19								
Importance	4	3	5	3	5	3	4	5
Confidence	3	4	5	4	5	3	2	4
Statement 20								
Importance	4	4	5	5	4	5	5	5
Confidence	3	4	3	5	3	5	5	5
Statement 21								
Importance	4	4	3	3	5	5	3	5
Confidence	3	4	5	4	3	5	3	5
Statement 22								
Importance	4	5	3	5	5	5	5	5
Confidence	3	4	3	5	4	5	5	4

Statement 23								
Importance	4	4	5	3	5	4	4	4
Confidence	4	4	5	4	5	4	4	3
Statement 24								
Importance	4	5	5	5	5	5	5	5
Confidence	3	5	5	4	5	5	4	5
Statement 25								
Importance	4	5	5	4	5	5	4	5
Confidence	3	4	5	5	4	5	3	5
Statement 26								
Importance	4	5	5	5	5	5	5	5
Confidence	4	4	5	5	3	5	5	4
Statement 27								
Importance	4	4	2	5	5	5	5	5
Confidence	3	4	2	4	5	5	4	5
Statement 28								
Importance	4	5	5	4	5	4	4	4
Confidence	3	4	5	4	4	5	4	4
Statement 29								
Importance	4	5	5	4	5	5	5	5
Confidence	3	4	5	4	3	5	4	4
Statement 30								
Importance	4	5	3	5	5	5	3	5
Confidence	3	4	5	4	5	5	4	4
Statement 31								
Importance	4	4	2	3	5	5	5	5
Confidence	3	4	2	4	5	5	4	5
Statement 32								
Importance	4	5	5	5	4	3	5	5
Confidence	3	4	5	5	3	3	4	4
Statement 33								
Importance	4	4	5	4	4	4	4	5
Confidence	3	4	5	4	4	5	4	3
Statement 34								
Importance	4	4	3	5	4	3	5	4

Confidence	3	4	5	4	3	4	4	3
Statement 35								
Importance	4	5	5	5	5	4	4	5
Confidence	3	5	5	5	5	5	3	4
Statement 36								
Importance	4	5	4	5	5	4	5	5
Confidence	3	4	5	5	5	5	5	4

Statement	P17	P23	P37
Statement 1			
Importance	5	5	4
Confidence	5	4	4
Statement 2			
Importance	5	5	4
Confidence	4	4	5
Statement 3			
Importance	5	4	3
Confidence	5	4	2
Statement 4			
Importance	3	5	4
Confidence	4	4	4
Statement 5			
Importance	3	4	5
Confidence	4	4	5
Statement 6			
Importance	4	3	5
Confidence	4	3	5
Statement 7			
Importance	5	5	5
Confidence	5	4	5
Statement 8			
Importance	5	5	5
Confidence	5	5	5
Statement 9			
Importance	3	5	3

Confidence	4	5	2
Statement 10			
Importance	3	4	5
Confidence	3	4	5
Statement 11			
Importance	4	4	3
Confidence	4	4	3
Statement 12			
Importance	5	3	4
Confidence	5	4	3
Statement 13			
Importance	4	5	5
Confidence	4	5	3
Statement 14			
Importance	5	4	4
Confidence	4	4	4
Statement 15			
Importance	3	4	4
Confidence	3	4	4
Statement 16			
Importance	4	4	4
Confidence	4	4	4
Statement 17			
Importance	4	5	3
Confidence	4	5	2
Statement 18			
Importance	4	4	5
Confidence	4	4	4
Statement 19			
Importance	3	5	4
Confidence	3	5	5
Statement 20			
Importance	5	5	3
Confidence	4	5	3
Statement 21			
Importance	4	4	4
Confidence	4	4	2

