

From In-House to Outside Counsel: Providing Useful Value Adds

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What do clients want from their counsel?

THEIR LEGAL PROBLEM
TO BE SOLVED

UNDERSTANDING &
EMPATHY

CLEAR & CONSISTENT
COMMUNICATION

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In House Counsel as a Client


In-house counsel clients view the relationship with outside counsel as providing an investment in the business, and outside counsel as partners in that business.



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Risk Management at the forefront

In house counsel constantly advise on what risks are acceptable for the business to assume. An in-house legal department strives to NOT be the department of "no," but rather the department of "let's find a path forward."



The role requires a constant evaluation of what risks are acceptable, what risks can be managed or mitigated, and what risks are too great that they may jeopardize the business.

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In-House Legal Departments seek reduction of outside counsel spend

The June 2020 Report, *Reducing Legal Spending: A Survey Of In-House Attorneys*, sponsored by LegalBillReview.com, found that 73 per cent of in-house counsel believe their legal departments are spending too much on their outside counsel. More than half, meanwhile, report that reducing outside legal spending is a priority this year.

Lack of value for money and the excessive time taken to complete tasks were among the common complaints in-house counsel had about their external legal advisers.

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Know your client's business

Practical, strategic advice depends on understanding

- the product or service being offered
- how the company goes to market
- the company's organizational structure, functions, and key stakeholders
- how the company operates internally

In-house counsel's goal = risk mitigation

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Communication

- consistent
- responsive
- timely
- practical and proportionate
- stay “in sight, in mind”
- ask for feedback
- leverage technology tools/resources

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Enhancing Value



- outside counsel engagements need to align with legal department goals AND business goals



- consider developing service standards and/or customized client management/service plan to identify specific ways outside counsel team will communicate with, evaluate needs, deliver services and results, and produce efficiency; may also develop jointly with in-house counsel



- consider alternative fee arrangements



- consider “What Have We Done for You Lately?” updates

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What “perks” can you offer?

- informal second-opinion “gut-checks” at no charge
- checklists or forms
- sample/template NDAs, Confidentiality Agreements, Licensing agreements, Corporate Governance documents
- for litigation: send copies of key cases when providing drafts for review
 - in-house counsel do not always have Westlaw/Lexis access
- legal updates: case law, regulatory changes, etc., with concise explanation of potential impact on client’s business
- engage business professionals in firm’s administrative departments or pro bono support individuals to provide information or support to in-house clients
- provide proactive advice:
 - marketing can provide best practices for issuing and evaluating RFPs or evaluating RFP software functionality,
 - research support staff can share insight into best research tools for monitoring regulatory or legislative changes,
 - IT can share evaluations on document management or security/privacy software
- help build the in-house counsel’s reputation and contribute to the legal department not being viewed as just a “cost center”
- offer in-house counsel clients CLE programs and/or on-site CLE trainings