

# GUIDE TO HIRING AND RETENTION FOR IN-HOUSE COUNSEL

These days, legal talent acquisition and retention tends to feel like fishing with a damaged net. While you may be struggling to find experienced attorneys to handle your diverse legal issues and practice area needs, you could be equally worried about your current attorneys wiggling out to swim in the larger ocean.

In our “Guide to Hiring and Retention for In-House Counsel,” you’ll find perspectives from experienced attorney recruiters, legal industry executives, and the attorneys themselves who can help you to address the full breadth of your workforce challenges.

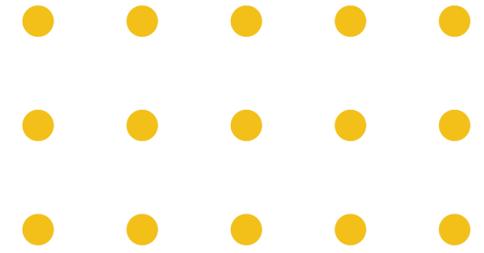
# RETAINING ATTORNEYS

Before adding new attorneys to the fold, corporate law departments must perform a needs assessment and triage their current workforce. The workload of most in-house attorneys [surged in 2020](#). The likely causes were a combination of responses to COVID regulations, alterations of workflows, and restrictions to department budgets.

After more than a year of stringent measures, [49% of lawyers in an ABA survey](#) said they felt disengaged from their law firm or employer. Since [95% of American workers](#) across the workforce are considering changing jobs, General Counsel should assume some of their people are on the verge of leaving – and act accordingly.

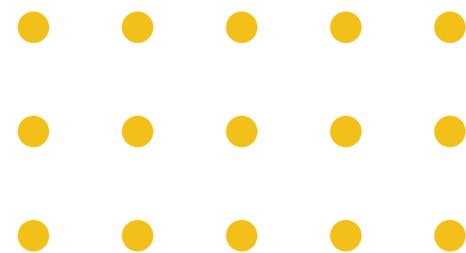
Thomas Clay, Principal at Altman Weil, Inc., has this observation about the risk of attrition: “In the past, attorneys would join a firm and likely remain for the rest of their careers. Now, people are more mobile and have dual family incomes, making it more probable they will leave when their career growth is hampered.”

However, high attrition rates are not a foregone conclusion. Taking the right steps now can prevent future brain drain or the cost of replacing internal vacancies.



## ACHIEVING CAREER GOALS

In our Assigned Counsel Attorney Survey, nearly two-thirds of respondents said they did not feel that previous leaders had invested in their career growth. Without the investment, more attorneys migrate to other in-house opportunities, law firms, temporary attorney positions, or even outside of the legal field. Corporate legal department attorneys need to be given overt guidance and career progression to retain them on your team.

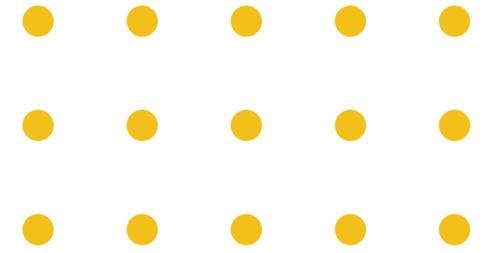


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Career coaching need not be monumental. For starters, any ongoing check-ins you might have with your workforce offers a perfect opportunity to discuss career goals and opportunities to expand practice area expertise. Compliance, data privacy, and international trade are particularly sought after. Whether you simply offer a sounding board or provide them with formal career development programs, this type of investment can prevent them from leaving due to lack of cultivation. Sometimes, GCs will need to take a step further and empower their attorneys to build interdisciplinary skills.

Audrey Rubin, J.D., President of Rubin Solutions and Senior Advisor at BarkerGilmore, says, “You may have a lawyer who is getting bored with what he or she is doing, but expresses interest in Environmental, Social, and Governance practices within your organization. You can help that lawyer take on new assignments and stay engaged. Whether the attorney transitions over to another department temporarily, splits his or her responsibilities between departments, or finds another hybrid arrangement will vary from one organization to the next.”



## PROVIDING JOB FLEXIBILITY

In an ABA report entitled “[Practicing Law in the Pandemic and Moving Forward](#),” 66% of attorneys said they believe that they and their coworkers will work mostly or entirely remote in 2021 and 2022. Even then, 13% of those attorneys say they are very or extremely concerned about whether working remotely is perceived as having a lack of commitment. It’s part of your role to mollify those concerns.

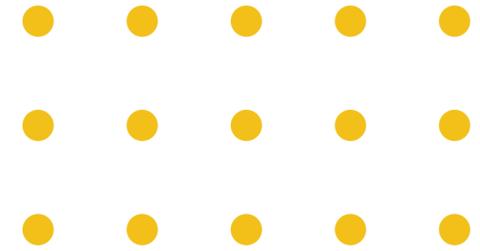


From our experience, remote working arrangements and flexibility can be a huge component of employee retention. Alisa M. Austin, Esq., Senior Recruiting Attorney at Assigned Counsel, said “Law departments are generally being more flexible in allowing attorneys to work remotely from anywhere in the country, while others are at least considering attorneys in their same time zone. It’s this mindset that is increasingly vital to retention.”