Statement 22			
Importance	5	5	3
Confidence	5	5	3
Statement 23			
Importance	4	4	4
Confidence	5	4	4
Statement 24			
Importance	5	4	4
Confidence	3	4	2
Statement 25			
Importance	4	4	1
Confidence	3	4	1
Statement 26			
Importance	5	5	3
Confidence	3	5	3
Statement 27			
Importance	4	4	5
Confidence	4	4	5
Statement 28			
Importance	4	5	3
Confidence	4	4	3
Statement 29			
Importance	5	4	3
Confidence	4	4	3
Statement 30			
Importance	4	5	4
Confidence	4	4	3
Statement 31			
Importance	4	5	5
Confidence	4	4	5
Statement 32			
Importance	5	4	4
Confidence	4	4	4
Statement 33			
Importance	4	4	1

			1
Confidence	5	4	
Statement 34			
Importance	4	5	4
Confidence	4	5	4
Statement 35			
Importance	5	5	3
Confidence	5	5	3
Statement 36			
Importance	5	5	4
Confidence	5	5	4

Round 3 Explanations of Reasoning

Statement	Explanation of Reasoning Generated by Panelist	Panelist ID
Integrating legal considerations w/company business processes by stimulating a work environment where managers and lawyers recognize and rely on each other's contributions to the company.	There is a substantial risk that neither lawyers or business persons will recognize or entirely rely upon each other's contributions as there may be competing interest vying for power and influence in a culture where being right as an individual (rather than the success of the team) is valued by C-level executives.	P37
Improving workplace collaboration between in-house counsel and managers by involving in-house counsel in company business processes.	Depends on the nature of the business and the skills and experience/competence of attorney	P15
Increasing managers' understanding of the legal implications of their business decisions by involving in-house counsel in company business processes.	Depends on the nature of the business and the skills and experience/competence of attorney	P15
In-house counsel undertaking to improve workplace collaboration between in-house counsel and managers through building rapport w/managers.	It is easy to fail at building rapport; there could be blow back if not seen as genuine	P37
In-house counsel demonstrating how the legal department adds strategic value by collaborating	Perhaps the way this is worded makes for a tougher confidence rating. I think I like this stated better at #4.	P9

w/managers to balance the risks/rewards associated w/business decisions.		
In-house counsel demonstrating how the legal department adds strategic value by collaborating w/managers to balance the risks/rewards associated w/business decisions.	Need more facts to answer/evaluate.	P37
Integrating legal considerations w/company business processes by successfully managing litigation and other company legal matters.	Litigation outcomes are often uncertain and require significant judgment	P35
In-house counsel demonstrating how the legal department adds strategic value by participating in business processes.	Depends on the nature of the business and the skills and experience/competence of attorney	P15
Integrating legal considerations w/company business processes by involving in-house counsel in company business processes.	Depends on the nature of the business and the skills and experience/competence of attorney	P15
Improving workplace collaboration between in-house counsel and managers by fostering easy-access, open communication between managers and in-house counsel.	Building channels of communication, by itself, will not resolve the issue.	P37
In-house counsel demonstrating how the legal department adds strategic value by accepting responsibility for the department's decisions.	It is risky because often the decisions are based on problems already in existence and can result in a blame the messenger culture. Of course the law dept. has to accept responsibility for its actions	P20
Increasing managers' understanding of the legal implications of their business decisions by using the negative legal outcomes/avoidable losses undergone by those managers as learning experiences.	Managers may react negatively to lawyers calling out their past mistakes or bad acts	P15

Increasing managers' understanding of the legal implications of their business decisions by using the negative legal outcomes/avoidable losses undergone by those managers as learning experiences.	Risky because no one likes to be made an example or called out for their mistakes. However, the key context of future improvement is that there are problems in the first place. It is of value to use negative situations to show how value can be added to turn something into a future positive.	P20
Improving workplace collaboration between in-house counsel and managers by helping lawyers and managers to understand each other's concerns and perspectives.	Managers probably don't care about lawyers' perspective regarding the business	P15
Improving workplace collaboration between in-house counsel and managers by helping lawyers and managers to understand each other's concerns and perspectives.	Fostering collaboration, by itself, will not resolve the issue.	P37
Increasing managers' understanding of the legal implications of their business decisions by fostering a work environment where managers are comfortable seeking the advice of in-house counsel.	Fostering collaboration, by itself, will not resolve the issue.	P37
In-house counsel displaying their value as participants on management level teams by exhibiting adaptability in the face of change.	Does not seem like it will resolve the issue or any facet of it.	P37
In-house counsel displaying their value as participants on management level teams by actively engaging in business processes.	Depends on the nature of the business and the skills and experience/competence of attorney	P15
In-house counsel demonstrating how the legal department adds strategic value by providing timely, effective legal advice and updates on legal matters affecting the organization.	Doubtful managers are interested unless counsel clearly demonstrates that a certain act will clearly result in negative consequences	P15
In-house counsel demonstrating how the legal department adds strategic	Managers assume this is already the purpose of the legal department	P15

