

THE SHOW MUST GO ON: CREATIVITY AND THINKING DIFFERENTLY IN LAW

BY CATHERINE MCGREGOR

ANNABELLE NEWMAN OF SYNEOS HEALTH DISCUSSES IMAGINATION, PROBLEM SOLVING AND WHY HER CREATIVE BACKGROUND HAS HELPED HER BECOME A BETTER LAWYER. THIS IS CERTAINLY A TOPIC THAT IS CLOSE TO MY HEART, HAVING STARTED MY CAREER IN THE CREATIVE INDUSTRIES, NOW WORKING IN THE LEGAL PROFESSION IT'S REFRESHING TO FIND SOMEONE WHOSE JOURNEY MATCHES MY OWN. I WAS FASCINATED TO TALK TO ANNABELLE ABOUT HOW SHE BRINGS CREATIVITY TO HER PRACTICE OF LAW.



INTERVIEW

Annabelle Newman is certainly not what springs to mind when many people think of a lawyer. Whilst it's certainly not advisable to judge a book by its cover, it's fair to say that the Assistant General Counsel of healthcare group, Syneos Health, who is responsible for running its EMEA legal function, does not look like central casting's idea of a lawyer. With piercings, tattoos and her bleach blonde hair Annabelle looks like she would be more at home in the music industry, which is exactly where she started. But how did a woman who was running her own record label at the age of 21 become an in-house lawyer? And what advantages does her creative background bring to practicing law in business?

THINKING DIFFERENTLY

It's certainly fair to say that in recent years the business world has woken up to the need for and advantages of creativity. This is partly because of the fact that creativity is so intrinsically linked to innovation: the holy grail of business success: innovate or die!

Legal has been a little slower arriving at this particularly party, but is now waking up to it, partly through the efforts of a General Counsel whose own companies benefit from diversity of thought and viewpoints.

What creativity and innovation both depend on, however, is people who think differently, what Harvard Business School Professor, Francesca Gino, defines in her book of the same title as 'Rebel Talent':

"Rebels, by contrast, realize that stereotypes are blinding and that fighting the tendency to stereotype produces a clearer picture of reality—and a competitive advantage. Rebels do not thoughtlessly accept the social roles and attitudes that society promotes. They challenge such roles and attitudes, never missing an opportunity to prove them wrong."

Thinking differently is now coming to the very practice of law with alternative legal providers, legal technology and the recognition of the value that non lawyers or subject matter experts can bring, precisely because they think differently. For Annabelle, it's this thinking differently that has held the key to her success as a lawyer:

The dictionary definition for creativity is: “the use of imagination or original ideas to create something; inventiveness” – I think this is key, having worked in areas of law where there isn’t yet any case law or where there is no precedent.”

It’s also coming from a background, which was not legal, that has been fundamental to having this mindset, Annabelle thinks:

As I have moved through my career the ability to think, not just outside the box, but without any constraints of a box, has been part of my success. Having worked in an industry – the music industry, where you have to think on your feet and where very haphazard and unique problems often arise, I realised that if you don’t find a solution, then you don’t progress – the show must go on.”

But realizing you’re doing things different is not always easy to realise as your sense of yourself seems normal to you, as Annabelle told me, “It’s only now, delegating to my team, that I am seeing how differently I do think. It’s my job, as their manager, to help them to develop this holistic and creative approach.”

The seeds of thinking differently were sown early, “It was part of my upbringing as my parents allowed my brothers and I to believe that anything was possible. Then, having a career in the music industry, it is necessary to have a no-boundaries approach in order to navigate the complexities and challenges.”

The hallmark of how this has affected her approach to law is that

Annabelle feels she always has to know – why and to be inquisitive “When I first started studying law, I found it quite difficult as my previous studies were of psychology and philosophy, which were different disciplines to substantive law. I often found that I noticed little details of things that other people didn’t, which were quite pivotal in cases and raised questions that challenged the status quo. When I started studying law I found it difficult to rely on case law precedent, like many of my colleagues

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did due to the black and white nature of it and how subjective real life is. I always wanted to consider all the varieties of interpretation. There was a sense, during my training, that I had to go from having a mind at large approach to curtailing this.” When she first went in-house as a paralegal at BG Group she found that in-house practice offered the key to marrying her creativity with the application of law, “When I was at BG Group they let me do creative things and embraced it; In-house certainly let me

be more creative than private practice. It’s more of that approach that there is a problem and I am going to solve it in the best way, backed up by the required framework of the law behind it.”

