



Michael C. Ross

## Success in Hiring In-House Lawyers and Staff

By Michael C. Ross

One of the most important challenges faced by general counsel is the hiring of high-quality in-house lawyers and staff. Market dynamics affect the availability of qualified candidates and alternatives available for them. The dot.com boom of the late 1990s is a recent example of an extreme situation in which a large number of lawyers were leaving outside firms for in-house positions and startups were luring lawyers from traditional in-house jobs. Over the past ten years or so, general counsel have had some buyers' markets, but even in the best of times, there have been some specialty areas, e.g., real estate and intellectual property, for which there have been difficulties in filling positions. The purpose of this article is to address some general principles which should apply in both good times and bad.

### Comparison to Law Firm Hiring

The premises for hiring in-house attorneys are somewhat different than those for the hiring of law school graduates and laterals into law firms. Law firms generally train associates about the practice of law; companies often do not have either the time or resources to train them. Despite the increased pressure for lawyers to specialize early in their careers, lawyers at many law firms work for clients in a number of industries. Companies want in-house attorneys to learn their business as soon as possible. Law firms expect most of their lawyers to produce some business. Most companies have plenty of clients to keep in-house lawyers busy.

There are some common factors affecting the hiring decisions at law firms and law departments. Both strive to hire highly competent, intelligent, articulate people who have sound judgment and good people skills. Generally, law firms hire laterals, and companies hire in-house lawyers, for the long term. The loss of talented attorneys in either case causes potentially serious dislocations, disrupting client service and adversely affecting the proverbial bottom line.

### Identification of the Position

When filling an in-house position, the law department should first thoroughly and carefully define the position. This is true for both new positions and positions vacated because of a loss of an in-house lawyer. Although the case for a clear definition of a new position is obvious, it is also very important for filling an existing position. Lawyers in the department may be interested in taking on some or all of the responsibilities of the departed lawyer and disposing of some of their own functions. Making these opportunities available can provide non-monetary rewards that are important in retention. Moreover, the in-house attorneys may have valuable insights into how to improve quality and efficiency in the department by reorganizing responsibilities among lawyers. In short, a departure should lead to a reevaluation of organizational responsibilities and an effort to improve the matching of people to their jobs. Flexibility in assignments can also provide valuable training for lawyers who want the experience that will qualify them for advancement to a more senior position in the management of the law department.

Law departments should think in advance about not only the qualifications for the new hire, but also about the ideal candidate. Would he or she come from a law firm or already have had in-house experience? Is there a need for racial, gender or other diversity in the department? Should the new hire have managerial skills in order to be eligible for promotion?

One of the factors that is usually more important for the law department than for the law firm is the candidate's ability to give legal advice in the context of the company's business. In-house lawyers work very closely with business decision-makers, so they must be practical and cognizant of how legal issues are affected by business realities. On the other hand, in-house attorneys must be strong enough to resist pressures that their clients can exert.

Another factor that deserves additional attention is the in-house lawyer's personal fit within both the law department and company. This is

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important not just in small law departments. In-house lawyers often must work closely together and fill in for each other when one is not available. The visibility of the personal relationships among attorneys and with business people is often very high within a company. The new hire must not only have client-handling skills, but he or she should also be compatible with the company's cultural priorities. For example, the focus on the customer is often much more pronounced in a company than it is at a law firm.

### Interviews

The interviewing process is at least as important as the results of the interviews. Many law departments have managing or senior lawyers interview the candidates in order to assess their qualifications. Many do not, however, involve junior lawyers and staff in the process. It is at least as important to get input from peers and subordinates as it is to get evaluations from the typical sources. Moreover, allowing as many in-house lawyers and staff as is practical to participate in the process enhances their feeling of importance to the organization. An increased sense that management cares what they think will encourage greater commitment.

An often-neglected constituency in the interviewing process is the business people who are likely to be the new hire's clients. Not only is their input very valuable in the hiring decision, their participation will create buy-in from the clients on the hiring decision. Sure, the additional interviews will take time and may complicate the process, particularly if there are otherwise unanticipated objections, but the investment will pay long-term dividends by helping find the best candidate and starting the relationships off right.

Interviews alone are not enough. The law department should have standard evaluation forms that must be

completed and submitted for each interview. Obviously, the content of the form must elicit the information that is critical to the hiring decision. The form should require reasons for the interviewer's recommendation and specific examples to support comments on the candidate. Thorough analysis of the interviews will make it more likely that the recommendations are sound.

### Search Firms

Search firms perform very valuable services in the legal marketplace. The good ones not only know a large number of candidates but also perform functions that facilitate the process. A search firm that knows the company's culture and the personalities of the in-house attorneys can pre-screen the candidate pool to avoid wasted interviews. The search firm can also provide valuable information about market compensation, which may not be readily available to the law department even if it is armed with surveys and some first-hand experience.

These services are not, of course, free to the law department. The cost-conscious law department will consider at the outset if the benefits that the search firm will provide will be worth the expense. It may be worthwhile to interview several search firms to assess their strengths and weaknesses, and decide if retaining a search firm is necessary or desirable to fill a particular position. The decision may depend upon the current local market conditions for the specialty needed and the resources of the law department to conduct the hiring process without a search firm.

### Hiring Staff

A law department's performance is highly dependent upon the quality and commitment of its staff, especially its paralegals and legal assistants. All too frequently, selection of new staff members gets short shrift. This is a mistake. Nothing makes more differ-

ence to the quality of life for an in-house lawyer than the quality of support. This is particularly true for a lawyer who has previously worked for a large law firm or law department that has highly qualified and motivated staff. Staff members contribute a great deal, either positively or negatively, to the atmosphere in the department. Often their influence is disproportionate to their compensation.

A process similar to that used for hiring in-house lawyers should be used for hiring staff. Paralegal and legal assistants should interview with more than just the attorney for whom he or she may be working most closely. Staff members often move among lawyers over time, so candidates should be evaluated by a number of lawyers and by other members of the staff. Formal evaluations should be used, and feedback should be discussed with lawyers and staff before the hiring decision is made.

Hardly anyone will argue that hiring decisions are not critically important to the success of the legal department. Not many legal departments, however, are willing to devote the time, energy and resources to the process necessary to ensure that the best candidates are offered the job and persuaded to accept the offer. In the press of business, it is too easy to fill a position with merely the candidate that seems best among the pool interviewed rather than going to the extra effort to find the best candidate. No process is foolproof, and mistakes will be made, but given the cost of those mistakes, it is well worth the effort to make the hiring process highly likely to produce the best candidate. ♦

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