



Bridging the gap

Talent strategies to align law firms with client needs

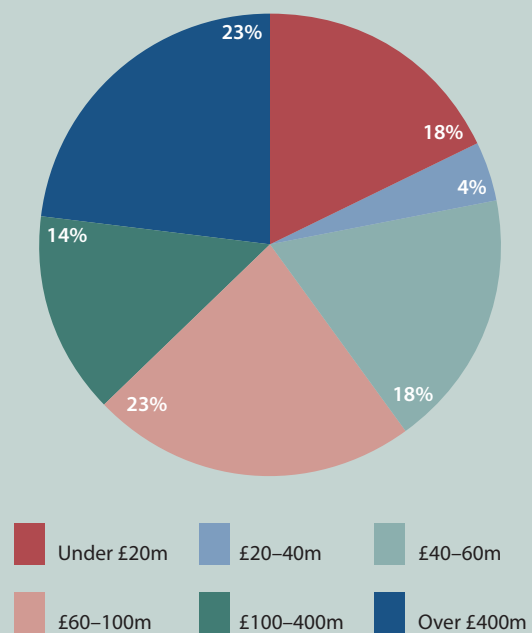
HEIDRICK & STRUGGLES

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Research methodology

Through Winmark's network of Managing Partners, 158 of the leading UK and global law firms were invited to take part in the survey and 23 completed the entire survey, with a further 5 partial completions. Participating Managing Partners were asked to spend 10 minutes going through a detailed survey analysing the performance of their firm on all aspects of talent management.

The firms that took part represent a significant proportion of the largest and most influential firms in the UK with half having international offices and 23% categorised as 'global'.



In addition, through the Winmark CLO Network, 147 General Counsel were invited to take part in a survey to cover the client perspective. In total 20 completed the entire survey, with a further 3 partial completions. The companies that took part have some of the UK's largest legal teams and the General Counsel gave detailed responses covering their significant experiences of a wide variety of firms.

To add depth to the findings, detailed face-to-face interviews were carried out with 16 Managing Partners and 4 General Counsel.

We would like to thank all of the Managing Partners and General Counsel for the time they have spent participating in the research.

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Foreword

Heidrick & Struggles is delighted to work with Winmark and its Network of Managing Partners on the *Bridging the gap* talent report. Since our founding in the 1950s, we have helped companies and professional services firms create winning leadership teams. Law firms represent an important clientele for us and we are always keen to learn more about how they can get the best from their people.

That is why we collaborated with Winmark in engaging with Managing Partners and General Counsel. Our shared goal was a report that would provide firms with practical steps for improving people management at every stage – recruitment, assessment, training, deployment.

The results of the survey, and the in-depth interviews on which this report is based, show that firms' aspirations are high but that they don't always meet their own expectations – or those of their clients – in this critical area. The report highlights the areas where gaps exist and demonstrates that talent management is central to the long-term success of any law firm. It offers suggestions for bridging these gaps.

Too many leaders view superior talent management as a 'mega project', something that can only be accomplished over many years and with millions of pounds of investment. We believe this is far from the case. Excellent people management can be implemented in simple, logical steps, without massive funding; it is a matter of constancy to purpose and discipline rather than a single breakthrough initiative.

Our experience with law firms around the world suggests that there are practical approaches that any firm can take, to make an immediate and measurable difference in the quality and satisfaction of their people, and hence the satisfaction of their clients.

We hope that the report findings and recommendations will be useful for the managers of law firms, and we invite your comments.

Jonathan Day

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Managing Partner, Law Firms, Heidrick & Struggles

September 2011

Executive summary

Managing Partners have never had to work harder to maintain and secure long term profitability for their firms. They know that people and talent are vital to their firms' success. Our surveys and interviews with Managing Partners and General Counsel show that there are significant gaps between aspirations and performance.

The notable gaps are as follows:

- » **Between client demands and firm capabilities** – 73% of General Counsel surveyed stated that quality of staff is the most important factor for them in dictating their choice of firm. They identified gaps in lawyers' commercial acumen and strategic thinking. These factors matter to General Counsel in choosing firms, and they believe that law firm performance is not meeting their expectations. These factors may well be differentiating factors for firms. Managing Partners recognised their firms' shortcomings in these areas and identified weaknesses in their firms' ability to attract, assess and develop employees to meet these requirements.
- » **Between aspiration and performance on talent management issues** – Managing Partners are honest about the difficulties they face in managing talent. No Managing Partner rates his or her firm as 'excellent' in managing talent and 95% see their firms as below 'very good'. These views are reflected in the firms' self-assessments of their ability to attract, assess, retain and develop talent, especially

in the critical areas of strategic thinking, innovation and commercial acumen.

- » **Between firm strategies and people management practices** – Managing Partners told us that their firms need to improve alignment between their strategies and the ways they manage their people. They pointed to gaps between recruitment strategy and corporate strategy, a need to link training and development to long-term strategy and the need for a clearer tie between performance objective-setting and the firm's long-term strategy and values.

