

Elevating In-house and Outside Counsel Partnerships for Better Collaboration

Law Department Management



Banner artwork by fizkes / *Shutterstock.com*

On September 26, 2024, ACC's Career Corner organized an informative session hosting an international panel comprised of:



Jennifer (Mbaluto) Chimanga, Partner, Co-head of the Africa Group, Global TMT Sector Lead, Clifford Chance



Shadrach Iguh, General Counsel, InfraCredit



Memme Onwudiwe, Executive Vice President of Legal and Business Intelligence, Evisort



Theresa Chikwendu, Senior Manager & Head of Department, Corporate Transactions, MTN Nigeria Communications Plc

The session focused on:

- Strategies for effective collaboration;
- Best strategies for success partnerships; and
- Key consideration for mutual growth given the dynamics nature of the relationship.

The panel described effective collaboration as the process of having two sets of teams (in-house and external counsel) working together toward achieving a common goal and objective. For collaboration to happen, there should be mutual support and respect as well as active communication between the parties. In essence, the panelists discussed various ways in which in-house and external counsel can collaborate and communicate effectively and efficiently to ensure business success while elevating the profile of the in-house legal department.

Clear role definition

From the outset, clearly define the roles and responsibilities of both in-house and external counsel. In-house counsel often understand the company's culture, risk appetite, strategy, and internal dynamics, while external counsel provide specialized expertise based on best practices. Understanding this background (role clarity) can set the stage for mutual collaboration as in-house counsel and external counsel are playing separate roles. Role clarity avoids duplication and fosters collaboration. The panelist highlighted that the most effective collaborations occur when it's difficult to distinguish between in-house and external counsel, emphasizing the importance of seamless integration between both teams. Onwudiwe emphasized that value creation should be at focus of collaboration.

Regular communication channels

Establish regular communication routines, such as weekly check-ins, project update meetings, or joint strategy sessions. Tools like emails, video conferences (Zoom, Teams), WhatsApp, and shared platforms (e.g., legal management software) can help streamline this process and ensure both parties stay aligned and updated on critical business priorities. The panelists also stressed the importance of continuous and clear communication, noting that collaboration is seamless when there is regular communication and in-house and external counsel are clear on the business objective and the steps to reach them.

> The panelists also stressed the importance of continuous and clear communication, noting that collaboration is seamless when there is regular communication and in-house and external counsel and clear on the business objective and the steps to reach them.

Early involvement in key matters

Involve external counsel early in the process when critical legal issues or strategic business decisions arise. Early engagement allows external counsel to develop a deep understanding of the business and provide more proactive advice, rather than being brought in during crises. The panelists highlighted that successful collaboration stems from ongoing, proactive involvement, rather than

reactive, crisis-driven approaches.

Mutual understanding of business goals and KPIs

The panel highlighted that successful external counsel must be familiar with the company's business objectives and risk appetite. In-house counsel should provide this context to ensure legal strategies align with business needs, promoting more tailored and effective legal advice. The panelists emphasized that understanding the organizational business strategy and communicating legal priorities helps align efforts and avoid friction. Iguh emphasized that the in-house legal department sits on a lot of information, as such it should take assign responsibilities across its stakeholders clearly to ensure business objectives are achieved.

ACC Members: Fostering Collaboration: Building Strong Relationships Between Corporate In-House Legal Departments and Outside Counsel

Joint strategic planning

Collaborating on long-term legal strategy is essential. Whether it's handling litigation, regulatory compliance, or transactional work, in-house and external counsel should jointly discuss potential risks and opportunities, aligning legal strategy with corporate goals. Chimanga shared that nurturing a long-term relationship leads to smoother collaboration and better alignment with corporate goals.

Fee transparency and cost management

Budget predictability is crucial, so both parties should collaborate on billing expectations, whether through fixed fees, retainers, or other alternative fee arrangements. Regular discussions around fees and progress against budget can prevent misunderstandings and ensure that legal spending remains in line with business priorities. The discussion highlighted how budget constraints of the legal department often lead to friction, but transparent, early discussions around expectations can mitigate these challenges. Chikwendu highlighted that external counsel who see the relationship as transactional will always get benched.

ACC members can access the link to the recording here.

Nurturing relationships

A successful partnership between in-house counsel and external counsel requires more than just a transactional approach. It demands a deep, mutual understanding, and trust that can only be fostered through nurturing relationships. Strong relationships build trust, facilitate open communication, and encourage proactive problem-solving. By investing time and effort into nurturing relationships, both parties can better understand each other's work styles, priorities, and challenges, leading to more effective collaboration and customized solutions. Chimanga mentioned that focusing on relationship-building beyond individual transactions strengthens partnerships in the long run.

