Cracking the In-House Counsel Code

In-house attorneys from various organizations offer advice for their law-firm counterparts.

By Saša Trivunić

For many law firms, working with in-house counsel presents unique challenges. To better understand the role of in-house counsel—to “crack the in-house counsel code”—we spoke to in-house counsel from Nationwide Insurance, Huntington Bank, the Columbus Blue Jackets, and Battelle about what they look for from their law-firm counterparts. By the end of our discussion, it was clear that in-house counsel, regardless of industry, have certain expectations from their attorneys. Although other clients may have the same expectations, the following is what the in-house attorneys had to say.

Outside Counsel Can Make My Job Easier by …

**Avoiding surprises.** In-house counsel hire outside lawyers to make their lives easier. To that end, they expect no surprises—especially in costs and deliverables. Avoid this gaffe (and the uncomfortable conversations that follow) with an early conversation, setting realistic expectations for the in-house attorney about the product you will deliver and the cost to deliver it.
**Initiating updates.** In-house attorneys expect timely, regular updates without asking for them. In-house lawyers have more than enough to do; they don’t want to add babysitting outside counsel to their list. So give them regular updates, even if it’s to say there is nothing new. In-house lawyers will thank you for each minute you save them with a brief update.

**Delivering a concise, easy-to-use product.** In-house lawyers don’t need a 30-page memo where a five-page memo will do. Usually, the in-house attorney does not have the time or resources to summarize your work. Give in-house lawyers a product they can easily present to their client (CEO, CFO, etc.). Again, the less the in-house attorney has to do, the better.

**In-House Counsel Hire the Lawyer, Not the Law Firm**
When it comes to hiring outside counsel, our panelists unanimously agreed that they hire the attorney, not the law firm. When outsourcing legal work, in-house counsel look for particular attorneys, rather than a particular law firm, with the skillset they need. Although this inevitably leads to a relationship with the law firm, in-house counsel base their initial hiring decision on the particular attorney.

**Data Security and Privacy Increasingly Important**
All of our panelists said that data security and privacy is a regular topic of conversation internally, and an area of expertise they now look for in their outside counsel. Specifically, in-house counsel, their clients, and their clients’ clients want to know what attorneys will do to protect their data and privacy, and what they will do in the event of a data breach. Developing an expertise in this area will go a long way to attracting, and retaining, work from in-house attorneys.

**Inclusion Is Diversity 2.0**
Unsurprisingly, “diversity is a game changer” for our panelists. They
value diversity and *require* that their outside counsel law firms are not just diverse, but inclusive. That is, they don’t look for law firms that simply “check the diversity box,” they look for law firms where diverse individuals are supported, included, and valued. To them, “inclusion is diversity 2.0.”

**World-Class Experience with Outside Counsel**

Finally, we asked our in-house counsel panel to describe their world-class experience with outside counsel. Their answer was simple: They want a lawyer who cares as much about their problem as they do. They want someone who takes the time to learn about their business and who asks good questions to understand the problem.

Follow these tips and you will be on your way to cracking the in-house counsel code.

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