The report also highlights specific areas for improvement especially in the following areas:

- » **Adding rigour to recruitment process** – Managing Partners were not satisfied with the rigour of their recruitment practices.
- » **Assessing and rewarding staff** – Although many firms are taking steps to address the way staff are assessed and rewarded, few have created performance management and reward systems that meet their expectations.
- » **Leadership and succession planning** – Many firms rate their performance in this area as below the requirements.

Introduction

All leading law firms have high aspirations for the way in which they attract, hire, integrate, develop, reward, retain and motivate their people. The websites of high-performing firms are filled with language like this:

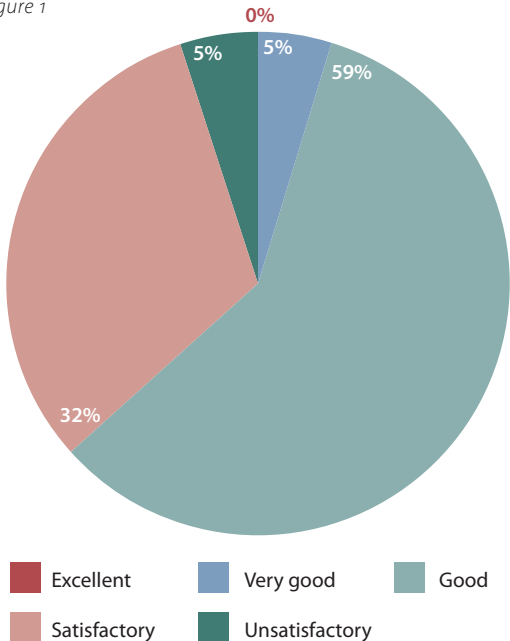
Success in an ever more competitive market facing all sorts of new challenges requires us to be bold, to innovate and to lead – the very qualities that have brought us to where we are now. It will require us to continue attracting, developing and retaining the very best talent available – people who share our commitment to working together, to achieving exceptional results for our clients, and who want to develop exceptional careers.

Whether you join us as a student, trainee or junior lawyer, an experienced lawyer or a business services professional, you will enjoy groundbreaking, complex, high-profile work in an integrated and inclusive global environment. We will support you in balancing client demands with personal commitments. We will make sure you have access to development opportunities that meet your needs. We will always give you honest, constructive and open feedback.

The managers of top firms emphasise people management because – as we will see – they know that clients care deeply about the quality of the lawyers who serve them. A firm's 'talent' strategy – the way it attracts, hires, integrates, develops and retains its people – is vital to its success. Yet this is an area where, as the findings of this report show, leaders of law firms recognise that their achievements fall short of their intentions. The chart on the following page (Figure 1) demonstrates that none of the Managing Partners surveyed felt that, relative to the

rest of the market, their performance in managing talent was excellent and just one firm felt performance was very good. Instead the majority appear to see themselves as merely good or satisfactory.

Figure 1



Our interviews with several Managing Partners suggest that the economic downturn has sharpened their focus on talent management. As one Managing Partner recalled:

“When the recession came along we had to ask: whom are we going to get rid of? How are we going to get to the right size? What would be the ideal structure for this practice? How are we going to get there? Who is the future of our firm? How do we bring them forward?”

Another Managing Partner told us that going through a recession put the firm at risk of neglecting its talent. The firm went through a programme of aggressive cost cutting against predefined criteria; some of the essence or culture of the firm was lost as a result and has been difficult to bring back:

“You’ve got to get the focus on performance but then you’ve got to re-introduce some sort of human element, a culture. You can’t just impose a culture, you’ve got to find it and be able to define it in a way that is consistent, taking the best of what was there before, polishing it and being happy to stand by it and then using it to build more gravitational force around it.”

General Counsel confirmed Managing Partners’ views, with a large majority confirming that quality of staff is the most important factor in choosing law firms.

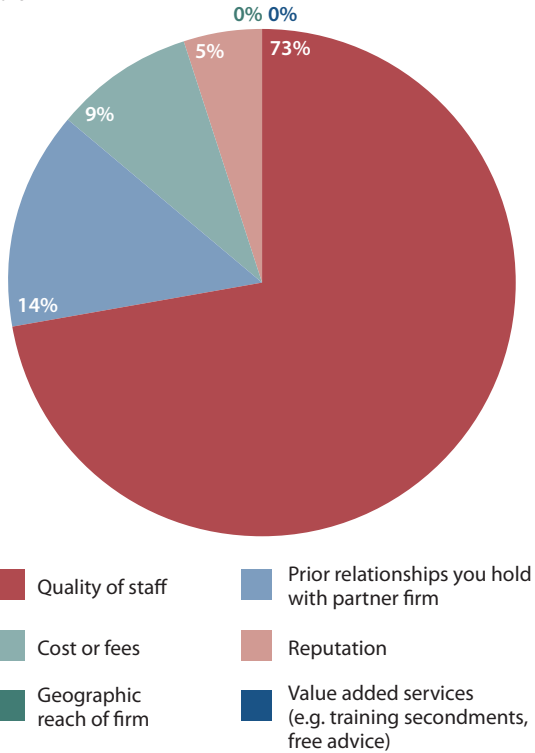
The message is clear from clients: quality of staff trumps everything, even fees. But what can firms do to deliver this?

