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LABOR AND EMPLOYMENT LAW CONFERENCE

February 21 - 22, 2019

What do In-house counsel expect from outside labor counsel?

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TOP 10 LIST OF WAYS TO PROVIDE TOP NOTCH CLIENT SERVICE

1. No Surprises – Providing in-house counsel with timely updates as to changes in case assessments and involving in-house counsel in strategy decisions is a must.
2. Budgets and Fees—In-house counsel manages legal budgets and provides updates to audit committees on material litigation.
 - Reasonable budget estimates and communication with in-house counsel when estimates change are a must.
 - Fixed fee arrangements in run-of-the-mill cases are great strategies to help in-house counsel stay on budget.



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3. Business Knowledge – Take the time to learn the business of your clients.
 - You should understand how our business is structured and who the relevant players are.
 - Frustrating when outside counsel forgets the information and repeatedly asks the same questions to in-house counsel or business partners.
 - Key when presenting training: Make examples relevant to the issues and business needs of your audience.
4. Deadlines. Communication about upcoming deadlines that will require in-house counsel to review something is essential. Nothing is worse than being in all-day meetings and being asked at the last minute to review a summary judgment motion!



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5. Billing- Billing entries do not need to read like “War and Peace”. By the same token, they need to give some specificity as to the topic being addressed. The less specific a billing entry, the more likely I will call it into question. Rule of thumb: Keep it short but be specific.

- Lead counsel should review the bills and ensure time spent is appropriate and within guidelines.
- Lengthy research projects and associated electronic billing fees should be discussed in advance.
- Any new billers to a matter should be discussed with in-house counsel. It is annoying to see new associates on a bill doing work with whom we are unfamiliar.



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6. Communication preferences of in-house counsel. Know how in-house counsel wants to be reached if need is urgent. (email, cell phone, text)
 - Outside counsel often needs to speak with a company's business partners directly. In-house counsel typically make the initial introduction and may even want to be part of the conversation with the business.
7. Stay in your lane. Don't oversell your firm's ability to handle all types of litigation that may be new or unfamiliar territory for you just to land the business.
 - Labor/OSHA cases—To handle R cases, ULPs, or NOV's not all employment lawyers have an expertise in this area and we know when this has been "oversold"!
 - Counseling—don't staff an associate on an issue who needs to familiarize themselves with the area of law. Clients shouldn't pay for training!



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8. Trial experience— In litigation matters, outside counsel must have significant trial experience and feel comfortable trying cases. Time and again we've had outside counsel provide rosy cases assessments up through summary judgment only to change their minds and encourage settlement because they don't want to go to trial.
9. E-discovery—Be patient/realistic with your client on turnaround times for culling data. Discovery data requests put a strain on a company's IT, procurement, HRIS and payroll departments. If you know you need a lot of data, suggest a workable solution, such as outsourcing to a low cost E-discovery vendor to avoid straining your client's resources.
 - Provide your client an estimate on e-discovery review, including hosting and retention fees. Providing a cheaper outsourced alternative is even better!



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10. Investigations. There is usually a pointed reason outside counsel is retained for an investigation—to preserve privilege and/or eliminate bias or the appearance of bias. Don't conduct the investigation in a way to generate future business—this is not the reason you are being retained.



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