It’s an approach she utilises in how she works with her team at Syneos Health. Syneos Health has been the result of a number of rapid mergers and, therefore, change and fast-paced growth has been the name of the game. An agile mindset and collaboration has been key to successful growth of the legal team.

“I always say to my team, go to the end, look at what you are trying to achieve and then brainstorm and/or collaborate to find the most effective and efficient way to reach that. I always look at processes and how they can be maximized for efficiency rather than just accepting that’s the way things have always been done. Being comfortable with change is key, I remember several years back a Deputy General Counsel at the time, telling us to get used to change.

I really took that on board as a general principle; not just the change we were going through at the time but as a pervasive concept. Business constantly evolves as should the approach to be providing legal services.”

Annabelle took this on board when she built the EMEA Legal team, “I looked at what the business needed, then I considered how I could construct the team to achieve that goal, to provide the right legal support to best support this business in its goals, targets and ambitions as

well as nurturing my team members to be motivated and passionate to do the same.”

But just as actors or musicians need to approach each performance as a fresh challenge, even if they have been through it hundreds of times before, legal teams have to be aware of the shifting challenges of the business and be prepared to adapt accordingly, this, Annabelle feels is central to being a successful internal lawyer, particularly in a fast changing business: “I re-analyse as the business changes and change the model or the resources as necessary. I don’t think you can always follow formulas or what has been done before; it’s about what achieves the correct goal at that time, in the most efficient and effective way for the business. While you can take influences from other models or opinions, you should find or create the right answer for yourself.”

MAKING THE CONNECTION

Steve Jobs once defined creative people as those who were just able to make broader connections than the rest of us and Annabelle certainly agrees with that definition:

“I think that statement about creativity being about connectivity is true; I have always seen myself as that connector: being able to see the whole process of things. For example, I was just reviewing something for one of my in-house lawyers.

What they had done was factually and legally correct. But they weren’t really considering the bigger picture: who was the audience for the piece of work and what was- the whole

chain of causation for this issue and how did it benefit yet protect the company?”

For Annabelle the practice of law is a blending of her obsession with words and logic and other aspects of her character, which is more intuitive and imaginative, “I spent a lot of time day dreaming as a kid and reading the dictionary!,” she recalls, “but now I - apply this to matters by being able to think out the whole process and find the right words, like a jigsaw to give the correct meaning to those thoughts and ideas.”

Annabelle believes that creativity

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in law is actually a fundamental part of the in-house lawyer’s toolkit, “One of my strengths, I believe, is the ability to communicate and explain legal solutions to others in the most simple manner, in the most succinct way. I believe creativity means that one must be brave, open-minded and be prepared to take managed risks; ignore doubt and face fears like a pioneer, in order to find a better way of achieving solutions but with a strong underpinning of integrity and good technical legal skills. I look at a situation and like to

identify unique solutions, when the obvious won’t work – It’s - often the most straightforward or simple, risk-based approach which aids business continuity and efficiency. I feel this makes me a problem-solving lawyer. This helps to build trust and strong relationships with internal clients and avoid the usual concepts of in-house lawyers to the extent internal clients will often avoid coming to Legal. I often say it’s rare that I will tell you we can’t do something, It might be that we just need to change how we get to the desired outcome to ensure compliance with the law and protection of the company”

But how did a woman whose earliest, and for a long time, only ambition was to work in the music industry find herself in law?

To go back to the beginning, music was around from her earliest days as her parents were both very involved in music: “One of my earliest memories was my brother having my mum’s Tupperware bowls set up as drum kit.” Annabelle recalls.

As a child she and her brothers often went to gigs with their parents and “from the age of seven, I knew I wanted to manage rock bands.” Annabelle says.

