

Responsible for selecting external counsel and managing how their advice is implemented, you don't subscribe to the old "hands off" school of in-house counseling. This approach can be described as: "We ask external counsel to do a job, and trust them to do it well and bill us fairly; it's not our role to question what they do, how they do it or what it costs."

myself, "you've done a good job, but is it *really* the best you could do?" This doesn't involve cranking out more of the same, or grinding small with external counsel until the pips squeak. It involves looking at things differently.

First, I'd test some of the external evidence. Even as companies and government agencies have slashed their budgets, some law firms have seen profits rise — partners' penchant for

One is to open dialogue across a wider range of people in your organization and primary firms to find "the real oil." And this can be done without industrial espionage, leveraging friendships against employee fidelity obligations, or liberal application of strong liquor. Another strategy is to use an independent third party to conduct interviews or a survey designed to elicit more frank responses, which, when done well, can be remarkably successful.

Third, I'd find ways of turning the question on its head. After all, looking at an issue from a different perspective can achieve a clarity unattainable by simply worrying it to death from the usual angle.

While examining my own client focus and effectiveness, I might ask if my chosen *law firm* is truly client-focused. I have a range of tools that can be used by firms wanting to test and then improve their capability for meeting evolving client needs. Of course, the ones who most need it — those who just *know* how client-focused they already are — seldom seek this sort of assessment. Yet all is not lost. These firms sometimes illustrate their lack of client-focus on a public stage.

For example, a law firm recently presented to an in-house group using a series of cases to illustrate its "uniquely client-focused approach to effective litigation management."

Various clients and in-house teams received praise from the podium for enabling the firm to undertake a series of investigations and pre-trial applications, resulting in great outcomes; by implication confirming the firm's self-proclaimed client-focused litigation management credentials. Another example, however, made me wonder just a little.

## The Best Clients and Most Client-Focused Law Firms

BY RON POL

So, you are assiduous in selecting the best lawyers for each transaction, and ensuring they know your organizational goals and develop strategies to cost-effectively achieve your key objectives.

Your effectiveness is supported by objective evidence tracking the key metrics — demonstrating excellent results and value for money — and reinforced by external counsel: "The in-house team is incredibly astute; a key part of our joint success." Had anyone asked, I would have answered likewise; perhaps, even with a hint of pride. I hesitate to suggest I might now be wiser, but at least with the benefit of experience, and the privilege of working with a wide range of great legal departments and law firms, I'd approach the question differently today.

Sure, I'd still have all the graphs and charts illustrating improvements on my watch, and would deploy them as appropriate. Salary review springs to mind. But I wouldn't let myself off the hook quite so easily. OK, I'd say to

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first-class travel and chauffeur cars is undiminished at some firms, even as their clients fly coach. If the primary law firm I use is one of those, it's not of course determinative. However, if we're hurting and they're making hay, are the settings right?

Second, although we should of course select for, recognize and celebrate excellence, I'd delve a little deeper into the mutual appreciation society of external counsel praising my tremendous skills as I laud theirs. There are lots of ways to do this.



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A time-driven, litigation-funded party was also described as “not interested in running the perfect case.” This client allowed the firm to conduct fewer pre-trial applications. The goal seemed to be only spending the money necessary to get the desired result as quickly as possible.

Entirely innocently (not seeking material for this column at all), I asked whether the firm considered using the experience of the litigation-funded party as the embodiment of what most clients actually want anyway, and adapting some of these learnings for its own litigation management processes.

I was at least tactful enough not to suggest that, as lawyers, notwithstanding our cost-management expertise, we might sometimes inadvertently “run the perfect case.” Still, my question was met with an icy blast, chilling further discussion.

Clearly, the firm’s heckler management policy was finely tuned, but from discussions afterwards, it seemed I wasn’t the only one to wonder whether

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the flurry of pre-trial applications on sometimes arcane points of law *resulted* in the excellent outcome, or whether — at more time and cost — some of them merely *preceded* that outcome?

Similarly, did any others wonder, as I reflected to myself, if we might be more client-focused and achieve more value

by *adding* to our legal expertise a new layer of rigor akin to the hyper-focused litigation-funder with a brutally corporate mindset.

And did any of the law firm lawyers wonder whether clients might benefit from, and indeed be drawn to, a law firm whose litigation management practices differed sufficiently from its competitors such that it could be described as even more client-focused than some of its clients?

We may never know, but only you will know if you, and the firms you work with, have really done everything possible to help deliver value for money legal services. 🗞

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