

WHAT SENIOR ASSOCIATES AND JUNIOR PARTNERS NEED TO KNOW TO THINK LIKE A GC

*What makes really great client service
according to in-house lawyers*



Groundbreaking Off-the-Record Research

***What do in-house legal departments
really want and expect from their
outside counsel?***

***What skills and capabilities do senior
associates and junior partners at
outside law firms need to deliver
what their in-house corporate clients
are looking for... and prepare to
become partners
at their firms?***

Those were among the questions posed in off-the-record research conducted by Black In-House Counsel (BIHC) of 15 senior in-house attorneys at large multinational corporations.

This research was conducted as part of BIHC's *Think Like a GC Program*, where diverse attorneys at outside law firms gain insights about how general counsels think, and develop the skills needed to become partners.

This research was off the record, so participants would be brutally honest in sharing the unvarnished truth—which they did. Research respondents included in-house lawyers in roles such as Deputy General Counsel, Head of Litigation, and Head of M&A.

Participants included both people of color and not of color. The focus was not on the specific legal or technical skills that in-house lawyers are seeking from their outside counsel, but on the personal and professional capabilities that in-house lawyers want and expect from their outside firms.

One key takeaway: Clients often feel they are not being fully served by their outside counsel. This is because many outside lawyers lack the skills and capabilities that in-house legal departments are looking for.

5 Key Themes

The themes that emerged in these honest discussions centered on relationships, client service, positioning the firm as a business partner, and having a sophisticated view of risk. Not surprisingly, in-house attorneys want their outside firms to emphasize these themes in their pitches.

In boiling down the research findings, here are five key themes that emerged.

1. Understand the client

Participants expressed a recurring complaint that too many law firms “just don’t get it” when it comes to how in-house counsel think and operate. This persistent critique is an area where corporate clients wish their outside counsel would make a much more concerted effort to understand them.

In essence, these in-house lawyers want their outside firms to:

- Ask questions
- See the big picture
- Know their audience

FIVE KEY RESEARCH THEMES:

- 1 Understand the client
- 2 Take meaningful steps to strengthen the client relationship
- 3 Be positioned as a business partner, not simply a legal advisor
- 4 Understand the client’s risk appetite
- 5 Make pitches that persuade and win

Too often, outside counsel fails to take the time to think and prepare “three very crisp questions” in advance of a meeting. Further, outside counsel should not hesitate to ask questions to clarify exactly what the client actually needs, so that a 20-page memo is not delivered if what the client wants or needs for a specific matter is a seven-bullet email.

MISSTEP

Seemingly simple steps in understanding the client are often overlooked, such as doing sufficient research to see how the company is structured and how the legal department is organized. Understanding the company’s vision, strategy, goals, and structure is fundamental to providing good service. Knowing the specific challenges the company faces, and its key products and markets, helps ensure that the legal advice provided aligns with the organization’s bigger picture.

“My default position as outside counsel would be to dig into the strategy.”

MASTERY

Successful law firm partners gain a clear understanding of what their in-house counterparts need, and understand how their client needs to navigate their organization to make things happen. The legal advice is as straightforward as possible. These attorneys gain understanding by listening, observing, and acting with empathy and curiosity.

It is only by understanding the in-house counsels' role and needs that outside counsel can provide the service their client needs.

"The best people that we interact with, that give us the best advice, are also the ones that have bothered to learn something about our organization."

"The best law firm lawyers understand how to navigate the enterprise and the politics and all the things to actually make things happen versus just dumb legal advice. Like frankly, the legal advice is the easy part. Making it happen [within our organization] is what's hard."

As in many other service relationships, in-house clients want their outside counsel to help them look good, which means problem solving and advancing strategic goals, while being mindful of resources.

2. Take meaningful steps to strengthen the client relationship

Client relationships shouldn't be so hard, yet many outside counsel often fail to take basic, common sense steps that in-house counsel say would go a long way to building a much stronger connection. These basic steps include:

- **Apply general principles that are relevant in all relationships.** Some fundamentals to relationship building are straightforward but are too often overlooked. Clients are more comfortable when their outside counsel gets to know them personally, by making the effort to interact in person when possible. For example, in-house clients appreciate when the appropriate in-house attorney is invited to participate in the firm's women's retreat or other affiliate group gathering.