Annabelle thinks that her obsession of becoming a manager for a band stemmed from her desire to fix and facilitate things. The first band she managed was at the age of ten when, along with her friend Emma, she put a girl band together. Despite mostly being into rock music, Annabelle’s tastes had always been extremely varied and in the 90s when she was starting university, dance

music had started to become popular. “Some of the Hardcore Dutch dance music brought in elements of rock and was really interesting to me. Dance music’s use of technology to compose was also fascinating and - its ability to bring people together was amazing, there could be 90,000 dancing together in some raves.”

Annabelle’s brother started composing dance music and she started working for him,

“Whereas I was usually really shy, I could be like a bulldog when working for someone else. I would get my brother gigs and get money when promoters did not pay him.”

At university, Annabelle studied music industry management in one of the first-ever courses devoted to this. But even then she was getting a taste for law as there were legal modules in the degree:

“We learned the principles of contract law and negotiation; we did IP law and I found that really interesting. There was certainly creativity there, as I remember, one of the exercises our law lecturer gave us in a drafting exercise was describing an elastic band to an alien, I loved the challenge of crafting with words.”

Whilst she was at university Annabelle started her own record label, funded by her student loans, One Inch Records, named after the legendary Bruce Lee. Even here she went against accepted wisdom in refusing to release records with an A side and a B side, where, in traditional music industry practice, the B side was often a track of lesser

quality. Instead she insisted - on releasing records with good tracks on both sides.

Annabelle released her brother’s music and some of her own tracks; but through a chance conversation with a friend, who had been to Japan and was obsessed with the burgeoning techno scene there, she became interested in the work of Japanese DJ Yoji Biomehanika, who she went on to represent and then introduce to an international audience.

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MAKING A LAWYER

In 2004, whilst running One Inch Records and still managing Yoji, Annabelle decided to return to university and complete the GDL. This decision was inspired, in large part, by the frustration she felt with the practices in the music industry towards artists: “I fell into doing contracts within the industry at quite a young age and couldn’t believe some of the things I saw in

the agreements, I noticed then how creative I could be with words to still get the best deal. Initially, I studied law to put some of the wrong things right in the industry for musicians.”

As she continued to study law, however, Annabelle felt it provided an interesting counterpoint to her creative side:

“Once I started studying law, I feel that I morphed into a lawyer after coming out of a chaotic uncontrolled environment, that is based on emotion and hedonism.

I grew up without boundaries of what was possible through my family and growing up in the music industry; this was initially a struggle when studying law in the first instance and the rigidity of legislation and case law. I felt myself changing and as I progressed with the technical skills and confidence my approach to its application became more open, original and inventive. It was hard work and a lot of ‘putting myself out there’ to learn and try things out. I have been lucky to have some great lawyers around me along my career path, who- encouraged and supported me or gave me

a chance despite me being ‘left of centre, they embraced my different approach and my different background which was always backed up with my dedication, passion and loyalty to my work.”

In applying to study law, Annabelle wasn’t thinking about pedigree of institution; she recalls that she has been told she wouldn’t necessarily be hired in certain places with her CV because of

where she studied. But funding herself, as mature student, meant she made choices based on practical considerations, including needing to work while she studied. Her experiences included working in the criminal courts, conveyancing – anything to get experience in the ‘normal world outside of the music industry, then whilst studying the LPC, she got a taste of in-house life when she covered a maternity leave for a fellow student who was working as a paralegal at Flextronics. That then led her to a paralegal role at BG Group, where she worked for the then head of legal for Central Asia, Jason Tunnicliffe. Annabelle credits Jason’s willingness to take a chance in someone with a non traditional background and willingness to help her develop, as a key factor in her success.

“He did a lot for my confidence and career as he would throw me in at the deep end. We were once due to negotiate our Kazakhstan oil agreements and he asked me to cover it on my own. It showed me I can throw myself out of my comfort zone, and I will manage the situation. I stayed up all night to understand the terminology required and the legal principles but the experience also showed me that I also needed to be vulnerable and get the business to explain sector principles to me.