value by successfully managing litigation and other legal matters.		
In-house counsel displaying their value as participants on management level teams by maintaining a friendly and approachable demeanor.	Doubtful it will resolve the issue or any facet of it.	P37

Round 3 Optional Comments

Statement	Optional Comment Generated by Panelist	Panelist ID
Integrating legal considerations w/company business processes by delivering timely and effective legal advice.	The Confidence scale is difficult to assess in the abstract. It will depend on the issue	P35
Integrating legal considerations w/company business processes by delivering timely and effective legal advice.	Precision, economy and relevance of advice and counsel will help ensure reception.	P9
Integrating legal considerations w/company business processes by delivering timely and effective legal advice.	Key value of lawyer in a company.	P20
In-house counsel displaying their value as participants on management level teams by exhibiting accountability and integrity.	Will work for most management but some will see lawyer as meddling	P20
Integrating legal considerations w/company business processes by stimulating a work environment where managers and lawyers recognize and rely on each other's contributions to the company.	Of value for lawyer but more important for lawyer to do work than be appreciated for the work	P20
Improving workplace collaboration between in-house counsel and managers by involving in-house counsel in company business processes.	Advice must be proactive, to the point and unequivocal. Give clear choices.	P9
Improving workplace collaboration between in-house counsel and managers by involving in-house counsel in company business processes.	Of need for lawyer to be successful but also adds value for company	P20

In-house counsel demonstrating how the legal department adds strategic value by understanding the business and proactively addressing legal issues, trends and risks that impact the company.	This general series of questions – “Confidence” of 3 because beyond control of in-house counsel. In-house counsel can take an “action” but that does not mean that the audience will necessarily understand the consequence or import.	P5
In-house counsel demonstrating how the legal department adds strategic value by understanding the business and proactively addressing legal issues, trends and risks that impact the company.	Uphill battle with non-lawyers but worth the struggle.	P9
In-house counsel demonstrating how the legal department adds strategic value by understanding the business and proactively addressing legal issues, trends and risks that impact the company.	Also a key part of the value proposition	P20
Increasing managers’ understanding of the legal implications of their business decisions by involving in-house counsel in company business processes.	Awareness training, not expertise. Don’t overload them with hazards and stifle their ability to make decisions.	P9
Increasing managers’ understanding of the legal implications of their business decisions by involving in-house counsel in company business processes.	There is a horse to water issue here in that we as lawyers know that the managers benefit by legal involvement. However the manager has to come to that realization themselves.	P20
Integrating legal considerations w/company business processes through the dissemination of clear, up-to-date company policies and procedures by in-house counsel.	People are generally receptive to policies and procedures. Just have to be concise and understandable.	P9
Integrating legal considerations w/company business processes through the dissemination of clear, up-to-date company policies and procedures by in-house counsel.	Part of the issue here is that a company needs a management culture that requires adherence to policies in the first place. The best policies are useless if no one reads or acts to follow.	P20
Integrating legal considerations w/company business processes	Ethics & Compliance are becoming more important. Younger workers seem to be more	P9

