

Insights



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Legal Departments Need to Plan for Offense

By [Daniel S. Sanders, Jr.](#)
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In my time as Michelin's general counsel, we spent considerable time playing defense. The defensive game plan included, among other things, responding to our business clients' needs, defending claims and lawsuits and dealing with tremendous internal pressure to reduce costs. Our defense was solid, and it spent a lot of time on the field.

When we periodically benchmarked other legal department teams, we found the same thing: They had great defenses that played almost the whole game. Like us, they also spent considerable time responding to pressure to reduce the size and cost of the team, even when the business was growing and profitable.

Few, including us, played any offense. Everyone had good, versatile players, but they always played defense. Why? One of our legal department management principles was, "Advances are made by answering questions. Discoveries are made by questioning answers."

Applying this principle to our conclusion that most legal departments focus on defense— and coupled quite frankly with some boredom on defense— we started to investigate and question.

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MEET OUR AUTHOR



Daniel S. Sanders, Jr.

Partner

T 864.373.2272

dan.sanders@nelsonmullins.com