Our research identifies key gaps in the practices, aspirations and client demands of firms. These gaps show where law firms can make immediate changes in talent management. Closing the gaps represents significant opportunities for firms to create competitive advantage.

To learn more, we examined Managing Partners’ own priorities in people management, and asked how close they were to achieving them. We asked them to address priorities and achievements in the following areas:

- » Attracting, recruiting and integrating employees they needed as a business.
- » Managing the performance of all employees.
- » Addressing questions around leadership, progression and succession.

Figure 2

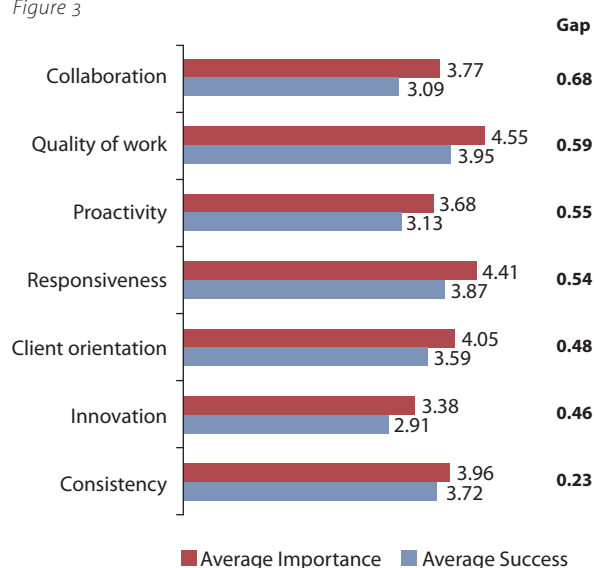


1 Are firms meeting client demands?

Client demand matters, especially in an era when – as *The Economist* noted in May of this year – the ‘gilded age’ of law firms is apparently at an end. In this section, we highlight the factors that are most important to General Counsel and then the personal characteristics they look for from their external advisors. We then look at how Managing Partners characterise the performance of their own firms. By analysing the gaps in performance the report aims to help Managing Partners identify where priorities should be set.

We asked General Counsel which capabilities of firms and of individuals are the most important influencers on their choice of law firm. The following chart (Figure 3) illustrates the visible gaps between the importance General Counsel place on firms’ capabilities and the averaged performance they see.

Figure 3



Explanation of charts

To emphasise the gaps between performance and importance, through the report we have included charts that highlight gaps between 5-point scale mean scores which are ranked by the size of the gap.

The charts in this section based on General Counsel responses use the performance scale:

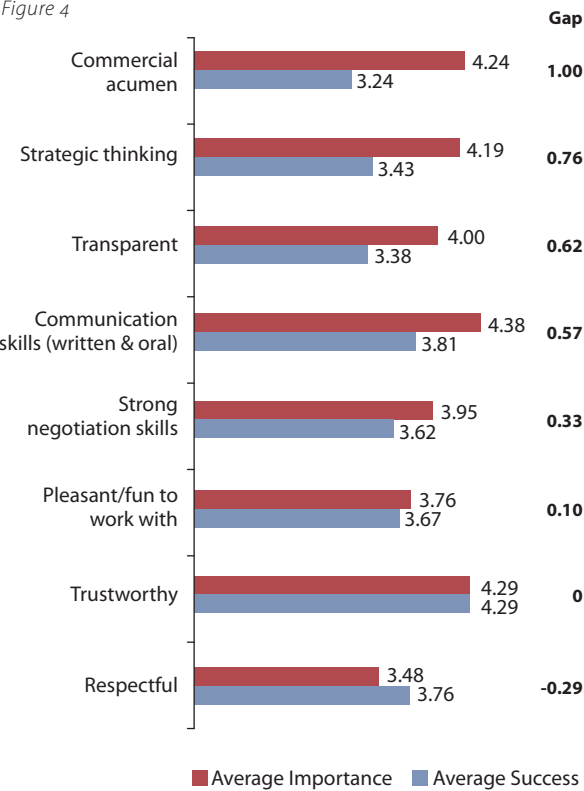
1 = Not at all well, 3 = Acceptable and 5 = Very well.

Law firms perform best at delivering clients with high quality work, responsive service and good levels of consistency. General Counsel give lower ratings to collaboration and proactivity.

We asked General Counsel to assess how firms perform in developing a range of skills amongst their people against

the importance of these skills (Figure 4). They identified significant gaps in commercial acumen and strategic thinking. 90% of General Counsel say that commercial acumen is important (or very important), only 29% say that the firms they choose are good at delivering it. 86% say that strategic thinking is important but only 43% believe that their firms are doing a good job in this area.

Figure 4



We asked Managing Partners to break down their firms' performance in:

- » Attracting candidates with given competencies
- » Assessing applicants against given competencies
- » Developing lawyers to exhibit given competencies

The Managing Partners responses show that there are big gaps between desired and achieved performance, between what firms aspire to do in talent management and what actually happens (Figure 5).

The strongest area rated was in attracting candidates. Over 50% of Managing Partners rated their performance

“90% of General Counsel say that commercial acumen is important (or very important), only 29% say that the firms they choose are good at delivering it.”

as positive in attracting candidates with client orientation, communication skills, collaborativeness, proactivity and responsiveness. However in commercial acumen and strategic thinking just 48% and 21% respectively stated a positive response.

