

# Preface

I can't thank the ABA enough for actually publishing this book. I wanted to write a book that was fun to read, passed on valuable advice for new in-house counsel, and wouldn't bore anyone to death in the process. I was personally shocked that anyone found my idea for writing this book to be worthy, and more shocked that my writing made it past the distinguished editors.

I owe two people more than anyone acknowledgment for making this book happen. One is my amazing boss, Steve O'Brien, who through his own book publishing inspired me to write as well. He is the best general counsel (GC) I could have asked to work under and to develop me, and is a source for most of the corporate practice lessons I hope to impart in this book.

The other person is my wife, who pestered me without end to write a book. I'm not sure why it was so darn important to her, but I could tell that if I didn't, she'd be disappointed. She has been the inspiration for so much of the success in my life that I'm not sure where I'd be without her. Thank you, Stephanie. You are my best friend, my life coach, and my forever love.

Lastly, I'd like to tell you that a great chapter in this book was removed in the review process. If you want to read it, shoot me an e-mail and I'll send it to you. Evidently, you can get a little too edgy, even for a tongue-in-cheek book such as this one.

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# Introduction

“How’d you get that job?” Those were the words coming through the phone from one of my best friends. They were abruptly and almost immediately followed by something akin to, “Do they know you have no idea what you’re doing?”

That was not how I intended to start my first day as a new corporate counsel. My days of brass-knuckled litigation were behind me,<sup>1</sup> and I was going to be living the good life in the hallowed halls of corporate America.

Now, one of my closest companions from law school, and someone who should have known my brilliance from all of those long evenings studying in the Keys and hearing me wax legal bloviations in class was not so subtly telling me I was about to start my first morning at my new job unprepared for what lay ahead. Was David Pollack<sup>2</sup> a better judge of my preparedness than my new employer?

My brain went into overdrive as I sat in a crowded downtown DC Dunkin’ Donuts. I stared out the frosted window on that chilly February morning while sipping a warm coffee. Really, I just needed to kill time. I’ll admit it. I was nervous, and I was way too early to start work. Maybe it was a remnant of my days on the Coast Guard cutter *Valiant*, where starting work at 0600 was the norm. I was reverting to habit and old routine in an effort to minimize extra things to think about.

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1 Wrong, but that isn’t the point of the book. Go back to the previous text.

2 Name not changed to protect the guilty. He should have known better than to scare the crap out of me on my first day. Who needs rude strangers when you have friends like this guy?

My “good luck” call with my friend hadn’t made me any more comfortable. Just how early can you show up on your first day? I was pretty sure my new boss, the general counsel, wouldn’t be at the office at 6:30 in the morning. Would the guard even let me in? What was I going to do when I got there? Would it be like my firm, with cases to work and client<sup>3</sup> work waiting for me? Or would I show up at my desk and not have anything to do? Would my future internal clients even know I was there to handle their pressing issues?

Well, that’s a lot of rhetorical questions, but only half of the ones that were bouncing around in my head before the long walk down the block west of the Dunkin’ Donuts. Boy, what I wouldn’t have given to have a guidebook. I really just wanted to know what to expect. How would the interactions be different from the ones I was used to at my firm?

At the firm, it was simple. You worked with coworkers, and your clients were external. They came; they had needs. I worked on their issues, litigated them to resolution, and then worked on some other client’s work. I didn’t see that client every day in the hall. I didn’t meet her husband and kids or get to know her personally the way you can only do when you see someone every day. This was going to be a completely different animal. I knew it, but I still didn’t know how it was going to play out.

Come to find out, I wasn’t alone. A few years into my time as a corporate counsel, I got a call. On the other end of the line was a very senior partner<sup>4</sup> at a well-respected firm in DC. She and I had worked on matters together over the years. We spent late nights on the phone going over the minutest details of pleadings, letters, and exhibits on serious, bet-the-company matters.

I trusted her judgment, respected her knowledge, and knew that she was an excellent lawyer. But here she was, telling me she had taken a position at a large defense contractor—their newest in-house counsel. She wanted help. The questions sounded very familiar. We were having coffee<sup>5</sup>

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3 The intro is not too early for lesson number 1. As an inside counsel, you still have clients, but they are internal, and it will take you a long time to figure out who they are and the internal politics of why and what they really need.

4 This lawyer gets to remain anonymous.

5 Le Pain Quotidian. She was buying.

a couple days after our call, and I was being peppered with them. What the heck was she going to do? She only knew the politics of the firm. How would corporate life be different? What if she couldn't navigate the internal politics of her new internal clients? How was she going to handle a bad outcome on a matter for a client who more directly controlled her future than the external clients she was used to?

"I don't know why they didn't hand you a copy of the survival guide when they hired you," I joked over our coffee. But it was no joke. I still don't know why there isn't a survival guide for new in-house counsel. There are survival guides for far more mundane experiences. Do you really need a survival guide for navigating Paris? It's Paris for the love of all that's holy. You don't survive Paris; you eat everything, sightsee, and fall in love. There's also a survival guide for the zombie apocalypse. Zombies? A survival guide for zombies? Those don't even exist.

If Paris and zombies need survival guides, then taking a job as an in-house counsel sure the heck does. And so, here we are. I wrote one, and now you have one.