"Don't be afraid of the client. Just have a normal conversation and get to know people. Don't be afraid to talk to us; those relationships that get built over the years are valuable."

By asking questions, the outside counsel demonstrates to the in-house lawyer their interest in a deeper relationship. The absence of curiosity limits the firm to a more transactional relationship.

"The ugly truth is I've never experienced exceptional client service."

- **Take discussions about costs seriously.** Too often, firms are indifferent to the pressures their in-house clients are under. Managing costs is paramount, and when a firm demonstrates flexibility and creativity, it goes a long way to being a preferred firm. Beyond the fee structure, a client may want to better understand how their company's behavior impacts their costs, but firms rarely provide thoughtful feedback on what actions a company could take. The few that do show they are serious about building a long-term collaborative relationship.

"When you're the billing partner, actually review the timesheets carefully and make sure that everybody's billing the same length of time for the meeting."

- **Reduce friction for the client.** Forcing interactions through a single partner can be an irritant for in-house clients. Talking directly to the person at the firm who's doing the work is usually faster and cheaper and is often preferred by in-house counsel. Not being able to speak with an associate who is working on a matter raises concerns about trust.

Clients wish their outside firms would simply ask what they want. Sometimes it's a detailed memo and sometimes it's just a quick answer.

MISSTEP

When faced with the possibility of broadening the client-firm relationship to other practice areas, it is incumbent on the existing relationship partner to help bring their colleagues up to speed. It's not sufficient to simply put forward a partner who is an excellent lawyer; the relationship partner needs to share information about how the client works.

- **Build a diverse talent pipeline.** Some in-house counsel are intentional in wanting the firms they work with to develop associates of color. They view this as an investment in creating diverse talent. Firms can be proactive in building a diverse talent pipeline and exposing this talent to their in-house clients.
- **Cultivate relationships that can grow over time.** Forging relationships with people at a similar stage in their career provides opportunities for people to grow and ascend the career ladder together. Attorneys both in-house and at law firms can support each other, even weighing in and offering career advice when a senior associate at a firm is on the cusp of partnership.

MISSTEP

It is a big red flag if an in-house counsel feels they are working harder on a deal than their outside firm. If they're working all night on a transaction, the firm should be responsive to that.

"We went to a law firm recently and said, one of our client requirements is that we cannot out-work you. You need to be out-working us. And they laughed, and I'm thinking you're laughing, but it's true."

3. Be positioned as a business partner, not simply a legal advisor

In-house counsel repeatedly state they are looking for their outside firms to serve as business partners, who can use their unique perspectives and expertise to help spot trends and offer practical advice. These clients, however, feel that their outside counsel rarely elevate themselves from a legal advisor to a valued business advisor.

- **Share what you know.** Senior in-house counsel believe that what distinguishes valuable outside lawyers and firms is their ability to have a wider lens. In-house lawyers want firms to help them benchmark where they are relative to competitors and share market intelligence. Too often firms fail to bring this value-add.

MASTERY

One research respondent described one law firm that clearly stood apart. When the client received a significant plaintiff's letter, the firm declared at the outset that a number of clients had received the same letter, and they had a proposal to negotiate with this plaintiff. This approach, based on intelligence about the plaintiff's counsel, avoided a messy class action.

MISSTEP

When a company faced a regulatory issue that could affect its entire industry, the company's outside law firm was not forthcoming about what it saw across the entire industry. The client felt that this firm should have been knowledgeable and proactive, rather than forcing the client to prompt them.

"You're not just interested in the [matter] that we're dealing with today, but you're interested in a broader relationship. Because when you ask me about my strategy, I also think, 'How can you solve my problem unless you know what my real endgame is?'"

- **Think like a business.** Companies value when their outside counsel anticipates what they need and can speak the language of their business. Business executives want information so they can make business decisions; they don't need to see every legal issue that an attorney can conjure.

"There is one partner. She's a senior partner... so she's been around... she understands what it's like to advise corporate clients: senior executives who you need to give an answer to and you need to say it succinctly, talk in their language... That's kind of a rarity... she's very special."

