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A few pet peeves

What are your top three pet peeves that the other side does (inside counsel does to outside counsel, and vice versa)?

David Susler: Even in the best relationships some things arise and if they do, I just call up my attorney and we take care of it. But I do admit that I have a few pet peeves. In no particular order I will give you three of them. The first is poor work product. For example, if I hire outside counsel to draft a particular product sales agreement, please don't give me back a form contract that I could write in my sleep. If I hire you, it is because I need your expertise, which is an expertise I don't have. If there is something you aren't clear about, call me back and ask me. Call me and make sure we are on the same page, rather than guess and hand me a poor work product. ...

The next I would say is slow turnaround, especially if I stated the urgency of the work. That includes responding to e-mails, responding to voice mails, as well as providing written work product in a timely manner. ... Because we are all busy, communication is key. ... I need it back with sufficient time to review. E-mailing me a brief on the filing date is not sufficient time.

The last is billing issues. I billed time for a number of years, and I understand that billing is difficult and time-consuming. I have watched my wife spending hours every weekend for 10-plus years working on her bills. I know how much time she spends on it and I know she doesn't bill her clients for it, either. However, some things do arise on bills from time to time that I see. Things that bother me are entries that don't adequately describe the work performed; entries that don't belong to that matter; not including time spent on each activity described; charging me to leave a voice mail for

someone, especially when it's for me, which I've seen; entries by lawyers and paralegals that I've never heard of and I didn't know worked on this matter; receiving a bill for a tenth of an hour and it's the only thing on the bill; and billing for that initial consultation when I'm trying to figure out whether to even retain you. ... What I always say to attorneys is, when you are writing a bill, your ultimate goal is to make me happy to pay you. ...

Tina Martini: I feel very fortunate that a lot of the clients with whom I work I have a really good relationship with, and a lot of times it's not just a working relationship but a personal relationship too. So very rarely things come up where we have to have a difficult discussion. But when we do, we are able to smooth things out. When we do have little blips it will be with folks who've never worked with me before, so there may be some preconceived notions and there isn't that rapport that you typically have with someone you've worked with before.

There are a couple things that I've noticed from my perspective. First, there are sometimes issues with respect to in-house counsel believing that outside counsel don't really understand or necessarily care about the pressures they have to deal with in terms of being a company employee. Instead of being a revenue generator, they are a cost center within their organization and that sets up a dynamic that is quite different from a lawyer in a law firm who generates revenue for their organization. ... I know that there is a sense that by being a lawyer at a law firm, my job is easier because my job seems to be focused on getting to the right legal answer. By virtue of being in private practice for 16 years, coupled with having the great experience of being seconded to two clients for a total of a year, I really do have a

strong appreciation of the business issues that come into play when you are making decisions as in-house counsel. ... For me, it's really important for in-house counsel to explain what the bigger picture is. If I'm able to see the bigger picture from all the relevant angles it makes my job easier. ... My job becomes harder when I'm given a small component of what the relevant information is — then I'm not able to take into account the bigger picture and give better advice. ... I think I'm at my best with my clients when I'm not only giving legal advice but when I'm also able to transcend legal advice and give them advice on what task to take with internal clients in terms of pushing the issue forward. ...

My third pet peeve is when the assumption is sometimes made that large law firm lawyers are always going to be more expensive than lawyers at smaller law firms. That misconception is the result of the conflation of two concepts, which is the concept of hourly rates versus the ultimate value delivered to the client. ... There are a variety of ways in which large law firm lawyers can be less expensive and deliver better value. For example, large law firms often have resources available that clients can take advantage of that may not be available at a smaller firm. The attorney who you are working with at the large firm may be more efficient, so they are charging less time for whatever task they are doing. Large law firm attorneys will often work under some type of alternative-fee arrangement, which may not be dependent at all on what their hourly rate may be.

There may be a myriad of other perks that the large law firm lawyer may deliver, which can drive and deliver value. ... ■

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