

BUSINESS & CAREERS

The lawyer as client: views from the inside



THE COUNSEL NETWORK

One of the most interesting things about being a legal recruitment consultant is catching up with those lawyers I have helped move from private practice to in-house. The conversation tends to follow familiar themes: the (sometimes daunting) adjustment to a less structured practice environment, the freedom associated with a lack of billable targets, and the need to give business as well as legal advice. In particular, new in-house counsel often comment on the frustrations (eye-watering fees), as well as the joys (such as farming out the "it's Frida at 6 p.m. and urgent" files) of becoming a consumer rather than a supplier of external legal services. As the comments below (obvious as some of them may seem) crop up time and time again, I thought it worthwhile to put them on paper.

Legal updates vs. spam

In-house counsel often complain of having limited time and financial resources to spend on keeping up to date on legal developments, particularly when their role can cover almost any area of law relevant to their organization. As a result, (free) efforts by their external counsel to keep them current on relevant areas of law are always welcome, whether through bulletins, round table discussions or training seminars. However, the positive effect seems to wear



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In-house counsel can keep current on the law in a number of ways through, seminars, discussions and bulletins.

thin where the information is unfocussed, impersonal or simply too long-winded to digest quickly. Many in-house counsel have told me that they usually delete unsolicited email legal updates without reading them. However, a number of counsel have noted that a simple personal email stating why the update is relevant to the issues faced by their organization not only prompts them to read it, it also reinforces that the external lawyer "gets" what is important to their business.

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Today's junior counsel is tomorrow's general counsel

One of the more successful strategies I have seen for establishing and maintaining long term links between firms and their in-house counsel clients has been where a firm encourages its lawyers to form strong working relationships directly with their in-house peers, rather than having one point of contact (such as a partner) at the firm. If the relationship is formed at this early stage, it gets stronger as the lawyers and in-house counsel move up their respective parallel

career paths. In particular, I have often heard junior in-house counsel comment that firms' marketing and business development efforts are usually directed solely at the general counsel level, when in practice junior counsel are often those instructing external lawyers on day-to-day matters. This strategy is also advantageous given how often an in-house counsel is likely to move laterally in today's job market, as it increases the likelihood they will take their external lawyers with them.

The "quick call" lawyer

Most in-house counsel I have spoken with have a few key "quick call" lawyers. These are the lawyers in-house counsel call when they need to confirm their understanding on a sticky area of law, or double check a procedural point. The advantage is that the lawyer who gave some initial advice will often be instructed if a matter is taken further. There are, however, two key factors that determine whether or not a lawyer is on (and remains on) the quick call list: they must be willing and able to give sensible, practical advice without the need for the safety net of a long and detailed written memo; and they (or one of their team) must answer or return calls promptly. This is where having a multi-lawyer relationship with in-house counsel becomes very useful, as counsel can access another member of the team if their primary contact is unavailable, rather than go to another firm.

Know your audience

Where advice has moved from the "quick call" to more detailed
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The ups and downs of becoming an in-house counsel

In-house
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advice or a transaction involving an external lawyer, in-house counsel have also commented favorably on those lawyers who tailor the delivery of their advice to the ultimate audience. For example, a memo drafted primarily for in-house counsel may look dramatically different to one that is intended to be reviewed by and discussed with senior executives, procurement managers or members of a sales team who may not be familiar with legal concepts or jargon. The less tinkering an in-house lawyer has to do with exter-

nal legal advice to make it understandable and relevant to their non-lawyer colleagues, the better. For example, when I was in-house counsel I had several reasons for outsourcing work, each of which required a different level of detail and formality of presentation: matters where there were enough grey areas that I wanted the comfort of a second opinion; matters that were beyond my expertise; and relatively simple work that I did not have enough capacity to complete.

Omnipotence not required

I do not think I have met a lawyer yet who does not feel

pressure to be right all the time (hence the common complaint from lawyers that they lie awake at night worrying over their files). This can sometimes translate into a reluctance to ask questions about a client's business, for fear of seeming ill informed. However, a common comment from in-house counsel is that external lawyers are able to provide far better service when they are prepared to admit when they are unfamiliar with an aspect of the organization, or the market that it operates in, ask relevant questions and adjust their advice accordingly.

And finally

Although in-house counsel, on the whole, love leaving behind their billing targets, they are generally less than overjoyed at dealing with external legal bills and the headaches that come with balancing internal legal budgets. Unless instructed otherwise (such as for confidentiality or privilege reasons), the most common comment I hear is that more detail is better on bills. —

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