Managing Partners saw assessment as the weakest area of all. No competency got a positive report from a majority of Managing Partners and in three areas – proactivity, innovation and strategic thinking – only 17% of Managing Partners said that their firm performed well.

Again, responses in the area of developing talent showed large areas of weakness. Only 19% of responding Managing Partners felt that their firms did a good job of developing innovation capabilities in their people. Only 28% said that they developed strong strategic thinking skills.

Figure 5



2 What can law firms do?

We have highlighted the gaps in talent management at law firms and how steps need to be taken to address client demands and to position firms effectively for the future. In this section we look at solutions.

a) Attracting, recruiting and integrating talent

Our interviews with members demonstrated the need for differentiation in attracting talented lawyers. Typically firms differentiate through:

Size and reputation

The largest firms have a natural appeal to attracting the best talent particularly at graduate level.

Sector or practice leadership

By leading in a practice or sector smaller firms are able to attract exceptional talent. Specialised firms, even when smaller, can offer better work and more development opportunities in their chosen areas. This is particularly the case for more experienced lawyers.

“The firm recruits primarily at the 3–5 year PQE level. What the firm does well is to recruit people who have become specialists in private client or property work and are looking to work for a firm that has this as a specialist area. This is a very important area for the firm and one where the firm can build capability without having to manage the process of winners and losers in the graduate recruitment process.”

Culture and style

In attracting talent, Managing Partners who felt that their firm had a clear identity found it much easier to use staff, recruitment firms and their wider networks to attract the right personality fit for them.

“Partner hires take quite a while to settle in and it takes them longer to bring their so-called following along, which normally ends up being about a third of what they say they would bring. Unless you’ve got an acute need in a practice area, it’s not something we’ve ever succeeded in doing particularly well, probably 3 successes in the past 25 years.”

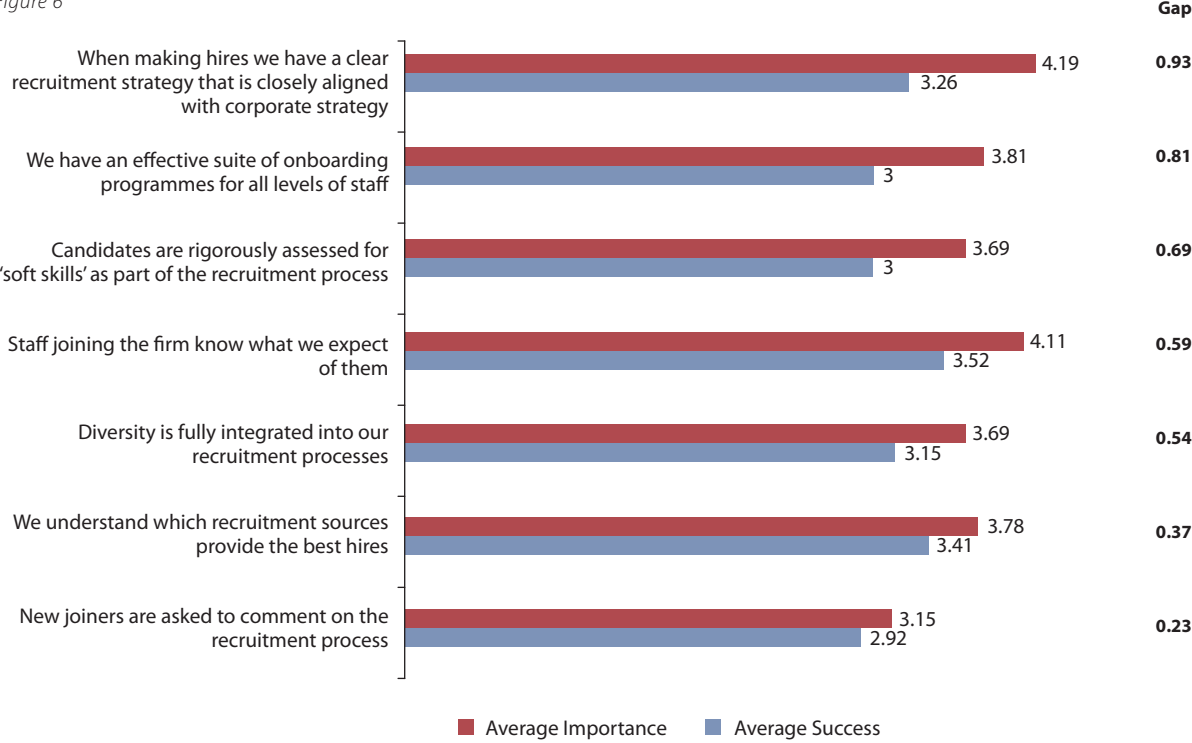
None of the Managing Partners we interviewed mentioned reward as the principal way of differentiating. Competitiveness in reward is clearly important, but our data suggests that without the non-financial differentiation highlighted on the previous page, the best people will not be accessible.