Many exceptional experienced attorneys have transitioned from law firms or even in-house positions to an ongoing career as a temporary attorney for a flexible work schedule and a better quality of life. Corporations maintaining or expanding upon adjustable schedules and work-life balance will mitigate their attrition.

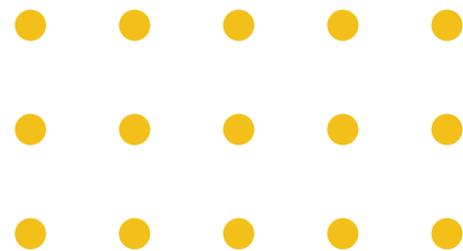
There is a catch: organizations need to take an affirmative and proactive stance around their outreach and engagement strategies. Remote employees still need to feel a connection to the company and the camaraderie that comes with close bonds.

Audrey Rubin of Rubin Solutions and BarkerGilmore says, “You don’t just throw a single virtual or outdoor summer event and call it a day. Effective engagement takes planning, diligent communication, and concerted effort. Whether you find someone in-house with the time and passion to organize these systems or work with an outside consultant, you need to create a culture where remote attorneys stay engaged.”

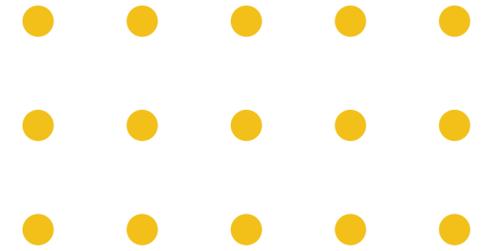


## PREVENTING BURNOUT

The high demand and extreme stress of the profession can have a detrimental toll on the wellbeing of attorneys – if left unaddressed. In fact, a study conducted by the University of Minnesota and Krill Strategies revealed as many as 50% of attorneys struggle with mild to moderate anxiety and depression.



Law departments can manage burnout and prevent departures by watching for telltale signs such as chronic fatigue, dipping productivity, home life challenges, etc. and asking questions about your team’s bandwidth and stress levels. You can encourage them to use Lawyer Assistance Programs (LAPs) or PTO for self-care days – and cover their workload while they’re gone with temporary attorneys.



## REEVALUATING YOUR INSOURCING

Corporate law departments have tightened their belts during the last few years, striving to maximize budgets with in-house staff. As mentioned in the [2020 Chief Legal Officer Survey](#), there is more pressure on CLOs to reduce law firm spending, which can have the unintended effect of raising stress levels among your attorneys. If you cannot afford to hire someone at the moment, there are ways to reimagine your processes and workflows to lighten their burden.



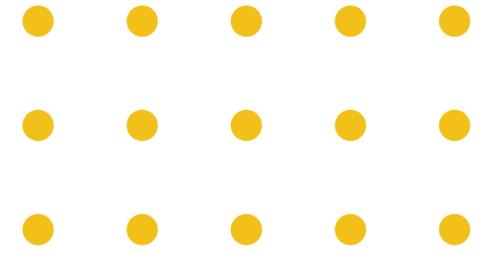
In some cases, this means evaluating workload to determine prioritization. Can certain processes be automated? Can engaging a temporary attorney free up your in-house team to focus on the more complex challenges? Evaluating your current situation for improvements can enhance your ability to retain employees during more tumultuous times.



# HIRING IN-HOUSE ATTORNEYS

There's a real need for in-house departments to hire more attorneys in the coming years. An [EY Law survey](#) found that General Counsel expect workloads to rise by 25% over the next three years, putting a strain on already compact in-house teams. With the intent of allaying the stress on their attorneys, the Association of Corporate Counsel found that 32% of respondents in the [2021 ACC Chief Legal Officers Survey](#) said they planned on adding to their head count this year.

We are in a candidate market. Law departments will need to enhance the process to hire talented attorneys before the competition does. Here are a few strategies to help you achieve your goals and surpass expectations.

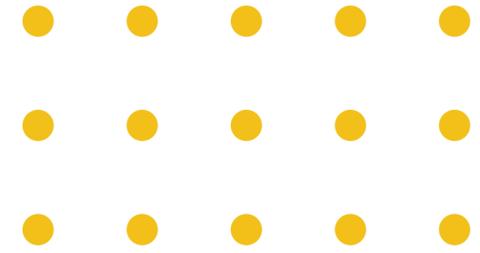


## OFFERING REMOTE OR HYBRID WORK

The pandemic gave workers across industries a taste for remote work. Attorneys are no exception. Corporate legal departments are finding the candidates for their in-house attorney positions are far more willing to negotiate for hybrid or fully remote work than they were before COVID-19. Though the legal industry as a whole might have otherwise hesitated about the transition, in-house law departments were pushed forward by the teleworking decisions of corporate leadership. These adopting organizations are now ahead of the curve.

