

Mastering General Counsel Partnerships for Legal Success

Anders Sleight,: Welcome back to the Litigator's Lounge, devoted to discussing litigation news with Offit Kurman's commercial litigators. I'm Anders Sleight, and joining me today is my partner, Niall McMillan.

Niall McMillan: Hey, Anders, good to see you.

Anders Sleight,: Niall, welcome back to the lounge.

Thanks for joining me. We hear a lot or sometimes about general counsel, right? And some companies and organizations have their own general counsel. But, you know, not much is known about how does a general counsel work, work together, and when do they bring in, sort of outside counsel?

When's the right time to bring in an outside counsel? What can you share or illuminate about that type of relationship?

Niall McMillan: Yeah. General counsel should be a little obvious, but they're the internal counsel for the company. And so what they're doing is, they're looking at internal corporate matters.

They probably are doing some employment [00:01:00] law in there. And then what also were the main tasks, especially for litigators, is what they're doing is they're managing all the different litigation or legal matters that the company has. And what they're doing is, a lot of times, is they're managing many different cases, but they're really managing the outside counsels that they bring in there.

So maybe for small matters or, things that they can, feel like they have the expertise to handle internally better, they'll handle it internally. But oftentimes they're going to bring in outside counsel, especially for litigation. And part of that, of representing general counsel, so typically when there is a general counsel there, that's going to be your main point of contact or that general counsel's office for you, as an attorney.

And part of effectively representing them is, getting to know the general counsel, but also get to know what's on their plate, so what different matters they have, what priority that your matter should take in there. And then [00:02:00] also, the different regulatory landscape or other issues that the client is looking at because that's how ultimately going to help you best represent them.

You're going to be able to help them prioritize what needs to be appropriate. Maybe a single matter with, against a single vendor doesn't take as much precedence as against a regulatory investigation that they have on the other side. And so that's, part of effectively representing them is getting to know the company that you're representing and what needs to be done for them prioritize wise.

Anders Sleight,: What's the best way to go about that if you're discussing goals or budget, with the general counsel? How can a litigator, best approach that to represent the company effectively and also, work within those guidelines that the general counsel seeks to establish?

Niall McMillan: Yeah, I mean, that's a good question. So part of starting out the matter is scoping it out and seeing how much, this may actually cost or what the risks are on the other side of, any decision that they make on it. I think what's important is that, you get to understand [00:03:00] the particular matter that you've been assigned, but then also, have a discussion with the client about how does this, this landscape look on the general landscape of what they're working with.

In addition to that, I think that honesty is the best policy. We all know that, but, give your client an honest analysis, not just the options that they could have, 'cause the general counsel, they're probably smart enough to figure out what legal options they have. The value that you bring is that you're, one, giving them the options, but two, you're giving them your honest advice about what they should do with those options.

'Cause, they can figure out the options themselves, but if you come to them, with an actual solution in hand, that's gonna make you a much more effective representative for them.

Anders Sleight,: Yeah, you're 100% right. I mean, it's, you're working with a very sophisticated, knowledgeable client, in many respects.

I guess that brings up a question, what's it like working with a client, that has a, a legal trained background as opposed to maybe a client where they're not as well-versed in the [00:04:00] legal, machineries that we have to, to run through? How does that change the client relationship, if at all?

Niall McMillan: Yeah. So I think it depends, and there's pluses and minuses for the attorney side for it. There's someone grading your work a little harder maybe. But, the way that I work, I've found that it can simplify the working relationship because they do have that legal background and understanding, the basic parts of how the law works.

And they also have that particular knowledge about how the law works in their particular practice area and what the company's doing. So it can be very valuable to have that insight because they're gonna have a lot of prior history with those particular topics that you're likely dealing with. I would say, how it compares to the client, so let's say if we're dealing with the executive at a company more, you probably have to take a little more time to talk them through the actual litigation process.

And when you're explaining those options or giving your analysis, then you're gonna give a little more information about what the actual background is to how you got to the [00:05:00] options and analysis. But, you know, otherwise, it's really a lot of just the clients looking at the risk and looking at what facts they have.

And with the general counsel, I would say it's... They're gonna be your door into the company, so typically, if you need to go speak to an executive or an employee or something like that, they're gonna help you coordinate that, which is helpful as well.

Anders Sleight,: Yeah, and that's a really important thing to take away is that the GC, they know, the ins and the outs of the company.

So a lot of times you can actually help streamline and get to the heart of the matter a little bit more effectively 'cause they kind of have the lay of the land and can help navigate that with you. So I think that's excellent.

Niall McMillan: Yeah, definitely.

Anders Sleight,: Always a good, relationship to balance and work through those questions and those matters when they come up with the general counsel.

Just a reminder, Offit Kurman, a full service law firm with offices and litigators from coast to coast, providing litigation services in matters such as employment, financial services, construction government contracting and business disputes. So if you're a general [00:06:00] counsel with questions about, your company or organization, please reach out to Niall or myself if you have a litigation matter, that requires assistance.

Thank you.

Niall McMillan: Thank you.