

BUSINESS & CAREERS

Thinking about going in-house? Think again

As a recruiter, there are days when it seems every lawyer you meet wants to explore a career as in-house counsel. The reasons follow predictable themes: a desire to escape long and unpredictable hours, an interest in moving away from the pressures of billing and business development, and the fear of being pigeon-holed into a narrow practice scope if they remain in private practice. In addition, many private practice lawyers want the opportunity to play the role of strategic business advisor—being part of the decision-making process rather than being involved only in specific, defined legal matters.

While some of these objectives may be achieved by going in-house, the transition can also introduce new challenges those in private practice may not fully appreciate. What follows are a few key issues to consider when exploring the possibility of an in-house career.

In-house does not always mean less hours

It is a myth that in-house practice always offers excellent work-life balance and more flexible working arrangements. Law is still a service industry, whether the client is external or just down the hall. In-house lawyers are often under heavy pressure to hit tight deadlines to fit the needs of their non-lawyer colleagues, who may not appreciate the time required to understand and advise on a complex legal issue. There are few in-house lawyers out there



WARREN SMITH



whose hearts do not sink when they hear the words “can you just take a very quick look at this...”

That said, time management is generally more achievable in-house. This is because the in-house lawyer is frequently able to see what is coming down the pipeline, sometimes weeks or months in advance, and plan accordingly. In contrast, lawyers in private practice are often only instructed once a transaction becomes live, sometimes without the benefit of reasonable prior notice. In addition, in-house counsel may have the ability to add legal help to meet tight deadlines through the use of external counsel. The resolution of a complex legal issue on a Friday afternoon for a Monday response can be made possible for those in-house through the assistance of those in private practice.

Business development by another name

Private practice lawyers are often intimidated by the need to undertake business development, preferring the practice of law over



WAVEBREAKMEDIA LTD / DREAMSTIME.COM

Going in-house has its perks, but it may not mean putting in less face time.

the business of law. These lawyers often perceive in-house careers as having the luxury of practice with a captive and willing client, who has already acknowledged (by employing them) their need for legal services.

The reality is, to be effective, an in-house lawyer must know, con-

nect with, and be respected by their non-lawyer colleagues throughout the organization. Why? The switch from private practice to in-house counsel turns a lawyer from an “earner,” contributing directly to their firm’s bottom line, to a “burner,” a cost to the organization that must be jus-

tified as a necessary, effective resource for the business.

In addition, if the company perceives their in-house legal team as a barrier to rather than a facilitator of the company’s business interests, or if counsel is perceived to make transactions more burdensome (for example, due to protracted contract negotiations over relatively minor points), there can be a tendency to simply work around (or effectively ignore) the lawyers. Left unchecked, this can eventually lead to a “right-sizing” of the legal department.

As such, an integral part of in-house practice is the need to effectively conduct “business development” within the company. Networking internally is not only key to better understanding one’s employer, but plays an integral role in building a reputation for being a trusted and valued team member. In many cases, in-house practice requires more, not less, personal interaction with clients, who can (and will) just wander down the hall to find their lawyer, or alternatively “forget” to run things past legal.

One practice area vs. one client

In-house is often seen as a draw for lawyers who feel they are not able to expand the scope of their practice, often due to constraints of firm structures that encourage lawyers to specialize within the framework of a narrowly defined practice group.

