

“THE REWARDS OF LETTING YOUR LAW FIRM IN”: PARTNER CHRIS LAROSE WRITES ARTICLE FOR ACC ST. LOUIS NEWSLETTER

ACC St. Louis Newsletter

St. Louis Litigation partner Chris LaRose recently wrote an article that the firm submitted to the Association of Corporate Counsel (ACC) St. Louis Chapter’s In-House Newsletter. The article discussed reasons why in-house attorneys should “let their (outside) law firm in” and called out several Armstrong Teasdale attorneys by name for their unique backgrounds including Dan Nelson, Lucas Amodio, Karrie Clinkinbeard, Julie O’Keefe, Chuck Steese, Tim Gearin, Darryl Chatman and Donna Schmitt.

THE REWARDS OF LETTING YOUR LAW FIRM IN

In a world overwhelmed by emails and text messages, it’s important to remember the significance of face-to-face interactions and telephone calls. We are all busy, but investing time in developing more personal relationships with your outside lawyers – truly letting the “law firm in” – is an investment on both sides that will pay dividends.

It’s easy to tell when your law firm is simply doing the work versus when a firm *really* understands the ins and outs of your business. It’s that additional depth of knowledge that allows us to work smarter and more efficiently to solve your problems. In order to get to the point where your firm is saying “we” instead of “you” when referring to your business, you have to let it in both physically and figuratively.

The intention is not to bog down the client during intake process—especially new clients. Instead, the process should be designed to create a useful foundation in which your outside firm has a clear understanding about your business, needs and expectations. This has the added benefit of allowing you and your firm to grow together. So, while those initial conversations might seem rudimentary, their purpose is to better position your legal counsel to help

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you.

Here are a few suggestions that can improve the relationship between in-house and outside counsel:

1. Have a straightforward talk about expectations: Talking about expectations might sound like a given. Sometimes, however, issues arise when there is a misunderstanding about expectations by both in-house and outside counsel.

Not only should you openly discuss the particulars of the representation including the scope and timing of the work with your law firm, you should also discuss the specifics of the fee arrangements. Twenty two firms were recently named by corporate counsel as best at developing and delivering Alternative Fee Arrangements (AFAs) in a recent BTI Consulting Group report, and I can proudly say that Armstrong Teasdale is among them. And, according to BTI, AFAs accounted for \$21.3 billion of outside counsel spending in 2015, up from \$17.4 billion in 2014.

Many times, when law firms start the conversation with clients about fee structure and AFAs, generally in terms of intellectual property, or with an emerging company, it's most important to start by discussing the client's expectations. For example, how many patents do you anticipate filing this year? What will be the pace of the work over the course of the year?

While many times you might not end up with an AFA, the exercise is still worthwhile because you will have explored all options and found the solution that works best for the individual needs of each client. After all, we know legal services aren't one-size-fits-all. When expectations are clear to everyone, your law firm can focus on the important thing: the work.

2. Plan Ahead: Make your outside counsel part of your business planning cycle. Your firm may be able to help you proactively avoid legal costs if they know where your business is heading and what new initiatives your company will be implementing.

Cybersecurity issues, for example, definitely fall into this preventative category. Law firms should counsel clients to communicate and take steps to be as prepared as possible for when, not if, a breach happens. And cybersecurity means much more than just passwords and two-step authentication.

If your law firm is brought in early, they'll have an opportunity to learn, assess and understand your vulnerabilities so that they can help you ask the important questions, and ultimately put you at an advantage. We even have attorneys who are Certified Ethical Hackers and can really put your systems to the test.

3. Let Your Firm Put Itself in Your Shoes: This phrase lives on for a reason... letting your outside counsel into your business, or your shoes, is worth the time



invested. When we know what wakes you up in the middle of the night, we will think about those issues too (and be looking for solutions and ideas for you).

Believe it or not, your law firm might even be able to talk you out of a service. In some instances, clients believe they have a problem, when in fact they're already well positioned to tackle a given obstacle. Or in other situations, clients might think they have one problem, but their vulnerabilities lie elsewhere, and it's your firm's job to seek those out and address your concerns and take a more integrated approach.

If it makes sense, consider asking your firm for a secondment arrangement or immersive experience. There's no better way to learn the business than sitting down the hall from your clients. That sense of connection can really help solidify a business relationship and drive trust. For example, several of our attorneys have been on a ride-along with a UPS driver so we can better understand our UPS client's work.

Our Kansas City partner Karrie Clinkinbeard's father and grandfather were both Fire Chiefs in the Kansas City Metro area. She followed in their footsteps in a unique way and now practices Fire & Explosion Litigation, and often spends her days surveying fire scenes in a hard hat and steel toe boots. She's one of very few attorneys in the U.S. to have received a Certified Fire and Explosion credential from the National Association of Fire Investigators, and has taught courses across the country for the Department of Homeland Security's National Fire Academy.

And, our St. Louis partner Julie O'Keefe has gone to great lengths for some of her clients due to the nature of her practice, in which she represents businesses in environmental and occupational safety and health (OSH) matters. She recently spent time on a 20,000-acre farm with more than 8,000 dairy cattle to observe operations. She has also visited a leather tanning plant, a flour and sugar processing facility, a carburetor factory demolition complete with hard hat and boots, a bottle-making facility, and several railcar manufacturing facilities.

Individual experiences provide attorneys with unparalleled opportunities to learn your business, and it can make an incredible, positive impact on work product.

4. Acknowledge Each Individual's Background: Acknowledging that attorneys have diverse professional and personal backgrounds can help you find the right firm to work on your needs. If you're able to let your firm in on your background and expectations, they will more than likely be able to find someone with that same specialized experience.

For example, prior to merging with Armstrong Teasdale, Denver managing attorney Chuck Steese worked in house for a few years and owned his own law



firm for 13 years. Because he thinks like a business owner, Chuck understands business owners' risks and concerns, and litigates disputes from a businessman's perspective.

Partner Tim Gearin leads the firm's award-winning Tort & Catastrophic Events practice group and his background as a registered nurse working in intensive care, surgical and cardiac areas sets him apart. This experience gives him the ability to understand how the body works, as well as medical terminology and procedures. Because of this, he is better able to defend clients against medical malpractice, catastrophic injury, and wrongful death claims.

Agriculture and biotech attorney Darryl Chatman is the former deputy director for the Missouri Department of Agriculture. His relationships with regulatory bodies and others in the industry are instrumental and critical to understanding the complex needs of our clients.

Intellectual Property attorney Donna Schmitt formerly served as senior trademark counsel for Energizer. She built its trademark and copyright department as the company evolved from a battery and lighting company to a household products and personal care company. Donna was responsible for global trademark clearance and prosecution for a 10,000-plus trademark portfolio.

5. Help Us Constantly Improve: When your firm sends you an email, or calls asking for feedback on the performance of your counsel or the firm as a whole: tell us the truth. We consider each client relationship a two-way street and we want and need regular feedback to improve and exceed your expectations.

In some ways, customer feedback can be the biggest return on your investment in your law firm because when attorneys better understand how they're meeting (or maybe not meeting) your needs, it opens a dialogue and creates room to grow together. A discussion can be a catalyst for change, and certainly, praise (when appropriate) will motivate the attorneys working for you.

And maybe one of the most important benefits to in-house counsel is related to time saving. Having that element of feedback and the opportunity to learn from mistakes right off the bat will help your firm work like a well-oiled machine moving forward.

When you're open with your law firm, your counsel will be able to better understand where you're coming from, what your needs are, and ultimately, you'll end up with the best work product possible...and a few new friends, too.