through corporate compliance programs.	receptive.	
Integrating legal considerations w/company business processes through corporate compliance programs.	Again so long as the culture supports enforcement this is a key element.	P20
Improving workplace collaboration between in-house counsel and managers through training on legal risk management techniques.	Awareness training, not expertise. Don't overload them with hazards and stifle their ability to make decisions.	P9
Improving workplace collaboration between in-house counsel and managers through training on legal risk management techniques.	Training is one of the ways lawyers can show managers the value of integrated cooperation	P20
In-house counsel demonstrating how the legal department adds strategic value by collaborating w/managers to balance the risks/rewards associated w/business decisions.	Not sure how managers will receive instruction on risk/reward analysis in their own business from the lawyers	P15
In-house counsel demonstrating how the legal department adds strategic value by collaborating w/managers to balance the risks/rewards associated w/business decisions.	Also a key part of the value proposition	P20
Integrating legal considerations w/company business processes by successfully managing litigation and other company legal matters.	Basic tasks everyone already expects the lawyers to perform	P15
Integrating legal considerations w/company business processes by successfully managing litigation and other company legal matters.	Old adage, "If you win, you should have won. If you lose, you're incompetent and screwed it up."	P9
Integrating legal considerations w/company business processes by successfully managing litigation and other company legal matters.	No one wants litigation but handling it is a key element for the lawyer and is one of the value adds.	P20
Integrating legal considerations w/company business processes by providing training on identifying legal risks and legal	Awareness training, not expertise. Don't overload them with hazards and stifle their ability to make decisions.	P9

developments affecting the company.		
Integrating legal considerations w/company business processes by providing training on identifying legal risks and legal developments affecting the company.	Training is one of the ways lawyers can show managers the value of integrated cooperation	P20
In-house counsel demonstrating how the legal department adds strategic value by participating in business processes.	Precision, economy and relevance of advice and counsel will help ensure reception.	P9
In-house counsel demonstrating how the legal department adds strategic value by participating in business processes.	Of need for lawyer to be successful but also adds value for company	P20
Integrating legal considerations w/company business processes by involving in-house counsel in company business processes.	Precision, economy and relevance of advice and counsel will help ensure reception.	P9
Integrating legal considerations w/company business processes by involving in-house counsel in company business processes.	Of need for lawyer to be successful but also adds value for company	P20
Improving workplace collaboration between in-house counsel and managers by fostering easy-access, open communication between managers and in-house counsel.	Also a key value area as lawyers need to be open and available and insert themselves into the business and not act as the book on the shelf or tht they are separate from the business actions.	P20
Increasing managers' understanding of the legal implications of their business decisions by using the negative legal outcomes/avoidable losses undergone by those managers as learning experiences.	Whether this can achieved depends in large measure on a company's culture of accountability	P4
Increasing managers' understanding of the legal implications of their business decisions by using the negative legal outcomes/avoidable losses undergone by those managers as learning experiences.	People relate to real life experiences that mirror the situations they encounter.	P9
In-house counsel displaying their value as participants on management level teams by	Equally part of the value proposition for the lawyer. No one will take you seriously if you do not know what is happening or care enough to	P20

possessing extensive knowledge of the legal and business issues affecting the company.	educate yourself. There is a difference between knowledge and expertise. Sales contracts are similar across industries to a lawyer but not to the client. It is a 2-way street. Understanding what you sell or what your client does always you to better tailor ways to help them.	
Improving workplace collaboration between in-house counsel and managers by helping lawyers and managers to understand each other's concerns and perspectives.	Dialogue is always helpful but doing the work is still more important.	P20
In-house counsel displaying their value as participants on management level teams by bringing professionalism to their work and conduct w/others.	Key part of basic requirement for job.	P20
Integrating legal considerations w/company business processes by creating business policies that directly include legal considerations.	This is the end goal of the work. If you integrate the legal compliance into the business process you have achieved lasting protection that creates the culture that allows for greater value and the cycle perpetuates.	P20
Increasing managers' understanding of the legal implications of their business decisions by fostering a work environment where managers are comfortable seeking the advice of in-house counsel.	Element of professionalism overall. On an individual basis, a manager may not feel rewarded if the lawyer needs to act on negative information that may inure to the managers disadvantage. However, a truly integrated lawyer that is open and honest will have managers coming to them or acting on their own before the situation becomes so extended that the manager is at risk.	P20
In-house counsel displaying their value as participants on management level teams by exhibiting adaptability in the face of change.	Adaptability is a positive; however malleability is not. Your determination of risk is constant your ability to help the organization reduce a risk by creativity is the skill. Neither overstating risk for effect, or ignoring risk to benefit a manger's agenda helps the company or the legal dept. in the long run.	P20
Improving workplace collaboration between in-house counsel and managers by ensuring managers have access to knowledgeable legal counsel.	Having access is meaningless unless there is also rapport and confidence that counsel will provide timely, concise and practical advice.	P9
Improving workplace collaboration between in-house counsel and managers by	If you are not competent or available you are of no value.	P20