The chart below (Figure 6) indicates that the largest gap between aspiration and performance is having a recruitment strategy that is closely aligned with corporate strategy. Other specific areas to be addressed here involve assessing soft skills and effectively bringing new hires into the firm. We see clear gaps in integrating new recruits and ensuring that they know what is expected of them.

Perhaps the area where the risks and rewards in the recruitment process are highest is in making lateral partner hires. Even in firms where more effort goes into assessing partner recruits than in sizing up graduate candidates, many Managing Partners feel they are not achieving the best outcomes. Some prefer to avoid lateral partner hires altogether. The quote from the City firm below highlights risks in this area:

“Partner hires take quite a while to settle in and it takes them longer to bring their so-called following along, which normally ends up being about a third of what they say they would bring. Unless you’ve got an acute need in a practice area, it’s not something we’ve ever succeeded in doing particularly well, probably 3 successes in the past 25 years.”

Figure 6



Explanation of charts

Like in the previous section, charts are set up to highlight the gaps between importance and performance of mean scores on a 5-point scale.

The importance scale: 1 = Not at all important in helping us drive our strategy, 3 = Neither important nor unimportant and 5 = Extremely important in helping us drive our strategy.

The performance scale: 1 = the firm is not successful, 3 = the firm is solid and 5 = the firm is a market leader and displays best practice.

Heidrick & Struggles' perspective

Firms in other professional services groups – consulting, in particular – have developed simple but effective methods for sizing up candidates. These include:

1. Case-based interviews, where the candidate is given a business problem and selected information, and asked to work towards a solution. The candidate's questions and the way she or he breaks down the problem provide good clues about ability to think strategically, as well as commercial acumen. Top consulting firms have used this method to assess candidates coming from a wide variety of backgrounds – not only economics or accountancy, but also arts and humanities. Reasoning ability rather than technical knowledge is the key to good performance at this step.
2. Group problem solving exercises, similar to the individual case interview but involving a group of candidates in a room to judge their ability to collaborate in search of a solution to the case problem.
3. Psychometric tests, which can give evidence not only of cognitive skills – logic, reasoning, commercial acumen – but also of personality characteristics.

4. Structured life interviews, where the candidate talks through formative experiences; the goal is to assess candidate attitude against characteristics such as achievement, proactivity and teamwork.

Perhaps most important, the internal recruiting process needs to be planned, and interviewers need training and practice in how to pose questions, what to look for and how to record results. Again, an example can be taken from other professional services firms, where candidate responses at interview have been tracked and correlated with future performance ratings. These firms have become adept at making quick, accurate assessments of candidates.

Rigorous, proven recruiting processes allow them to delegate early screening to junior members of staff, saving expensive partner time for interviewing finalist candidates. This has the further benefit of involving all staff in recruiting, right from the start, building interviewing skills early and reinforcing the importance of good recruiting in the culture of the firm.

It is not sufficient simply to conduct more interviews. One Managing Partner explained:

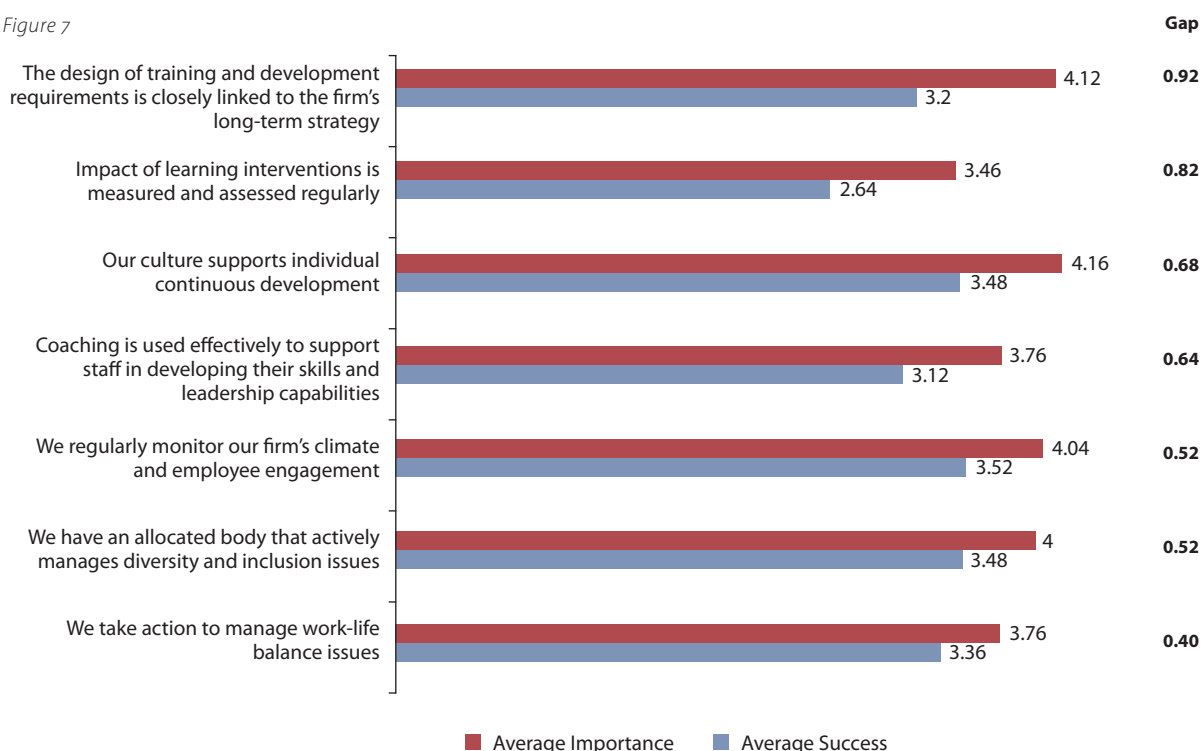
"We have had issues in lateral hires of partners. There was one notable case where 17 interviews were carried out and we went through a significant due diligence process. The hire was not successful. The cost of this mistake was high and is something we are concerned about going forward."

