

New Legal Trends to Better Represent Businesses

By Charles B. Brown

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Introduction

Legal expenses are a large, sometimes unpredictable, and thorny annual expense for companies. America's largest companies significantly decrease their per-hour legal expenses by having a Law Department and lawyers as employees. Unfortunately, companies which do not have a high level of recurring legal issues have not been able to create a Law Department and have been stuck with the traditional model of using expensive outside law firms. A new trend in the private practice of law is the innovative creation of the *On-Site Legal Method*¹. Here, attorneys act like a company's in-house Law Department, but they are independent contractors. With this novel, advantageous approach, experienced corporate attorneys dedicated just to you visit your company on a regularly scheduled basis and set up shop at your office for that day. They perform the same services as a traditional

outside counsel, but provide greater value.

The On-Site Legal Method in Practice

The *On-Site Legal Method*SM was created with business and businesspeople in mind. As we practice it, an experienced business attorney with Law Department experience comes to your office on a regular schedule, from one to five days per week. The attorney brings everything they need to the job – laptop, software, and research tools. These “*On-Site Attorneys*” provide the same legal service and expertise as outside counsel, but they prefer to come to your business. The *On-Site Attorney* will completely know your business, competitors, industry, strategy, issues, and goals. With this knowledge, she will then make optimal recommendations. She is available when your business needs her; this attorney will move at the speed of your business. Further, she can even assist with tasks typically done by the management team such as reports or compliance tasks, freeing key executives to perform higher value tasks for the business.

With an independent contractor, you do not have the high-fixed costs of in-house counsel such as: salary, benefits, vacation and sick days, training costs, and support personnel. Survey data shows that in addition to the base salary, companies pay 83% in additional costs to employ an attorney. You will have a person who acts with the responsiveness and dedication of an employee, but who is not legally an



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The On-Site Attorney must completely know your products, business, strategy, culture, competitors, industry, common issues, and financial goals in order to be most effective.

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¹ This method was pioneered in 1998 by Corplaw Associates, and is featured in a *Corporate Counsel Magazine* article of August 4, 2004.

employee. As with other business relationships, the service is terminable at will.

Advantages

The independent contractor *On-Site Attorney* has several advantages for small and medium-sized businesses. First, you can obtain the highest quality legal representation without the difficulties of hiring several traditional outside counsel who only practice law in one specialty. Second, the *On-Site Legal Method* offers your business as much or as little legal representation as needed. Third, *On-Site Law*

You will have a person who acts with the responsiveness and dedication of an employee, but who is not legally an employee.

Department Attorneys can help you manage outside counsel. Fourth, this method is also very cost-effective. You may be able to negotiate a discount from the service provider in return for a volume commitment. Fifth, this attorney will be dedicated to you. He will thoroughly know your business. Sixth, he is right down the hall so he is available at a moment's notice. This will improve the speed of business decisions.

Specific Experience is Required

It is mandatory that this attorney have significant Law Department experience. A Law Department is the best way for companies to receive recurring legal services. The Law Department learns how to function side-by-side with the executives. I call this specific method of representing companies the *Law Department Method*SM. It calls for different practice methods than private practice.

Among other things the *Law Department Method* embodies the attributes of: business knowledge, accessibility, project management, pragmatism, a prevention mindset, knowledge transfer, accountability and responsibility for outcomes, risk taking, speed, superior service, and cost-cutting. The *Law Department Method* combines the business mindset, business knowledge, and client commitment of an in-house counsel with the high level of substantive

legal expertise of a traditional outside counsel. In other words, the *Law Department Method* combines the best of both legal worlds to achieve superior legal and business results for business clients. A great *On-Site Attorney* should use the Corporate Legal Services Best Practices; an article on this subject is available separately at www.corplaw.com/articles.

The *On-Site Attorneys* should be a generalist with perhaps one or two specializations. An attorney with this background can take care of most of your company's legal needs, which may include issues involving acquisitions, intellectual property, audits, contracts, information technology, litigation, product technology, human resources, advertising review, and other areas. In essence, the on-site generalist attorney is a "one-stop shop" for many of your company's legal problems. Consequently, you will only need to hire a specialized attorney when a special, time-consuming or extraordinary problem arises.

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This means one person can handle a wider range of your issues, rather than several specialists who must transfer parts of issues to their partners or to young associates. This transfer is expensive and time-consuming – and can cause the loss of valuable information.

