

Cautionary Word For Attorneys Going In-House

Cautionary Word For Attorneys Going In-House

Stand Firm Even After Giving Executives Advice They Do Not Like



One of the attractions of going in-house is that the corporation will likely call upon you to give advice about matters involving both legal and business issues. In some cases, you will likely also be called upon to give advice about legal matters you have never been exposed to and thus know absolutely nothing about.

Attorneys coming out of sterile, one-dimensional, and/or academic law firm environments often relish this new opportunity. Nevertheless, having such a close connection with the business side of things and being called upon to give advice about legal matters you are not qualified to speak about also has its drawbacks.

When most attorneys start work inside corporations, their legal skills are very good. In cases where the attorney is coming from a major law firm, the attorney may even get a certain level of "cockiness" when others listen intently as the attorney answers various legal questions throughout the day and is taken seriously by the executives inside the corporation he/she is advising. Finally, after years of not feeling attached to his/her work, the attorney often begins to feel the work he/she is doing is important. Moreover, the attorney begins to see the real-world effect of the work that he/she does as the corporation he/she is working inside takes various actions based on the attorney's input.

Over time, the attorney will be asked to comment on more and more matters that he/she does not know much about. Here, at first, the new in-house attorney will generally state he/she is not qualified to comment and then render a short opinion based upon what he/she does know or can presume. These situations make the attorney uncomfortable, but the attorney figures they are just part of the job. Some attorneys may keep personal "memos" about these conversations to cover themselves in the future if anything goes wrong. Most attorneys inside corporations will not keep such memos.

As the executives in the company become more familiar with the attorney, they will undoubtedly call upon him/her to comment on increasingly sophisticated and important questions to the company. In many cases, these questions will involve things such as strategic acquisitions and other transactions and circumstances important for certain executives of the company. Nevertheless, these same transactions may have potentially illegal undertones.

When the attorney was working inside a law firm, he/she rarely saw how angry executives got when being told they could not do something. Here, the attorney will for the first time meet the wrath of an angry client in his/her own employment setting. While executives may be fun people and much less uptight on a day-to-day basis than the attorneys the in-house attorney was used to dealing with while practicing in a law firm, the in-house attorney will often encounter a far different type of executive once he/she has given the executive advice he/she does not like. No one likes being told he/she is wrong, or cannot do a given thing, and this includes corporate executives. When a corporate executive is told he/she cannot do something that potentially could make his/her company millions of dollars and fatten his/her bonus, the executive will become angry

and often lash out at the attorney who gave the advice.

While the executive and others may resent the attorney who gives advice counseling against doing a given transaction or thing, this is not where the real problems will begin for the attorney. Following such advice, the attorney may meet a great deal of hostility and even feel ostracized for a time. The attorney then feels the need to get back into the good graces of the corporate executives and others he/she advises.

Invariably, the attorney will then start walking on eggshells when doling out advice. While the advice he/she gives related to his/her subject matter may remain strong, the attorney also will be very fearful of appearing incompetent and may begin to increasingly comment on subjects he/she knows nothing about because he/she wants to show the executives just how intelligent he/she is. In addition, he/she may sugarcoat his/her future advice in order to avoid drawing the ire of various executives.

None of this would be a problem if the attorney's accurate advice and counsel were not so important to running the company effectively. Once the attorney starts compromising his/her skills and advice, something invariably does go wrong. At this point, the attorney could lose his/her job, or even put his/her career out of business.