ensuring managers have access to knowledgeable legal counsel.		
In-house counsel demonstrating how the legal department adds strategic value by providing training on the legal consequences of management decisions using real world examples, cases, or demonstrations.	People relate to real life experiences that mirror the situations they encounter.	P9
In-house counsel demonstrating how the legal department adds strategic value by providing training on the legal consequences of management decisions using real world examples, cases, or demonstrations.	Training is one of the ways lawyers can show managers the value of integrated cooperation	P20
In-house counsel displaying their value as participants on management level teams by actively engaging in business processes.	Precision, economy and relevance of advice and counsel will help ensure reception.	P9
In-house counsel displaying their value as participants on management level teams by actively engaging in business processes.	Of need for lawyer to be successful but also adds value for company	P20
Increasing managers' understanding of the legal implications of their business decisions by providing access to knowledgeable legal counsel.	Having access is meaningless unless there is also rapport and confidence that counsel will provide timely, concise and practical advice.	P9
Increasing managers' understanding of the legal implications of their business decisions by providing access to knowledgeable legal counsel.	If you are not competent or available you are of no value.	P20
In-house counsel demonstrating how the legal department adds strategic value by providing timely, effective legal advice and updates on legal matters affecting the organization.	Precision, economy and relevance of advice and counsel will help ensure reception. Awareness training, not expertise. Don't overload them with hazards and stifle their ability to make decisions.	P9
In-house counsel demonstrating how the legal department adds strategic value by providing	It is of value to let people know you are on top of important issues but it is more important that you are on top of the issue. In other words telling	P20

timely, effective legal advice and updates on legal matters affecting the organization.	people about new law or regulation is one thing driving what change or action is needed is the higher result.	
Increasing managers' understanding of the legal implications of their business decisions through training on the legal consequences of management decisions using real world examples, cases, or demonstrations.	People relate to real life experiences that mirror the situations they encounter.	P9
Increasing managers' understanding of the legal implications of their business decisions through training on the legal consequences of management decisions using real world examples, cases, or demonstrations.	Training is one of the ways lawyers can show managers the value of integrated cooperation	P20
In-house counsel demonstrating how the legal department adds strategic value by successfully managing litigation and other legal matters.	Little risk if this relates to conveying successful outcome. Litigation itself is risky	P35
In-house counsel demonstrating how the legal department adds strategic value by successfully managing litigation and other legal matters.	Counsel cannot expect to always have success. Sometimes they are on the side that should lose. More importantly is to have the competence and skill to limit the damage, learn from the mistakes to prevent/minimize their re-occurrence and move on.	P9
In-house counsel demonstrating how the legal department adds strategic value by successfully managing litigation and other legal matters.	Also a key value area as lawyers need to be open and available and insert themselves into the business and not act as the book on the shelf or tht they are separate from the business actions.	P20
In-house counsel displaying their value as participants on management level teams by maintaining a friendly and approachable demeanor.	No risk in being civil	P35
In-house counsel displaying their value as participants on management level teams by maintaining a friendly and approachable demeanor.	Friendly counsel is fine. I want competent, professional counsel. If that is Mr. Spock, so be it.	P9
In-house counsel displaying their value as participants on	We are a service department you need to act like it. However friendly and approachable is not the	P20