- **Additional benefits generate goodwill.** Companies welcome when the firm offers enhancements, such as sharing additional market intelligence outside of their formal representation. A landscape analysis of additional areas beyond the current representation can demonstrate the firm's helpful attitude as it tries to grow its business with the client.

4. Understand the client's risk appetite

Companies are looking to work with counsel who understand their business and their risk appetite. Most of the time, this helps the company do what it wants. When a firm understands the company's risk appetite, the company can really trust them when outside counsel advise against something. But when firms overemphasize every risk, the business feels constrained and the risks seem general and theoretical, as opposed to risks that apply to a specific business.

Most companies have a sophisticated view of the risks that apply to their business and they expect their outside law firms to understand this view of risk.

*"The ones [outside firms] that you really trust are the ones who will say, 'This is not the situation where I'm pushing the envelope.' **When they say no, you know it's worth listening to.** Versus the ones who tell you the sky is always falling. With those people you just cannot keep going to your business partners with every possible risk because **you must run a business!** But the ones who know when to really use risk and understand how you view it, then you use them, and you listen to them."*

5. Make pitches that persuade and win

When clients think about law firm pitches, they want the firm to demonstrate all of the other themes: understanding of the client; a strong relationship; a true business perspective and partnership; and a sophisticated view of risk. They also want to see diversity as an essential element of client service, not as an add-on. Research respondents identify what they want to see in a good pitch.

- **Be responsive and efficient.** Ensure that the pitch is directed to the proper person at the company. It doesn't serve anyone if a firm is annoying the GC or other senior attorney on a matter that has been delegated to a more junior person in the law department.

Be respectful, which includes being efficient with the client's time. Also recognize that successful firms play the long game. It can take years to build up the trust with a client to get a large book of business. But having built trust, a firm can be ready when the right opportunity comes along where their expertise adds value.

Clients want firms to answer questions about fee arrangements forthrightly and directly. When firms won't be clear about the cost of their service, it's a red flag.

- **Think beyond risk.** It is not helpful when a pitch is overly focused on risk. The firm loses credibility and is not seen as solution-oriented. Firms are more successful when they caution about risks but discuss these risks in context of things to watch out for and what the firm has seen before, without overstating and cramming in every conceivable risk.

“The best pitches have a focus on what our needs are and are able to show they can deal with them, and have dealt with them before, without overstating the risks or focusing completely on them. It's showing their industry knowledge and understanding of our situation. That gives me confidence.”

- **Tailor the pitch to a client's specific situation and needs.** Choosing a law firm is not about how clever they are. Most clients believe that any number of firms can perform the required legal services, so it's the additional insights that stand out. It's apparent right

away whether the firm is giving a canned pitch or a tailored presentation that reflects thought and research about the particular client.

“They need to start with the assumption that we generally think that we can get a similar service from anybody. So what makes you different?”

“How is the ask on the RFP in litigation tied to the company's vision? The more you can get to talk to that link the better, and that's what most lawyers don't do. They suck because they will want to talk about all the stuff they've done.”

- **Show that your firm knows the landscape and is a thought leader.** Effective pitches reflect thought by the firm about the company's business and bring the breadth of the firm's experience to the company's needs. When a firm can distill what they have seen in the sector into key trends or issues, that demonstrates their expertise in a tangible, differentiated way.

To many in-house attorneys, what differentiates their outside counsel from their in-house team is not legal skill or expertise. It is the resources that outside counsel can bring to bear on a matter and the breadth of the outside counsel's experience across the market. What in-house lawyers are looking for from outside counsel are intelligence and insight as value-add.

The best pitches showcase partners who have thought about the case and offer strategy, analysis, maybe intelligence about the judge, glimpses of their recommendations, paired with a transparent discussion about cost. Firms need to be prepared to respond to pointed questions.

“If you pitch our landscape, we walk away feeling like you get us because you ask the right questions, you understand, so you could deliver. . . You understand more of the dynamics.”

- **Don't engage in “diversity eye candy.”** To make an effective pitch, it is important to present a diverse team. However, a pitch team composed solely of nondiverse people can actually be a strike against a firm, sometimes preventing that firm from getting work. It is important that every member of a pitch team has a real role and gives a meaningful portion of the presentation. This is especially true if there is just one diverse person on the team.

“Do not bring a Black person because you know that I’m Black, unless that person is going to do something meaningful.”

