

THE “WORK” OF IN-HOUSE COUNSEL

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Rees Morrison’s recent post (<http://bit.ly/bMwkn5>) about how most in-house counsel neither manage nor lead others - they simply “work” – truly got me thinking. The obvious question that came to my mind was “what are they working on?” I agree to some extent that in-house counsel typically do not carry large numbers of direct reports and but for the General Counsel herself, most in-house would not ordinarily see opportunities to lead really anything or anybody. Putting the daily work aside along with the effort associated with managing outside counsel is there nothing left for in-house to work on if they have no direct reports and no leadership opportunities. Are they locked in a world where managing and leading are unnecessary traits and skills? Is simply “working” enough for in-house to do? I have stated for some time that in-house not only has abundant opportunities to lead and manage others (in ways other professionals do not) but also that they have an obligation to do so. Focusing on work at hand is not enough regardless of the size of the law department or the client/company.

In working with in-house counsel over the years I have had that good fortune to meet and learn from some remarkable folks who viewed their in-house role as much more than simply doing their work. Or rather they viewed their work in terms other than performing legal duties and managing counsel. Often these individuals were active within the business itself, serving as solutions architects for different business groups facing unique challenges. On occasion I was able to speak with the business stakeholders that the in-house worked with and for about the particular lawyer. I would be told that this person “really understands our business,” “he looks for a way to get things done rather than telling us how not to do something,” “it feels like they are part of this team; active and engaged; not someone we have to go find in another part of the building and ask for a time to see us,” and so on.

While working and collaborating with in-house teams over the years I have made note of certain qualities and characteristics that appeared to be highly valuable and also led to a much more rewarding tenure for some. Below are some things to consider and questions to ask for any in-house member who solely focuses on doing the typical work or for the person who is looking to grow beyond that role:

1. How closely aligned are you with the business units you support and interact with?
 - a. Can you name the major competitors of your company?
 - b. What are the key market forces currently impacting the business?
 - c. What are the ancillary market components/participants impacting business?
 - d. What are the major opportunities for your client in the market?
 - e. What are the major threats for your client in the market?
 - f. Do you know the strongest/weakest part of your client’s business and product/service?
 - g. Are there new entrants on the horizon?

2. How familiar are you with the different roles within your organization? Do you understand the challenges faced by:
 - a. HR
 - b. CFO & Financial team
 - c. Sales & Marketing
 - d. Operations
 - e. CIO & IT
 - f. Facilities
 - g. R&D
 - h. Production
3. How comfortable are you with the business practices and processes of the organization?
 - a. Compliance and Governance
 - b. Vendor selection
 - c. Supply Chain Management
 - d. Labor relations
 - e. Insurance and Risk Management
 - f. RFP and Bid proposal
 - g. Multi-jurisdictional transactions
 - h. Environmental practices
4. If you lost your job tomorrow, who would hire you and why?
 - a. How are your communication skills? When was the last time they were tested?
 - b. Do you have a foundation in proactive solutions and activity?
 - c. How robust is your professional network? Who knows and how do they know you?
 - d. Could you land your client yourself if you were not in-house but rather outside counsel?

This is not meant to be an exhaustive list rather it is meant to illustrate the abundance of areas in which in-house could focus and strengthen their overall value to their client – creating scenarios in which they will lead and manage. Also I am not the first to suggest that in-house needs to operate more business-minded folks and less legal minded. Overall there are plenty of opportunities to lead and manage for the in-house counsel willing to do so in any type of organization. These opportunities may not be apparent at first but they are certainly there – one may just have to work to uncover them.

Note: This list can be used by outside counsel as well to determine where they stand on adding more value to their clients.