management level teams by maintaining a friendly and approachable demeanor.	same thing as pliable and unwilling to risk being unpopular. We are not here to be liked per se, so much as trusted and valuable. Being approachable and competent is the requirement.	
In-house counsel demonstrating how the legal department adds strategic value by finding cost effective ways to address legal issues.	Some will always see counsel as nothing more than overhead.	P9
In-house counsel demonstrating how the legal department adds strategic value by finding cost effective ways to address legal issues.	Cost effectiveness is also part of the value proposition but has to be balanced with competency. Sometimes you do get what you pay for and cutting costs is not always the best answer. Providing value for the spend is always needed.	P20
In-house counsel displaying their value as participants on management level teams by exercising calm judgment under pressure.	I want competent, professional counsel. If that is Mr. Spock, so be it!	P9
In-house counsel displaying their value as participants on management level teams by exercising calm judgment under pressure.	Calmness is valuable but it is not the same as unemotional. Involvement and engagement do require some level of emotional investment. However, no one is benefitted from a lack of control.	P20
In-house counsel displaying their value as participants on management level teams by exhibiting strong communication skills.	My scores equate “strong” with “excellent.” “Strong” could just mean forceful. There is a time and place for forcefulness but it shouldn’t be every encounter.	P9
In-house counsel displaying their value as participants on management level teams by exhibiting strong communication skills.	Not everyone is a great trainer or public speaker but being able to communicate both orally and in writing are prerequisites	P20

Appendix I: Reflexive Journal

3-7-16

Reflected on whether qualitative approach was most appropriate for study purpose.

5-5-16

Revisited proposed study design. Realized that a phenomenological study design was inappropriate for my chosen topic, as it looks to internal cognitive processes of individuals experiencing a phenomenon. My topic is focused on the external issues.

5-8-16

Started examining Delphi as potential study design. In contrast to a phenomenological study, a Delphi study would allow me to focus more on the practical consequences and applications of my proposed topic.

5-13-16

Set alerts in Google Scholar to notify if a seminal author on my topic publishes an article.

5-20-16

Considered potential methods of data collection suitable for study purpose. Given the potential dissolution of attorney-client privilege that would result from reviewing organizational documents, determined that document collection was not feasible. Similar concerns could be present in observational data collection. Resolved that a written questionnaire would not invite potential dissolution of attorney client-privilege so long as the questions did not solicit responses regarding privileged communications.

6-5-16 -> 6-11-16

Updated references listed by reviewing articles that cited articles already contained in my reference list. Articles that were on topic were incorporated into the literature review.

6-14-16 -> 6-20-16

Examined and researched suitable concepts for inclusion in conceptual framework. Concluded that transformational leadership, change management, and organizational conflict were central to the study topic.

7-25-16

Examined possible Likert scales for use in rounds 2 and 3. A review of the literature revealed that scholars have used 4-point, 5-point, 6-point, 7-point, and even 9-point Likert scales. Determined that 5-point Likert scale is appropriate for study as it appeared most consistently in the literature.

7-30-16

After reviewing numerous articles, I determined that I will measure consensus in rounds 2 and 3 by percentage of agreement. I also determined that I will use 75% as the threshold for consensus.

8-2-16

Became concerned about ability to locate suitable number of participants for Delphi panel. I began to 'test' my proposed recruitment strategies. After examining LinkedIn, I became more comfortable in my ability to identify the contact information for potential participants. LinkedIn grants the ability to conduct an advanced search, where I can identify individuals based on their current job titles.

8 - 7 -16

I discovered that my proposed turnaround time of 1 week between Delphi rounds is not feasible. The Walden University IRB will need to review the second round questionnaire prior to its dissemination to the panelists. As this process may take up to 10 days, I made the decision to expand the gap between each Delphi round to 3 weeks. Although I would prefer to reduce the time between rounds as much as possible to shorten the overall duration of the study (to minimize panelist attrition), I realized that panelists may also experience questionnaire overload if the questionnaire are spaced too closely together. Additionally, the data analysis process may take longer than anticipated.

