

SECOND CHAIR

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How to Meet (and Exceed) the Expectations of In-House Counsel

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A recent study conducted by BTI Consulting Group found that 70 percent of corporate counsel surveyed were dissatisfied with their primary law firms. The results were based on more than 200 interviews conducted between July and October 2005 with corporate counsel at large and Fortune 1000 companies in a variety of industries. The report, entitled *How Clients Hire, Fire and Spend: Landing the World's Best Clients*, attributed the decline to three key factors:

- Failure to keep up with clients' changing needs
- Failure by outside counsel to articulate the value they deliver
- Poor communication with clients

Thus, although there are plenty of talented litigators in the marketplace, it seems safe to conclude that few possess that rare blend of first-rate legal ability and excellent customer service skills. With that in mind, and in an effort to not only meet but exceed the expectations of in-house counsel, here are some maxims that we outside counsel should keep in mind:

- Agree upfront with the client on the “ground rules” of the engagement. What should the frequency of status reports be? Does the client want to review all pleadings before they are filed? Is the client a decision maker or just a second set of eyes? These roles vary from client to client and from matter to matter.
- Communicate your assessment of the case to the client early. What is the client's exposure? What is the likelihood of an adverse judgment? Is there a possibility of punitive damages?
- When asked for advice, recommend a specific course of conduct; do not just identify possible risks or pros and cons.
- Consider the company's business—both legal and nonlegal aspects—in those recommendations.

- Ask questions, and listen intently to the client's situation, the client's view of the problem, and how it is affecting the client's business.
- Try to see the world through the eyes of your clients.
- Become an expert in your client's business and become a business advisor as well as a legal advisor.
- Link your work product to the business problem it solves for the client.
- Spot issues and bring them to the client's attention.
- Return phone calls and emails promptly (24 hours or less).
- Do not contact individuals at the client company directly without in-house approval.
- Minimize any last-minute demands on in-house counsel and the company. Remember that many decisions have to be approved by layers of management, which takes time.
- Try to anticipate changes in the case and case budget, and inform the client of those changes.
- Think of yourself as a member of a team, not just a service provider.
- Call once a week to update the client, even if you have no other reason to call.
- Build personal relationships with in-house counsel through the engagement.

Of course, this list is not exhaustive, and entire books have been written about the subject of outside and inside counsel relations. But the first step—simply recognizing that strong work product alone will not carry the day, and that our in-house clients expect (and deserve) first-rate customer service skills—is perhaps the most crucial. And it is one that too many outside lawyers have not considered.