There are certainly great pos-
See **In-house** Page 24

Announcements

**MINDEN
GROSS LLP**

145 KING STREET WEST, SUITE 2200
TORONTO, ON M5H 4G2
TEL 416.362.3711 FAX 416.864.9223
www.mindengross.com



**We are pleased to
announce that
Boris W. Zayachkowski
has joined the Firm.**

BORIS W. ZAYACHKOWSKI
COMMERCIAL LEASING;
COMMERCIAL REAL ESTATE
TEL: 416.369.4117
EMAIL: BZAYACHKOWSKI@MINDENGROSS.COM

Effective May 1, 2011

The members of the firm
Faber Bickman Leon

Have changed their firm name to

leon bickman brener
lawyers
suite 350
603 - 7th avenue sw
calgary alberta
t2p 2t5

phone 403 263 1540
fax 403 269 2653
www.lbblaw.ca

BUSINESS & CAREERS

Success of going in-house depends on the person

In-house

Continued From Page 23

sibilities in-house to deal with a huge variety of legal issues, arising from the breadth of business interests and legal needs. However, variety can also be unsettling, particularly when a private practice lawyer is used to the relative comfort of having access to resources, research, and other specialist lawyers that a law firm environment provides.

In addition, private practice lawyers often trade one kind of specialization (practice area) for another, namely the industry or business area of the organization they join. Although the transferable skills gained in-house are extremely valuable, it is not always straightforward for an in-house lawyer to jump from industry to industry, for example from retail to technology. While the nature of specialization may change from private practice to in-house, the

likelihood of escaping some form of specialization altogether is relatively low.

Strategic adviser vs. lawyer

Moving from being an external adviser to an integral part of an organization should be one of the key reasons for a private practice lawyer to switch to in-house. Legal advice is always most practical and effective when the lawyer knows every aspect of how it will impact their organization.

However, being on the inside also means joining business colleagues on the firing line: the in-house lawyer does not have the luxury of simply advising and then stepping back and letting their client make a decision. They are expected to be a full part of the decision-making and the (often more difficult) implementation process.

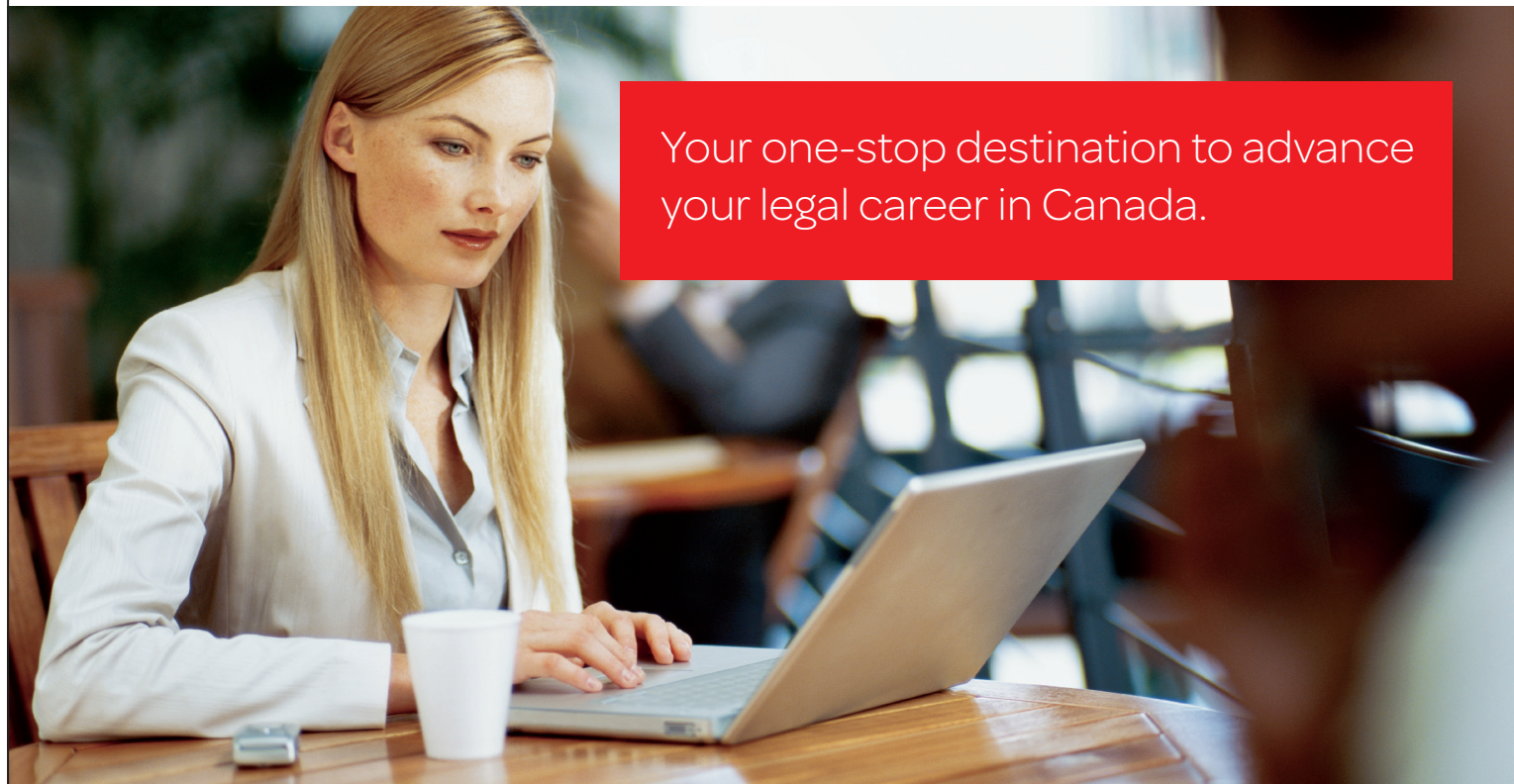
One example is the acquisition of a company: external counsel “papers” the deal whereas in-

