
DOCKET

INFORMED. INDISPENSABLE. IN-HOUSE.

Oh Great, the Lawyer's Here!

Skills and Professional Development



My company hired me because a service contract being bid on required the offeror to have a lawyer on staff. The solicitation specified a couple of minimal, vaguely industry-specific qualifications, but did not otherwise provide expectations as to the attorney's role. In other words, the company that hired me hadn't reached its own conclusion that adding a lawyer to the mix would make things better. So, I had a new job, but without a serviceable job description or any existing notions as to how the position would add value to the operation. Additionally, my colleagues were not predisposed to equate an attorney's presence with the makings of a good day.

Perhaps that's an atypical beginning to an in-house career, but I still faced challenges similar to most. We in-house attorneys are sometimes seen as impediments to progress, adders of pointless tasks and killers of all joy. It's fodder for classic corporate clichés — the Department of No, the Business Prevention Unit and so on. At least many of us now have compliance officers to share a little of the received goodwill — unless, as for some of us, we wear both hats.

These views and behaviors didn't emerge from nowhere. If we don't fully consider the needs and expectations of the clients we serve, and we provide counsel only on terms we set, then we breathe continued life into those old caricatures.

I don't run marathons — my feelings of inadequacy about this are well mitigated by my exquisite knee cartilage — but I know enough to understand the benefit of getting support along the course that comes in the form of water passed out for drinking or dousing. I assume that getting the water when, where and in the form expected is critical to the success of the runner, or at least at staving off heatstroke. I've sometimes used this as an analogy to in-house practice when working with lawyers who are new to, or need remediation in, this concept. I think its lesson has something to do with my path from "What's he doing here?" to the position of general counsel.

The runner expects not to break stride, to find the water bearer in a known spot, and to receive a manageable container of potable water. These expectations are driven wholly by the runners' needs. Suppose the water bearers, tired of their product and their efforts being taken for granted, configured the process to address their needs, too? Picture a tasteful, understated sign at the roadside, reading "This way to refreshment," pointing to a charming little landscaped footpath leading to a cozy pergola wrapped with blooming wisteria, arranged with comfy seating and menus offering choices of sparkling and still water from sources all over the world, with the water bearer on hand to guide the water and seating-selection process.

In both scenarios, the water bearers share the runners' belief that their effort is really important. The problem in the latter approach, of course, is the bearer has fetishized the delivery of the service at the expense of the context necessary to make it useful. The analogy gets a little thin if we compare expert legal advice with a disposable cup of tepid tap water, but it's spot-on as to the amount of pomp and circumstance the intended recipients want or need when receiving it.

The way through this, at least for me, is to waste no time attempting to change minds by arguing against the perception that the lawyer's needlessly complicating things if or when it surfaces, or trying to ingratiate one's way past skepticism and distrust (not to be confused with simply being approachable — that's a good thing). Simply do solid work, communicate plainly and serve it up in the time, place and form most supportive to your company's mission.

We may seek to educate and empower our clients to make best use of our counsel, and this is a fine and satisfying thing, but we can't just declare class-in-session when inspiration strikes. If you have options to present, present them and be prepared to show how they're based in your expertise and research (You still research things, don't you?), but accept that you might not get past the "options" discussion. That's fine; your clients have races to run, and you're helping them win.

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Numotion