> By investing time and effort into nurturing relationships, both parties can better understand

each other's work styles, priorities, and challenges, leading to more effective collaboration and customized solutions.

Set ego aside

Effective collaboration between in-house and external counsel requires checking egos at the door. When ego takes center stage, focus shifts from achieving shared goals to individual agendas (i.e., in-house vs external counsel), hindering progress. Both parties must recognize that they are equal partners in serving the company's interest. No one is above the other; each brings unique expertise to the table. By setting aside ego, in-house and external counsel can engage in open, constructive dialogue, freely sharing ideas and expertise. This ego-free zone fosters a culture of mutual respect, trust, and cooperation, allowing both parties to work seamlessly together to achieve desired outcomes. Chimanga and Iguh both emphasized the importance of putting aside personal pride for the benefit of the team and the client.

Continuous feedback and improvement

Establish feedback mechanisms to assess how collaboration is working and areas for improvement. After completing projects or significant transactions, in-house counsel can provide feedback on the performance of external counsel, while external counsel can offer insights into potential process improvements. Both parties should view feedback as a valuable tool to fine-tune collaboration and maintain a culture of continuous improvement. Depending on the nature of the transaction, a "postmortem" can be conducted so that key lessons are documented for the in-house legal department.

Value-centric collaboration

Value creation should be the heartbeat of collaboration between in-house and external counsel. This means shifting the focus from mere task completion to generating tangible, meaningful outcomes that benefit the company. When value creation takes center stage, collaboration becomes purpose-driven, prioritizing innovative solutions, efficiency gains, and strategic advantage.

Both parties should align their efforts to identify and capitalize on opportunities, mitigate risks, and drive business growth. Chimanga and Onwudiwe echoed the necessity for both in-house and external teams to focus on value-driven outcomes and not just completing tasks. Mutual value creation could be in the form of secondments for lawyers in the law firm. It has a twin benefit of giving the external counsel an opportunity to have an in-depth understanding of their client while supporting the in-house counsel with tasks. Also, mutual trainings conducted by both parties can help the toolkit of the other party. For example, in-house lawyers can teach external lawyers how to better manage their clients while external counsel can share recent learning or sector specific trainings that are valuable to the in-house counsel.

Invariably, by fostering a proactive, transparent, and collaborative environment, in-house and external counsel can collaborate to ensure greater legal effectiveness and deliver better results for an organization and enhance ease of working processes.

Join ACC

Disclaimer: The information in any resource in this website should not be construed as legal advice or as a legal opinion on specific facts, and should not be considered representing the views of its authors, its authors' employers, its sponsors, and/or ACC. These resources are not intended as a definitive statement on the subject addressed. Rather, they are intended to serve as a tool providing practical guidance and references for the busy in-house practitioner and other readers.

Theresa Chikwendu



Principal Consultant, Legal & M&A

MTN Nigeria Communications Plc

Theresa Chikwendu is a distinguished and award-winning legal professional whose career is marked by a proven ability to navigate complex corporate transactions and drive strategic legal initiatives within one of Africa's largest and most influential organizations.

As Principal Consultant, Legal & M&A at MTN Group (**JSE: MTN**), my role involves providing critical legal oversight for M&A, and business development initiatives, ensuring robust legal frameworks that align with MTN's strategic objectives and international best practices. She was previously the former Senior Manager

and Head of Department, Corporate Transactions at MTN Nigeria Communications Plc (**NGX: MTN**), where she helped the company structure and negotiate its most complex commercial transactions ranging from financing, mergers & acquisitions, and project finance transactions. She provided strategic leadership to the business on legal and business issues ranging from corporate transactions, general commercial transactions, stakeholder management, project management, and related matters.

She holds an LL.M Degree from Harvard Law School, Cambridge, Massachusetts, USA. Theresa's hobbies include reading, travelling, and she is a big advocate of mentorship. She runs a weekly LinkedIn column known as "***Diary of an Inhouse Legal Counsel***" where she is building a global community for in-house lawyers focused on becoming better strategic business advisors. She also has a collaboration with the African Corporate & Government Counsel Forum on a column titled – ***Legal Insights with Theresa Chikwendu, A monthly Digest for In-House Counsel***.

She is the visionary and convener of the ***#YoungerMe Nuggets Series,*** an initiative committed to empowering the next generation of young legal professionals and law students from underrepresented schools/backgrounds with the tools they need for career success globally. She served on the 2023 Annual Meeting Advisory Board of the Association of Corporate Counsel. She is also on the leadership of the International Legal Affairs, and Small Law Department Networks of the Association of Corporate Counsel.

You can learn more about her here - https://www.linkedin.com/in/nkeonyeasua-theresa-chikwend