

What It Takes To Become An In-House Counsel

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The number of attorneys who are interested in making the transition in-house is increasing, despite current economics. While securing an in-house position has always been difficult because of supply and demand, doing so in this economy is even more challenging. There is a significant distinction between wanting to go in-house and being ready to go in-house – something that many attorneys tend to miss when conducting their job search. In this article, we discuss what it takes to become an in-house counsel in today's marketplace.

Experience

The ideal in-house candidate is an experienced attorney with at least five years or more of professional practice experience, who can operate fairly independently. Why five years or more? In-house legal departments are not good training grounds for recent law graduates and junior-level attorneys. Companies generally do not have the resources available to train attorneys. Moreover, in-house attorneys, unlike their law firm counterparts, are viewed as part of overhead. Therefore, while attorneys are a necessity, they do not contribute to the financial bottom line of the companies they serve. Therefore, in-house legal departments have every incentive to want to hire experienced attorneys who require little training or supervision.

Is there such a thing as too much experience? In some cases, there is. Companies tend to value hiring attorneys who have both law firm and in-house experience. Partner-level attorneys who only have law firm experience are at risk of being passed for positions, junior-level or otherwise. They tend to be viewed as too specialized, not business-oriented enough, and lacking in industry experience. That prejudice tends to grow in accordance with the length of time they have remained in private practice without ever having held an in-house position. Partner-level attorneys are often viewed as too "inflexible" and expensive to successfully transition in-house. In an employer-driven market companies get what companies want, whether or not these preferences are justified. Therefore, the best time to consider an in-house transition is after five years of practice and before partnership.

Practice

When it comes to the type of practice area in-house legal departments are interested in when hiring, it is important to remember that not all practice areas are created equal. While corporate law departments do hire attorneys in a variety of specialized practice areas, including litigation, labor and employment, intellectual property, real estate, and tax – to name a few, these positions are few and far in between. In other words, there are very few in-house legal opportunities available for these practice areas. Moreover, because of the type of competition that is generated for these few positions, outstanding candidates are often kept from ever making the final cut.

If you are playing a numbers game, which is what you have to do when considering an in-house attorney position, and you are interested in moving up on the in-house totem pole, you should have general corporate and commercial contracts experience. In other words, transactional attorneys have an edge in the number of positions available to them, not to mention improved prospects for advancement within law departments, including general counsel positions.

To improve your odds even further, you should supplement your transactional practice with some exposure to litigation, employment, corporate governance, finance, intellectual property, and governmental regulations, to be able to assist a company get its goods or services to market. Corporate law departments tend to look for "generalists," or attorneys who are able to spot issues and handle matters in a wide variety of areas. In other words, most in-house counsel act like ER doctors conducting triage when the ambulance gets in. They have to quickly identify the problem,

establish priorities, determine what they can handle themselves and whether they will require the services of a specialist, or in this case an outside counsel.

Aptitude

Even if you have the required experience and practice area to be a good candidate for an in-house position, there are a number of “soft skills” you need to be competitive and successful for these positions. First, as an in-house attorney you need to have business sense. When a company hires in-house counsels, they are expected to provide legal advice in a business context. The ability to understand business objectives and provide legal advice to non-lawyers is crucial to succeeding as an in-house counsel. Along those lines, the ability to persuade is also an important quality to have, as counsels often have to defend their positions. This assumes strong negotiation skills, as well as superior oral and written communication skills.

In-house attorneys are also required to work with a wide variety of people, from senior executives to employees on the floor. Therefore, having strong interpersonal skills and the ability to be comfortable in a variety of situations, from conducting formal board meetings to dispensing informal hallway advice, is very important as well. Finally, a successful in-house attorney must be able to provide practical advice. In other words, companies tend to turn to their counsel for solutions to their business problems, rather than for textbook advice or opinions. To be an effective problem-solver, an in-house attorney must not only be familiar with his company’s business, structure or industry, but also its culture and its risk management standards. Of course, these are but a few of the soft skills that are required to be an effective in-house counsel; there are others, many of which are company and industry-specific. What is to be remembered is that being an experienced and skilled legal practitioner, while a requisite, is not always sufficient to become a strong candidate for in-house positions in today’s marketplace.