

# Five Tips for Hiring Great In-house Counsel

The quality of people in the in-house law department of a business, and their reputation for effectiveness as well as performance, contribute significantly and in a critical manner to the health of the business. This article focuses on five major angles, both non-traditional and traditional that will help you to find the best performers and recruit the best for your company.

- 1. Do not ask for motives:** This advice might seem totally contrary to that found in books, manuals and articles on the subject of interviewing, but as we said, do not ask for motives as to why the attorney is applying to the company. In recruitment process, it is expected from the candidate to come to the interview table knowledgeable about your company, and having done sufficient background research on your business. In the case of hiring in-house counsel, it is expected that the company would do background research on the candidate before inviting him/her to the interview table. As to whether the candidate has done background research on your company or not, forget it: If he/she shows other qualities sufficient for recruitment, you can be sure that he/she has done all the background research necessary. Don't waste time by fishing for motives: you could lose respect. A good attorney knows how to read people, and when you ask for motives, he/she will tell you only that which you would like to hear, regardless of his/her true motives. Focus on his/her abilities, qualities, track-record, and performance – not on motives for joining your company.
- 2. Try to measure and identify the amount of beneficial social capital owned by the candidate:** The success of the candidate, and in turn the success of your recruitment would depend to a great extent on the social capital owned by the candidate, without disregarding individual expertise and performance. While performance remains the key objective, successful performance depends on both social capital as well as individual abilities of the person. When you hire an attorney, you are hiring a social person, and all social connections, background, and networks of the person may have an effect on the performance of your business. Usually, the job of knowing the social capital of an in-house counsel should be finished during background check of the interviewee; however, intelligent questions may help you along in reminding the candidate that he/she is being hired as much for his/her individual abilities as for his/her social capital. This part of the interview is also important in gaining initial respect of the candidate because it helps to demonstrate that you have done proper background check and considering things with the seriousness they deserve. It is also important at this phase of the recruitment process to keep in mind all possible anti-discrimination rules and regulations because it is easy to make slips while trying to measure or affirm the social capital of a candidate.
- 3. Try to learn the extent of professional social interaction the candidate is exposed to on a regular basis:** This is critical to analyzing the performing abilities of a candidate. While it is true

that the candidate could be in a career jam or sidelined due to the prominence of other talented individuals in the same environment, a greater amount of social interaction with external clients usually indicates a performer. Though an in-house counsel being in a position where he/she has little interaction with external clients is not by itself a guarantee of the person being a poor-performer, an in-house counsel who has greater social interaction with external clients has the chances of being a better performer. This is because both external and internal clients rely upon top performers when it comes to solving problems. It is well-known that clients like to reach out to top performing lawyers bypassing those with lesser reputations. Further, top performers are bound to have greater social interaction with external clients.

4. **Ask what the candidate thinks is his/her most significant achievement:** This is one of the oldest and most-used questions in the process of an interview, but it never fails to work and often produces surprises. This time-tested question reveals a great deal about the candidate's perception of work, career, and life in general. The answer helps you to exert leverage on non-salary components of the compensation package, especially related to work-life balance and career growth objectives.
5. **Ask about the last two performance evaluations:** This question is expected by the interviewee, but cannot be avoided, because many decisions are tied up with the answer. Regardless of documentation present, and documentation of such performance evaluations having been presented, as an interviewer needs to ask about the different components of those performance evaluations and their significance up front to the interviewee. Performance evaluations are one way of assuring that you are hiring a top performer who has been assessed by others. Salary increases, incentives, bonuses, all come together to indicate the performance of the candidate, and though past performance is no sure guarantee of future excellence; they are indicators you can rely upon. An explanation of performance evaluations of the candidate, from the mouth of the candidate would also help to negotiate an acceptable compensation package.

Keep in mind that normal hiring strategies employed for other departments work only in part when it comes to hiring in-house counsel, for any attorney worth his/her salt knows how to come up with the right answers in traditional interviews. Hence, recruiting in-house counsel is a critical business decision that has to be approached with proper application of mind and requires the participation of business leaders.