b) Developing, engaging and retaining talent

Most firms have processes for developing, engaging and retaining fee earners. These processes are often based around creating an environment where junior lawyers can learn from their superiors as they execute on client work. In some cases Managing Partners feel they are doing this well:

"Particularly on the fee earning side, development is a perceived strength of our firm. From the outset trainees are encouraged to be heavily involved with clients and proper work. They work closely with partners and are able to learn quickly based on this exposure. To help the process the office is split into pod offices of 4 people. Because people are not working in isolation they more easily learn from others."

Figure 7



Nonetheless, in light of the skills gap highlighted earlier in the report, there is progress to be made in development. The chart above (Figure 7) shows that the biggest gap is in aligning development activities to the firm's long term strategy.

It is also important that there is a clear link between assessments, strategy and behaviour. The example to the right highlights the activity in one firm where client services principles are used across the firm to integrate strategy into culture. In this case, as a result of rigorous implementation, the firm has been able to develop employees at all levels.

"We have seven firm-wide client service principles and they are a very, very important part of what we are. One of those is to treat each other as you treat your clients. I sit down with every new joiner, whether it's a partner or a junior office messenger, and go through those client service principles within the first two or three days they're in the firm. I stress that without somebody delivering their mail they're not going to get the job done, without somebody doing their photocopying they're not going to be able to service their clients. So whatever role anybody has in this office, it is essential to the well-being of the office and each of the individuals in the office."

Heidrick & Struggles' perspective

John Wanamaker, the American retail magnate, famously said: "Half the money I spend on advertising is wasted; the trouble is I don't know which half." Something similar can be said for learning and development spend in professional services firms.

A leading investment bank spent millions of pounds on training, coaching and development for its Managing Directors – the equivalent of partners in a law firm. When the economy worsened, the bank started to review its

spend. Now, every learning intervention is built around a simple business case. The bank has avoided bureaucratic authorisation procedures, but its staff are challenged to answer a few questions: What is the performance the firm seeks to achieve in this area? What skills or behaviours are currently missing? What learning experiences will best close the gaps? Coaching programmes, for instance, now begin with specific learning and performance goals, the programmes – and the coaches – are measured by how well these goals are met.

c) Managing and rewarding talent

Managing and rewarding talent has been particularly challenging through the recession. Whilst firms have had to find ways of motivating high potential staff, they have also had to make difficult decisions in assessing lower performing employees. The Managing Partner of one firm commented on how difficult it was to increase the rigour in assessment processes:

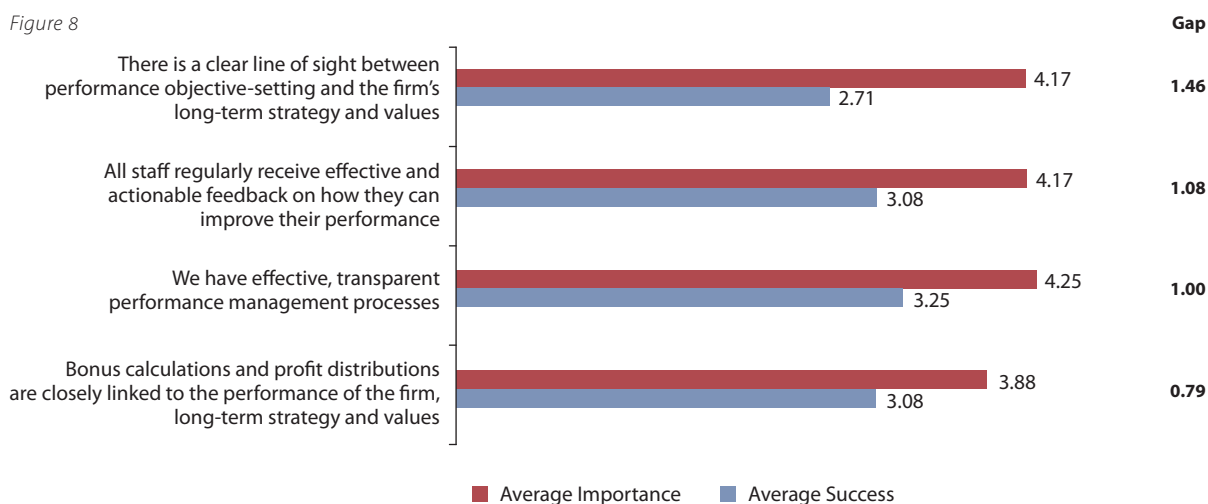
“There has been a permanent lesson here for us as a firm. We need to take a fair view of the contribution people make, and how well they fit our culture and vision as a firm. Had that been done consistently, we would have had fewer awkward and ‘surprise’ conversations with lawyers when we saw our income fall by 15%. It would have been

fairer to everyone. We’ve made a big effort in the last two years to try and be clearer to people as to where they stand and what they need to do. It’s being honest with people.”