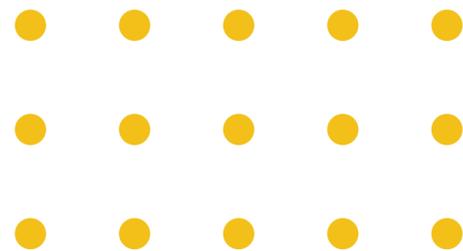


Thomas Clay of Altman Weil says, “In the past, if an attorney could not make physical appearances in XYZ Company’s office, they couldn’t practice. Now, senior leadership will tell us they are willing to hire an attorney in a city where they don’t even have offices. Organizations that can keep up with this evolution will remain competitive and sustainable.”



## DEMONSTRATING WORK-LIFE BALANCE

Whether attorneys are part of a law firm or a corporate legal department, they are likely burning the candle at both ends. A [Bloomberg Law survey](#) found that in-house attorneys work 51 hours per week on average, which is only three hours less than the average law firm lawyer. This helps to explain why as many as 50% of attorneys are struggling with depression or anxiety on a regular basis. Those legal departments that can provide genuine relief from the exhausting status quo are more likely to attract top-tier attorneys.

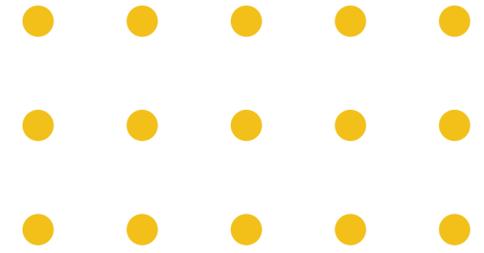


In our Assigned Counsel Attorney Survey, we found the top three most important aspects of any job opportunity, in order of importance, were flexibility, work-life balance, and compensation. With years of working long hours, many attorneys are eager for opportunities where they can have a life outside of the job.

If you've created an environment where attorneys can find time for their family, friends, and outside-the-office life, emphasize that aspect of your culture at every touch point. Discuss your flexibility, wellness programs, and work-life balance in everything from job advertisements to candidate interviews and onboarding processes. If you are falling behind the curve on wellness and work-life balance, prioritize these types of programs to align with the changing expectations of candidates in the market.

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- **FLEXIBILITY**
- **WORK-LIFE BALANCE**
- **COMPENSATION**

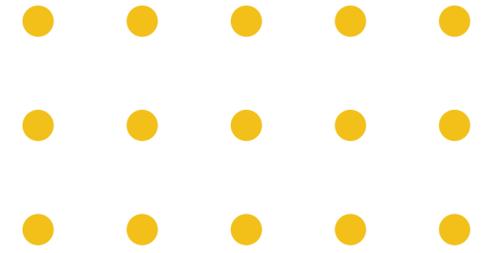


## CASTING A WIDER NET

What if your own hiring criteria and requirements are too stringent? More corporate law departments are considering this possibility. The long-standing bias within the legal profession to only hire attorneys from top-ranked law schools can significantly slow down the hiring process.

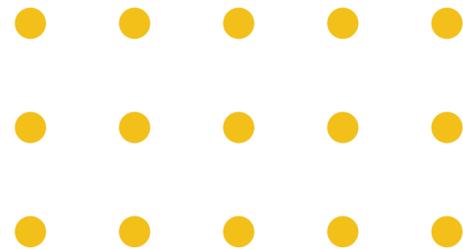


You can find an experienced attorney from a less prominent school who has an exceptional GPA and work ethic, which are traits any legal department would want for a successful hire. Or, you can hire more junior attorneys and engage in an active monitoring program. These aren't new strategies but are vital to remember whenever hiring processes drag behind your urgent needs. Companies and experts have advocated for easing up restrictive criteria for as long as we've been in business.



## TRYING BEFORE YOU BUY

Hiring the right person is a gamble. Incompatible cultural alignment or unreliable productivity of a new hire can bring down the performance of a corporate legal department. What's worse is that a bad hire can cost [\\$14,900 or more](#), depending on the industry and experience of the target hire.





Rather than rushing into a hiring arrangement, some General Counsel are exploring the idea of trying before they buy. Acting with foresight of a potential hire complements the value of a temporary engagement. Brenda Lutton-Coronado, Director of Business Development at Assigned Counsel, says, “Most GCs nowadays know temps are a good cost-effective resource to augment their law firm relationships.”

By working with a [temporary legal staffing](#) partner, you can find a temp-to-hire attorney who can resolve urgent issues while you determine their working style, deliverability, and their temperament. In the meantime, your staffing partner is covering all of the employer income and payroll tax obligations. Once you’ve decided to add a temporary attorney to your in-house staff, the process only requires a few steps to provide you with a permanent team member.



Want to learn more about the hiring and retention strategies that can benefit your in-house law department?

Connect with the Assigned Counsel team to increase your results.

Reach out to Assigned Counsel

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