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Associates need to distinguish themselves, bring value to clients

Law firm associates can easily find themselves caught in tunnel vision when it comes to working on the matters that come across their desks. While most associates learn the nuts and bolts of the matters they see in practice, it is all too easy to overlook thinking about how those matters fit into the big picture of a client's business and, importantly, how associates can take a proactive role in helping their clients.

Understandably, associates do not necessarily think about their clients' legal environment and how they can help their clients beyond assisting with the matter at hand. On a day-to-day basis, the seemingly Sisyphean work of an associate — discovery, drafting, editing and researching, among other things — can overwhelm attempts to think about the context in which that work arises. But associates who fail to see the big picture in which individual matters arise are missing a very real opportunity to distinguish themselves and demonstrate value to these clients.

There is no question that clients frequently have exacting demands. When we spoke to Gabriel A. Wintner, in-house counsel at Mathnasium LLC (a franchisor of math learning centers), about the role outside attorneys fill in his legal department, he told us that in-house attorneys generally expect high quality work performed with a high level of attention to detail from their outside counsel — an expectation justified by the prices in-house attorneys pay for outside counsel.

While there may be tolerance for one or two small mistakes in work performed by outside attorneys, even minor miscues can cause clients to lose patience. When such high expectations are the baseline for performance, it can be difficult to differentiate oneself from other attorneys vying for the client's business,

many of whom are also attentive, detail-oriented, diligent and hard-working.

So how to stand apart from the pack? While outside counsel is sometimes regarded as an expense that clients are willing to bear as a necessary evil, outside attorneys that can show a client that they affirmatively add value to the business will find that they will become more integrated into that client's legal department — and thus will likely receive more business and be more difficult to dislodge as that client's outside counsel.

One simple way of demonstrating added value to a client is to work to understand the root causes of any costly matters that are coming to the attorney's desk. For example, imagine a simple contract dispute between a supplier and a manufacturer. Upon being sued by the supplier for nonpayment, the manufacturer retains outside counsel to defend the suit.

A typically harried associate assigned to the case may think immediately about defenses to the allegations of nonpayment and the procedural routes to assert those defenses.

A diligent associate will carefully research these issues, while doing his or her best to minimize the costs of doing so. That diligent associate will meet the expectations of the client, but will probably not distinguish him or herself.

On the other hand, an associate who wants to add value will also be considering how a client can avoid these issues in the future. How does the manufacturer evaluate suppliers? Is there some due diligence the client could have performed that might have revealed the potential for a conflict? Is the client using contract provisions that could minimize the risks of a dispute arising in the future? What about provisions that could minimize the costs of a dispute, such as an arbitration provision with defined and streamlined procedures?

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These are not suggestions that require an MBA or in-depth business knowledge to provide. Rather, any mindful associate can identify these potential problems or opportunities and provide additional value to a client.

Beyond identifying discrete problems and offering solutions for those problems, associates can also play a role in educating in-house counsel. Wintner phrased it in terms of teaching inside counsel how to fish — if it is clear that a certain problem is going to recur in a client's business, in-house attorneys will be well-served by knowing how to deal with that problem as it comes up again in the future. Associates may be well-positioned to help in-house attorneys learn how to handle these recurring issues, since they will frequently be tasked with handling less-specialized matters that in-house attorneys may be willing to

handle on their own.

Continuing the fishing analogy, this kind of assistance would seem to reduce the amount of work available for fishermen (outside counsel). But offering this kind of assistance, which goes beyond merely dealing with the immediate problem at hand, often helps cement the relationship between inside and outside counsel. And Wintner points out that in-house attorneys remember who teaches them how to fish willingly and which attorneys make it “seem like an imposition” to provide this assistance.

Of course, there are limits to just how helpful associates should try to be. Wintner told us that it is not necessarily important for associates to become full-blown consultants in their clients' businesses — in fact, given general counsel awareness that they are usually “on the clock” when they speak with outside attorneys, “meandering questions” about the business may not be well-received. But smart, focused questions about how legal matters arise, and suggestions of ways that the business can prevent problems from arising in the future, will generally be appreciated.

Not only do proactive questions and suggestions position associates to actively add value to the client's business, these efforts can put in-house counsel in a position to shine in front of his or her superiors, by showing that he or she is actively looking out for ways to help the enterprise beyond dealing with narrow legal issues.

Giving an in-house attorney additional tools to solve problems before they arise and to proactively improve the business will be appreciated.

As Wintner puts it, “making the in-house attorney look good” will help solidify the relationship between in-house and outside counsel — even if it can sometimes look self-defeating in the short term.

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