house counsel is usually involved in the process from the strategic decision to acquire through to post-acquisition integration of the new company over the ensuing months, years and beyond.

In the end, practising as in-house counsel can offer a career path that is as challenging and rewarding as any found in private practice. The key to knowing which will give the greatest job satisfaction is to understand what is most important to individual lawyers in defining a successful career, and assessing it against a frank, honest, and informed view of what an in-house role might look like as compared to those found in private practice. ■

Warren Smith is a managing director with The Counsel Network, a lawyer recruitment and career consulting firm. He is also the only Canadian elected to the Board of Directors for the National Association of Legal Search Consultants. Alice Toal is a recruitment consultant with The Counsel Network.

Totallegaljobs.ca



Your one-stop destination to advance your legal career in Canada.

Find and apply for a job today! Many exciting new positions are listed right now:

- [Legal Assistant in Toronto](#)
- [Partner, Real Estate Partner, Real Estate, for Law Firm in Montreal](#)
- [Patent Agent for IP Firm in Ottawa](#)
- [Corporate Counsel \(1-Year Contract\) in Toronto](#)
- [Legal Counsel and Corporate Secretary in Mississauga](#)

[More...](#)

Set up your profile and upload your résumé.

Employers are searching the database for the right candidates.

Create job alerts so you never miss a new posting.



Follow us on Twitter (www.twitter.com/totallegaljobs) to get valuable career information and immediate notification of new job postings.

LexisNexis and the Knowledge Burst logo are registered trademarks of Reed Elsevier Properties Inc., used under licence. Other products or services may be trademarks, registered trademarks or service marks of their respective companies. © 2011 LexisNexis Canada Inc. All rights reserved.



DREAMSTIME.COM

A rested, full judge equals a lenient judge?

A rested judge on a full stomach is more likely to be lenient, according to a new study in the *Proceedings of the National Academy of Sciences of the United States of America*. The study looked at 1,112 rulings by Israeli judges who were presiding over boards deciding whether to grant parole to prisoners. The researchers found at the beginning of a court session favourable rulings for the prisoners were about 65 per cent. As the day wore on favourable rulings declined to near zero. But after a break for a meal favourable rulings rose back to about 65 per cent, then started tumbling again. Food for thought — if you are looking for a lenient ruling you may want to get in front of the judge first thing, or wait until he's had a relaxing lunch.