

## Going In-House

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By Nancy Hatch Woodward and Ellen Parson

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Every day at 5:30 p.m., the deception begins.

Needing to pick up her child from daycare, a female attorney places a full cup of coffee on her desk, leaves the lights on, pretends to visit the ladies' room, and then sneaks down five flights of stairs to her car, where she has purposely left her purse to help speed a swift getaway that enables her to avoid being seen by her supervisors.

What makes this story surprising is not simply the extreme lengths the attorney uses to avoid being seen leaving work "early," but that it was told by a lawyer working in-house in a corporate legal department, where work hours are supposed to be better.

The attorney was interviewed during a recent study conducted by the Project for Attorney Retention (PAR), a program of American University Washington College of Law. The Corporate Counsel Work/Life Report-funded by the Alfred P. Sloan Foundation and supported by the Women's Bar Association of the District of Columbia-examined whether the quality of life for attorneys is better in-house than in law firms.

According to some respondents, it is not.

The PAR study found that lawyers in corporations often work 50 or more hours

per week. Although that may be fewer hours than required in a law firm, it is still longer than many in-house attorneys expect. The study noted that because of current economic conditions, some companies have increased the amount of work their lawyers have to handle.

"It is not uncommon in our office to work 50, 55, or even 60 hours a week," admitted John Callison, Senior Deputy General Counsel, Vanderbilt University. "On the other hand, I've been able to arrange my schedule to be able to attend my children's sports activities and be a central part of their lives, something a lot of private-practice lawyers don't get a chance to do."

Cynthia Calvert, co-director of PAR and deputy director of the Program on WorkLife Law, understands why many attorneys believe going in-house will improve their lifestyles. After working for a Washington, DC, law firm for 14 years, she started her own law practice working as an employment attorney. Her move was motivated largely by a desire to have more flexibility in her schedule.

However, although the assumption that in-house posts provide more flexibility may have been true in the past, Calvert said things began to change in the late 1980s and early 1990s, when the dot-com craze required businesspeople to work longer hours, especially in technology-related companies.

"Although in the past it might have been true that going in-house would give you a life, the economic pressures of the last decade and a half really changed that," Calvert said. "The people working in-house by and large are working just as long and hard as those in law firms."

After conducting focus groups and one-on-one interviews, Calvert found that many in-house attorneys were putting in long hours at their desks, as well as spending even more time working outside of the office than their law firm counterparts. "A lot of the in-house people we talked to reported that they felt they were on call with BlackBerries and beepers," she said. "A lot of them were getting phone calls all hours of the day and night and on weekends at their homes to talk about business."

The real benefit to an in-house job can come if the lawyers have weekends off or the corporation provides alternative work arrangements, such as part time or job sharing. PAR found that in-house attorneys "can create balance in ways typically not available to lawyers in law firms, such as flextime, compressed workweeks, and job sharing." The study noted, however, that there seems to be a greater stigma attached to part-time work for in-house lawyers than for those at law firms.

The corporate world also is not necessarily less stressful. According to PAR, while in-house lawyers are not burdened with cultivating clients or meeting required billable-hour requirements, more travel is often required. In addition, company departments or the general counsel may be on deadline, calling lawyers at the last minute for advice or assistance, requiring in-house lawyers to be available to satisfy other people's schedules.

Calvert urges attorneys considering in-house positions to do their homework. She advises talking to existing staff members (both men and women) at a prospective company and asking such questions as these: What's a typical day's work like? What kind of hours do you log in the office and out? Are you interrupted while on vacation or expected to cancel vacations at the last

minute ?

"Looking at the personnel handbook is not going to cut it for lawyers, because oftentimes those policies don't apply to the legal department," Calvert said. "Asking them blunt questions about hours and flexibility often doesn't get you very far either, but if you ask them when the last time they got a phone call at home to talk about work was, it doesn't raise their defenses."

Attorneys wanting to work in-house usually make their moves within the first 10 years of practice (typically around the seven- or eight-year mark, the same time most firms promote partners).

Switching legal fields is becoming more and more common for attorneys today, according to Hindi Greenberg, president and founder of Lawyers in Transition, an organization that helps lawyers shape their careers. The reason is that attorneys very often have not thought through their career aspirations, so they take the first seemingly good job offer. Later, they reevaluate their decisions and start to look at other options, including in-house positions, Greenberg said.

For some, the decision to go in-house stems from a desire to focus their efforts on a single client and be more involved with strategic decision making.

"In a law firm, you often only know piecemeal things about a client's business," explained Greenberg, who is also the author of *The Lawyer's Career Change Handbook*, 2nd ed. (Harper Collins 2002). "Whereas, if you are working in a corporation, you get to learn all about the company's business."

Another advantage to having just one client is that you have more control over

your practice, said Callison, because with one client you can be in consultation with management about what is the most important issue that needs your attention. When you have a hundred clients, they each feel as though their needs are where the attorney's focus should be placed.

David Lewis, Chief Legal Officer at Erlanger Health System, finds that the in-house setting is very intellectually satisfying because attorneys are at the center of the action and involved in a lot of the important decisions that the client is making. "You get to know that client and its management team very well. You get to sit at the table and be a part of management and interact with the Board of Directors," he said.

Greenberg, who has worked at a law firm and as an in-house attorney, also noted that there is often more camaraderie between the members of the legal team at a company than at a law firm, where each practitioner is generally working independently of the other lawyers in the firm.

In addition, in-house lawyers have grown in stature over the last decade or so. In the past, they did not have the same status as someone at a name law firm, Greenberg said. "Today," she added, "law firms court corporations, and it's the corporate attorney who often oversees the law firm attorneys, so there is much more status in that type of position than there used to be."

Attorneys considering in-house jobs also must evaluate compensation, career-development, and job-security issues, as well as how appealing their backgrounds and specialties are to employers. Calvert said most corporations will only consider attorneys with a broad base of experience and a business focus. "They like people who have backgrounds in management-side

employment law, real estate transactions, securities, and contracts, she said. "They're not going to be interested in someone with a background in criminal or family law. If you have a general litigation background, it's going to be tougher for you to get hired in-house."

Although Calvert said results from her study did not find that most in-house attorneys were insecure about their jobs, they did express concern about salaries and bonuses. As a general rule, in-house attorneys pull in smaller salaries than those at law firms. "We talked to some folks whose businesses weren't doing well, and they were clearly making less," Calvert said. "We also had some in-house attorneys with 10 or 12 years of experience making less than a first-year associate at a firm. That can be really demoralizing and is something to watch out for."

At the same time, experts say, lawyers who have been in small or medium-sized firms or those who have worked in government positions may find their salaries increased by joining large corporations, especially if those companies offer stock options, bonuses, and/or other incentives.

A big disadvantage to in-house positions, Lewis noted, is that the lawyer/client relationship is terminable by the client at any time. If an attorney is in private practice with 100 clients and one decides that he/she does not want to use that attorney anymore, he/she still has 99 others who do, Lewis noted. However, if a client decides not to use the services of an in-house lawyer, Lewis added, he/she will be fired.

Becoming an in-house attorney is not right for everyone. Greenberg suggested that lawyers thinking about making such moves should ask themselves what it

is about their current situation that makes them want to change. Is it because they are dissatisfied with their environment? Or is it because an in-house job sounds more enticing? They also must ask themselves if they prefer working alone or with a few other attorneys, which is possible in a law firm, or enjoy being a team player, which generally is required in a large company.

Ultimately, the decision whether or not to go in-house is extremely personal. Experts advise lawyers considering such a move to research a prospective company to make sure the company's product and mission interest them, because making the business successful will be their main focus.