Legal Advice Must be Based on Business Goals

The *On-Site Attorney* must completely know your products, business, strategy, culture, competitors, industry, common issues, and financial goals in order to be most effective. They must also generally be business-savvy. They must generally understand how a company operates and know the basics of finance. This knowledge is required if your attorney is to create the optimal recommendation. The attorney can be a great legal thinker, but if the recommendations do not adequately contemplate the overall business goals, the client is left with imperfect solutions. For example, an attorney who knows

the importance of business knows that it is more important to protect core and higher-margin products or services. If she does not know the business, she will not know what is important. When the *On-Site Attorney* is at the company, she can glean the atmosphere and intangibles by talking to company employees, attending business meetings, and walking around your offices. Taken together, the knowledge of your company's business and fast solutions will maximize your outcomes and minimize your legal risks.

Responsiveness is Essential

The *On-Site Attorney* will be right down the hall during her on-site days and then you will have immediate advice as needed. For example, when an important customer asks a difficult question about a past practice, wants an immediate teleconference or needs a contract amendment prepared immediately, the *On-Site Attorney* is at the ready. The *On-Site*

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Attorney quickly provides succinct, practical advice and solutions to your company's legal problems. She is reachable at other times by phone, fax, or e-mail at anytime, and will respond quickly. With an *On-Site Attorney*, legal questions are solved quickly.

Comparison with Traditional Outside Counsel

When using outside counsel, small-to medium-size businesses often encounter many problems. For instance, they often find that outside counsel do not know their business, are hard to contact, expensive, focused on too many other things, unaccountable, not passionate about management's business goals, too distant and lack broad legal experience in needed areas. With the *On-Site Legal Method*, the attorneys are experienced Law Department Attorneys who do not exhibit these negative characteristics because they have Law Department experience at big companies. They know what it is like to function within a company. They have the experience and

high level of legal expertise of an outside counsel, and the business mindset, industry experience, and passion for your company of an in-house counsel. This method offers companies a blend of the best aspects of traditional law firm outside counsel and in-house counsel.

Assessing On-Site Needs

We recommend a review of a potential client's needs to determine if the *On-Site Legal Method* might be useful. First, it is helpful to review what your legal expenses were over the last three years. Then we take a look at what have been your significant legal issues. Then we will ask, what are your recurring

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legal issues? Are you in a highly regulated industry? Are you growing? Do you need fast turnaround but you are not receiving fast turnaround? Have you had costly legal problems before?

Do the legal issues involved need an experienced understanding of the law, as well as knowledge of the company's business and industry? Would your company like to hire a highly qualified attorney without the structural costs? If you answered "yes" to any of these questions an *On-Site Attorney* might be a good fit.

Who Can Benefit from This Service?

The *On-Site Legal Method* can work for all types of companies, but is often most effectively utilized by small and medium-sized businesses that are growing. Like any large company, small and medium-sized companies have significant legal needs, but their size precludes them from staffing full-time Law Departments.

Transition to On-Site Representation

Almost any company can easily integrate an On-Site Law Department Attorney as an independent contractor. An *On-Site Attorney* can set up and start

quickly with little or no interference with the company's operations. Your company does not need to train *On-Site Attorneys*, provide them with equipment, or give them anything but a space to place their laptop and work. This quick set-up allows an *On-Site Attorney* to seamlessly fit into the operation of your company. In fact, the effectiveness of the *On-Site Attorney* comes from the ability to blend into a business.

Conclusion

The exciting new trend of *On-Site Attorneys* for progressive, successful companies is a unique, customized solution which was created to address an important marketplace need. *On-Site Attorneys* focus on business-oriented service and complete solutions, which make the *On-Site Legal Method* superior. It is the perfect alternative to hiring a full-time in-house counsel.

This article does not constitute the giving of legal advice. Please seek legal counsel who can assess your individual legal situation in compliance with the law.

About CorpLaw Associates LLC

CorpLaw Associates LLC is a law firm of experienced business attorneys who deeply understand their clients' businesses and who use best practices to achieve their clients' business goals. The firm provides full support for businesses. For clients who need on-site legal help, CorpLaw is one of only a few firms that specialize in this model. Their mailing address is CorpLaw Associates LLC, 400 Central Avenue, Suite 150, Northfield, Illinois 60093. They can be contacted at 847.784.1300 or at firm@corplaw.com. Their web address is www.corplaw.com.

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Charlie is an accomplished senior business legal adviser, having represented boards and executives at public and private businesses in diverse industries nationally and internationally for 24 years. He has held senior Law Department roles in major companies, including as General Counsel. While specializing in IP (patent management, trademarks and trade secrets), he counsels company boards and executives in the U.S. and abroad in a wide range of business issues. Charlie has served in leadership roles in the Chicago Bar Association and the Association of Corporate Counsel. He is active in civic affairs. Charlie's e-mail address is charlie@corplaw.com.