



WHAT
DOES
A ROBUST
IN-HOUSE
LEGAL
DEPARTMENT
LOOK LIKE?

It's your first day at a law firm. All being well you can rock up, meet colleagues, meet clients and start lawyering. Although many things that will concern you about starting the new job, I doubt they include worrying about whether there will be adequate know-how support, a decent matter management system or indeed colleagues who will have the right subject matter expertise that you'll need in the future to work on projects together. The business you've joined sells your legal advice, and every function of that business is set up with the sole objective to support you, your partners, associates and juniors in the business of selling that legal advice.

Compare that to your first day as an in-house lawyer. Every function of the business you've just joined is focused on the performance of that business; nobody, except you, is focused on how you provide your legal advice. You are, however, expected to provide excellent legal advice in relation to all areas of the business. As a result, when demand finally outstrips supply – in other

words, when you've maxed out your resources of skills and time – you hire another lawyer, and the process repeats itself.

As a lawyer, whether you are providing legal advice to a carousel of clients at a law firm, or providing legal advice to a single, albeit more demanding, client as its in-house lawyer, you start with the same toolkit. In fact, I would argue that you need a much bigger toolkit. In private practice, you were selected by your clients to provide your expertise in areas where you are an acknowledged expert, at specific times, for specific projects, and when those clients could afford to pay for it. In an in-house role, you are expected to have all the answers at all times, and be able to deliver them regardless of other current concerns.

This is some expectation. As a result, your function's performance and even survival – and that of the business you serve – will depend on your answer to this question: how robust is your legal department? You can focus on three areas, in order to answer it effectively.

1. PEOPLE

In today's fast-moving business environment, being first to the market can be the key to a company's commercial success. In order that your legal department is as agile as the business it supports, it needs to have a range of both internal and external legal talent to draw upon. The team must be able to flex in and out as required, both in terms of volume and skills.

'If help is needed to deal with volume, outsourcing options are available either offshore or closer to home'

Fortunately for you, today's legal services market provides a range of options that were definitely not available to previous generations of in-house lawyers. Taking advantage of these options can give your legal department the robustness it needs. In-house lawyers who need expertise beyond those of their own team can go directly to the Bar, parachute in an expert in from an alternative legal services provider, or even consider professional services advisers or legal engineers where appropriate as an alternative to traditional law firms. If help is needed to deal with volume, outsourcing options are available either offshore or closer to home. Or you could simply hire in additional lawyer headcount from organisations who will supply appropriately skilled and experienced lawyers on an as-needed basis. With the range of creative solutions available to you, there's no excuse for not having an agile, properly qualified people team.

2. PROCESS

A busy and proactive legal department can often become the victim of its own success. Lawyers typically have particularly good analytical and

problem-solving skills, and are generally aware of what is happening in the different parts of an organisation. This means they're valued for their commercial and strategic insight, as well as legal advice.

'Automating corporate governance workflows and playbooks will reduce human error, improve consistency and visibility and help the business develop a more robust risk profile'

However, this can lead to busy lawyers becoming even busier, reacting to a steady, unending stream of requests for help from various parts of the business. If the legal department is able to play its part in capturing, documenting and rolling out best practices around essential workflows to the business, there will be better shared accountability and responsibility, and less reliance on the in-house legal team to solve problems on an ad hoc basis. Automating corporate governance workflows and playbooks will reduce human error, improve consistency and visibility and help the business develop a more robust risk profile. These resources take an up-front time investment on your part, but it will pay off in spades further down the road, and give you time to focus on areas where you really add value.

3. INFRASTRUCTURE

Every legal department needs properly supported infrastructure to enable proper matter management, understand how it spends its resources (human and financial), and provide the reporting that management needs to prove the metrics for success.

Robust knowledge management will be a vital consideration as your team improves, expands, and inevitably weathers departures. Do you have infrastructure in place to ensure that hard-earned organisational

knowledge, seen through your team's expert legal lens, is captured and continues to support new generations of in-house lawyers at your business? At the same time you must be set up to stay up to date with legal developments in order to provide the right legal advice at the drop of a hat and horizon-scan for the business.

'Would your colleagues in HR, finance, sales or marketing hesitate to ask for systems to support their business operations?'

What should that infrastructure look like? It's largely a case of horses for courses: for a smaller, less complex business, spreadsheets, files on shared drives and regular legal updates provided from panel firms may be all that's needed. However, if you are looking to grow with the business – and why wouldn't you? – it's probably prudent to think ahead. Are you equipped to avoid the chaos of not knowing where to find contracts, policies and other documents, not being able to keep track of deadlines or your companies' contractual obligations, not knowing what your legal spend is? Think back to the infrastructure you had when you were working in a law firm and what it is that you think you are missing now. If you miss it, the chances are it's because you need it. Would your colleagues in HR, finance, sales or marketing hesitate to ask for systems to support their business operations? There's absolutely no reason why a legal department should be hesitant in doing the same.

As an empowered in-house lawyer, you are in prime position to support and steer your business to ever greater success. Before you can fearlessly do this you need to make sure your own house is in order by making sure you have the people, the process and the infrastructure you need to stay ahead of the game. Only then will your legal department be robust enough to meet the challenges ahead.



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