Including a diverse attorney to merely serve as “diversity eye candy” backfires. Clients can detect when that person is not actively contributing to the discussion. In contrast, clients welcome seeing a genuine, diverse team that has clearly worked together over time. Many in-house counsel want to encourage the development of diverse associates and ensure these diverse associates get meaningful experience.

- **Prepare associates to contribute.** Clients want to know who will actually perform the work on their account. They want to meet and hear from the associates. In pitch meetings, associates need to be prepared to add value, especially when clients ask direct questions.

“It’s definitely a negative if you get on the call, and it’s one person doing all the talking even if they are the partner.”

Practical Advice

In addition to responding to questions, research respondents offered a broad range of practical advice to senior associates who are working to become partners at firms and junior partners that are growing their practice.

Define your goals

“Make sure that [being a] law firm partner is what you want. Becoming a partner at a law firm is like winning a pie eating contest and getting a ticket to another pie eating contest and the prize for winning is a ticket to another pie eating contest and so on. It becomes, ‘What have you done for me lately?’ Like, the more business you bring in, the more business you need to bring in. Make sure that’s the life that you want.”

Scrutinize your firm’s business model

In pursuing a law firm partnership, pay attention to the business of the particular firm, how it makes money, and how it divides up its compensation.

“You need to understand how a law firm operates, how your law firm operates, and how people get compensated within that organization. Just understand that business.”

Be prepared when opportunities arise

Make the most of opportunities and don’t be shy. When an associate, especially a diverse associate, has an opportunity in front of a senior in-house counsel, it is essential to be prepared and not squander that invaluable exposure. Associates must seek to add value in meetings.

Proactively seek out mentors

For Black associates to take ownership of their careers, one option is to seek insights from and cultivate relationships with Black partners and senior in-house attorneys, even cold-calling them. Taking initiative to seek them out and showing genuine appreciation can fortify relationships. Many senior Black in-house counsel will take an interest and inquire how the associate’s career is going and will look for opportunities to send business their way.

Self-advocate

Associates can self-advocate to get the opportunity to gain broad experience and to avoid being pigeonholed. It is important for diverse associates to speak up if they are frequently pulled into meetings just to represent diversity without gaining valuable and diverse experiences. It’s important to remember to fight at times for good work.

Look for opportunities to differentiate

Because most in-house clients are unfulfilled by the client service they receive from outside firms, it presents an opening for attorneys to differentiate themselves. The best way to differentiate is to have a finely tuned antenna to understand what a client wants and needs and then to leverage your unique expertise to deliver on what they need.

“Just listen to the client and be responsive and prepared.”

“If you get a chance to go on a secondment, do it as it gives you a chance to get to know the client.”

Seek opportunities to collaborate

Look for opportunities to collaborate to build relationships and lead to more work. Through collaboration, you can ask thoughtful questions and follow-ups. This is also a way to enhance the insights to be shared with all clients.

“Give the [client] legal advice, but say, ‘So what hurdles do you see in taking this to the next step? What challenges would you face there?’ Indirectly you’re asking, ‘What else can I do to earn more business with you?’ I don’t know how hard it is for an outside counsel to do that if they’ve simply never been through it before. But it could be asking them follow-up like: ‘Did you face any challenges with that? How did you work through it?’ And then by doing that, with each client, they’ll learn and then they’ll have something to share with the next client.”

Prioritize outreach opportunities It is important for lawyers and firms to be extremely strategic about the client opportunities they pursue. That’s because clients are expecting an investment of thought and time, and the ultimate payoff may take years to be fully realized. Therefore, carefully prioritizing opportunities is important.

“If you try to do this with 20 clients a year, that’s probably going to be exhausting. Ultimately you could have done a lot more with five or ten, but that’s a hard gamble to do... Prioritizing and strategizing these sorts of things is important.”

Have humility

It is offensive to in-house attorneys for their law firm counterparts to behave as if they work harder.

*“First and foremost, do not ever say to an in-house counsel: ‘Maybe someday I will move to in-house so I can have more work-life balance, or I work so hard here in this firm. I’m thinking about coming in-house. Any suggestions?’ Because then you’ll get a different side of me immediately. **That tells me you don’t know anything about anything.**”*