Our survey shows that gaps still exist between the ways that performance is assessed and the firm’s long term strategy.

Many law firms operate annual performance reviews or feedback sessions. In some cases, these are undertaken rigorously and viewed as a vital element of the firm’s development. In too many, though, the research showed that too often the annual review is a perfunctory exercise. PQE-based lockstep systems often govern compensation

Figure 8



Heidrick & Struggles’ perspective

In many consulting firms, a performance review takes place as soon as each engagement terminates. Associates are given developmental feedback, and they have an opportunity to give feedback to the partners. More formal reviews take place as well, typically twice a year. Associates, project managers and partners receive training in how to give and receive feedback, not only in formal settings but informally – ‘in the taxi as we leave the client meeting.’

Experts in leadership development typically estimate that roughly 70% of an executive’s growth derives from on-the-job experience, including rotations and role changes. Around 20% comes from personal interactions

such as coaching and mentoring, and the rest from formal education and training. All three methods are available to law firms. Practice and office leaders should be held responsible both for ensuring that they are used, and for their effectiveness.

While training and development should be continuous, there are particular moments, ‘rites of passage’, that professional services firms have consistently found useful in reinforcing values and culture. New joiner orientations – for recent graduates and for lateral hires – can provide a powerful opportunity to provide developmental guidance. Promotions to senior associate or to partner can also provide a useful point for intervention.

as well as promotion, so the annual review can have little impact on behaviour.

A number of firms are moving towards a more meritocratic reward structure. These typically include a much broader spectrum of competencies and, as shown in the example below, some firms are achieving positive outcomes from this move.

“At the moment our lawyers are incentivised on fees, which is pretty standard but we know that’s only part of the story. Therefore, we actually started with the partners and had five main branches including: their fee contribution, their role in developing people in the team, their role in developing business clients, their sharing of knowledge and on the profitability of their practice area around the firm. We aim to gradually roll out those incentive programmes to all the staff.”

It is important to note however that the PQE system, like lockstep systems for partners, is based on a sound insight: a badly designed performance-based incentive scheme can put both collaboration and professional values at risk, but an overly rigid lockstep system also brings risks with it. It is essential to ensure that the performance management and development systems are aligned.

d) Managing leadership progression and succession

Of all of the elements covered in the research, leadership progression and succession is the area where Managing Partners rated themselves weakest. We see in the chart below (Figure 9) that on average firms rate themselves as less than solid in all areas. We also see that Managing Partners recognise the importance of succession management.

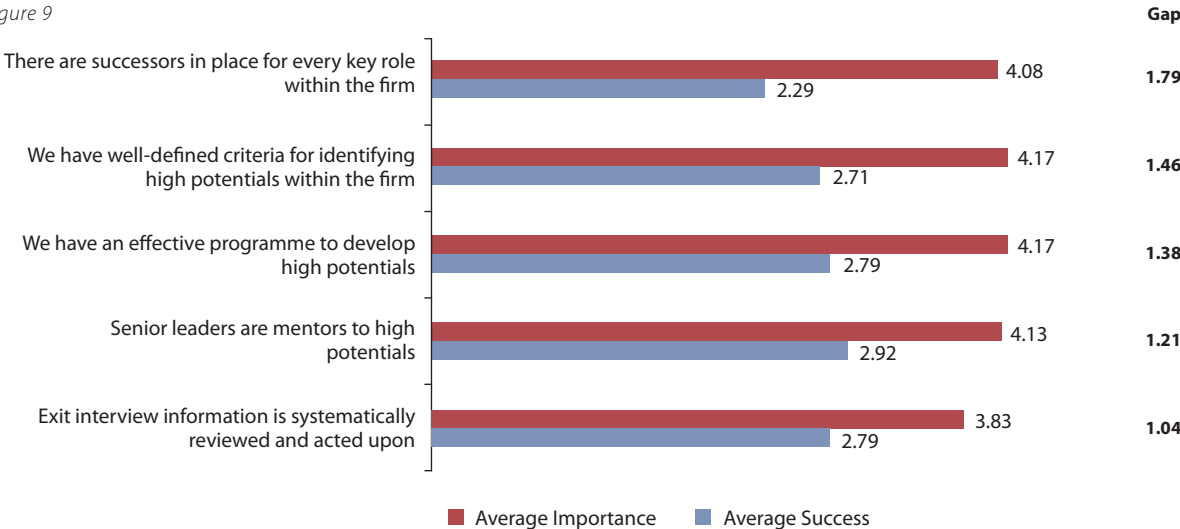
As lawyers progress through the professional pyramid, they have to be transitioned from excellent practitioners to managers, leaders and strategists. Many firms struggle to achieve this.

