The Law Department Method℠ for Private Practitioners

In-House Counsel's Best Practices Can Be Used by Private Practitioners

By Charles B. Brown

Large companies use Law Departments to handle their legal affairs. Their in house lawyers are primarily responsible for the overall legal risk, successes and failures of their company; they engage in many activities to manage this risk, including providing direct legal advice and having the authority to modify company business operating methods to prevent legal problems. They work side-by-side with company management and must be keen observers of the business. They must be knowledgeable of overall company operations and apply this knowledge to create the optimal legal recommendation. For these reasons, in-house legal experience is an invaluable company asset.

These valuable in-house legal methods can be used in private practice, too. This collection of methods is the "*Law Department Method*". It requires the attributes of business knowledge, speed and accessibility, project management, pragmatism, a prevention mindset, knowledge transfer, accountability for outcomes, risk-taking, superior service, and cost-cutting.

First, the great business counselor must know the business. If you do not know the business, it is difficult to consistently meet the business' goals. So, learn the client's business quickly. In addition, you must be accessible. Clients need to have necessary resources available when they are needed. Just as the CEO calls on HR, IT and Finance and expects quick turnaround, the CEO expects the same from their inside and outside lawyers. Clients move fast and you need to move as fast as they move.

You must plan your actions and measure your results. Just as executives have deadlines, goals and cost constraints, you must become comfortable using these measuring devices for legal projects. You should measure how key services are delivered to the client and then report your results periodically to the client.

You must be pragmatic. Clients need practical solutions for problems. Spend the time on the project which is warranted by the financial risk of the problem. Do not sound the alarm bell unless the CEO, CFO, or board will consider the risk to be large. With the *Law Department Method*, lawyers try to proactively discover problems before the problems become financially damaging to the company. This can be done by asking questions all the time and becoming a keen observer of the business. Look for potential issues and address them before they become a problem. After you have solved the problem, use that knowledge to later change and improve the system.

Transfer your knowledge to the client so that they may help identify and prevent problems. E-mails and memos should be short and in plain English. For involved areas of law, conduct client training and seminars.

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The Law Department Method combines the business knowledge and client commitment of an in-house counsel with the substantive legal expertise of a traditional outside counsel.

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The *Law Department Method* requires that the attorney be accountable. You must accept the consequences of your recommendations –good and bad. Risk is an everyday part of the executive's life- so it must be for you, too. While many lawyers want to do everything to prevent even all risks, that approach takes too much precious time and costs too much money. Become comfortable in comparing the risk to the goal and accepting appropriate risk.

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Lastly, we are in a service business. Service means doing whatever is necessary to accomplish the objective, satisfy the client, and get the job done. Be their project servant and make it easy to do business with you. Return phone calls and e-mails immediately; be upbeat and social. When you do this, most clients will look forward to calling you with their next important problem.

The *Law Department Method* is based on proven business principles used by businesses in all industries. Sophisticated executives and board members expect seasoned business counselors to provide services in a way which draws upon these accepted business methods. The *Law Department Method* combines the business knowledge and client commitment of an in-house counsel with the 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.

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.