8-10-16

In an effort to give panelists enough time to answer each questionnaire and reduce potential confusion regarding the time duration for each round, panelists will have 3 weeks to complete each questionnaire (coinciding with the 3 week gap between rounds).

8-15-16 -> 8-17-16

Received informal feedback on proposed questions for first round questionnaire. Suggestions made me consider: (1) whether it would be appropriate to change from a traditional Delphi design to a modified Delphi design; and (2) whether panelists would provide too much data, potentially complicating the data analysis process. Reflected on how my proposed questions did not reflect a traditional Delphi design. Concluded that traditional Delphi best matches my study's purpose: redrafted a single question to better fit traditional Delphi design and avoid possibility that essential data would be eliminated through participant ratings in rounds 2 and 3. Added language to better focus panelists' Round 1 responses on the topic and reduce possibility of excessively long answers.

8-23-16

Based on further communications with my methodologist, I modified the objectives and instructions associated with the pilot study. I added a requirement that pilot study participants provide a partial answer to the open-ended question in the first round

questionnaire. My reasoning behind this change was that this would provide me with additional insight regarding whether the first round question would solicit the intended data, i.e. data necessary to answer the main study research question.

9-12-16

Evaluated whether it would be more efficient and appropriate to conduct a pilot study or a field test of the proposed first round questionnaire. A review of prior Delphi studies provides substantial support for the use of a pilot study over a field test. A review of the results of a pilot study may provide a better opportunity to ensure the proposed first round questionnaire contains a question suitable for collecting the desired data.

9-15-16

Re-evaluated my decision whether to conduct a pilot study prior to the main study. Both a pilot study and field test would allow me to assess the clarity of the proposed first round questionnaire. I would need IRB approval prior to conducting a pilot study. The benefit of a pilot study would be that I could collect data, as opposed to a field test where no data collection may occur. Upon further consideration and reflection, I am not sure what added benefit collecting pilot study data would provide. The only benefit that I can see is that a pilot study data would allow me to see whether the proposed open-ended question solicits the data that I want. As my main concern is to test the wording, I reworded the proposal to incorporate field test rather than a pilot study.

10-19-16 -> 11-28-16

Received feedback from URR on draft of proposal. URR expressed a variety of concerns with the draft and included suggestions for revisions. Revised proposal in response to URR feedback:

- Revised general and specific problem statements, incorporated additional statement to better illustrate gap in current research literature.
- Clarified throughout document that purpose of the study is to look at future oriented approaches to the topic.
- Incorporated Delphi technique into conceptual framework to integrate the concept of consensus.
- Revised document to clarify focus on techniques rather than focus on strategies.
- Added further statement to illustrate how study eligibility criteria are sufficient to qualify someone as an expert relative to the study problem.
- To increase study rigor, modified study scales in rounds two and 3 to include the four scales identified by Linstone and Turoff: Desirability, Feasibility, Importance, Confidence.
- Modified proposed instructions for second and third round: Instructions will ask panelists to explain their reasoning if they apply a ranking of 1 or 2 to a statement.
- Per URR suggestion, changed percentage of consensus from 75% to 70% and added following statement: "Setting the level of consensus at 70% will set a relatively high bar indicating that a substantial majority lean toward consensus."

- Added further statements supporting anticipated attrition rate.
- Removed references to “best practices” as they are not part of a Delphi study which is forward looking rather.
- Added section on studies related to the constructs of interest and (consensus) chosen methodology and methods which was omitted from prior draft.
- Modified gap summary section to illustrate how literature review frames basis for first round questions.
- Instead of using two separate versions of the questionnaire in rounds 2 and 3, I will use Cronbach’s alpha to assess internal consistency.

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Reviewed results of field test. The field test identified potential room to improve clarity on both the first round questionnaire instructions and the first round questionnaire instructions. Incorporated suggestions into revising both the first round questionnaire instructions and the first round questionnaire instructions prior to submitting IRB application.