Several Managing Partners identified practices that had brought about improved performance in this area. Examples include:

- » Integrating management and leadership into personal development
- » Maintaining close contact with staff
- » Managing Partners being aware of the need to find a successor and preparing successors well in advance of need.

Nonetheless, many Managing Partners are dissatisfied with their performance in succession management. There is a gap to be closed.

Figure 9



Heidrick & Struggles' perspective

There are four keys to good succession management.

1. A succession management programme must be 'owned' by law firm leaders, not by a human resources team. HR can be a valuable ally and counsellor in managing succession, but if Managing Partners are not personally invested in it, succession will quickly become an afterthought.
2. A succession management programme should have both an internal and an external focus. The companies most effective at succession management identify both internal successors and external candidates to fill any critical role. Maintaining this dual focus ensures that the talent pool is refreshed where doing so adds value, but that internal candidates are developed to the fullest. Other things equal, an internal candidate will add more value to a firm because he or she has far more social capital and knowledge of 'the way we do things here.'
3. It is vital that stakeholders invest time to identify the characteristics that they prize at each stage of staff development, and build these characteristics into the succession process. A succession process that is not informed by the firm's strategy will inevitably focus on

easily measurable factors – billable hours for an associate, for example, or annual revenue for a partner – crowding out factors that are harder to measure but vital for the firm's success. Doing this will require up-front time from busy partners, but this will be repaid many times over through lower attrition costs and higher performance at every level.

4. Most law firms should use succession data systems to manage succession. A well-run succession programme generates a great deal of information – on internal performance, career trajectories, external profiles. A good system allows this information to be stored securely, granting everyone appropriate access to the data they need to make good decisions. More important, it allows senior leaders to ask 'what if' questions about succession decisions: if partner X retires 3 years earlier than expected, what will we do? If we decide to advance associate Y more slowly than planned, what impact will this have in a given team? If the entire corporate finance team is poached by competitor Z, how will we cope? 'Cloud computing' technologies have made simple, effective and secure succession management systems available to firms of all sizes. These can be installed swiftly and put into operation in a matter of days.

The case study provided by one Managing Partner, shown below, outlines a way in which leadership skills are developed and how, by running a peer programme, this is embedded in the culture of the firm.

Effective succession planning enables firms to identify members of staff who need special development – either to develop a talented individual, or to address a

missing capability or behaviour. It ensures that, when senior members depart, the firm has 'bench strength' to continue its work. Perhaps most important, succession management enables firms to move more quickly in a strategic direction, by ensuring that key capabilities are strong and reducing investment where the firm chooses not to compete.

Case Study – Developing leadership and commercial skills

One firm we surveyed has developed a management programme for junior partners to develop leadership, commercial awareness and strategic planning skills in this critical succession group.

"We want to make sure they have a broader capability and broad knowledge. So that when we sit down with them and talk about their contribution, their financial performance, strategic direction, how they're managing

their people, succession planning and all of that, it's not alien to them: they are then starting to think about that themselves as they become more senior."

This programme was particularly successful in developing a group of Team Leaders who are all at a similar stage of their careers and age, and are able to learn from each other. A more collegial atmosphere has been created and Team Leaders meet frequently to share challenges, concerns and experiences.

3 In conclusion: Bridging the gap

Talent management is not an end in itself, nor is it something done 'for the sake of doing good'. Superior talent management provides access to superior performance. More important, it is a powerful means for implementing a better culture securing future success.

Our surveys and interviews identified several critical areas for improvement: better recruitment, formal succession planning and continuous feedback and development. Each of these moves reinforces the other two, just as taking exercise, eating healthy foods and reducing stress all support one another. A firm that uses all three will immediately see improved performance results and will be healthier in the long run. This, in turn, will raise margins and create more funds that can be used to strengthen the attraction, selection, development and retention of great lawyers. And that, according to the clients we surveyed, will lead to more business for the wise law firms who take action.

We hope that the findings and recommendations in this report will be useful for the managers of law firms.

About Heidrick & Struggles

Heidrick & Struggles is the leadership advisory firm providing senior-level executive search and leadership consulting services, including succession planning, executive assessment, talent retention management, executive development, transition consulting for newly appointed executives, and M&A human capital integration consulting. For almost 60 years, we have focused on quality service and built strong leadership teams through our relationships with clients and individuals worldwide. Today, Heidrick & Struggles' leadership experts operate from principal business centres in North America, Latin America, Asia Pacific and Europe, Middle East & Africa.

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About Winmark Research and Networks



Winmark Research helps clients make better more informed decisions through a combination of research expertise, commercial advice and sector knowledge. Key areas of expertise include client feedback, product development, market intelligence and employee management and engagement.

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Winmark's network of Chief Executives & Managing Partners. Chaired by Ince & Co this network focuses on the leaders of people businesses. Its membership includes big 4 firms, the magic circle and leading firms in the professional services arena

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Winmark's Chief Legal Officers (General Counsel) Network. Chaired by Sandie Okoro of Barings, this network is a sector powerhouse, with over two hundred people involved representing £2bn of legal spend globally.

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