AGENDA

OPINION

Turn Your Corporate Lawyer into a Strategic Weapon

Legal counsel can serve as a strategic force multiplier

By David Simon, Knox Mcilwain, Shiv Haria-Shah | August 18, 2025

Business executives and lawyers often seem to be speaking different languages. Even when they are undoubtedly on the same side and have a common goal, misalignment occurs all too frequently.

This disconnect stems from key differences in incentives and training: CEOs and business leaders are rewarded for bold action amid uncertainty, whereas lawyers are trained to anticipate worst-case scenarios, ensure compliance and avoid costly missteps. This is why legal advice can feel like a constraint rather than a catalyst. It explains common complaints that legal is slow, overly cautious or impractical.

But it need not be this way. When engaged effectively, legal counsel can serve as a strategic force multiplier: clarifying ambiguity, surfacing blind spots and enabling faster, more confident decision-making. At a recent workshop for MBA students at the **University of Oxford**'s Saïd Business School, we shared insights on how executives can extract more value from their lawyers — and how lawyers can reposition themselves as enablers of strategy, not obstacles.

David Simon
David W. Simon is a partner at Foley & Lardner.

Knox Mcilwain
Knox Mcilwain is head of regulatory legal, regulatory compliance, and data and privacy at Airwallex. at Airwallex.

Shiv Haria-Shah
Shiv Haria-Shah is a partner at Fieldfisher.

Why It Feels Like You're Speaking Different Languages

The gap between business executives and legal advisors is not accidental; it is rooted in how lawyers are trained and regulated. Lawyers are taught to spot risks, build comprehensive airtight arguments and prevent bad outcomes — their regulatory licenses and professional identities depend on caution, thoroughness and precision. Meanwhile, executives are rewarded for driving growth, speed and results.

How to Brief Your Lawyer Like a Pro

Recognizing this divergence is the first step, but awareness alone is not enough. To unlock the full value of legal support, executives should:

- **Put the legal issue into a business context.** When requesting legal advice, articulate the broader business objectives. A good lawyer can only help a business navigate risks if they know what the business is trying to achieve. What an executive may perceive as unduly conservative advice could stem from an incomplete appreciation of the strategic goals.

- **Create a "risk permission structure" for your lawyer.** Lawyers are trained to identify risk — all of it. That is their superpower. Direct that strength by asking the lawyer to assess risk levels, outline consequences and suggest mitigation strategies. Focus them on the risks that matter most to you. You'll receive sharper guidance — and your lawyer will be more candid, reassured that the final decision is not theirs alone.

- **Ask for a "provisional" opinion.** A lawyer's greatest fear is being wrong. That's why it sometimes takes so long to get advice and why it's sometimes so qualified as to be useless. Combat this by giving your lawyer an "out." If you need a quick read on an issue, say so. Make clear that you are seeking a provisional view, not a final opinion. Your lawyer will respond more quickly — and often more helpfully. Of course, if definitive advice is needed, allow sufficient time and support to do it properly.

- **Involve your lawyer early.** Too often, legal advice is sought only after strategic decisions have been made. Better to involve counsel early, when there is still scope to shape direction and reduce risk. A timely flag may allow for smoother execution — and a faster "yes."

- **Give your lawyer access to stakeholders.** Lawyers cannot provide nuanced and commercially relevant advice if they are working in a vacuum. Connect them with the right people inside the company to ensure they have the context they need.

- **Clarify the intended audience and use.** Is the legal advice just for internal guidance, or will it be shared with your board, regulators, investors or counterparties? Make sure your lawyer knows the audience and what is at stake. That will lead to better, more proportionate advice (and help avoid overdone work product that costs too much).

- **Pick the right tool for the job.** Not every lawyer is the right fit for every issue. Pick a lawyer with the right experience, seniority and capacity for the job. Sometimes that will be in-house counsel and sometimes you will be better served by going external. Sometimes all that is needed is a legal tech solution. Curate a strategic and diverse stable of advisors and solutions that you can call upon to fit the circumstances and task.

Why It Matters

Most sophisticated legal advisors know that they must be strategic partners — not friction points. Effective and experienced executives know how to channel legal advice without stalling momentum, reframing the legal function as a source of competitive advantage. Lawyers do well to recognize their predispositions and limitations, but executives can also help to unlock potential. When that shift occurs, companies not only avoid missteps, but they also move faster, smarter and with greater confidence amid uncertainty.