

In-House Counsel Retention: The Only Way to Retain Wolves is by Building a Pack

When it comes to retaining in-house counsel, many strategy aspects and problems are similar to those of other employees and many are not.

To begin with, an in-house lawyer usually has a far greater amount of social capital, confidence, and options than your average company executive or employee. And there are few average company employees whose support may be as crucial to your company as your in-house counsel.

On the other hand, in-house counsels are difficult to assimilate into a workplace because by the very nature of their profession, they learn to distance themselves from emotional attachments. This, however, does not mean that in-house counsel lack emotions. Rather, in-house counsels, or most good lawyers for that matter, are highly emotional people who maintain a protective shell around their inner selves.

Build friendships, true ones: you'd be caught if you try to pretend

The task for management seeking to build a powerful in-house team and retain in-house counsel long-time is to soften up and find a chink in that self-denying armor through which loyalty and performance may be freely gained. You'd find many great anecdotes in the annals of legal and business history where great businessmen were great friends to great lawyers, and that created the equation of enduring and great business. That's the way to work with in-house counsel – you don't need to treat them as mercenaries, they see themselves that way without your contribution: the exception would be if they start seeing the company or the employer as a friend.

The employment contract is a piece of paper: relationships are lasting

While the employment contract matters greatly between employer and in-house counsel, what happens outside the bounds of the employment contract, affects an employer more. With in-house counsel, there is greater flexibility in offering permanence of relationship, even though there may be no permanence in a job. In-house counsel can continue to work for their past employers even if they care to leave a job and work in a private practice – few other employees can afford to do so. So, relationships, and stressing upon relations, matters more than anything else when trying to retain good lawyers and building your in-house counsel team.

Make them feel at home, make them feel they no longer need to be mercenaries

Every lawyer is an entrepreneur at heart, and every attorney in your in-house department would like to

believe that there is a professional selling services to the employer, and the employer is treating more than a full-time client for captive services. It is difficult to win loyalty or receive peerless work from a mercenary, not that it does not happen. However, as long as an in-house counsel sees himself or herself in the 'mercenary' mode of 'selling' services, all retention strategies are going to fail. You cannot expect someone to stay back somewhere he/she does not consider as home.

Making an in-house counsel feel that the company and employer is something more than another 'client' and that occasional digressions may be overlooked as long as it doesn't hurt business, is one of the key tasks of management trying to build a strong and loyal in-house department. With the latest spate of betrayals by big companies against their employees, with even companies like IBM laying off talented employees months or days before they becoming eligible for pension, it is difficult to win loyalty these days. However, that does not mean that you should not try.

Make things work without falling prey to the wiles of in-house counsel competing with each other

One has to understand that every in-house law department is divided into 'somebodies' and 'nobodies,' and the 'somebodies' and 'nobodies' may not be oblivious to the needs and perspectives of each other, but would go to great lengths to make it appear so.

Too often, in-house law departments become counterproductive and lead to high employee turnover, because of the insistence of senior counsel upon importing the rigid hierarchy of respect prevalent in 18th century bar associations into company workplaces. And too often company workflows are disturbed because new entrants are more apprehensive of protecting their rights rather than learning or doing work that matters. The management has to be careful about this.

Company management has to be aware that lawyers are wolves and not sheep. Alpha male wolves are not going to cede territory to one another, and on the part of the management, it takes a great amount of refined coaxing to build a team that sees itself as a wolf pack and hunts together. If the management can afford to do that, it's got a winning in-house team that can turn the fortunes of the company. If it only has a loose conglomerate of mercenaries, then it should just pick the best according to performance and commitment to work, and focus on retaining them.

1. *Suzanne Dibble, Keeping Your Valuable Employees: Retention Strategies for Your Organization's Most Important Resource (New York: John Wiley & Sons, 1999)*
2. *Peg Thoms, Finding the Best and the Brightest: A Guide to Recruiting, Selecting, and Retaining Effective Leaders (Westport, CT: Praeger, 2005)*
3. *John Logue and Jacquelyn Yates, The Real World of Employee Ownership (Ithaca, NY: Cornell University Press, 2001)*