That ability to show vulnerability and know what you don’t know has served Annabelle well; she feels too many lawyers can get held up in the quest for perfection in everything: “In these experiences it showed me I am never going to be as expert as those in the business but what I can bring is the principal of law and my creative skills.”

Having a certain vulnerability in working with the business also clarified in Annabelle’s mind what she brings to the table as an in-house lawyer:

“One of my tag lines is ‘you tell me what you want and we will figure out how to get there.’ It’s fundamental I think that as an in-house lawyer- you need to understand your clients’ motivation.”

Annabelle also feels strongly that in-house lawyers shouldn’t become too responsive to do too much for the business, as it can stop the business thinking about the legal and regulatory aspects of what they do. She compares this to a murder case she covered when working in the criminal courts as a law student, where a nurse was accused of murder. An expert witnesses testified about the amount of oxygen to give a patient; Annabelle recalls him stating that by giving patients too much oxygen they stopped breathing on their own; –it’s the same with clients, if you do too much for them, they will be too reliant and stop making decision for which they should be accountable. This in turn it creates a rod for the legal teams back and can overload them. It’s interesting that a lot of the creative forces in the legal profession now focus on precisely this notion of putting non-complex legal work into a self-service model. “A risk-based approach is key, In-house lawyers should be adding legal expertise, not carrying out administrative duties. We all aim to please but it’s counterproductive, we should be empowering our clients to make the right decisions and know when to escalate to Legal. I often find that any tenuous link will lead people to make it Legal’s

responsibility. As an example, there is legislation in respect of driving a car but you don’t always consult a lawyer when you get on the road it is a road-users responsibly to know the law. Similarly, internal clients need to take an element of responsibility and accountability for their roles and we, as internal lawyers need to allow them to do that – otherwise we are not doing the best for the business and ensuring that the correct people are in the correct roles if we pick up the slack.”

THE MARRIAGE OF CREATIVITY AND REASON

I’m currently thinking a lot about creativity and its relationship with law, as it forms one of the chapters in my upcoming book. It’s interesting that creativity can so often produce a knee jerk reaction in many who have been focused on the logic and reason-based study of law in their careers. The very notion or mention of creativity can inspire fear or feelings of inadequacy and the sense that as a lawyer being creative is something that for other people. But this wasn’t necessarily the way it should be. In our conversations, Annabelle, directed me to the work of George Land. In 1968, George Land conducted a research study to test the creativity of 1600 children ranging in ages from three-to-five years old who were enrolled in a Head Start program. This was the same creativity test he had devised for NASA to help select innovative engineers and scientists. The assessment worked so well he decided to try it on children. He re-tested the same children at 10 years of age, and again at 15 years of age. The results were astounding:

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- Test results amongst 5 year olds: 98%
 - Test results amongst 10 year olds: 30%
 - Test results amongst 15 year olds: 12%
 - Same test given to 280,000 adults: 2%

By adulthood, for most adults, creativity has been buried by rules and regulations. It's not about learning creative behaviours so much as unlearning non-creative behaviours.

Annabelle agrees with this and feels that one thing lawyers and indeed business itself needs to do is to find ways to reconnect with its

creativity. Creativity is essentially the basis for innovation, but innovation will not just spring fully-formed from minds that cannot embrace being creative.

“I think that in current businesses, employees need to be encouraged and supported to reconnect with their creativity. It's about peeling back the layers of conformity, helping employees to fight incapacitating self-criticism, perfectionism, and the fear of failure that lead to creative blocks. Time needs to be made available for employees to collaborate and shares ideas freely with the opportunity to receive and offer constructive feedback, and to learn from people

who may have more experience or different ideas.”

In thinking about how she has brought balance to her own creative and more logical ways of thinking, for Annabelle it makes for a symbiotic relationship. Neither logic nor creativity has to be a zero sum game and she is proof of that:

“My progression has been about finding the balance of the realms of the law, with the ability to think without boundaries, to find solutions to issues. Nothing to me is impossible; there might just be adjustments to methods or a compromise to the objective in order to operate within regulatory or legal requirements.”