

# HIRING OUTSIDE LEGAL COUNSEL: FINDING THE RIGHT FIT



Fox Rothschild LLP  
ATTORNEYS AT LAW

Hiring outside legal counsel is part art and science, part personal chemistry and part legal acumen. It involves evaluating a lawyer's tangible as well as intangible capabilities and qualities. Can he or she get the job done, will I enjoy the experience (even during difficult times), is he or she honest, will he or she be a good fit on our team? These and other aspects should be considered when selecting outside counsel for your business, organization or personal matter.

## Consider the following five factors when choosing legal counsel:

### 1. Effective Communications.

When first meeting with a prospective lawyer two critical things should become obvious to you: research and listening. Research on you, your company and your industry is the first activity a prospective lawyer should undertake when asking to assist you in legal matters. Secondly, she should *listen, listen, listen, then listen some more*; only after gaining an appropriate level of understanding of your situation should a lawyer ask questions – probably a lot of questions. When a lawyer or any professional advisor starts a conversation by talking about her capabilities and track record before hearing what is important to you, show that person the door and keep looking. You want a collaborator, not a show off. You want someone who seeks to understand your problem, your circumstances and/or your opportunity; someone who comes equipped, when appropriate, with basic research and knowledge of your specific situation (particularly when selecting litigation counsel); and someone who is dedicated to learning about what you need from your lawyer.

### 2. Understanding of Your Business.

This includes a working knowledge of the challenges and opportunities your company and industry are facing. Most law firms have marketing, competitive intelligence and business development groups that can provide lawyers with solid

industry information so they can use their legal expertise to address compelling business issues that affect you. Additionally, a good lawyer will work with you to articulate your expectations so the best and most timely resources are utilized. By asking the right questions, soaking in your knowledge of your business and helping frame the problems, the lawyer in front of you should be able to understand the “big picture.” If your lawyer asks you--“Let’s fast forward to one year from now....what or how will I have helped you that will make a difference to your success?”—cancel your other interviews and hire that one. It’s clear that your needs are front and center, just the way it should be.

### 3. Budgets and deadlines: Why neither are myths.

A good lawyer respects your budgets and deadlines and doesn’t believe in last minute surprises. During your interview ask for examples of how budgets have been managed, what happened when the lawyer went over budget and whether there are alternative fee arrangements. Listen well to the answer as it will be a keen predictor for the future. And if the lawyer says he has never gone over budget.....well, you know what to do. Life, in business and personally, just isn’t that neat.

### 4. Client Relationship vs. Revenue Stream: What exactly am I to you?

We are all in business to make money—even non-profit companies dedicated to a specific social cause. During your interview you should ask the lawyer who are his best clients and why. The answer should reveal how he views clients—as a partnership or as strictly a revenue stream, as someone who wants his clients to succeed or simply enhance his bottom line. Listen for stories of client successes, examples of how the lawyer helped a client triumph over a huge obstacle or jumped on an opportunity to increase market share or re-examined a client’s IP to expand its reach.

### 5. Why This Lawyer and Not That Lawyer?

Chances are the lawyers you are interviewing have come to your attention via referral, reputation or request. You assume that each is skilled in her particular area of the law and/or has firm resources to draw upon when a situation is outside of her expertise. So if all else is equal, then why hire one person instead of the other? It’s a great question to ask the lawyer during the interview. The answer ought to demonstrate enthusiasm, experience, a measure of confidence coupled with modesty, a positive attitude and that something extra that says to you “I want this lawyer to be part of my team.” Maybe it’s the fact that he has worked in your industry before; maybe you are impressed that he is a member of your trade group and frequently speaks or authors on issues key to your business; maybe it’s because of the advance homework he did, or maybe when asked, he told you how he previously solved your problem for other companies; or maybe he presented a possible solution you had not previously considered.

Selecting excellent outside legal counsel is easier than you may think. Mostly, it’s about discerning capability and getting a measure of the person that hopefully matches the way you do business. After all, he or she is going to work for you and your team. Select an advisor that is going to be honest, creative and prepared. A lawyer that is your advocate and your champion – the one who has your back.



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